



You Can Make a Difference!

A Citizen’s Guide to Periodic Comprehensive Plan and Development Regulation Updates

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Why Participate in Periodic Updates

At least once every seven years, cities and counties fully planning under the Growth Management Act (GMA)¹ will be updating their comprehensive plans and development regulations to comply with the GMA.² Those counties and cities that do not fully plan under the GMA must also update their critical areas designations and regulations and resource land designations.

¹ The counties fully planning under the GMA are: Benton County, Chelan County, Clallam County, Clark County, Columbia County, Douglas County, Ferry County, Franklin County, Garfield County, Grant County, Island County, Jefferson County, King County, Kitsap County, Kittitas County, Lewis County, Mason County, Pacific County, Pend Oreille County, Pierce County, San Juan County, Skagit County, Snohomish County, Spokane County, Stevens County, Thurston County, Walla Walla County, Whatcom County, and Yakima County.

² A Brief Glossary that defines terms such as comprehensive plans and development regulations can be found on page 18.

The goals of planning are to produce better communities, better environments, and better economies. Comprehensive plans and development regulations need to be review periodically:

- To determine if the comprehensive plan and its implementing regulations meet community needs and address the problems and opportunities currently facing the city or county.
- To determine if the community is getting the outcomes it wants.
- To update the data and analysis on which the plan is based.
- To determine if the plan complies with the current requirements of the Growth Management Act.

By participating in your community’s Periodic Update you will:

- Assist in evaluating the comprehensive plan and how well it is being implemented.
- Help to fix any problems with the plan and development regulations.
- Help improve the comprehensive plan, the community, and the environment.
- Ensure that your concerns are raised and considered by your community.
- Help your community improve its plans. Most cities and counties want hear from you on how well the comprehensive plans and development regulations are working and how to make them better.

The Deadlines for the First Periodic Updates

The GMA, in RCW 36.70A.130, sets out the following schedule for the first periodic updates:

Deadlines for the First Required Periodic Updates

Counties & Cities	Update Deadlines	
Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom Counties and the cities in these counties	Comprehensive Plans & Development Regulations	December 1, 2004
	Comprehensive Plans & Development Regulations to Remain Eligible for Funding Bonuses under RCW 43.17.250	December 1, 2004
	Comprehensive Plans & Development Regulations to Remain Eligible for Public Works Trust Fund (RCW 43.155.050) & Centennial Clean Water Account (RCW 70.146.030) Funding	December 1, 2005

Counties & Cities	Update Deadlines	
Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania Counties and the cities in these counties	Comprehensive Plans & Development Regulations except Critical Areas Regulations	December 1, 2005
	Critical Areas Regulations to Remain Eligible for Bonuses under Public Works Trust Fund & Centennial Clean Water Account	December 1, 2005
	Critical Areas Regulations	December 1, 2006
Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima Counties and the cities in these counties	Comprehensive Plans & Development Regulations except Critical Areas Regulations	December 1, 2006
	Critical Areas Regulations to Remain Eligible for Bonuses under Public Works Trust Fund & Centennial Clean Water Account	December 1, 2006
	Critical Areas Regulations	December 1, 2007
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman Counties and the cities in these counties	Comprehensive Plans & Development Regulations except Critical Areas Regulations	December 1, 2007
	Critical Areas Regulations to Remain Eligible for Bonuses under Public Works Trust Fund & Centennial Clean Water Account	December 1, 2007
	Critical Areas Regulations	December 1, 2008

Source: RCW 36.70A.130 as amended by 2005 Session Laws, Chapter 294 § 2 (ESHB 2171).

RCW 36.70A.130(4) also requires that counties and cities conduct periodic reviews to update plans and regulations every seven years following the first update deadlines. The update intervals are measured from the first date for each category of counties and cities in the above table.³ So the second update for the 2004 counties and cities will be in 2011, 2012 for the 2005 counties and cities, 2013 for the 2006 counties and cities, and 2014 for the 2007 counties and cities. For the second and subsequent updates, there will only be one deadline, not the multiple deadlines for different aspects of the first update.⁴ A copy of RCW 36.70A.130 is included on page 21 of this Citizens Guide.

The GMA, in RCW 36.70A.130, requires cities and counties to broadly disseminate a Public Participation Program that includes a schedule for the update and how the city or county will involve the community in the update. You should get a copy of the Public

³ RCW 36.70A.130(4) & RCW 36.70A.130(8)(c).

