

CERTIFICATION OF ENROLLMENT

SENATE BILL 5457

68th Legislature
2023 Regular Session

Passed by the Senate March 1, 2023
Yeas 48 Nays 0

President of the Senate

Passed by the House April 11, 2023
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5457** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5457

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Short, Lovelett, Kuderer, and Shewmake

Read first time 01/19/23. Referred to Committee on Local Government,
Land Use & Tribal Affairs.

1 AN ACT Relating to implementing growth management task force
2 legislative recommendations regarding small cities; and reenacting
3 and amending RCW 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are
6 each reenacted and amended to read as follows:

7 (1)(a) Each comprehensive land use plan and development
8 regulations shall be subject to continuing review and evaluation by
9 the county or city that adopted them. Except as otherwise provided, a
10 county or city shall take legislative action to review and, if
11 needed, revise its comprehensive land use plan and development
12 regulations to ensure the plan and regulations comply with the
13 requirements of this chapter according to the deadlines in
14 subsections (4) and (5) of this section.

15 (b)(i) A city or town located within county planning under RCW
16 36.70A.040 may opt out of a full review and revisions of its
17 comprehensive plan established in this section if the city or town
18 meets the following criteria:

19 (A) Has a population fewer than 500;

20 (B) Is not located within 10 miles of a city with a population
21 over 100,000;

1 (C) Experienced a population growth rate of fewer than 10 percent
2 in the preceding 10 years; and

3 (D) Has provided the department with notice of its intent to
4 participate in a partial review and revision of its comprehensive
5 plan.

6 (ii) The department shall review the population growth rate for a
7 city or town participating in the partial review and revision of its
8 comprehensive plan process at least three years before the periodic
9 update is due as outlined in subsection (4) of this section and
10 notify cities of their eligibility.

11 (iii) A city or town that opts out of a full review and revision
12 of its comprehensive plan must update its critical areas regulations
13 and its capital facilities element and its transportation element.

14 ~~((b))~~ (c) Except as otherwise provided, a county or city not
15 planning under RCW 36.70A.040 shall take action to review and, if
16 needed, revise its policies and development regulations regarding
17 critical areas and natural resource lands adopted according to this
18 chapter to ensure these policies and regulations comply with the
19 requirements of this chapter according to the deadlines in
20 subsections (4) and (5) of this section. Legislative action means the
21 adoption of a resolution or ordinance following notice and a public
22 hearing indicating at a minimum, a finding that a review and
23 evaluation has occurred and identifying the revisions made, or that a
24 revision was not needed and the reasons therefor.

25 ~~((e))~~ (d) The review and evaluation required by this subsection
26 shall include, but is not limited to, consideration of critical area
27 ordinances and, if planning under RCW 36.70A.040, an analysis of the
28 population allocated to a city or county from the most recent ten-
29 year population forecast by the office of financial management.

30 ~~((d))~~ (e) Any amendment of or revision to a comprehensive land
31 use plan shall conform to this chapter. Any amendment of or revision
32 to development regulations shall be consistent with and implement the
33 comprehensive plan.

34 (2) (a) Each county and city shall establish and broadly
35 disseminate to the public a public participation program consistent
36 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
37 schedules whereby updates, proposed amendments, or revisions of the
38 comprehensive plan are considered by the governing body of the county
39 or city no more frequently than once every year. "Updates" means to
40 review and revise, if needed, according to subsection (1) of this

1 section, and the deadlines in subsections (4) and (5) of this section
2 or in accordance with the provisions of subsection (6) of this
3 section. Amendments may be considered more frequently than once per
4 year under the following circumstances:

5 (i) The initial adoption of a subarea plan. Subarea plans adopted
6 under this subsection (2)(a)(i) must clarify, supplement, or
7 implement jurisdiction-wide comprehensive plan policies, and may only
8 be adopted if the cumulative impacts of the proposed plan are
9 addressed by appropriate environmental review under chapter 43.21C
10 RCW;

11 (ii) The development of an initial subarea plan for economic
12 development located outside of the (~~one hundred~~) 100 year
13 floodplain in a county that has completed a state-funded pilot
14 project that is based on watershed characterization and local habitat
15 assessment;

16 (iii) The adoption or amendment of a shoreline master program
17 under the procedures set forth in chapter 90.58 RCW;

18 (iv) The amendment of the capital facilities element of a
19 comprehensive plan that occurs concurrently with the adoption or
20 amendment of a county or city budget; or

21 (v) The adoption of comprehensive plan amendments necessary to
22 enact a planned action under RCW 43.21C.440, provided that amendments
23 are considered in accordance with the public participation program
24 established by the county or city under this subsection (2)(a) and
25 all persons who have requested notice of a comprehensive plan update
26 are given notice of the amendments and an opportunity to comment.

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

35 (3)(a) Each county that designates urban growth areas under RCW
36 36.70A.110 shall review, according to the schedules established in
37 subsections (4) and (5) of this section, its designated urban growth
38 area or areas, patterns of development occurring within the urban
39 growth area or areas, and the densities permitted within both the
40 incorporated and unincorporated portions of each urban growth area.

