
SENATE BILL 5971

State of Washington

67th Legislature

2022 Regular Session

By Senators Lovelett and Nguyen

Read first time 02/03/22. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to the comprehensive plan and implementation of
2 the goals and requirements of the growth management act; amending RCW
3 36.70A.190 and 36.70A.280; and adding new sections to chapter 36.70A
4 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
7 RCW to read as follows:

8 The comprehensive plan update and implementation account is
9 created in the state treasury. All receipts from bond sales, tax
10 revenues, budget transfers, federal appropriations, gifts, or any
11 other lawful source may be deposited into the account. Moneys in the
12 account may be spent only after appropriation. Expenditures in the
13 account may be used only for the purposes established in section 3 of
14 this act.

15 **Sec. 2.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
16 to read as follows:

17 (1) The department shall establish a program of technical and
18 financial assistance and incentives to counties and cities to
19 encourage and facilitate the adoption and implementation of
20 comprehensive plans and development regulations throughout the state.

1 (2) The department shall develop a priority list and establish
2 funding levels for planning and technical assistance grants both for
3 counties and cities that plan under RCW 36.70A.040. Priority for
4 assistance shall be based on a county's or city's population growth
5 rates, commercial and industrial development rates, the existence and
6 quality of a comprehensive plan and development regulations, and
7 other relevant factors.

8 (3) The department shall develop and administer a grant program
9 to provide direct financial assistance to counties and cities for the
10 preparation of or amendment to comprehensive plans and development
11 regulations under this chapter. The department may establish
12 provisions for county and city matching funds to conduct activities
13 under this subsection. Grants may be expended for any purpose
14 directly related to the preparation of or amendment to a county or
15 city comprehensive plan and development regulations as the county or
16 city and the department may agree, including, without limitation, the
17 conducting of surveys, inventories and other data gathering and
18 management activities, the retention of planning consultants,
19 contracts with regional councils for planning and related services,
20 and other related purposes.

21 (4) The department shall establish a program of technical
22 assistance:

23 (a) Utilizing department staff, the staff of other state
24 agencies, and the technical resources of counties and cities to help
25 in the development of and amendments to comprehensive plans and
26 development regulations required under this chapter. The technical
27 assistance may include, but not be limited to, model land use
28 ordinances, regional education and training programs, and information
29 for local and regional inventories; (~~and~~)

30 (b) Adopting by rule procedural criteria to assist counties and
31 cities in adopting comprehensive plans and development regulations
32 that meet the goals and requirements of this chapter. These criteria
33 shall reflect regional and local variations and the diversity that
34 exists among different counties and cities that plan under this
35 chapter; and

36 (c) Adopting by rule optional safe harbor model ordinances to
37 enable counties and cities to implement goals and requirements of
38 this chapter with specific regard to increasing resiliency to the
39 effects of climate change and natural hazards, increasing the supply,
40 affordability, and diversity of housing forms, and designing and

1 implementing strategies to enhance human health, social equity, and
2 environmental justice. The optional safe harbor model ordinances must
3 specify the circumstances and locations in which they may be adopted
4 and enforced by a city or county. Except as provided in RCW
5 36.70A.280(1)(g), safe harbor model ordinances adopted by a city or
6 county are not subject to a petition for review under RCW 36.70A.290
7 or an appeal under RCW 43.21C.075.

8 (5) The department shall provide mediation services to resolve
9 disputes between counties and cities regarding, among other things,
10 coordination of regional issues and designation of urban growth
11 areas.

12 (6) The department shall provide planning grants to enhance
13 citizen participation under RCW 36.70A.140.

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

16 (1) The department shall develop and administer a grant or loan
17 program to provide direct financial assistance to counties and cities
18 for the preparation of or amendment to comprehensive plans and
19 development regulations under this chapter.

20 (2) Beginning July 1, 2024, to be eligible for state planning
21 grants or loans, a county or city planning under RCW 36.70A.040 shall
22 adopt as part of its operating budget a comprehensive plan
23 implementation program. The jurisdiction must adopt a comprehensive
24 plan implementation program within 180 days of adopting its operating
25 budget.

26 (3)(a) The comprehensive plan implementation program must:

27 (i) List and prioritize legislative actions to implement the
28 comprehensive plan, including but not limited to development code
29 updates and reforms, capital projects, intergovernmental planning
30 agreements, and adaptive planning at a regional scale; and

31 (ii) Provide for amendments to comprehensive plans required under
32 RCW 36.70A.130.

