
SENATE BILL 5194

State of Washington

66th Legislature

2019 Regular Session

By Senators Short and Palumbo

1 AN ACT Relating to the review of urban growth area boundaries;
2 amending RCW 36.70A.110 and 36.70A.130; and reenacting and amending
3 RCW 36.70A.070.

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

5 **Sec. 1.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
6 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

7 The comprehensive plan of a county or city that is required or
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
9 and descriptive text covering objectives, principles, and standards
10 used to develop the comprehensive plan. The plan shall be an
11 internally consistent document and all elements shall be consistent
12 with the future land use map. A comprehensive plan shall be adopted
13 and amended with public participation as provided in RCW 36.70A.140.
14 Each comprehensive plan shall include a plan, scheme, or design for
15 each of the following:

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land,
18 where appropriate, for agriculture, timber production, housing,
19 commerce, industry, recreation, open spaces, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

1 intensities, economic development projections, and estimates of
2 future population growth. The land use element shall provide for
3 protection of the quality and quantity of groundwater used for public
4 water supplies. Wherever possible, the land use element should
5 consider utilizing urban planning approaches that promote physical
6 activity. Where applicable, the land use element shall review
7 drainage, flooding, and storm water run-off in the area and nearby
8 jurisdictions and provide guidance for corrective actions to mitigate
9 or cleanse those discharges that pollute waters of the state,
10 including Puget Sound or waters entering Puget Sound.

11 (2) A housing element ensuring the vitality and character of
12 established residential neighborhoods that: (a) Includes an inventory
13 and analysis of existing and projected housing needs that identifies
14 the number of housing units necessary to manage projected growth; (b)
15 includes a statement of goals, policies, objectives, and mandatory
16 provisions for the preservation, improvement, and development of
17 ~~((housing))~~ a balance of housing types at a variety of economic price
18 points, including single-family residences; (c) identifies sufficient
19 land for housing, including, but not limited to, government-assisted
20 housing, housing for low-income families, manufactured housing, tiny
21 houses with and without wheels, multifamily housing, and group homes
22 and foster care facilities; and (d) makes adequate provisions for
23 existing and projected needs of all economic segments of the
24 community. In counties and cities subject to the review and
25 evaluation requirements of RCW 36.70A.215, any revision to the
26 housing element shall include consideration of prior review and
27 evaluation reports and any reasonable measures identified.

28 (3) A capital facilities plan element consisting of: (a) An
29 inventory of existing capital facilities owned by public entities,
30 showing the locations and capacities of the capital facilities; (b) a
31 forecast of the future needs for such capital facilities; (c) the
32 proposed locations and capacities of expanded or new capital
33 facilities; (d) at least a six-year plan that will finance such
34 capital facilities within projected funding capacities and clearly
35 identifies sources of public money for such purposes; and (e) a
36 requirement to reassess the land use element if probable funding
37 falls short of meeting existing needs and to ensure that the land use
38 element, capital facilities plan element, and financing plan within
39 the capital facilities plan element are coordinated and consistent.

1 Park and recreation facilities shall be included in the capital
2 facilities plan element.

3 (4) A utilities element consisting of the general location,
4 proposed location, and capacity of all existing and proposed
5 utilities, including, but not limited to, electrical lines,
6 telecommunication lines, and natural gas lines.

7 (5) Rural element. Counties shall include a rural element
8 including lands that are not designated for urban growth,
9 agriculture, forest, or mineral resources. The following provisions
10 shall apply to the rural element:

11 (a) Growth management act goals and local circumstances. Because
12 circumstances vary from county to county, in establishing patterns of
13 rural densities and uses, a county may consider local circumstances,
14 but shall develop a written record explaining how the rural element
15 harmonizes the planning goals in RCW 36.70A.020 and meets the
16 requirements of this chapter.

17 (b) Rural development. The rural element shall permit rural
18 development, forestry, and agriculture in rural areas. The rural
19 element shall provide for a variety of rural densities, uses,
20 essential public facilities, and rural governmental services needed
21 to serve the permitted densities and uses. To achieve a variety of
22 rural densities and uses, counties may provide for clustering,
23 density transfer, design guidelines, conservation easements, and
24 other innovative techniques that will accommodate appropriate rural
25 economic advancement, densities, and uses that are not characterized
26 by urban growth and that are consistent with rural character.

