

ESHB 2171 - S AMD 605

By Senators Berkey, Kastama

ADOPTED 04/19/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the importance  
4 of appropriate and meaningful land use measures and that such measures  
5 are critical to preserving and fostering the quality of life enjoyed by  
6 Washingtonians. The legislature recognizes also that the growth  
7 management act requires counties and cities to review and, if needed,  
8 revise their comprehensive plans and development regulations on a  
9 cyclical basis. These requirements, which often require significant  
10 compliance efforts by local governments are, in part, an acknowledgment  
11 of the continual changes that occur within the state, and the need to  
12 ensure that land use measures reflect the collective wishes of its  
13 citizenry.

14 The legislature acknowledges that only those jurisdictions in  
15 compliance with the review and revision schedules of the growth  
16 management act are eligible to receive funds from the public works  
17 assistance and water quality accounts in the state treasury. The  
18 legislature further recognizes that some jurisdictions that are not yet  
19 in compliance with these review and revision schedules have  
20 demonstrated substantial progress towards compliance.

21 The legislature, therefore, intends to grant jurisdictions that are  
22 not in compliance with requirements for development regulations that  
23 protect critical areas, but are demonstrating substantial progress  
24 towards compliance with these requirements, twelve months of additional  
25 eligibility to receive grants, loans, pledges, or financial guarantees  
26 from the public works assistance and water quality accounts in the  
27 state treasury. The legislature intends to specify, however, that only  
28 counties and cities in compliance with the review and revision  
29 schedules of the growth management act may receive preference for  
30 financial assistance from these accounts.

1       **Sec. 2.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read  
2 as follows:

3       (1)(a) Each comprehensive land use plan and development regulations  
4 shall be subject to continuing review and evaluation by the county or  
5 city that adopted them. Except as otherwise provided, a county or city  
6 shall take legislative action to review and, if needed, revise its  
7 comprehensive land use plan and development regulations to ensure the  
8 plan and regulations comply with the requirements of this chapter  
9 according to the time periods specified in subsection (4) of this  
10 section.

11       (b) Except as otherwise provided, a county or city not planning  
12 under RCW 36.70A.040 shall take action to review and, if needed, revise  
13 its policies and development regulations regarding critical areas and  
14 natural resource lands adopted according to this chapter to ensure  
15 these policies and regulations comply with the requirements of this  
16 chapter according to the time periods specified in subsection (4) of  
17 this section. Legislative action means the adoption of a resolution or  
18 ordinance following notice and a public hearing indicating at a  
19 minimum, a finding that a review and evaluation has occurred and  
20 identifying the revisions made, or that a revision was not needed and  
21 the reasons (~~((therefore))~~) therefor.

22       (c) The review and evaluation required by this subsection may be  
23 combined with the review required by subsection (3) of this section.  
24 The review and evaluation required by this subsection shall include,  
25 but is not limited to, consideration of critical area ordinances and,  
26 if planning under RCW 36.70A.040, an analysis of the population  
27 allocated to a city or county from the most recent ten-year population  
28 forecast by the office of financial management.

29       (~~((b))~~) (d) Any amendment of or revision to a comprehensive land  
30 use plan shall conform to this chapter. Any amendment of or revision  
31 to development regulations shall be consistent with and implement the  
32 comprehensive plan.

33       (2)(a) Each county and city shall establish and broadly disseminate  
34 to the public a public participation program consistent with RCW  
35 36.70A.035 and 36.70A.140 that identifies procedures and schedules  
36 whereby updates, proposed amendments, or revisions of the comprehensive  
37 plan are considered by the governing body of the county or city no more  
38 frequently than once every year. "Updates" means to review and revise,

1 if needed, according to subsection (1) of this section, and the time  
2 periods specified in subsection (4) of this section or in accordance  
3 with the provisions of subsection (8) of this section. Amendments may  
4 be considered more frequently than once per year under the following  
5 circumstances:

6 (i) The initial adoption of a subarea plan that does not modify the  
7 comprehensive plan policies and designations applicable to the subarea;

8 (ii) The adoption or amendment of a shoreline master program under  
9 the procedures set forth in chapter 90.58 RCW; and

10 (iii) The amendment of the capital facilities element of a  
11 comprehensive plan that occurs concurrently with the adoption or  
12 amendment of a county or city budget.

13 (b) Except as otherwise provided in (a) of this subsection, all  
14 proposals shall be considered by the governing body concurrently so the  
15 cumulative effect of the various proposals can be ascertained.  
16 However, after appropriate public participation a county or city may  
17 adopt amendments or revisions to its comprehensive plan that conform  
18 with this chapter whenever an emergency exists or to resolve an appeal  
19 of a comprehensive plan filed with a growth management hearings board  
20 or with the court.

21 (3)(a) Each county that designates urban growth areas under RCW  
22 36.70A.110 shall review, at least every ten years, its designated urban  
23 growth area or areas, and the densities permitted within both the  
24 incorporated and unincorporated portions of each urban growth area. In  
25 conjunction with this review by the county, each city located within an  
26 urban growth area shall review the densities permitted within its  
27 boundaries, and the extent to which the urban growth occurring within  
28 the county has located within each city and the unincorporated portions  
29 of the urban growth areas.