⁴ RCW 36.70A.130(8)(c) & (10)

Participation Program to help you participate effectively in your community's Periodic Update.

As part of the Periodic Update, each city and county is required to give the public notice and hold at least one public hearing on a resolution or ordinance describing the review and evaluation of the comprehensive plan and development regulations, identifying the revisions made or that no revisions were needed, and the reasons that revisions were or were not needed. This hearing could be combined with a hearing on the revisions to the comprehensive plan and development regulations.

Unless a city or county has recently updated their comprehensive plans or development regulations, revision will be necessary. The city and county decisions on Periodic Updates can be appealed to one of three regional Growth Management Hearings Boards as can any comprehensive plan or development regulation that does not comply with the GMA after the Periodic Update deadline has passed.

Cities and counties that do not meet the Periodic Update deadlines are not eligible for Public Works Trust Fund and Centennial Clean Water Act funding until they complete their updates. This requirement and the benefits of up to date comprehensive plans and development regulations should encourage local governments to meet the Periodic Update deadlines.

What is To Be Reviewed

The Comprehensive Plan and Development Regulations

The Growth Management Act (GMA), in RCW 36.70A.130, require counties and the cities fully planning under the GMA to review and revise critical areas designations, policies, and regulations; resource land designations, policies, and regulations; comprehensive plans; and development regulations to ensure they comply with requirements in the GMA, including those amendments to the GMA that have taken place since the plans and development regulations were adopted. The counties and cities also need analyze whether they can accommodate the population allocation from the Office of Financial Management's (OFM) most recent ten-year population forecast. The counties and cities not fully planning under the GMA need to review and revise their critical areas designations, policies, and regulations and resource land designations and policies. Critical areas include wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Resource lands are forests, farmlands, and mineral resource lands.

A **comprehensive plan** is a long-range guide to the future of a community or region. The plan is based on an analysis of the community, projections of future population and employment growth, community preferences, and the goals and requirements of the GMA. A comprehensive plan typically includes maps showing future land uses, transportation

facilities, and parks. It includes policies that address land use, housing, capital facilities, public facilities (such as water, sewer, storm water, and park facilities), utilities, transportation, the natural environment, and, for counties, rural areas.

The comprehensive plan guides development regulations, budgeting, and other measures to carry out a comprehensive plan. **Development regulations** are controls placed on the development and use of land. They include zoning regulations, which manage the location and intensity of uses, and critical areas ordinances or regulations, which protect wetlands, streams, aquifer recharge areas, fish and wildlife habitats, frequently flooded areas, and geological hazards. Increasingly, cities and counties are combining critical areas ordinances with the other development regulations. This is fine as long as the requirements for critical areas regulations are met.

The Urban Growth Area

County comprehensive plans must include urban growth areas (UGA). The UGA consists of the incorporated cities and unincorporated areas where urban growth is encouraged. The GMA, in RCW 36.70A.130(3), requires that counties review urban growth areas and the densities permitted in urban and rural areas at least once every ten years. Each city in the county must review the densities being permitted within the urban growth area as well. Urban growth areas must include sufficient land to accommodate the State of Washington Office of Financial Management's 20-year population forecast for the urban part of the county.

Urban growth areas must be sized so that they are not so large that they result in the conversion of open spaces to poorly planned sprawl. In addition, urban growth areas should be directed away from agricultural land, forest land, and large areas of critical areas, such as wetlands, flood plains, and geological hazards. The following Growth Board cases include guidance for sizing and locating urban growth areas: *Bremerton, et al. v. Kitsap County*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Consolidated Case No.: 95-3-0039 Final Decision and Order (October 6, 1995); *Save Our Butte Save Our Basin Society v. Chelan County*, Eastern Washington Growth Management Hearings Board (EWGMHB) Case No.: 94-1-0001 Final Decision and Order (Jul. 1, 1994); and *Abenroth v. Skagit County* Western Washington Growth Management Hearings Board (WWGMHB) Case No.: 97-2-0060 Final Decision and Order pp. 6 – 15 of 63 (January 23, 1998).

Since urban growth areas are on ten-year update cycles and Periodic Updates are on seven-year update cycles, counties can choose whether to review their urban growth areas as part of their Periodic Updates. Some will do so and others may not.

