
SENATE BILL 5680

State of Washington

58th Legislature

2003 Regular Session

By Senators Mulliken, T. Sheldon and Morton

Read first time 02/06/2003. Referred to Committee on Land Use & Planning.

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
18 subsection (4) of this section. Legislative action means the adoption
19 of a resolution or ordinance following notice and a public hearing

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

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

15 (c) A county that has a population density of fewer than one
16 hundred persons per square mile as determined by the office of
17 financial management may opt to be exempt from the requirements of this
18 section to review and revise its comprehensive plans and development
19 regulations and to be exempt from the requirements of this section to
20 review and revise its critical area and natural resource land
21 ordinances. Any city located within a county where the county has a
22 population density of fewer than one hundred persons per square mile
23 may opt to be exempt from the requirements of this section in the same
24 manner as provided for counties under this subsection (1)(c). However,
25 any county or city opting to be exempt under this subsection that has
26 a county population density that grows to be equal to or more than one
27 hundred persons per square mile must comply with all of the
28 requirements of this section and the time period specified in this
29 subsection (1)(c).

30 (i) Two years from the date a county obtains a population density
31 of one hundred or more persons per square mile, a county and the cities
32 therein must review and revise its comprehensive plans and development
33 regulations.

34 (ii) A county and the cities therein must review and revise their
35 policies and development regulations regarding critical areas and
36 natural resource lands adopted under this chapter within two years of
37 the county obtaining a population density of one hundred or more

1 persons per square mile or fifteen years from the date of the most
2 recent adoption of a county's or city's critical area ordinance and
3 natural resource lands ordinance, whichever is earlier.

4 (d) The date a county obtains a population density of one hundred
5 or more persons per square mile, for the purposes of (c) of this
6 subsection, is the date that county population projections are
7 published by the office of financial management annually.

8 (2)(a) Each county and city shall establish and broadly disseminate
9 to the public a public participation program consistent with RCW
10 36.70A.035 and 36.70A.140 that identifies procedures and schedules
11 whereby updates, proposed amendments, or revisions of the comprehensive
12 plan are considered by the governing body of the county or city no more
13 frequently than once every year. "Updates" means to review and revise,
14 if needed, according to subsection (1) of this section, and the time
15 periods specified in subsection (4) of this section. Amendments may be
16 considered more frequently than once per year under the following
17 circumstances:

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

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

22 (iii) The amendment of the capital facilities element of a
23 comprehensive plan that occurs concurrently with the adoption or
24 amendment of a county or city budget.

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

33 (3) Each county that designates urban growth areas under RCW
34 36.70A.110 shall review, at least every ten years, its designated urban
35 growth area or areas, and the densities permitted within both the
36 incorporated and unincorporated portions of each urban growth area. In
37 conjunction with this review by the county, each city located within an
38 urban growth area shall review the densities permitted within its

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

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

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

20 (b) On or before December 1, 2005, and every seven years
21 thereafter, for ~~((Cowlitz,))~~ Island~~((, Lewis, Mason, San Juan, Skagit,~~
22 ~~and Skamania counties))~~ county and the cities within ~~((those counties))~~
23 that county;

24 (c) On or before December 1, 2006, and every seven years
25 thereafter, for ~~((Benton, Chelan, Douglas, Grant, Kittitas,))~~
26 Spokane~~((, and Yakima counties))~~ county and the cities within ~~((those~~
27 ~~counties))~~ that county; and

28 (d) For a county and the cities located within that county that
29 opted under subsection (1)(c) of this section to be exempt from the
30 requirements of this section, the time requirements of subsection
31 (1)(c)(i) and (ii) of this section apply. All counties and the cities
32 therein that opt to be exempt from the requirements of this section
33 under subsection (1)(c) of this section must provide written notice of
34 that decision to the department of community, trade, and economic
35 development by no later than November 1, 2007. All counties and the
36 cities therein that do not provide such notice must meet all the
37 requirements of this section on or before December 1, 2007, and every
38 seven years thereafter~~((, for Adams, Asotin, Columbia, Ferry, Franklin,~~

1 ~~Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend~~
2 ~~Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the~~
3 ~~cities within those counties)).~~

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

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

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

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

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