27 (c) Measures governing rural development. The rural element shall
28 include measures that apply to rural development and protect the
29 rural character of the area, as established by the county, by:

30 (i) Containing or otherwise controlling rural development;

31 (ii) Assuring visual compatibility of rural development with the
32 surrounding rural area;

33 (iii) Reducing the inappropriate conversion of undeveloped land
34 into sprawling, low-density development in the rural area;

35 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
36 and surface water and groundwater resources; and

37 (v) Protecting against conflicts with the use of agricultural,
38 forest, and mineral resource lands designated under RCW 36.70A.170.

39 (d) Limited areas of more intensive rural development. Subject to
40 the requirements of this subsection and except as otherwise

1 specifically provided in this subsection (5)(d), the rural element
2 may allow for limited areas of more intensive rural development,
3 including necessary public facilities and public services to serve
4 the limited area as follows:

5 (i) Rural development consisting of the infill, development, or
6 redevelopment of existing commercial, industrial, residential, or
7 mixed-use areas, whether characterized as shoreline development,
8 villages, hamlets, rural activity centers, or crossroads
9 developments.

10 (A) A commercial, industrial, residential, shoreline, or mixed-
11 use area are subject to the requirements of (d)(iv) of this
12 subsection, but are not subject to the requirements of (c)(ii) and
13 (iii) of this subsection.

14 (B) Any development or redevelopment other than an industrial
15 area or an industrial use within a mixed-use area or an industrial
16 area under this subsection (5)(d)(i) must be principally designed to
17 serve the existing and projected rural population.

18 (C) Any development or redevelopment in terms of building size,
19 scale, use, or intensity shall be consistent with the character of
20 the existing areas. Development and redevelopment may include changes
21 in use from vacant land or a previously existing use so long as the
22 new use conforms to the requirements of this subsection (5);

23 (ii) The intensification of development on lots containing, or
24 new development of, small-scale recreational or tourist uses,
25 including commercial facilities to serve those recreational or
26 tourist uses, that rely on a rural location and setting, but that do
27 not include new residential development. A small-scale recreation or
28 tourist use is not required to be principally designed to serve the
29 existing and projected rural population. Public services and public
30 facilities shall be limited to those necessary to serve the
31 recreation or tourist use and shall be provided in a manner that does
32 not permit low-density sprawl;

33 (iii) The intensification of development on lots containing
34 isolated nonresidential uses or new development of isolated cottage
35 industries and isolated small-scale businesses that are not
36 principally designed to serve the existing and projected rural
37 population and nonresidential uses, but do provide job opportunities
38 for rural residents. Rural counties may allow the expansion of small-
39 scale businesses as long as those small-scale businesses conform with
40 the rural character of the area as defined by the local government

1 according to RCW 36.70A.030(16). Rural counties may also allow new
2 small-scale businesses to utilize a site previously occupied by an
3 existing business as long as the new small-scale business conforms to
4 the rural character of the area as defined by the local government
5 according to RCW 36.70A.030(16). Public services and public
6 facilities shall be limited to those necessary to serve the isolated
7 nonresidential use and shall be provided in a manner that does not
8 permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the
10 existing areas or uses of more intensive rural development, as
11 appropriate, authorized under this subsection. Lands included in such
12 existing areas or uses shall not extend beyond the logical outer
13 boundary of the existing area or use, thereby allowing a new pattern
14 of low-density sprawl. Existing areas are those that are clearly
15 identifiable and contained and where there is a logical boundary
16 delineated predominately by the built environment, but that may also
17 include undeveloped lands if limited as provided in this subsection.
18 The county shall establish the logical outer boundary of an area of
19 more intensive rural development. In establishing the logical outer
20 boundary, the county shall address (A) the need to preserve the
21 character of existing natural neighborhoods and communities, (B)
22 physical boundaries, such as bodies of water, streets and highways,
23 and land forms and contours, (C) the prevention of abnormally
24 irregular boundaries, and (D) the ability to provide public
25 facilities and public services in a manner that does not permit low-
26 density sprawl;

