
HOUSE BILL 2301

State of Washington

61st Legislature

2009 Regular Session

By Representative Nelson

1 AN ACT Relating to authorizing the department of community, trade,
2 and economic development to approve comprehensive plans and development
3 regulations; amending RCW 36.70A.290; and adding a new section to
4 chapter 36.70A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
7 to read as follows:

8 (1) A comprehensive plan, development regulation, or amendment to
9 a comprehensive plan or development regulation is effective when
10 approved by the department.

11 (2) Upon receiving a comprehensive plan, development regulation, or
12 amendment to a comprehensive plan or development regulation adopted by
13 a county or city, the department shall:

14 (a) Provide notice to and an opportunity for written comment by all
15 interested parties of record as a part of the local government review
16 process for the proposal and to all persons, groups, and agencies that
17 have requested in writing notice of proposed comprehensive plans,
18 development regulations, or amendments to comprehensive plans or
19 development regulations generally or for a specific area, subject

1 matter, or issue. The comment period must be at least thirty days,
2 unless the department determines that the level of complexity or
3 controversy involved supports a shorter period;

4 (b) In the department's discretion, conduct a public hearing during
5 the thirty-day comment period in the jurisdiction proposing the
6 comprehensive plan, development regulation, or amendment to a
7 comprehensive plan or development regulation;

8 (c) Within fifteen days after the close of public comment, request
9 the local government to review the issues identified by the public,
10 interested parties, groups, and agencies and provide a written response
11 as to how the proposal addresses the identified issues;

12 (d) Within thirty days after receipt of the local government
13 response required under (c) of this subsection, make written findings
14 and conclusions regarding the consistency of the proposal with the
15 goals and requirements of this chapter, provide a response to the
16 issues identified in (c) of this subsection, and either approve the
17 proposal as submitted, recommend specific changes necessary to make the
18 proposal approvable, or deny approval of the proposal in those
19 instances where no alteration of the proposal appears likely to be
20 consistent with the goals and requirements of this chapter. The
21 written findings and conclusions shall be provided to the local
22 government, all interested persons, parties, groups, and agencies of
23 record on the proposal;

24 (e) If the department recommends changes to the comprehensive plan,
25 development regulation, or amendment to a comprehensive plan or
26 development regulation, within thirty days after the department mails
27 the written findings and conclusions to the local government, the local
28 government may:

29 (i) Agree to the proposed changes. The receipt by the department
30 of the written notice of agreement constitutes final action by the
31 department approving the amendment; or

32 (ii) Submit an alternative proposal. If, in the opinion of the
33 department, the alternative is consistent with the purpose and intent
34 of the changes originally submitted by the department and with this
35 chapter, the department shall approve the changes and provide written
36 notice to all recipients of the written findings and conclusions. If
37 the department determines the proposal is not consistent with the

1 purpose and intent of the changes proposed by the department, the
2 department may resubmit the proposal for public and agency review
3 pursuant to this section or reject the proposal.

4 (3) The department shall approve the comprehensive plan,
5 development regulation, or amendment to a comprehensive plan or
6 development regulation unless it determines that the submittals are not
7 consistent with the goals and requirements of this chapter.

8 (4) A comprehensive plan, development regulation, or amendment to
9 a comprehensive plan or development regulation takes effect when and in
10 such form as approved or adopted by the department.

11 (5) Comprehensive plans, development regulations, or amendments to
12 comprehensive plans or development regulations adopted before the
13 effective date of this section do not require review and approval by
14 the department under this section.

15 **Sec. 2.** RCW 36.70A.290 and 1997 c 429 s 12 are each amended to
16 read as follows:

17 (1) All requests for review to a growth management hearings board
18 shall be initiated by filing a petition that includes a detailed
19 statement of issues presented for resolution by the board. The board
20 shall render written decisions articulating the basis for its holdings.
21 The board shall not issue advisory opinions on issues not presented to
22 the board in the statement of issues, as modified by any prehearing
23 order.

24 (2) All petitions relating to whether or not an adopted
25 comprehensive plan, development regulation, or permanent amendment
26 thereto, is in compliance with the goals and requirements of this
27 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days
28 after publication by the ~~((legislative bodies of the))~~ county or city
29 as required by this section.

30 ~~(a) ((Except as provided in (c) of this subsection, the date of
31 publication for a city shall be the date the city publishes the
32 ordinance, or summary of the ordinance, adopting the comprehensive plan
33 or development regulations, or amendment thereto, as is required to be
34 published.~~

35 ~~(b) Promptly after adoption, a county shall publish a notice that
36 it has adopted the comprehensive plan or development regulations, or
37 amendment thereto.~~

1 ~~Except as provided in (c) of this subsection, for purposes of this~~
2 ~~section the date of publication for a county shall be the date the~~
3 ~~county publishes the notice that it has adopted the comprehensive plan~~
4 ~~or development regulations, or amendment thereto.~~

5 (e)) Promptly after approval or disapproval of a local
6 government's comprehensive plan, development regulation, or amendment
7 to a comprehensive plan or development regulation as provided in
8 section 1 of this act, the local government shall publish a notice that
9 the comprehensive plan, development regulation, or amendment to a
10 comprehensive plan or development regulation has been approved or
11 disapproved by the department.

12 (b) For local governments planning under RCW 36.70A.040, promptly
13 after approval or disapproval of a local government's shoreline master
14 program or amendment thereto by the department of ecology as provided
15 in RCW 90.58.090, the local government shall publish a notice that the
16 shoreline master program or amendment thereto has been approved or
17 disapproved by the department of ecology. For purposes of this
18 section, the date of publication for the adoption or amendment of a
19 shoreline master program is the date the local government publishes
20 notice that the shoreline master program or amendment thereto has been
21 approved or disapproved by the department of ecology.

22 (3) Unless the board dismisses the petition as frivolous or finds
23 that the person filing the petition lacks standing, or the parties have
24 filed an agreement to have the case heard in superior court as provided
25 in RCW 36.70A.295, the board shall, within ten days of receipt of the
26 petition, set a time for hearing the matter.

27 (4) The board shall base its decision on the record developed by
28 the city, county, or the state and supplemented with additional
29 evidence if the board determines that such additional evidence would be
30 necessary or of substantial assistance to the board in reaching its
31 decision.

32 (5) The board, shall consolidate, when appropriate, all petitions
33 involving the review of the same comprehensive plan or the same
34 development regulation or regulations.

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