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HOUSE BILL 2544

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Lias and Fitzgibbon

Read first time 01/17/12. Referred to Committee on Local Government.

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

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

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

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

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

13 (a) Provide notice to and an opportunity for written comment by all  
14 interested parties of record as a part of the local government review  
15 process for the proposal and to all persons, groups, and agencies that  
16 have requested in writing notice of proposed comprehensive plans,  
17 development regulations, or amendments to comprehensive plans or  
18 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 2011 c 277 s 1 are each amended to read  
16 as follows:

17 (1) All requests for review to the 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 as provided in (~~(a) through (c) of~~) this  
29 subsection.

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 department of ecology shall publish a notice that  
16 the shoreline master program or amendment thereto has been approved or  
17 disapproved. For purposes of this section, the date of publication for  
18 the adoption or amendment of a shoreline master program is the date the  
19 department of ecology publishes notice that the shoreline master  
20 program or amendment thereto has been approved or disapproved.

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

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

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

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