27 (v) For purposes of (d) of this subsection, an existing area or
28 existing use is one that was in existence:

29 (A) On July 1, 1990, in a county that was initially required to
30 plan under all of the provisions of this chapter;

31 (B) On the date the county adopted a resolution under RCW
32 36.70A.040(2), in a county that is planning under all of the
33 provisions of this chapter under RCW 36.70A.040(2); or

34 (C) On the date the office of financial management certifies the
35 county's population as provided in RCW 36.70A.040(5), in a county
36 that is planning under all of the provisions of this chapter pursuant
37 to RCW 36.70A.040(5).

38 (e) Exception. This subsection shall not be interpreted to permit
39 in the rural area a major industrial development or a master planned

1 resort unless otherwise specifically permitted under RCW 36.70A.360
2 and 36.70A.365.

3 (6) A transportation element that implements, and is consistent
4 with, the land use element.

5 (a) The transportation element shall include the following
6 subelements:

7 (i) Land use assumptions used in estimating travel;

8 (ii) Estimated traffic impacts to state-owned transportation
9 facilities resulting from land use assumptions to assist the
10 department of transportation in monitoring the performance of state
11 facilities, to plan improvements for the facilities, and to assess
12 the impact of land-use decisions on state-owned transportation
13 facilities;

14 (iii) Facilities and services needs, including:

15 (A) An inventory of air, water, and ground transportation
16 facilities and services, including transit alignments and general
17 aviation airport facilities, to define existing capital facilities
18 and travel levels as a basis for future planning. This inventory must
19 include state-owned transportation facilities within the city or
20 county's jurisdictional boundaries;

21 (B) Level of service standards for all locally owned arterials
22 and transit routes to serve as a gauge to judge performance of the
23 system. These standards should be regionally coordinated;

24 (C) For state-owned transportation facilities, level of service
25 standards for highways, as prescribed in chapters 47.06 and 47.80
26 RCW, to gauge the performance of the system. The purposes of
27 reflecting level of service standards for state highways in the local
28 comprehensive plan are to monitor the performance of the system, to
29 evaluate improvement strategies, and to facilitate coordination
30 between the county's or city's six-year street, road, or transit
31 program and the office of financial management's ten-year investment
32 program. The concurrency requirements of (b) of this subsection do
33 not apply to transportation facilities and services of statewide
34 significance except for counties consisting of islands whose only
35 connection to the mainland are state highways or ferry routes. In
36 these island counties, state highways and ferry route capacity must
37 be a factor in meeting the concurrency requirements in (b) of this
38 subsection;

1 (D) Specific actions and requirements for bringing into
2 compliance locally owned transportation facilities or services that
3 are below an established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the
5 adopted land use plan to provide information on the location, timing,
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet
8 current and future demands. Identified needs on state-owned
9 transportation facilities must be consistent with the statewide
10 multimodal transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in
15 the comprehensive plan, the appropriate parts of which shall serve as
16 the basis for the six-year street, road, or transit program required
17 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
18 35.58.2795 for public transportation systems. The multiyear financing
19 plan should be coordinated with the ten-year investment program
20 developed by the office of financial management as required by RCW
21 47.05.030;

22 (C) If probable funding falls short of meeting identified needs,
23 a discussion of how additional funding will be raised, or how land
24 use assumptions will be reassessed to ensure that level of service
25 standards will be met;

26 (v) Intergovernmental coordination efforts, including an
27 assessment of the impacts of the transportation plan and land use
28 assumptions on the transportation systems of adjacent jurisdictions;

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service
38 on a locally owned transportation facility to decline below the
39 standards adopted in the transportation element of the comprehensive
40 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride-sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection
5 (6), "concurrent with the development" means that improvements or
6 strategies are in place at the time of development, or that a
7 financial commitment is in place to complete the improvements or
8 strategies within six years. If the collection of impact fees is
9 delayed under RCW 82.02.050(3), the six-year period required by this
10 subsection (6)(b) must begin after full payment of all impact fees is
11 due to the county or city.