A related requirement is the buildable lands analysis and review and evaluation program. The GMA, in RCW 36.70A.215, requires Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties to prepare a buildable lands analysis that determines whether each county and the cities in the county is achieving their planned densities, if sufficient buildable land is available to meet the population projections and employment needs for the

county, and whether measures need to be taken to accommodate the projected growth. This report is due on September 1, 2002. These cities and counties will use the results of the analysis in updating their comprehensive plans and their urban growth areas.

New OFM 20-Year Population Forecasts

In 2002, the State of Washington Office of Financial Management (OFM) published a new range of 20-year population forecasts for Washington State counties. OFM entitled the projections *Washington State County Growth Management Population Projections: 2000 to 2025*. RCW 36.70A.110 requires counties and cities to allocate this population forecast and to plan to accommodate the population allocations. The allocation process is often coupled with a ten-year urban growth area review, although it can be a separate process. The population projections and additional information can be found at OFM's website: <http://www.ofm.wa.gov/pop/index.htm#growth> Scroll down to the "Growth Management" heading.

How to Participate

1. **Find out the schedule and public involvement opportunities.** Your city or county planning department will prepare a Public Participation Program with a schedule for the Periodic Update. It will also include the public involvement opportunities for the Periodic Update. Get copy of the Public Participation Program. If one is not yet ready, ask the city or county to mail you a copy when it is prepared. Counties and cities are required to broadly distribute the Public Participation Programs to the public.

Remember, your city or county wants to hear from the public; they want to hear from you. That is the goal of public involvement.

Ask the department how the public will be involved in the process. Ask for the deadlines to suggest issues to consider in the update or to suggest amendments. Ask to be added to the mailing list for public meetings and hearings.

Counties and cities may also have separate processes for the ten-year urban growth area review and the new 20-year OFM population forecast allocations. So you should ask about the schedules for all three of these processes for a full understanding of the on-going growth management planning in your community. These schedules should also be included in the Public Participation Program.

2. **Talk to your neighbors and friends.** They may share your concerns. Join a group in your community working on land use and environmental issues. The "For Additional Information" section of this report contains a link to the Futurewise website that lists local organizations working on land use and environmental issues in cities and counties throughout the state.
3. **Get involved early.** Suggest issues to be addressed, rather than reacting to staff and others.

4. **Do your own independent evaluation of the comprehensive plan and development regulations.** What is working well? What got overlooked when the plan was prepared? What is not working? What is needed to address your community's current needs? The following section discusses these and other questions further.
5. **Lobby early to get your issues included in the Periodic Update.** Take your list of concerns to the planning staff and your local press. County council members or commissioners or city council members may want to meet with your group too to discuss the update and your issues.
6. **Participate in the SEPA Review of the Update.** The Washington State Environmental Policy Act (SEPA) requires that cities and counties analyze the environmental effects of the adoption and amendment of comprehensive plan and development regulations and the development they will allow. The environmental review process always includes a public comment period. You can comment on the potential environmental impacts of what is being proposed, request additional environmental analysis (if needed), and suggest changes to reduce adverse environmental impacts. If an environmental impact statement (EIS) or supplemental environmental impact statement (SEIS) is being prepared for the update, the city or county must respond to your comments in the final EIS or SEIS. This is a good opportunity to request environmental studies if they are needed. SEPA environmental review is typically done before the planning commission or city council, county council, or county commission hearings.
7. **Build a good record at the public hearings.** Planning staff, planning commissioners, elected officials, and the news media will pay more attention to a well-researched presentation.
 - (a) What are the facts that back up your comments? Make sure that the facts you rely on are given to the Planning Commission and elected officials and are included in the record. If an appeal is necessary, it will be based on the record created at city or county meetings and hearings.
 - (b) How do your recommendations comply with the GMA and meet community needs. Why does what you oppose violate the GMA or adversely affect the community.
 - (c) When you testify, also give your name and mailing address. If you are representing a group, please say that you are testifying both for yourself and the group and give the name and mailing address of both yourself and your group. This gives you the most flexibility if an appeal is necessary. If you testify for both an individual and an organization either can appeal the decision to the Growth Board. If an appeal to court is necessary, individuals can represent themselves before the courts, but organizations can only be represented by attorneys. So having individual and organizational standing by testifying for both organizations gives you and your organization the most flexibility.
 - (d) The most effective way to testify is to write a letter or memo and then summarize it orally. Give the letter to the chair of the hearing or the staff at the hearing; whichever is your city's or county's practice. The letter or memo should state your

position, give your arguments, and include the facts on which you rely, either in the letter or memo or as attachments. Please give the sources of the facts to buttress your arguments.

