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HOUSE BILL 2411

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Simpson, Williams, Chase, and White

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1            AN ACT Relating to amending comprehensive land use plans for the  
2 purpose of adopting subarea plan proposals; and amending RCW  
3 36.70A.130.

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

5            **Sec. 1.** RCW 36.70A.130 and 2009 c 479 s 23 are each amended to  
6 read as follows:

7            (1)(a) Each comprehensive land use plan and development regulations  
8 shall be subject to continuing review and evaluation by the county or  
9 city that adopted them. Except as otherwise provided, a county or city  
10 shall take legislative action to review and, if needed, revise its  
11 comprehensive land use plan and development regulations to ensure the  
12 plan and regulations comply with the requirements of this chapter  
13 according to the time periods specified in subsection (4) of this  
14 section.

15            (b) Except as otherwise provided, a county or city not planning  
16 under RCW 36.70A.040 shall take action to review and, if needed, revise  
17 its policies and development regulations regarding critical areas and  
18 natural resource lands adopted according to this chapter to ensure  
19 these policies and regulations comply with the requirements of this

1 chapter according to the time periods specified in subsection (4) of  
2 this section. Legislative action means the adoption of a resolution or  
3 ordinance following notice and a public hearing indicating at a  
4 minimum, a finding that a review and evaluation has occurred and  
5 identifying the revisions made, or that a revision was not needed and  
6 the reasons therefor.

7 (c) The review and evaluation required by this subsection may be  
8 combined with the review required by subsection (3) of this section.  
9 The review and evaluation required by this subsection shall include,  
10 but is not limited to, consideration of critical area ordinances and,  
11 if planning under RCW 36.70A.040, an analysis of the population  
12 allocated to a city or county from the most recent ten-year population  
13 forecast by the office of financial management.

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

18 (2)(a) Each county and city shall establish and broadly disseminate  
19 to the public a public participation program consistent with RCW  
20 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
21 whereby updates, proposed amendments, or revisions of the comprehensive  
22 plan are considered by the governing body of the county or city no more  
23 frequently than once every year. "Updates" means to review and revise,  
24 if needed, according to subsection (1) of this section, and the time  
25 periods specified in subsection (4) of this section or in accordance  
26 with the provisions of subsections (5) and (8) of this section.  
27 Amendments may be considered more frequently than once per year under  
28 the following circumstances:

29 (i) The initial adoption of a subarea plan (~~that does not modify~~  
30 ~~the comprehensive plan policies and designations applicable to the~~  
31 ~~subarea)). Subarea plans adopted under this subsection (2)(a)(i) must  
32 clarify, supplement, or implement jurisdiction-wide comprehensive plan  
33 policies, and may only be adopted if the cumulative impacts of the  
34 proposed plan are addressed by appropriate environmental review under  
35 chapter 43.21C RCW;~~

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

1 (iii) The amendment of the capital facilities element of a  
2 comprehensive plan that occurs concurrently with the adoption or  
3 amendment of a county or city budget;

4 (iv) Until June 30, 2006, the designation of recreational lands  
5 under RCW 36.70A.1701. A county amending its comprehensive plan  
6 pursuant to this subsection (2)(a)(iv) may not do so more frequently  
7 than every eighteen months; and

8 (v) The adoption of comprehensive plan amendments necessary to  
9 enact a planned action under RCW 43.21C.031(2), provided that  
10 amendments are considered in accordance with the public participation  
11 program established by the county or city under this subsection (2)(a)  
12 and all persons who have requested notice of a comprehensive plan  
13 update are given notice of the amendments and an opportunity to  
14 comment.

15 (b) Except as otherwise provided in (a) of this subsection, all  
16 proposals shall be considered by the governing body concurrently so the  
17 cumulative effect of the various proposals can be ascertained.  
18 However, after appropriate public participation a county or city may  
19 adopt amendments or revisions to its comprehensive plan that conform  
20 with this chapter whenever an emergency exists or to resolve an appeal  
21 of a comprehensive plan filed with a growth management hearings board  
22 or with the court.

23 (3)(a) Each county that designates urban growth areas under RCW  
24 36.70A.110 shall review, at least every ten years, its designated urban  
25 growth area or areas, and the densities permitted within both the  
26 incorporated and unincorporated portions of each urban growth area. In  
27 conjunction with this review by the county, each city located within an  
28 urban growth area shall review the densities permitted within its  
29 boundaries, and the extent to which the urban growth occurring within  
30 the county has located within each city and the unincorporated portions  
31 of the urban growth areas.