12 (c) The transportation element described in this subsection (6),
13 the six-year plans required by RCW 35.77.010 for cities, RCW
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation
15 systems, and the ten-year investment program required by RCW
16 47.05.030 for the state, must be consistent.

17 (7) An economic development element establishing local goals,
18 policies, objectives, and provisions for economic growth and vitality
19 and a high quality of life. A city that has chosen to be a
20 residential community is exempt from the economic development element
21 requirement of this subsection.

22 (8) A park and recreation element that implements, and is
23 consistent with, the capital facilities plan element as it relates to
24 park and recreation facilities. The element shall include: (a)
25 Estimates of park and recreation demand for at least a ten-year
26 period; (b) an evaluation of facilities and service needs; and (c) an
27 evaluation of intergovernmental coordination opportunities to provide
28 regional approaches for meeting park and recreational demand.

29 (9) It is the intent that new or amended elements required after
30 January 1, 2002, be adopted concurrent with the scheduled update
31 provided in RCW 36.70A.130. Requirements to incorporate any such new
32 or amended elements shall be null and void until funds sufficient to
33 cover applicable local government costs are appropriated and
34 distributed by the state at least two years before local government
35 must update comprehensive plans as required in RCW 36.70A.130.

36 **Sec. 2.** RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
37 read as follows:

38 (1) Each county that is required or chooses to plan under RCW
39 36.70A.040 shall designate an urban growth area or areas within which

1 urban growth shall be encouraged and outside of which growth can
2 occur only if it is not urban in nature. Each city that is located in
3 such a county shall be included within an urban growth area. An urban
4 growth area may include more than a single city. An urban growth area
5 may include territory that is located outside of a city only if such
6 territory already is characterized by urban growth whether or not the
7 urban growth area includes a city, or is adjacent to territory
8 already characterized by urban growth, or is a designated new fully
9 contained community as defined by RCW 36.70A.350.

10 (2) (~~Based upon~~) Urban character refers to patterns of land use
11 and development established by a county in the urban growth areas of
12 its comprehensive plan:

13 (a) In which narrow thoroughfares, cityscapes, and human
14 habitation predominate;

15 (b) That foster organized, structured human lifestyles, urban
16 economies, and opportunities for commercial, service-based, and
17 technological employment and lifestyles;

18 (c) That provide visual landscapes traditionally found in urban
19 areas and suburban communities;

20 (d) That are compatible with the use of land for transportation,
21 human habitation, and commercial development;

22 (e) That reduce the inappropriate conversion of undeveloped land
23 into sprawling, low-density development by encouraging compact,
24 efficient use of space for commerce and human habitation;

25 (f) That provide urban governmental services; and

26 (g) That are consistent with the balanced development of
27 infrastructure desired for civilized human habitation, provision of
28 green space for human health, and convenient provision of other
29 services desired for public health, safety, and welfare.

30 (3) Counties and cities within the counties may utilize the
31 growth management population projection and median household income
32 estimates and projections made for the county by the office of
33 financial management (~~, the county and each city within the county~~
34 shall include areas and densities sufficient)); and the housing
35 inventory characteristics, values, resident characteristics, and
36 forecasted housing gap prepared by the department of commerce
37 affordable housing advisory board to permit the urban growth that is
38 projected to occur in the county or city for the succeeding twenty-
39 year period in such a way as to encourage a variety of housing types,
40 values, and densities, except for those urban growth areas contained

1 totally within a national historical reserve. As part of this
2 planning process, each city within the county must include areas
3 sufficient to accommodate the broad range of needs and uses that will
4 accompany the projected urban growth including, as appropriate,
5 medical, governmental, institutional, commercial, service, retail,
6 and other nonresidential uses.

7 Each urban growth area shall permit urban densities and shall
8 include greenbelt and open space areas. In the case of urban growth
9 areas contained totally within a national historical reserve, the
10 city may restrict densities, intensities, and forms of urban growth
11 as determined to be necessary and appropriate to protect the
12 physical, cultural, or historic integrity of the reserve. An urban
13 growth area determination may include a reasonable land market supply
14 factor and shall permit a range of urban densities and uses. In
15 determining this market factor, cities and counties may consider
16 local circumstances. Cities and counties have discretion in their
17 comprehensive plans to make many choices about accommodating growth.