30 (b) The county comprehensive plan designating urban growth areas,  
31 and the densities permitted in the urban growth areas by the  
32 comprehensive plans of the county and each city located within the  
33 urban growth areas, shall be revised to accommodate the urban growth  
34 projected to occur in the county for the succeeding twenty-year period.  
35 The review required by this subsection may be combined with the review  
36 and evaluation required by RCW 36.70A.215.

37 (4) The department shall establish a schedule for counties and  
38 cities to take action to review and, if needed, revise their

1 comprehensive plans and development regulations to ensure the plan and  
2 regulations comply with the requirements of this chapter. Except as  
3 provided in subsection (8) of this section, the schedule established by  
4 the department shall provide for the reviews and evaluations to be  
5 completed as follows:

6 (a) On or before December 1, 2004, and every seven years  
7 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,  
8 Snohomish, Thurston, and Whatcom counties and the cities within those  
9 counties;

10 (b) On or before December 1, 2005, and every seven years  
11 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and  
12 Skamania counties and the cities within those counties;

13 (c) On or before December 1, 2006, and every seven years  
14 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
15 Yakima counties and the cities within those counties; and

16 (d) On or before December 1, 2007, and every seven years  
17 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
18 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
19 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities  
20 within those counties.

21 (5)(a) Nothing in this section precludes a county or city from  
22 conducting the review and evaluation required by this section before  
23 the time limits established in subsection (4) of this section.  
24 Counties and cities may begin this process early and may be eligible  
25 for grants from the department, subject to available funding, if they  
26 elect to do so.

27 (b) State agencies are encouraged to provide technical assistance  
28 to the counties and cities in the review of critical area ordinances,  
29 comprehensive plans, and development regulations.

30 (6) A county or city subject to the time periods in subsection  
31 (4)(a) of this section that, pursuant to an ordinance adopted by the  
32 county or city establishing a schedule for periodic review of its  
33 comprehensive plan and development regulations, has conducted a review  
34 and evaluation of its comprehensive plan and development regulations  
35 and, on or after January 1, 2001, has taken action in response to that  
36 review and evaluation shall be deemed to have conducted the first  
37 review required by subsection (4)(a) of this section. Subsequent

1 review and evaluation by the county or city of its comprehensive plan  
2 and development regulations shall be conducted in accordance with the  
3 time periods established under subsection (4)(a) of this section.

4 (7) The requirements imposed on counties and cities under this  
5 section shall be considered "requirements of this chapter" under the  
6 terms of RCW 36.70A.040(1). Only those counties and cities in  
7 compliance with the schedules in this section (~~shall have the~~  
8 ~~requisite authority to~~) and those counties and cities demonstrating  
9 substantial progress towards compliance with the schedules in this  
10 section for development regulations that protect critical areas may  
11 receive grants, loans, pledges, or financial guarantees from those  
12 accounts established in RCW 43.155.050 and 70.146.030. A county or  
13 city that is fewer than twelve months out of compliance with the  
14 schedules in this section for development regulations that protect  
15 critical areas is deemed to be making substantial progress towards  
16 compliance. Only those counties and cities in compliance with the  
17 schedules in this section (~~shall~~) may receive preference for grants  
18 or loans subject to the provisions of RCW 43.17.250.

19 (8)(a) Counties and cities required to satisfy the requirements of  
20 this section according to the schedule established by subsection (4)(b)  
21 through (d) of this section may comply with the requirements of this  
22 section for development regulations that protect critical areas one  
23 year after the dates established in subsection (4)(b) through (d) of  
24 this section.

25 (b) Counties and cities complying with the requirements of this  
26 section one year after the dates established in subsection (4)(b)  
27 through (d) of this section for development regulations that protect  
28 critical areas shall be deemed in compliance with the requirements of  
29 this section.

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

35 (9) Notwithstanding subsection (8) of this section and the  
36 substantial progress provisions of subsections (7) and (10) of this  
37 section, only those counties and cities complying with the schedule in

1 subsection (4) of this section may receive preferences for grants,  
2 loans, pledges, or financial guarantees from those accounts established  
3 in RCW 43.155.050 and 70.146.030.

4 (10) Until December 1, 2005, and notwithstanding subsection (7) of  
5 this section, a county or city subject to the time periods in  
6 subsection (4)(a) of this section demonstrating substantial progress  
7 towards compliance with the schedules in this section for its  
8 comprehensive land use plan and development regulations may receive  
9 grants, loans, pledges, or financial guarantees from those accounts  
10 established in RCW 43.155.050 and 70.146.030. A county or city that is  
11 fewer than twelve months out of compliance with the schedules in this  
12 section for its comprehensive land use plan and development regulations  
13 is deemed to be making substantial progress towards compliance.

14 NEW SECTION. Sec. 3. This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately."

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18 On page 1, line 2 of the title, after "36.70A.130;" strike the  
19 remainder of the title and insert "amending RCW 36.70A.130; creating  
20 new sections; and declaring an emergency."

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