

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2171

59th Legislature
2005 Regular Session

Passed by the House April 20, 2005
Yeas 95 Nays 2

Speaker of the House of Representatives

Passed by the Senate April 19, 2005
Yeas 39 Nays 10

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2171** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2171

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

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 a new section; and declaring an emergency.

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 jurisdictions that are
5 not in compliance with requirements for development regulations that
6 protect critical areas, but are demonstrating substantial progress
7 towards compliance with these requirements, twelve months of additional
8 eligibility to receive grants, loans, pledges, or financial guarantees
9 from the public works assistance and water quality accounts in the
10 state treasury. The legislature intends to specify, however, that only
11 counties and cities in compliance with the review and revision
12 schedules of the growth management act may receive preference for
13 financial assistance from these accounts.

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 (~~shall have the~~
22 ~~requisite authority to~~) and those counties and cities demonstrating
23 substantial progress towards compliance with the schedules in this
24 section for development regulations that protect critical areas may
25 receive grants, loans, pledges, or financial guarantees from those
26 accounts established in RCW 43.155.050 and 70.146.030. A county or
27 city that is fewer than twelve months out of compliance with the
28 schedules in this section for development regulations that protect
29 critical areas is deemed to be making substantial progress towards
30 compliance. Only those counties and cities in compliance with the
31 schedules in this section (~~shall~~) may receive preference for grants
32 or loans subject to the provisions of RCW 43.17.250.

33 (8)(a) Counties and cities required to satisfy the requirements of
34 this section according to the schedule established by subsection (4)(b)
35 through (d) of this section may comply with the requirements of this
36 section for development regulations that protect critical areas one
37 year after the dates established in subsection (4)(b) through (d) of
38 this section.

1 (b) Counties and cities complying with the requirements of this
2 section one year after the dates established in subsection (4)(b)
3 through (d) of this section for development regulations that protect
4 critical areas shall be deemed in compliance with the requirements of
5 this section.

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

11 (9) Notwithstanding subsection (8) of this section and the
12 substantial progress provisions of subsections (7) and (10) of this
13 section, only those counties and cities complying with the schedule in
14 subsection (4) of this section may receive preferences for grants,
15 loans, pledges, or financial guarantees from those accounts established
16 in RCW 43.155.050 and 70.146.030.

17 (10) Until December 1, 2005, and notwithstanding subsection (7) of
18 this section, a county or city subject to the time periods in
19 subsection (4)(a) of this section demonstrating substantial progress
20 towards compliance with the schedules in this section for its
21 comprehensive land use plan and development regulations may receive
22 grants, loans, pledges, or financial guarantees from those accounts
23 established in RCW 43.155.050 and 70.146.030. A county or city that is
24 fewer than twelve months out of compliance with the schedules in this
25 section for its comprehensive land use plan and development regulations
26 is deemed to be making substantial progress towards compliance.

27 NEW SECTION. Sec. 3. This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 immediately.

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