18 Within one year of July 1, 1990, each county that as of June 1,
19 1991, was required or chose to plan under RCW 36.70A.040, shall begin
20 consulting with each city located within its boundaries and each city
21 shall propose the location of an urban growth area. Within sixty days
22 of the date the county legislative authority of a county adopts its
23 resolution of intention or of certification by the office of
24 financial management, all other counties that are required or choose
25 to plan under RCW 36.70A.040 shall begin this consultation with each
26 city located within its boundaries. The county shall attempt to reach
27 agreement with each city on the location of an urban growth area
28 within which the city is located. If such an agreement is not reached
29 with each city located within the urban growth area, the county shall
30 justify in writing why it so designated the area an urban growth
31 area. A city may object formally with the department over the
32 designation of the urban growth area within which it is located.
33 Where appropriate, the department shall attempt to resolve the
34 conflicts, including the use of mediation services.

35 ~~((3))~~ (4) Urban growth should be located first in areas already
36 characterized by urban growth that have adequate existing public
37 facility and service capacities to serve such development, second in
38 areas already characterized by urban growth that will be served
39 adequately by a combination of both existing public facilities and
40 services and any additional needed public facilities and services

1 that are provided by either public or private sources, and third in
2 the remaining portions of the urban growth areas. Urban growth may
3 also be located in designated new fully contained communities as
4 defined by RCW 36.70A.350.

5 ~~((4))~~ (5) In general, cities are the units of local government
6 most appropriate to provide urban governmental services. In general,
7 it is not appropriate that urban governmental services be extended to
8 or expanded in rural areas except in those limited circumstances
9 shown to be necessary to protect basic public health and safety and
10 the environment and when such services are financially supportable at
11 rural densities and do not permit urban development.

12 ~~((5))~~ (6) On or before October 1, 1993, each county that was
13 initially required to plan under RCW 36.70A.040(1) shall adopt
14 development regulations designating interim urban growth areas under
15 this chapter. Within three years and three months of the date the
16 county legislative authority of a county adopts its resolution of
17 intention or of certification by the office of financial management,
18 all other counties that are required or choose to plan under RCW
19 36.70A.040 shall adopt development regulations designating interim
20 urban growth areas under this chapter. Adoption of the interim urban
21 growth areas may only occur after public notice; public hearing; and
22 compliance with the state environmental policy act, chapter 43.21C
23 RCW, and under this section. Such action may be appealed to the
24 growth management hearings board under RCW 36.70A.280. Final urban
25 growth areas shall be adopted at the time of comprehensive plan
26 adoption under this chapter.

27 ~~((6))~~ (7) Each county shall include designations of urban
28 growth areas in its comprehensive plan.

29 ~~((7))~~ (8) An urban growth area designated in accordance with
30 this section may include within its boundaries urban service areas or
31 potential annexation areas designated for specific cities or towns
32 within the county.

33 ~~((8))~~ (9)(a) Except as provided in (b) of this subsection, the
34 expansion of an urban growth area is prohibited into the one hundred
35 year floodplain of any river or river segment that: (i) Is located
36 west of the crest of the Cascade mountains; and (ii) has a mean
37 annual flow of one thousand or more cubic feet per second as
38 determined by the department of ecology.

39 (b) Subsection (8) (a) of this section does not apply to:

1 (i) Urban growth areas that are fully contained within a
2 floodplain and lack adjacent buildable areas outside the floodplain;

3 (ii) Urban growth areas where expansions are precluded outside
4 floodplains because:

5 (A) Urban governmental services cannot be physically provided to
6 serve areas outside the floodplain; or

7 (B) Expansions outside the floodplain would require a river or
8 estuary crossing to access the expansion; or

9 (iii) Urban growth area expansions where:

10 (A) Public facilities already exist within the floodplain and the
11 expansion of an existing public facility is only possible on the land
12 to be included in the urban growth area and located within the
13 floodplain; or

14 (B) Urban development already exists within a floodplain as of
15 July 26, 2009, and is adjacent to, but outside of, the urban growth
16 area, and the expansion of the urban growth area is necessary to
17 include such urban development within the urban growth area; or