8. **Find other people and groups who support your position and get them to the hearings.** A good showing at the hearing shows that your issues merit study and adoption.
9. **Keep the news media informed and use the media to inform others.** News, radio, and TV staffs are often so busy they need help from informed citizens to understand why land use issues are important and the details.

The news media can also help you build support by getting your message out. So talk to the press. Build a relationship so they call you when doing stories on your issue. Call them when something news worthy is about to happen. You and your allies should write letters to the editor, guest editorials, and guest commentaries for you local newspaper and some local radio and TV stations. Try to be clear and effective in your message.

10. **Let Futurewise know if you want help.** While staff is limited, we have staff and resources that can answer your questions and point you to resources.
11. **Prepare to follow through.** The GMA provides the opportunity for a fair, quick, and inexpensive appeal. You do not have to be an attorney to appeal a comprehensive plan or development regulation to a Growth Board. Throughout Washington State, in practically every GMA county, citizens like you have brought successful appeals. However, you must file your petition for review with the Growth Board and the city or county within 60 calendar days of the date the notice of adoption is published in the county or city's legal newspaper. An appeal cannot be filed after the 60-day deadline. The planning staff can tell you your city or county's legal newspaper.

How to Evaluate a Comprehensive Plan & Development Regulations

You can effectively take stock of your city or county comprehensive plan. While the planning staff will undertake technical analysis, your review can consist of asking some key questions:

- What provisions of the comprehensive plan and development regulations are working well? You should support those provisions during the Periodic Update.
- Do the comprehensive plan and development regulations meet the community's current needs?
- Is the comprehensive plan and development regulations achieving the desired outcomes, that is are they achieving the vision and goals of the comprehensive plan?
- Did the comprehensive plan or development regulations leave things out when they were adopted? You may want to review state agency comment letters from the initial adopt of the comprehensive plan, the development regulations, and the critical areas regulations. Copies of these letters are available from the State of Washington Office of

Community Development. See the additional information section of this paper on page 16.

- Are the comprehensive plan and development regulations consistent or are there gaps and inconsistencies?
- Were all of the follow-up actions taken?
- Do the plan or development regulations comply with the goals and requirements of the Growth Management Act?
- Is the urban growth area too large?

In answering these questions, try to take a comprehensive view and ask why. Also, if there are a few examples of the plan not fulfilling its promise, they may result from the need to learn how to implement the new plan or from developments that vested before the new plan was adopted. Vested means that the development had a legal right to continue under the old comprehensive plan or development regulations. Developments that vested before the plan was adopted are not really a fair test of the new plans and development regulations. Also take into account when the comprehensive plan was adopted. Some local governments have just adopted comprehensive plans and development regulations in the last few years. It takes several years to see how well a plan is working.

Your city or county planning staff will also prepare an evaluation of the comprehensive plan and development regulations. You should request a copy and review it too.

The State of Washington Department of Community, Trade, and Economic Development (CTED) has also prepared technical materials to help local governments conduct the Periodic Updates. These materials are useful for members of the public too and are available at CTED's Growth Management Program website is:

http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_375/DesktopDefault.aspx The index to CTED's publications is located at:
http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_420/DesktopDefault.aspx

Recent Changes that May Require Changes to Your City or County Comprehensive Plan & Development Regulations

One of the reasons for Periodic Updates is that there are periodic changes to the Growth Management Act (GMA). A second reason is that some comprehensive plan provisions are only useful for limited time periods and need frequent updates. The GMA changes and the need for frequently updates mean that many local governments will have to update their comprehensive plans and development regulations as part of the Periodic Updates. The major changes that may require amendments to comprehensive plans and development regulations are listed below. If your community has recently adopted or updated a

comprehensive plan or development regulations, it may have already incorporated some or all of these changes.

Futurewise has more detailed recommendations on comprehensive plan and development regulation updates, the rural element, and critical areas regulations. Some are also posted in the publications section of our website:

<http://www.futurewise.org/resources/publications/index.html> Contact Tim Trohimovich at tim@futurewise.org or (206) 343-0681 for copies.

