S-4179.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5971**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Lovelett and Nguyen

AN ACT Relating to the comprehensive plan and implementation of the goals and requirements of the growth management act; amending RCW 36.70A.190 and 36.70A.280; and adding new sections to chapter 36.70A RCW.

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

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

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

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

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

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

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

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

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

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

(c) Adopting by rule optional safe harbor model ordinances to enable counties and cities to implement goals and requirements of this chapter with specific regard to increasing resiliency to the effects of climate change and natural hazards, increasing the supply, affordability, and diversity of housing forms, and designing and implementing strategies to enhance human health, social equity, and environmental justice. The optional safe harbor model ordinances must specify the circumstances and locations in which they may be adopted and enforced by a city or county. Except as provided in RCW 36.70A.280(1)(g), safe harbor model ordinances adopted by a city or county are not subject to a petition for review under RCW 36.70A.290 or an appeal under RCW 43.21C.075.

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

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

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

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

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

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

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

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

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

(c) The comprehensive plan implementation program must identify near-term tasks to be initiated within one year of program adoption or amendment and completed within two years; and longer-term tasks to be initiated within five years of program adoption or amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**--- END ---**