18 (C) The land is owned by a jurisdiction planning under this
19 chapter or the rights to the development of the land have been
20 permanently extinguished, and the following criteria are met:

21 (I) The permissible use of the land is limited to one of the
22 following: Outdoor recreation; environmentally beneficial projects,
23 including but not limited to habitat enhancement or environmental
24 restoration; stormwater facilities; flood control facilities; or
25 underground conveyances; and

26 (II) The development and use of such facilities or projects will
27 not decrease flood storage, increase stormwater runoff, discharge
28 pollutants to fresh or salt waters during normal operations or
29 floods, or increase hazards to people and property.

30 (c) For the purposes of this subsection (8), "one hundred year
31 floodplain" means the same as "special flood hazard area" as set
32 forth in WAC 173-158-040 as it exists on July 26, 2009.

33 (~~((9))~~) (10) If a county, city, or utility has adopted a capital
34 facility plan or utilities element to provide sewer service within
35 the urban growth areas during the twenty-year planning period,
36 nothing in this chapter obligates counties, cities, or utilities to
37 install sanitary sewer systems to properties within urban growth
38 areas designated under subsection (~~((2))~~) (3) of this section by the
39 end of the twenty-year planning period when those properties:

- 1 (a)(i) Have existing, functioning, nonpolluting on-site sewage
2 systems;
- 3 (ii) Have a periodic inspection program by a public agency to
4 verify the on-site sewage systems function properly and do not
5 pollute surface or groundwater; and
- 6 (iii) Have no redevelopment capacity; or
- 7 (b) Do not require sewer service because development densities
8 are limited due to wetlands, flood plains, fish and wildlife
9 habitats, or geological hazards.

10 **Sec. 3.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
11 read as follows:

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

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

31 (c) The review and evaluation required by this subsection shall
32 include, but is not limited to, consideration of critical area
33 ordinances and, if planning under RCW 36.70A.040, an analysis of the
34 population allocated to a city or county from the most recent ten-
35 year population forecast by the office of financial management.

36 (d) Any amendment of or revision to a comprehensive land use plan
37 shall conform to this chapter. Any amendment of or revision to
38 development regulations shall be consistent with and implement the
39 comprehensive plan.

1 (2) (a) Each county and city shall establish and broadly
2 disseminate to the public a public participation program consistent
3 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
4 schedules whereby updates, proposed amendments, or revisions of the
5 comprehensive plan are considered by the governing body of the county
6 or city no more frequently than once every year, except that, until
7 December 31, 2015, the program shall provide for consideration of
8 amendments of an urban growth area in accordance with RCW 36.70A.1301
9 once every year. "Updates" means to review and revise, if needed,
10 according to subsection (1) of this section, and the deadlines in
11 subsections (4) and (5) of this section (~~or in accordance with the~~
12 ~~provisions of subsection (6) of this section~~). Amendments may be
13 considered more frequently than once per year under the following
14 circumstances:

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

21 (ii) The development of an initial subarea plan for economic
22 development located outside of the one hundred year floodplain in a
23 county that has completed a state-funded pilot project that is based
24 on watershed characterization and local habitat assessment;

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

27 (iv) The amendment of the capital facilities element of a
28 comprehensive plan that occurs concurrently with the adoption or
29 amendment of a county or city budget; or

30 (v) The adoption of comprehensive plan amendments necessary to
31 enact a planned action under RCW 43.21C.031(2), provided that
32 amendments are considered in accordance with the public participation
33 program established by the county or city under this subsection
34 (2) (a) and all persons who have requested notice of a comprehensive
35 plan update are given notice of the amendments and an opportunity to
36 comment.

37 (b) Except as otherwise provided in (a) of this subsection, all
38 proposals shall be considered by the governing body concurrently so
39 the cumulative effect of the various proposals can be ascertained.
40 However, after appropriate public participation a county or city may

1 adopt amendments or revisions to its comprehensive plan that conform
2 with this chapter whenever an emergency exists or to resolve an
3 appeal of a comprehensive plan filed with the growth management
4 hearings board or with the court.