Comprehensive Plans

- **Critical areas policies shall include the best available science to protect the functions and values of critical areas.** See RCW 36.70A.172(1).
 - The characteristics of best available science are that the information has been developed by qualified scientific experts using scientific methods suitable to the field to obtain the data, the data was analyzed using appropriate statistical or quantitative methods, the information is placed in its proper context, logical conclusions and reasonable inferences were drawn from the data, and the work has been peer reviewed by other scientific experts. The basis of the work should be referenced to credible scientific sources and other existing pertinent information. See WAC 365-195-900 through WAC 365-195-920 for more information on the characteristics of best available science.
 - In *HEAL v. Seattle*, the Court of Appeals held that to include best available science the city or county must obtain “scientific evidence and ... balance that evidence among the [GMA’s] many goals and factors to fashion locally appropriate [policies and] regulations based on the evidence and not on speculation and surmise. ... [E]vidence of best available science must be included in the record and considered substantively in the development of critical areas policies and regulations.” See *HEAL v. Seattle*, 96 Wn.App. 522, 532, 979 P.2d 864, 870 (1999).
 - “Critical areas” include the following areas and ecosystems: (a) Wetlands, (b) areas with a critical recharging effect on aquifers used for potable water, (c) fish and wildlife habitat conservation areas (which include streams, lakes, the ocean, sounds, canals, and other salt water bodies), (d) frequently flooded areas, and (e) geologically hazardous areas. See RCW 36.70A.030(5).
- In adopting policies, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. See RCW 36.70A.172(1). Anadromous fish migrate up rivers from the sea to breed in fresh water. Salmon, steelhead, and some Bull trout are anadromous fish.
- **Agricultural lands of long-term commercial significance.** In a recent Washington State Supreme Court decision, the court concluded that the Growth Management Act has a strong policy to assure the conservation of agricultural lands. In determining whether land should be designated as agricultural land of long-term commercial significance,

cities and counties should consider whether the land is used for agriculture or could be used for agriculture and whether the land meets the criteria in RCW 36.70A.030(10) and in WAC 365-190-050. See *City of Redmond v. Central Puget Sound Growth Management Hearings Board*, 136 Wn.2d 38, 47-55, 959 P.2d 1091, 1094-98 (1998). In light of this strong policy, cities and counties should review their comprehensive plans to ensure they have designated all lands that fit the criteria in RCW 36.70A.030(10) and in WAC 365-190-050 as agricultural lands of long-term commercial significance.

- **Rural Element.** Counties are required to adopt a rural element that complies with RCW 36.70A.070(5). Rural lands are identified by subtraction and include lands outside the urban growth area that are not designated for agriculture, forestry, or as mineral resources lands. Major features of the rural element include:
 - A variety of rural densities and uses that taken into account local circumstances and the goals and requirements of the GMA. The element may provide for clustering, density transfers, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are consistent with rural character.
 - Provisions for essential public facilities and rural governmental services needed to serve the permitted densities and uses.
 - Measures that protect the rural character of the area, including protecting visual compatibility, to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area, to protect critical areas, and to protect against conflicts with the use of agricultural, forest, and mineral resource lands.
 - The element can allow limited areas of more intensive rural development (LAMIRDs) if they meet the requirements of RCW 36.70A.070(5)(d).
 - RCW 36.70A.520 allows counties planning under RCW 36.70A.040 to designate national historic towns and authorize urban growth in the historic towns if certain criteria are met.
 - Outside of LAMIRDs and towns on the national register of historic places, densities higher than one housing unit per five acres are generally not allowed. See *City of Moses Lake v. Grant County*, EWGMHB Case No. 99-1-0016 Order on Remand p. * 3 (April 17, 2002) (“The GMA speaks of ‘a variety of rural densities’. RCW 36.70A.070(5)(b). However, the density must still be rural, not urban. With one narrow exception, this Board has consistently found that anything under 5-acre lots is urban. Clearly 2.5-acre lots are the clearest vehicle of sprawl. Scattering these small lots around cities would continue what the GMA is trying to stop. Services cannot be easily provided; each will have their own well, septic tank and other limited infrastructure. This size lot is one of the most difficult to bring into a city if annexed.”), *Yanisch v. Lewis County*, Western Washington Growth Management Hearings Board (WWGMHB) Case No: 02-2-0007c, Final Decision and Order p. 12 of 30 (December 11, 2002) (“We have consistently found that densities greater than 1

