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ENGROSSED SUBSTITUTE SENATE BILL 5680

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

READ FIRST TIME 02/19/03.

1 AN ACT Relating to development regulations review by counties with  
2 low population densities; and amending RCW 36.70A.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read  
5 as follows:

6 (1)(a) Each comprehensive land use plan and development regulations  
7 shall be subject to continuing review and evaluation by the county or  
8 city that adopted them. A county or city shall take legislative action  
9 to review and, if needed, revise its comprehensive land use plan and  
10 development regulations to ensure the plan and regulations comply with  
11 the requirements of this chapter according to the time periods  
12 specified in subsection (4) of this section. A county or city not  
13 planning under RCW 36.70A.040 shall take action to review and, if  
14 needed, revise its policies and development regulations regarding  
15 critical areas and natural resource lands adopted according to this  
16 chapter to ensure these policies and regulations comply with the  
17 requirements of this chapter according to the time periods specified in

1 subsection (4) of this section. Legislative action means the adoption  
2 of a resolution or ordinance following notice and a public hearing  
3 indicating at a minimum, a finding that a review and evaluation has  
4 occurred and identifying the revisions made, or that a revision was not  
5 needed and the reasons therefore. The review and evaluation required  
6 by this subsection may be combined with the review required by  
7 subsection (3) of this section. The review and evaluation required by  
8 this subsection shall include, but is not limited to, consideration of  
9 critical area ordinances and, if planning under RCW 36.70A.040, an  
10 analysis of the population allocated to a city or county from the most  
11 recent ten-year population forecast by the office of financial  
12 management.

13 (b) Any amendment of or revision to a comprehensive land use plan  
14 shall conform to this chapter. Any amendment of or revision to  
15 development regulations shall be consistent with and implement the  
16 comprehensive plan.

17 (c) A county that has a population density of fewer than fifty-five  
18 persons per square mile, as determined by the office of financial  
19 management, upon a declaration as specified in subsection (4)(d) of  
20 this section is not subject to the requirements of this section to  
21 review and revise its comprehensive plans and development regulations  
22 and, upon a declaration as specified in subsection (4)(d) of this  
23 section is not subject to the requirements of this section to review  
24 and revise its critical area and natural resource land ordinances. Any  
25 city located within a county where the county has a population density  
26 of fewer than fifty-five persons per square mile, upon a declaration as  
27 specified in subsection (4)(d) of this section is not subject to the  
28 requirements of this section in the same manner as provided for  
29 counties under this subsection (1)(c). However, any county or city  
30 making such a declaration under this subsection that has a county  
31 population density that grows to be equal to or more than fifty-five  
32 persons per square mile must comply with all of the requirements of  
33 this section and the time period specified in subsection (1)(c)(i) and  
34 (ii).

35 (i) Two years from the date a county obtains a population density  
36 of fifty-five or more persons per square mile, a county and the cities  
37 therein must review and revise its comprehensive plans and development  
38 regulations.

1        (ii) A county and the cities therein must review and revise their  
2 policies and development regulations regarding critical areas and  
3 natural resource lands adopted under this chapter within two years of  
4 the county obtaining a population density of fifty-five or more persons  
5 per square mile or fifteen years from the date of the most recent  
6 adoption of a county's or city's critical area ordinance and natural  
7 resource lands ordinance, whichever is earlier.

8        (d) The date a county obtains a population density of fifty-five or  
9 more persons per square mile, for the purposes of (c) of this  
10 subsection, is the date that county population projections are  
11 published by the office of financial management annually.

12        (2)(a) Each county and city shall establish and broadly disseminate  
13 to the public a public participation program consistent with RCW  
14 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
15 whereby updates, proposed amendments, or revisions of the comprehensive  
16 plan are considered by the governing body of the county or city no more  
17 frequently than once every year. "Updates" means to review and revise,  
18 if needed, according to subsection (1) of this section, and the time  
19 periods specified in subsection (4) of this section. Amendments may be  
20 considered more frequently than once per year under the following  
21 circumstances:

22        (i) The initial adoption of a subarea plan that does not modify the  
23 comprehensive plan policies and designations applicable to the subarea;

24        (ii) The adoption or amendment of a shoreline master program under  
25 the procedures set forth in chapter 90.58 RCW; and

26        (iii) The amendment of the capital facilities element of a  
27 comprehensive plan that occurs concurrently with the adoption or  
28 amendment of a county or city budget.