5 (3) (a) Each county that designates urban growth areas under RCW
6 36.70A.110 shall review, according to the ~~((schedules))~~ deadline
7 established in subsection (5) of this section, its designated urban
8 growth area or areas, and the densities, commercial uses, and housing
9 permitted within both the incorporated and unincorporated portions of
10 each urban growth area to ensure the urban growth area contains a
11 balance of market supply of housing types, at a variety of economic
12 price points and densities and increased economic development. In
13 conjunction with this review by the county, each city located within
14 an urban growth area shall review the densities, commercial uses, and
15 housing permitted within its boundaries, and the extent to which the
16 urban growth occurring within the county has located within each city
17 and the unincorporated portions of the urban growth areas.

18 (b) The county comprehensive plan designating urban growth areas,
19 and ~~((the densities permitted in the urban growth areas by))~~ the
20 comprehensive plans of ~~((the county and))~~ each city located within
21 the urban growth areas, shall be revised to accommodate the urban
22 growth that has developed since the prior review and to achieve the
23 industrial, commercial, and residential growth projected to occur in
24 the county for the succeeding twenty-year period. The review required
25 by this subsection may be combined with the review and evaluation
26 required by RCW 36.70A.215.

27 (c) The county comprehensive plan designating urban growth areas
28 and the comprehensive plans of each city located within the urban
29 growth areas shall consider the cost burden of housing on households
30 within their jurisdiction in developing a comprehensive plan that
31 allows for a variety and balance of uses, densities, housing types,
32 and housing values. If upon review, more than one-third of the
33 households in the jurisdiction are considered cost-burdened by paying
34 more than thirty to fifty percent of their household income for
35 housing or severely cost-burdened by paying more than fifty percent
36 of their household income for housing, the urban growth area shall be
37 expanded.

38 ~~((Except as provided in subsection (6) of this section,))~~
39 Counties and cities shall take action to review and, if needed,
40 revise their comprehensive plans and development regulations to

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

3 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,
4 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and
5 the cities within those counties;

6 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
7 Mason, San Juan, Skagit, and Skamania counties and the cities within
8 those counties;

9 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
10 Grant, Kittitas, Spokane, and Yakima counties and the cities within
11 those counties; and

12 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,
13 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
14 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
15 Whitman counties and the cities within those counties.

16 (5) Except as otherwise provided in subsection ~~((s (6) and))~~ (8)
17 of this section, following the review of comprehensive plans and
18 development regulations required by subsection (4) of this section,
19 counties and cities shall take action to review and, if needed,
20 revise their comprehensive plans and development regulations to
21 ensure the plan and regulations comply with the requirements of this
22 chapter ~~((as follows:~~

23 ~~(a) On or before June 30, 2015, and every eight years thereafter,~~
24 ~~for King, Pierce, and Snohomish counties and the cities within those~~
25 ~~counties;~~

26 ~~(b) On or before June 30, 2016, and every eight years thereafter,~~
27 ~~for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,~~
28 ~~Skagit, Thurston, and Whatcom counties and the cities within those~~
29 ~~counties;~~

30 ~~(c) On or before June 30, 2017, and every eight years thereafter,~~
31 ~~for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,~~
32 ~~Spokane, and Yakima counties and the cities within those counties;~~
33 ~~and~~

34 ~~(d) On or before June 30, 2018, and every eight years thereafter,~~
35 ~~for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays~~
36 ~~Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,~~
37 ~~Wahkiakum, Walla Walla, and Whitman counties and the cities within~~
38 ~~those counties)) within the five years following the publishing of~~
39 ~~the federal census to ensure the counties have complete data with~~
40 ~~which to review the comprehensive plan.~~

1 ~~(6) ((a) Nothing in this section precludes a county or city from~~
2 ~~conducting the review and evaluation required by this section before~~
3 ~~the deadlines established in subsections (4) and (5) of this section.~~
4 ~~Counties and cities may begin this process early and may be eligible~~
5 ~~for grants from the department, subject to available funding, if they~~
6 ~~elect to do so.~~