33 (b) The comprehensive plan implementation program must specify
34 the financial and staff resources to be allocated to each task and
35 include a projected schedule with target date(s) for processing,
36 adoption, and/or effectuation of each task.

37 (c) The comprehensive plan implementation program must identify
38 near-term tasks to be initiated within one year of program adoption

1 or amendment and completed within two years; and longer-term tasks to
2 be initiated within five years of program adoption or amendment.

3 (d) Beginning with the 2024 update cycle specified under RCW
4 36.70A.130, every comprehensive plan implementation program must give
5 priority to the following compelling state interests:

6 (i) Increasing resiliency to the effects of climate change and
7 natural hazards;

8 (ii) Increasing the supply, affordability, and diversity of
9 housing options; and

10 (iii) Designing and implementing strategies to enhance human
11 health, social equity, and environmental justice.

12 (4) (a) A county or city planning under RCW 36.70A.040 must submit
13 a copy of its comprehensive plan implementation program to the
14 department within 30 days of local completion.

15 (b) Adoption of or amendment to a comprehensive plan
16 implementation program is not subject to a petition for review under
17 RCW 36.70A.290 or an appeal under RCW 43.21C.075.

18 (c) Prior to the distribution of grant funds, the local
19 government shall enter into an agreement with the department to
20 describe performance outcomes, a schedule with milestones to document
21 progress over time, and a process for the local government to take
22 any corrective action deemed necessary by the department to achieve
23 compliance with subsection (3) (d) of this section.

24 **Sec. 4.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
25 read as follows:

26 (1) The growth management hearings board shall hear and determine
27 only those petitions alleging either:

28 (a) That, except as provided otherwise by this subsection, a
29 state agency, county, or city planning under this chapter is not in
30 compliance with the requirements of this chapter, chapter 90.58 RCW
31 as it relates to the adoption of shoreline master programs or
32 amendments thereto, or chapter 43.21C RCW as it relates to plans,
33 development regulations, or amendments, adopted under RCW 36.70A.040
34 or chapter 90.58 RCW. Nothing in this subsection authorizes the board
35 to hear petitions alleging noncompliance with RCW 36.70A.5801;

36 (b) That the twenty-year growth management planning population
37 projections adopted by the office of financial management pursuant to
38 RCW 43.62.035 should be adjusted;

1 (c) That the approval of a work plan adopted under RCW
2 36.70A.735(1)(a) is not in compliance with the requirements of the
3 program established under RCW 36.70A.710;

4 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
5 regionally applicable and cannot be adopted, wholly or partially, by
6 another jurisdiction; ((~~or~~))

7 (e) That a department certification under RCW 36.70A.735(1)(c) is
8 erroneous;

9 (f) That an optional safe harbor model ordinance adopted by the
10 department under RCW 36.70A.190(4)(c) is not in compliance with the
11 goals and requirements of this chapter. In reaching its
12 determination, the board shall give substantial weight to the
13 department's expertise; or

14 (g) That an optional safe harbor model ordinance adopted by a
15 county or city is not consistent with the department's optional safe
16 harbor model ordinance under RCW 36.70A.190(4)(c).

17 (2) A petition may be filed only by: (a) The state, or a county
18 or city that plans under this chapter; (b) a person who has
19 participated orally or in writing before the county ((~~or~~)), city, or
20 state agency regarding the matter on which a review is being
21 requested; (c) a person who is certified by the governor within sixty
22 days of filing the request with the board; or (d) a person qualified
23 pursuant to RCW 34.05.530.

24 (3) For purposes of this section "person" means any individual,
25 partnership, corporation, association, state agency, governmental
26 subdivision or unit thereof, or public or private organization or
27 entity of any character.

28 (4) To establish participation standing under subsection (2)(b)
29 of this section, a person must show that his or her participation
30 before the county or city was reasonably related to the person's
31 issue as presented to the board.

32 (5) When considering a possible adjustment to a growth management
33 planning population projection prepared by the office of financial
34 management, the board shall consider the implications of any such
35 adjustment to the population forecast for the entire state.

36 The rationale for any adjustment that is adopted by the board
37 must be documented and filed with the office of financial management
38 within ten working days after adoption.

39 If adjusted by the board, a county growth management planning
40 population projection shall only be used for the planning purposes

1 set forth in this chapter and shall be known as the "board adjusted
2 population projection." None of these changes shall affect the
3 official state and county population forecasts prepared by the office
4 of financial management, which shall continue to be used for state
5 budget and planning purposes.

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