29        (b) Except as otherwise provided in (a) of this subsection, all  
30 proposals shall be considered by the governing body concurrently so the  
31 cumulative effect of the various proposals can be ascertained.  
32 However, after appropriate public participation a county or city may  
33 adopt amendments or revisions to its comprehensive plan that conform  
34 with this chapter whenever an emergency exists or to resolve an appeal  
35 of a comprehensive plan filed with a growth management hearings board  
36 or with the court.

37        (3) Each county that designates urban growth areas under RCW  
38 36.70A.110 shall review, at least every ten years, its designated urban

1 growth area or areas, and the densities permitted within both the  
2 incorporated and unincorporated portions of each urban growth area. In  
3 conjunction with this review by the county, each city located within an  
4 urban growth area shall review the densities permitted within its  
5 boundaries, and the extent to which the urban growth occurring within  
6 the county has located within each city and the unincorporated portions  
7 of the urban growth areas. The county comprehensive plan designating  
8 urban growth areas, and the densities permitted in the urban growth  
9 areas by the comprehensive plans of the county and each city located  
10 within the urban growth areas, shall be revised to accommodate the  
11 urban growth projected to occur in the county for the succeeding  
12 twenty-year period. The review required by this subsection may be  
13 combined with the review and evaluation required by RCW 36.70A.215.

14 (4) The department shall establish a schedule for counties and  
15 cities to take action to review and, if needed, revise their  
16 comprehensive plans and development regulations to ensure the plan and  
17 regulations comply with the requirements of this chapter. The schedule  
18 established by the department shall provide for the reviews and  
19 evaluations to be completed as follows:

20 (a) On or before December 1, 2004, and every seven years  
21 thereafter, for ~~((Clallam,))~~ Clark, ~~((Jefferson,))~~ King, Kitsap,  
22 Pierce, Snohomish, Thurston, and Whatcom counties and the cities within  
23 those counties;

24 (b) On or before December 1, 2005, and every seven years  
25 thereafter, for Cowlitz, Island, ~~((Lewis, Mason,))~~ San Juan, and  
26 Skagit~~((, and Skamania))~~ counties and the cities within those counties;

27 (c) On or before December 1, 2006, and every seven years  
28 thereafter, for Benton~~((, Chelan, Douglas, Grant, Kittitas,))~~ and  
29 Spokane~~((, and Yakima))~~ counties and the cities within those counties;  
30 and

31 (d) For a county and the cities located within that county that  
32 make a declaration not to be subject to the requirements of this  
33 section, the time requirements of subsection (1)(c)(i) and (ii) of this  
34 section apply. All counties and the cities therein that make a  
35 declaration not to be subject to the requirements of this section must  
36 provide written notice of that decision to the department of community,  
37 trade, and economic development by no later than November 1, 2007. All  
38 counties and the cities therein that do not provide such notice must

1 meet all the requirements of this section on or before December 1,  
2 2007, and every seven years thereafter~~((, for Adams, Asotin, Columbia,~~  
3 ~~Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,~~  
4 ~~Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman~~  
5 ~~counties and the cities within those counties))~~.

6 (5)(a) Nothing in this section precludes a county or city from  
7 conducting the review and evaluation required by this section before  
8 the time limits established in subsection (4) of this section.  
9 Counties and cities may begin this process early and may be eligible  
10 for grants from the department, subject to available funding, if they  
11 elect to do so.

12 (b) State agencies are encouraged to provide technical assistance  
13 to the counties and cities in the review of critical area ordinances,  
14 comprehensive plans, and development regulations.

15 (6) A county or city subject to the time periods in subsection  
16 (4)(a) of this section that, pursuant to an ordinance adopted by the  
17 county or city establishing a schedule for periodic review of its  
18 comprehensive plan and development regulations, has conducted a review  
19 and evaluation of its comprehensive plan and development regulations  
20 and, on or after January 1, 2001, has taken action in response to that  
21 review and evaluation shall be deemed to have conducted the first  
22 review required by subsection (4)(a) of this section. Subsequent  
23 review and evaluation by the county or city of its comprehensive plan  
24 and development regulations shall be conducted in accordance with the  
25 time periods established under subsection (4)(a) of this section.

26 (7) The requirements imposed on counties and cities under this  
27 section shall be considered "requirements of this chapter" under the  
28 terms of RCW 36.70A.040(1). Only those counties and cities in  
29 compliance with the schedules in this section shall have the requisite  
30 authority to receive grants, loans, pledges, or financial guarantees  
31 from those accounts established in RCW 43.155.050 and 70.146.030. Only  
32 those counties and cities in compliance with the schedules in this  
33 section shall receive preference for grants or loans subject to the  
34 provisions of RCW 43.17.250.

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