7 ~~(b) A county that is subject to a deadline established in~~
8 ~~subsection (4) (b) through (d) of this section and meets the following~~
9 ~~criteria may comply with the requirements of this section at any time~~
10 ~~within the thirty-six months following the deadline established in~~
11 ~~subsection (4) of this section: The county has a population of less~~
12 ~~than fifty thousand and has had its population increase by no more~~
13 ~~than seventeen percent in the ten years preceding the deadline~~
14 ~~established in subsection (4) of this section as of that date.~~

15 ~~(c) A city that is subject to a deadline established in~~
16 ~~subsection (4) (b) through (d) of this section and meets the following~~
17 ~~criteria may comply with the requirements of this section at any time~~
18 ~~within the thirty-six months following the deadline established in~~
19 ~~subsection (4) of this section: The city has a population of no more~~
20 ~~than five thousand and has had its population increase by the greater~~
21 ~~of either no more than one hundred persons or no more than seventeen~~
22 ~~percent in the ten years preceding the deadline established in~~
23 ~~subsection (4) of this section as of that date.~~

24 ~~(d) A county or city that is subject to a deadline established in~~
25 ~~subsection (4) (d) of this section and that meets the criteria~~
26 ~~established in (b) or (c) of this subsection may comply with the~~
27 ~~requirements of subsection (4) (d) of this section at any time within~~
28 ~~the thirty-six months after the extension provided in (b) or (c) of~~
29 ~~this subsection.~~

30 ~~(e) A county that is subject to a deadline established in~~
31 ~~subsection (5) (b) through (d) of this section and meets the following~~
32 ~~criteria may comply with the requirements of this section at any time~~
33 ~~within the twenty-four months following the deadline established in~~
34 ~~subsection (5) of this section: The county has a population of less~~
35 ~~than fifty thousand and has had its population increase by no more~~
36 ~~than seventeen percent in the ten years preceding the deadline~~
37 ~~established in subsection (5) of this section as of that date.~~

38 ~~(f) A city that is subject to a deadline established in~~
39 ~~subsection (5) (b) through (d) of this section and meets the following~~
40 ~~criteria may comply with the requirements of this section at any time~~

1 ~~within the twenty-four months following the deadline established in~~
2 ~~subsection (5) of this section: The city has a population of no more~~
3 ~~than five thousand and has had its population increase by the greater~~
4 ~~of either no more than one hundred persons or no more than seventeen~~
5 ~~percent in the ten years preceding the deadline established in~~
6 ~~subsection (5) of this section as of that date.~~

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

10 (7) (a) The requirements imposed on counties and cities under this
11 section shall be considered "requirements of this chapter" under the
12 terms of RCW 36.70A.040(1). Only those counties and cities that meet
13 the following criteria may receive grants, loans, pledges, or
14 financial guarantees under chapter 43.155 or 70.146 RCW:

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

16 (ii) Demonstrating substantial progress towards compliance with
17 the schedules in this section for development regulations that
18 protect critical areas (~~;~~ ~~or~~

19 ~~(iii) Complying with the extension provisions of subsection~~
20 ~~(6) (b), (c), or (d) of this section).~~

21 (b) A county or city that is fewer than twelve months out of
22 compliance with the schedules in this section for development
23 regulations that protect critical areas is making substantial
24 progress towards compliance. Only those counties and cities in
25 compliance with the schedules in this section may receive preference
26 for grants or loans subject to the provisions of RCW 43.17.250.

27 (8) (a) Except as otherwise provided in (c) of this subsection, if
28 a participating watershed is achieving benchmarks and goals for the
29 protection of critical areas functions and values, the county is not
30 required to update development regulations to protect critical areas
31 as they specifically apply to agricultural activities in that
32 watershed.

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

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

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

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

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

9 (v) Three or more years have elapsed since the receipt of
10 funding.

11 (c) Beginning ten years from the date of receipt of funding, a
12 county that has made the election under RCW 36.70A.710(1) must review
13 and, if necessary, revise development regulations to protect critical
14 areas as they specifically apply to agricultural activities in a
15 participating watershed in accordance with the review and revision
16 requirements and timeline in subsection (5) of this section. This
17 subsection (8)(c) does not apply to a participating watershed that
18 has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's
19 goals and benchmarks for protection have been met.

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