1 In conjunction with this review by the county, each city located
2 within an urban growth area shall review the densities permitted
3 within its boundaries, and the extent to which the urban growth
4 occurring within the county has located within each city and the
5 unincorporated portions of the urban growth areas.

6 (b) The county comprehensive plan designating urban growth areas,
7 and the densities permitted in the urban growth areas by the
8 comprehensive plans of the county and each city located within the
9 urban growth areas, shall be revised to accommodate the urban growth
10 projected to occur in the county for the succeeding (~~twenty~~) 20-
11 year period. The review required by this subsection may be combined
12 with the review and evaluation required by RCW 36.70A.215.

13 (c) If, during the county's review under (a) of this subsection,
14 the county determines revision of the urban growth area is not
15 required to accommodate the urban growth projected to occur in the
16 county for the succeeding 20-year period, but does determine that
17 patterns of development have created pressure in areas that exceed
18 available, developable lands within the urban growth area, the urban
19 growth area or areas may be revised to accommodate identified
20 patterns of development and likely future development pressure for
21 the succeeding 20-year period if the following requirements are met:

22 (i) The revised urban growth area may not result in an increase
23 in the total surface areas of the urban growth area or areas;

24 (ii) The areas added to the urban growth area are not or have not
25 been designated as agricultural, forest, or mineral resource lands of
26 long-term commercial significance;

27 (iii) Less than 15 percent of the areas added to the urban growth
28 area are critical areas;

29 (iv) The areas added to the urban growth areas are suitable for
30 urban growth;

31 (v) The transportation element and capital facility plan element
32 have identified the transportation facilities, and public facilities
33 and services needed to serve the urban growth area and the funding to
34 provide the transportation facilities and public facilities and
35 services;

36 (vi) The urban growth area is not larger than needed to
37 accommodate the growth planned for the succeeding 20-year planning
38 period and a reasonable land market supply factor;

39 (vii) The areas removed from the urban growth area do not include
40 urban growth or urban densities; and

1 (viii) The revised urban growth area is contiguous, does not
2 include holes or gaps, and will not increase pressures to urbanize
3 rural or natural resource lands.

4 (4) Except as otherwise provided in subsections (6) and (8) of
5 this section, counties and cities shall take action to review and, if
6 needed, revise their comprehensive plans and development regulations
7 to ensure the plan and regulations comply with the requirements of
8 this chapter as follows:

9 (a) On or before June 30, 2015, for King, Pierce, and Snohomish
10 counties and the cities within those counties;

11 (b) On or before June 30, 2016, for Clallam, Clark, Island,
12 Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom
13 counties and the cities within those counties;

14 (c) On or before June 30, 2017, for Benton, Chelan, Cowlitz,
15 Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
16 the cities within those counties; and

17 (d) On or before June 30, 2018, for Adams, Asotin, Columbia,
18 Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln,
19 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
20 Whitman counties and the cities within those counties.

21 (5) Except as otherwise provided in subsections (6) and (8) of
22 this section, following the review of comprehensive plans and
23 development regulations required by subsection (4) of this section,
24 counties and cities shall take action to review and, if needed,
25 revise their comprehensive plans and development regulations to
26 ensure the plan and regulations comply with the requirements of this
27 chapter as follows:

28 (a) On or before December 31, 2024, with the following review
29 and, if needed, revision on or before June 30, 2034, and then every
30 (~~ten~~) 10 years thereafter, for King, Kitsap, Pierce, and Snohomish
31 counties and the cities within those counties;

32 (b) On or before June 30, 2025, and every (~~ten~~) 10 years
33 thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San
34 Juan, Skagit, Thurston, and Whatcom counties and the cities within
35 those counties;

36 (c) On or before June 30, 2026, and every (~~ten~~) 10 years
37 thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas,
38 Skamania, Spokane, Walla Walla, and Yakima counties and the cities
39 within those counties; and

1 (d) On or before June 30, 2027, and every (~~ten~~) 10 years
2 thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant,
3 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
4 Stevens, Wahkiakum, and Whitman counties and the cities within those
5 counties.

6 (6) (a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the deadlines established in subsections (4) and (5) 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) A county that is subject to a deadline established in
13 subsection (5) (b) through (d) of this section and meets the following
14 criteria may comply with the requirements of this section at any time
15 within the (~~twenty-four~~) 24 months following the deadline
16 established in subsection (5) of this section: The county has a
17 population of less than (~~fifty-thousand~~) 50,000 and has had its
18 population increase by no more than (~~seventeen~~) 17 percent in the
19 (~~ten~~) 10 years preceding the deadline established in subsection (5)
20 of this section as of that date.

