
SUBSTITUTE HOUSE BILL 2171

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to allowing counties and cities one additional year
2 to comply with the requirements of RCW 36.70A.130; amending RCW
3 36.70A.130; creating new sections; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the importance of
6 appropriate and meaningful land use measures and that such measures are
7 critical to preserving and fostering the quality of life enjoyed by
8 Washingtonians. The legislature recognizes also that the growth
9 management act requires counties and cities to review and, if needed,
10 revise their comprehensive plans and development regulations on a
11 cyclical basis. These requirements, which often require significant
12 compliance efforts by local governments are, in part, an acknowledgment
13 of the continual changes that occur within the state, and the need to
14 ensure that land use measures reflect the collective wishes of its
15 citizenry.

16 The legislature acknowledges that only those jurisdictions in
17 compliance with the review and revision schedules of the growth
18 management act are eligible to receive funds from the public works
19 assistance and water quality accounts in the state treasury. The

1 legislature further recognizes that some jurisdictions that are not yet
2 in compliance with these review and revision schedules have
3 demonstrated substantial progress towards compliance.

4 The legislature, therefore, intends to grant noncompliant
5 jurisdictions demonstrating substantial progress towards compliance
6 with the review and revision schedules of the growth management act
7 twelve months of additional eligibility to receive grants, loans,
8 pledges, or financial guarantees from the public works assistance and
9 water quality accounts in the state treasury.

10 The legislature intends also to establish a task force to study
11 one-year extensions to the review and revision requirements for
12 comprehensive plans and development regulations that are mandated by
13 the growth management act.

14 **Sec. 2.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read
15 as follows:

16 (1)(a) Each comprehensive land use plan and development regulations
17 shall be subject to continuing review and evaluation by the county or
18 city that adopted them. Except as otherwise provided, a county or city
19 shall take legislative action to review and, if needed, revise its
20 comprehensive land use plan and development regulations to ensure the
21 plan and regulations comply with the requirements of this chapter
22 according to the time periods specified in subsection (4) of this
23 section.

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

35 (c) The review and evaluation required by this subsection may be
36 combined with the review required by subsection (3) of this section.
37 The review and evaluation required by this subsection shall include,

1 but is not limited to, consideration of critical area ordinances and,
2 if planning under RCW 36.70A.040, an analysis of the population
3 allocated to a city or county from the most recent ten-year population
4 forecast by the office of financial management.

5 ~~((b))~~ (d) Any amendment of or revision to a comprehensive land
6 use plan shall conform to this chapter. Any amendment of or revision
7 to development regulations shall be consistent with and implement the
8 comprehensive plan.

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

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

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

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

27 (b) Except as otherwise provided in (a) of this subsection, all
28 proposals shall be considered by the governing body concurrently so the
29 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 appeal
33 of a comprehensive plan filed with a growth management hearings board
34 or with the court.

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

1 conjunction with this review by the county, each city located within an
2 urban growth area shall review the densities permitted within its
3 boundaries, and the extent to which the urban growth occurring within
4 the county has located within each city and the unincorporated portions
5 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-year period.
11 The review required by this subsection may be combined with the review
12 and evaluation required by RCW 36.70A.215.

13 (4) The department shall establish a schedule for counties and
14 cities to take action to review and, if needed, revise their
15 comprehensive plans and development regulations to ensure the plan and
16 regulations comply with the requirements of this chapter. Except as
17 provided in subsection (8) of this section, the schedule established by
18 the department shall provide for the reviews and evaluations to be
19 completed as follows:

20 (a) On or before December 1, 2004, and every seven years
21 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
22 Snohomish, Thurston, and Whatcom counties and the cities within those
23 counties;

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

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

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

35 (5)(a) Nothing in this section precludes a county or city from
36 conducting the review and evaluation required by this section before
37 the time limits established in subsection (4) of this section.

1 Counties and cities may begin this process early and may be eligible
2 for grants from the department, subject to available funding, if they
3 elect to do so.

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

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

18 (7) The requirements imposed on counties and cities under this
19 section shall be considered "requirements of this chapter" under the
20 terms of RCW 36.70A.040(1). Only those counties and cities in
21 compliance with the schedules in this section and those counties and
22 cities demonstrating substantial progress towards compliance with the
23 schedules in this section shall have the requisite authority to receive
24 grants, loans, pledges, or financial guarantees from those accounts
25 established in RCW 43.155.050 and 70.146.030. A county or city that is
26 more than twelve months out of compliance with the schedules in this
27 section is deemed not to be making substantial progress towards
28 compliance. Only those counties and cities in compliance with the
29 schedules in this section shall receive preference for grants or loans
30 subject to the provisions of RCW 43.17.250.

31 (8)(a) Counties and cities required to satisfy the requirements of
32 this section according to the schedule established by subsection (4)(b)
33 through (d) of this section may comply with the requirements of this
34 section one year after the dates established in subsection (4)(b)
35 through (d) of this section.

36 (b) Counties and cities complying with the requirements of this
37 section one year after the dates established in subsection (4)(b)

1 through (d) of this section shall be deemed in compliance with the
2 requirements of this section.

3 (c) This subsection (8) applies only to the counties and cities
4 specified in subsection (4)(b) through (d) of this section, and only to
5 the requirements of this section that must be satisfied by December 1,
6 2005, December 1, 2006, and December 1, 2007.

7 NEW SECTION. Sec. 3. (1) The task force on one-year review and
8 revision compliance extensions is established. The task force shall
9 consist of four members, as follows:

10 (a) One member from each of the two largest caucuses of the house
11 of representatives, appointed by the speaker of the house of
12 representatives; and

13 (b) One member from each of the two largest caucuses of the senate,
14 appointed by the president of the senate.

15 (2) The task force members shall, by an affirmative vote of at
16 least three members, select a chair from among its membership.

17 (3) The task force shall consult with individuals from the public
18 and private sectors and other interested parties, as may be
19 appropriate, for technical advice and assistance and may ask such
20 individuals to establish advisory committees or work groups that report
21 to the task force. Those with whom the task force must consult
22 include, but are not limited to, the following:

23 (a) Representatives from cities;

24 (b) Representatives from counties;

25 (c) Representatives from the environmental community;

26 (d) Representatives from the property rights community;

27 (e) Representatives from the agricultural community;

28 (f) Representatives from the building industry; and

29 (g) Representatives from realtors.

30 (4) The task force shall review relevant statutes, legislation,
31 rules, court decisions, and studies and make findings and
32 recommendations regarding one-year compliance extensions to the review
33 and revision requirements of RCW 36.70A.130.

34 (5) The task force shall use legislative facilities, and staff
35 support shall be provided by the office of program research of the
36 house of representatives and senate committee services.

1 (6) The task force shall report its findings and recommendations to
2 the appropriate committees of the house of representatives and the
3 senate by July 1, 2007.

4 (7) The task force expires July 1, 2007.

5 NEW SECTION. **Sec. 4.** This act takes effect August 1, 2005.

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