
ENGROSSED SUBSTITUTE HOUSE BILL 2194

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Springer and Simpson)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to public participation requirements of the growth
2 management act; amending RCW 36.70A.035 and 36.70A.140; adding a new
3 section to chapter 36.70A RCW; and creating a new section.

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

5 **Sec. 1.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
6 read as follows:

7 (1)(a) The public participation requirements of this chapter shall
8 include notice procedures that are reasonably calculated to provide
9 notice to property owners and other affected and interested
10 individuals, tribes, government agencies, businesses, school districts,
11 and organizations of proposed amendments to comprehensive plans and
12 development regulations. Examples of reasonable notice provisions
13 include:

14 ~~((a))~~ (i) Posting the property for site-specific proposals;

15 ~~((b))~~ (ii) Publishing notice in a newspaper of general
16 circulation in the county, city, or general area where the proposal is
17 located or that will be affected by the proposal;

18 ~~((c))~~ (iii) Notifying public or private groups with known

1 interest in a certain proposal or in the type of proposal being
2 considered;

3 ~~((d))~~ (iv) Placing notices in appropriate regional, neighborhood,
4 ethnic, or trade journals; and

5 ~~((e))~~ (v) Publishing notice in agency newsletters or sending
6 notice to agency mailing lists, including general lists or lists for
7 specific proposals or subject areas.

8 (b) Counties, with a population greater than two hundred thousand,
9 and cities, with a population greater than five thousand, satisfying
10 the requirements of RCW 36.70A.130 shall commence a public notification
11 process consistent with (a) of this subsection no later than one year
12 before the applicable completion date specified in RCW 36.70A.130(4)
13 (a) through (d). If the applicable completion date is less than one
14 year in the future on the effective date of this act, the affected city
15 or county shall commence the public notification process as soon as
16 reasonably possible.

17 (2)(a) Except as otherwise provided in (b) of this subsection, if
18 the legislative body for a county or city chooses to consider a change
19 to an amendment to a comprehensive plan or development regulation, and
20 the change is proposed after the opportunity for review and comment has
21 passed under the county's or city's procedures, an opportunity for
22 review and comment on the proposed change shall be provided before the
23 local legislative body votes on the proposed change.

24 (b) An additional opportunity for public review and comment is not
25 required under (a) of this subsection if:

26 (i) An environmental impact statement has been prepared under
27 chapter 43.21C RCW for the pending resolution or ordinance and the
28 proposed change is within the range of alternatives considered in the
29 environmental impact statement;

30 (ii) The proposed change is within the scope of the alternatives
31 available for public comment;

32 (iii) The proposed change only corrects typographical errors,
33 corrects cross-references, makes address or name changes, or clarifies
34 language of a proposed ordinance or resolution without changing its
35 effect;

36 (iv) The proposed change is to a resolution or ordinance making a
37 capital budget decision as provided in RCW 36.70A.120; or

1 (v) The proposed change is to a resolution or ordinance enacting a
2 moratorium or interim control adopted under RCW 36.70A.390.

3 (3) This section is prospective in effect and does not apply to a
4 comprehensive plan, development regulation, or amendment adopted before
5 July 27, 1997.

6 **Sec. 2.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
7 read as follows:

8 (1)(a) Each county and city that is (~~required or chooses to plan~~)
9 planning under RCW 36.70A.040 shall establish and broadly disseminate
10 to the public a public participation program identifying procedures
11 providing for early and continuous public participation in the
12 development and amendment of comprehensive land use plans and
13 development regulations implementing such plans. The procedures shall
14 provide for broad dissemination of proposals and alternatives,
15 opportunity for written comments, public meetings after effective
16 notice, provision for open discussion, communication programs,
17 information services, and consideration of and response to public
18 comments.

19 (b) In enacting legislation in response to the board's decision
20 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive
21 plan or development regulation invalid, the county or city shall
22 provide for public participation that is appropriate and effective
23 under the circumstances presented by the board's order. (~~Errors in~~
24 ~~exact compliance with the established program and procedures shall not~~
25 ~~render the comprehensive land use plan or development regulations~~
26 ~~invalid if the spirit of the program and procedures is observed.))~~

27 (2) Counties, with a population greater than two hundred thousand,
28 and cities, with a population greater than five thousand, satisfying
29 the requirements of RCW 36.70A.130 shall commence a public
30 participation program consistent with subsection (1)(a) of this section
31 no later than one year before the applicable completion date specified
32 in RCW 36.70A.130(4) (a) through (d). If the applicable completion
33 date is less than one year in the future on the effective date of this
34 act, the affected city or county shall commence the public
35 participation program as soon as reasonably possible.

36 (3) Errors in exact compliance with the established program and

1 procedures shall not render the comprehensive land use plan or
2 development regulations invalid if the spirit of the program and
3 procedures is observed.

4 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW
5 to read as follows:

6 Failure to exactly comply with the public notification requirements
7 in sections 1 and 2 of this act shall not render the comprehensive land
8 use plan or development regulations invalid.

9 NEW SECTION. Sec. 4. This act is intended to be prospective, not
10 retroactive, in its application.

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