21 (c) A city that is subject to a deadline established in
22 subsection (5) (b) through (d) of this section and meets the following
23 criteria may comply with the requirements of this section at any time
24 within the (~~twenty-four~~) 24 months following the deadline
25 established in subsection (5) of this section: The city has a
26 population of no more than (~~five-thousand~~) 5,000 and has had its
27 population increase by the greater of either no more than (~~one~~
28 ~~hundred~~) 100 persons or no more than (~~seventeen~~) 17 percent in the
29 (~~ten~~) 10 years preceding the deadline established in subsection (5)
30 of this section as of that date.

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

34 (7) (a) The requirements imposed on counties and cities under this
35 section shall be considered "requirements of this chapter" under the
36 terms of RCW 36.70A.040(1). Only those counties and cities that meet
37 the following criteria may receive grants, loans, pledges, or
38 financial guarantees under chapter 43.155 or 70A.135 RCW:

39 (i) Complying with the deadlines in this section; or

1 (ii) Demonstrating substantial progress towards compliance with
2 the schedules in this section for development regulations that
3 protect critical areas.

4 (b) A county or city that is fewer than (~~twelve~~) 12 months out
5 of compliance with the schedules in this section for development
6 regulations that protect critical areas is making substantial
7 progress towards compliance. Only those counties and cities in
8 compliance with the schedules in this section may receive preference
9 for grants or loans subject to the provisions of RCW 43.17.250.

10 (8) (a) Except as otherwise provided in (c) of this subsection, if
11 a participating watershed is achieving benchmarks and goals for the
12 protection of critical areas functions and values, the county is not
13 required to update development regulations to protect critical areas
14 as they specifically apply to agricultural activities in that
15 watershed.

16 (b) A county that has made the election under RCW 36.70A.710(1)
17 may only adopt or amend development regulations to protect critical
18 areas as they specifically apply to agricultural activities in a
19 participating watershed if:

20 (i) A work plan has been approved for that watershed in
21 accordance with RCW 36.70A.725;

22 (ii) The local watershed group for that watershed has requested
23 the county to adopt or amend development regulations as part of a
24 work plan developed under RCW 36.70A.720;

25 (iii) The adoption or amendment of the development regulations is
26 necessary to enable the county to respond to an order of the growth
27 management hearings board or court;

28 (iv) The adoption or amendment of development regulations is
29 necessary to address a threat to human health or safety; or

30 (v) Three or more years have elapsed since the receipt of
31 funding.

32 (c) Beginning (~~ten~~) 10 years from the date of receipt of
33 funding, a county that has made the election under RCW 36.70A.710(1)
34 must review and, if necessary, revise development regulations to
35 protect critical areas as they specifically apply to agricultural
36 activities in a participating watershed in accordance with the review
37 and revision requirements and timeline in subsection (5) of this
38 section. This subsection (8) (c) does not apply to a participating
39 watershed that has determined under RCW 36.70A.720(2) (c) (ii) that the
40 watershed's goals and benchmarks for protection have been met.

1 (9) (a) Counties subject to planning deadlines established in
2 subsection (5) of this section that are required or that choose to
3 plan under RCW 36.70A.040 and that meet either criteria of (a) (i) or
4 (ii) of this subsection, and cities with a population of more than
5 6,000 as of April 1, 2021, within those counties, must provide to the
6 department an implementation progress report detailing the progress
7 they have achieved in implementing their comprehensive plan five
8 years after the review and revision of their comprehensive plan. Once
9 a county meets the criteria in (a) (i) or (ii) of this subsection, the
10 implementation progress report requirements remain in effect
11 thereafter for that county and the cities therein with populations
12 greater than 6,000 as of April 1, 2021, even if the county later no
13 longer meets either or both criteria. A county is subject to the
14 implementation progress report requirement if it meets either of the
15 following criteria on or after April 1, 2021:

16 (i) The county has a population density of at least 100 people
17 per square mile and a population of at least 200,000; or

18 (ii) The county has a population density of at least 75 people
19 per square mile and an annual growth rate of at least 1.75 percent as
20 determined by the office of financial management.

21 (b) The department shall adopt guidelines for indicators,
22 measures, milestones, and criteria for use by counties and cities in
23 the implementation progress report that must cover:

24 (i) The implementation of previously adopted changes to the
25 housing element and any effect those changes have had on housing
26 affordability and availability within the jurisdiction;

27 (ii) Permit processing timelines; and

28 (iii) Progress toward implementing any actions required to
29 achieve reductions to meet greenhouse gas and vehicle miles traveled
30 requirements as provided for in any element of the comprehensive plan
31 under RCW 36.70A.070.

32 (c) If a city or county required to provide an implementation
33 progress report under this subsection (9) has not implemented any
34 specifically identified regulations, zoning and land use changes, or
35 taken other legislative or administrative action necessary to
36 implement any changes in the most recent periodic update in their
37 comprehensive plan by the due date for the implementation progress
38 report, the city or county must identify the need for such action in
39 the implementation progress report. Cities and counties must adopt a
40 work plan to implement any necessary regulations, zoning and land use

1 changes, or take other legislative or administrative action
2 identified in the implementation progress report and complete all
3 work necessary for implementation within two years of submission of
4 the implementation progress report.

--- **END** ---