32 (b) The county comprehensive plan designating urban growth areas,  
33 and the densities permitted in the urban growth areas by the  
34 comprehensive plans of the county and each city located within the  
35 urban growth areas, shall be revised to accommodate the urban growth  
36 projected to occur in the county for the succeeding twenty-year period.  
37 The review required by this subsection may be combined with the review  
38 and evaluation required by RCW 36.70A.215.

1 (4) The department shall establish a schedule for counties and  
2 cities to take action to review and, if needed, revise their  
3 comprehensive plans and development regulations to ensure the plan and  
4 regulations comply with the requirements of this chapter. Except as  
5 provided in subsections (5) and (8) of this section, the schedule  
6 established by the department shall provide for the reviews and  
7 evaluations to be completed as follows:

8 (a) On or before December 1, 2004, and every seven years  
9 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
10 Snohomish, Thurston, and Whatcom counties and the cities within those  
11 counties;

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

15 (c) On or before December 1, 2006, and every seven years  
16 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
17 Yakima counties and the cities within those counties; and

18 (d) On or before December 1, 2007, and every seven years  
19 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
20 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
21 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
22 within those counties.

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

29 (b) A county that is subject to a schedule established by the  
30 department under subsection (4)(b) through (d) of this section and  
31 meets the following criteria may comply with the requirements of this  
32 section at any time within the thirty-six months following the date  
33 established in the applicable schedule: The county has a population of  
34 less than fifty thousand and has had its population increase by no more  
35 than seventeen percent in the ten years preceding the date established  
36 in the applicable schedule as of that date.

37 (c) A city that is subject to a schedule established by the  
38 department under subsection (4)(b) through (d) of this section and

1 meets the following criteria may comply with the requirements of this  
2 section at any time within the thirty-six months following the date  
3 established in the applicable schedule: The city has a population of  
4 no more than five thousand and has had its population increase by the  
5 greater of either no more than one hundred persons or no more than  
6 seventeen percent in the ten years preceding the date established in  
7 the applicable schedule as of that date.

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

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

22 (7) The requirements imposed on counties and cities under this  
23 section shall be considered "requirements of this chapter" under the  
24 terms of RCW 36.70A.040(1). Only those counties and cities: (a)  
25 Complying with the schedules in this section; (b) demonstrating  
26 substantial progress towards compliance with the schedules in this  
27 section for development regulations that protect critical areas; or (c)  
28 complying with the extension provisions of subsection (5)(b) or (c) of  
29 this section may receive grants, loans, pledges, or financial  
30 guarantees under chapter 43.155 or 70.146 RCW. A county or city that  
31 is fewer than twelve months out of compliance with the schedules in  
32 this section for development regulations that protect critical areas is  
33 making substantial progress towards compliance. Only those counties  
34 and cities in compliance with the schedules in this section may receive  
35 preference for grants or loans subject to the provisions of RCW  
36 43.17.250.

37 (8) Except as provided in subsection (5)(b) and (c) of this  
38 section:

1 (a) Counties and cities required to satisfy the requirements of  
2 this section according to the schedule established by subsection (4)(b)  
3 through (d) of this section may comply with the requirements of this  
4 section for development regulations that protect critical areas one  
5 year after the dates established in subsection (4)(b) through (d) of  
6 this section;

7 (b) Counties and cities complying with the requirements of this  
8 section one year after the dates established in subsection (4)(b)  
9 through (d) of this section for development regulations that protect  
10 critical areas shall be deemed in compliance with the requirements of  
11 this section; and

12 (c) This subsection (8) applies only to the counties and cities  
13 specified in subsection (4)(b) through (d) of this section, and only to  
14 the requirements of this section for development regulations that  
15 protect critical areas that must be satisfied by December 1, 2005,  
16 December 1, 2006, and December 1, 2007.

17 (9) Notwithstanding subsection (8) of this section and the  
18 substantial progress provisions of subsections (7) and (10) of this  
19 section, only those counties and cities complying with the schedule in  
20 subsection (4) of this section, or the extension provisions of  
21 subsection (5)(b) or (c) of this section, may receive preferences for  
22 grants, loans, pledges, or financial guarantees under chapter 43.155 or  
23 70.146 RCW.

24 (10) Until December 1, 2005, and notwithstanding subsection (7) of  
25 this section, a county or city subject to the time periods in  
26 subsection (4)(a) of this section demonstrating substantial progress  
27 towards compliance with the schedules in this section for its  
28 comprehensive land use plan and development regulations may receive  
29 grants, loans, pledges, or financial guarantees under chapter 43.155 or  
30 70.146 RCW. A county or city that is fewer than twelve months out of  
31 compliance with the schedules in this section for its comprehensive  
32 land use plan and development regulations is deemed to be making  
33 substantial progress towards compliance.

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