

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6427

Chapter 285, Laws of 2006

59th Legislature
2006 Regular Session

GROWTH MANAGEMENT--SELECTED COUNTIES AND CITIES--COMPREHENSIVE
PLANS

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 6, 2006
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6427** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 28, 2006.

FILED

March 28, 2006 - 3:06 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6427

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Mulliken, Morton and Rasmussen; by request of Department of Community, Trade, and Economic Development)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to schedules for the review of comprehensive plans
2 and development regulations for certain cities and counties; reenacting
3 and amending RCW 36.70A.130; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** There is a statewide interest in maintaining
6 coordinated planning as called for in the legislative findings of the
7 growth management act, RCW 36.70A.010. It is the intent of the
8 legislature that smaller, slower-growing counties and cities be
9 provided with flexibility in meeting the requirements to review local
10 plans and development regulations in RCW 36.70A.130, while ensuring
11 coordination and consistency with the plans of neighboring cities and
12 counties.

13 **Sec. 2.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are
14 each reenacted and amended to read as follows:

15 (1)(a) Each comprehensive land use plan and development regulations
16 shall be subject to continuing review and evaluation by the county or
17 city that adopted them. Except as otherwise provided, a county or city
18 shall take legislative action to review and, if needed, revise its

1 comprehensive land use plan and development regulations to ensure the
2 plan and regulations comply with the requirements of this chapter
3 according to the time periods specified in subsection (4) of this
4 section.

5 (b) Except as otherwise provided, a county or city not planning
6 under RCW 36.70A.040 shall take action to review and, if needed, revise
7 its policies and development regulations regarding critical areas and
8 natural resource lands adopted according to this chapter to ensure
9 these policies and regulations comply with the requirements of this
10 chapter according to the time periods specified in subsection (4) of
11 this section. Legislative action means the adoption of a resolution or
12 ordinance following notice and a public hearing indicating at a
13 minimum, a finding that a review and evaluation has occurred and
14 identifying the revisions made, or that a revision was not needed and
15 the reasons therefor.

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

23 (d) Any amendment of or revision to a comprehensive land use plan
24 shall conform to this chapter. Any amendment of or revision to
25 development regulations shall be consistent with and implement the
26 comprehensive plan.

27 (2)(a) Each county and city shall establish and broadly disseminate
28 to the public a public participation program consistent with RCW
29 36.70A.035 and 36.70A.140 that identifies procedures and schedules
30 whereby updates, proposed amendments, or revisions of the comprehensive
31 plan are considered by the governing body of the county or city no more
32 frequently than once every year. "Updates" means to review and revise,
33 if needed, according to subsection (1) of this section, and the time
34 periods specified in subsection (4) of this section or in accordance
35 with the provisions of subsections (5) and (8) of this section.
36 Amendments may be considered more frequently than once per year under
37 the following circumstances:

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

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

5 (iii) The amendment of the capital facilities element of a
6 comprehensive plan that occurs concurrently with the adoption or
7 amendment of a county or city budget; ~~((and))~~

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

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

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

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

36 (b) The county comprehensive plan designating urban growth areas,
37 and the densities permitted in the urban growth areas by the
38 comprehensive plans of the county and each city located within the

1 urban growth areas, shall be revised to accommodate the urban growth
2 projected to occur in the county for the succeeding twenty-year period.
3 The review required by this subsection may be combined with the review
4 and evaluation required by RCW 36.70A.215.

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

12 (a) On or before December 1, 2004, and every seven years
13 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
14 Snohomish, Thurston, and Whatcom counties and the cities within those
15 counties;

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

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

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

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

33 (b) A county that is subject to a schedule established by the
34 department under subsection (4)(b) through (d) of this section and
35 meets the following criteria may comply with the requirements of this
36 section at any time within the thirty-six months following the date
37 established in the applicable schedule: The county has a population of

1 less than fifty thousand and has had its population increase by no more
2 than seventeen percent in the ten years preceding the date established
3 in the applicable schedule as of that date.

4 (c) A city that is subject to a schedule established by the
5 department under subsection (4)(b) through (d) of this section and
6 meets the following criteria may comply with the requirements of this
7 section at any time within the thirty-six months following the date
8 established in the applicable schedule: The city has a population of
9 no more than five thousand and has had its population increase by the
10 greater of either no more than one hundred persons or no more than
11 seventeen percent in the ten years preceding the date established in
12 the applicable schedule as of that date.

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

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

27 (7) The requirements imposed on counties and cities under this
28 section shall be considered "requirements of this chapter" under the
29 terms of RCW 36.70A.040(1). Only those counties and cities (~~in~~
30 ~~compliance~~): (a) Complying with the schedules in this section (~~and~~
31 ~~those counties and cities~~); (b) demonstrating substantial progress
32 towards compliance with the schedules in this section for development
33 regulations that protect critical areas; or (c) complying with the
34 extension provisions of subsection (5)(b) or (c) of this section may
35 receive grants, loans, pledges, or financial guarantees from those
36 accounts established in RCW 43.155.050 and 70.146.030. A county or
37 city that is fewer than twelve months out of compliance with the
38 schedules in this section for development regulations that protect

1 critical areas is (~~deemed to be~~) making substantial progress towards
2 compliance. Only those counties and cities in compliance with the
3 schedules in this section may receive preference for grants or loans
4 subject to the provisions of RCW 43.17.250.

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

7 (a) Counties and cities required to satisfy the requirements of
8 this section according to the schedule established by subsection (4)(b)
9 through (d) of this section may comply with the requirements of this
10 section for development regulations that protect critical areas one
11 year after the dates established in subsection (4)(b) through (d) of
12 this section(~~(-)~~);

13 (b) Counties and cities complying with the requirements of this
14 section one year after the dates established in subsection (4)(b)
15 through (d) of this section for development regulations that protect
16 critical areas shall be deemed in compliance with the requirements of
17 this section(~~(-)~~); and

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

23 (9) Notwithstanding subsection (8) of this section and the
24 substantial progress provisions of subsections (7) and (10) of this
25 section, only those counties and cities complying with the schedule in
26 subsection (4) of this section, or the extension provisions of
27 subsection (5)(b) or (c) of this section, may receive preferences for
28 grants, loans, pledges, or financial guarantees from those accounts
29 established in RCW 43.155.050 and 70.146.030.

30 (10) Until December 1, 2005, and notwithstanding subsection (7) of
31 this section, a county or city subject to the time periods in
32 subsection (4)(a) of this section demonstrating substantial progress
33 towards compliance with the schedules in this section for its
34 comprehensive land use plan and development regulations may receive
35 grants, loans, pledges, or financial guarantees from those accounts
36 established in RCW 43.155.050 and 70.146.030. A county or city that is
37 fewer than twelve months out of compliance with the schedules in this

1 section for its comprehensive land use plan and development regulations
2 is deemed to be making substantial progress towards compliance.

Passed by the Senate March 6, 2006.

Passed by the House March 3, 2006.

Approved by the Governor March 28, 2006.

Filed in Office of Secretary of State March 28, 2006.