unit per five acres are not rural densities.”), and *Sky Valley, et al., v. Snohomish County, et al.*, CPSGMHB Consolidated Case No.: 95-3-0068c Final Decision and Order p. *46, 1996 WL 734917 pp. 33 – 34, (March 12, 1996) (“The Board affirms a prior holding that a pattern* of 10-acre lots is clearly rural and now holds that, as a general rule, a new land use pattern that consists of between 5- and 10-acre lots is an appropriate rural use, provided that the number, location and configuration of lots does not constitute urban growth; does not present an undue threat to large scale natural resource lands; will not thwart the long-term flexibility to expand the UGA; and will not otherwise be inconsistent with the goals and requirements of the Act. The Board further holds that, as a general rule, any new land use pattern that consists of lots smaller than 5 acres would constitute urban growth and is therefore prohibited in rural areas. *‘Land use pattern’ means the number, location and configuration of parcels of a given size.” Also, in *Diehl v. Mason County*, the State of Washington Court of Appeals upheld the Western Washington Growth Management Hearings Board’s determination that densities of one dwelling unit per half-acre to 2.5 acres are urban and urban like. The court also agreed that urban development, including development at these densities, is prohibited outside urban growth areas. *Diehl v. Mason County*, 94 Wn. App. 645, 655-57, 972 P.2d 543, 547-49 (1999).

- **Housing and Affordable Housing.** The strong growth in Washington State in the 1990s put significant pressure on housing prices especially in the central Puget Sound and retirement communities. The GMA requires comprehensive plans and development regulations to provide housing opportunities for all income groups in the community. Cities and counties need to evaluate whether their comprehensive plans and development regulations are effectively delivering the housing the community needs. Based on this evaluation, comprehensive plans and development regulations should be updated to ensure they are making adequate provisions for housing and affordable housing. The new OFM 20-year population forecasts and, for the Buildable Lands counties, the Buildable Lands Reports, may identify additional changes needed to meet the community’s housing needs as well. The OFM 20-year population forecasts and Buildable Lands requirements are discussed on page 6.
- **Capital Facility Plans.** Capital facility plans need to be updated frequently to take into account the passage of time and progress in the construction of public facilities such as streets, water systems, sewer systems and parks. The adoption of new population targets, new employment targets, or changes to urban growth areas also require amendments to capital facility plans because they are the primary drivers of demands for public facilities and services. In addition, the three Growth Boards have held that counties and cities must have a process for assuring the adequacy of public facilities and services to comply with GMA Goal 12, the public facilities and services goal in RCW 36.70A.020(12).⁵ See RCW 36.70A.070(3) for the requirements for capital facility plans.

⁵ *Cascade Columbia Alliance v. Kittitas County*, EWGMHB 98-1-0004, Final Decision and Order (Dec. 21, 1998) (The GMA does not require water, sewer, and other services to be in place until development occurs. (RCW 36.70A.020(12)) We require the cities to provide these facilities and services at least concurrently with the projected growth.). *Taxpayers for Responsible Government v. Oak Harbor*, WWGMHB Case Number 96-2-002

- **Transportation Elements.** For the same reasons as capital facility plans, transportation elements need regular updates. In addition, much has been learned about transportation concurrency since many of the systems were developed and they should be carefully reviewed to determine if the concurrency systems are effective, if the community is getting the development pattern it wants, if the system complies with recent growth board decisions, and if changes are needed to the concurrency system. See RCW 36.70A.070(6) and WAC 365-195-510 for the requirements for transportation elements and transportation concurrency systems.
- RCW 36.70A.070 requires cities or counties to include level of service standards for state highways in local comprehensive plans in order to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county’s or city’s six-year street, road, or transit program and the Washington State Department of Transportation’s (WSDOT) six-year investment program. Inventories of transportation facilities are required to include state-owned transportation facilities.
- RCW 36.70A.365 allows counties, in consultation with the cities in the county, to establish a process for reviewing and approving proposals to authorize the siting of specific major industrial developments outside urban growth areas. The process must meet specific criteria and requirements.
- RCW 36.70A.131 requires counties and cities with mineral resource lands to consider new information available since the adoption of its designations and development regulations, including new or modified model development regulations for mineral resource lands prepared by the Washington Department of Natural Resources (DNR), the Washington State Office of Community Development, or the Washington Association of Counties.

Development Regulations (including Critical Areas Ordinances)

- Critical areas regulations shall include the best available science to protect the functions and values of critical areas. See RCW 36.70A.172(1). See the discussion of critical areas policies on page 10 for a description of best available science.
 - Remember that best available science is intended to help implement GMA Goal 10, environmental protection in RCW 36.70A.020(10), and to be considered in the

Final Decision and Order 11 (July 16, 1996) (Compliance with Goal 12 requires local governments to adopt either policies or regulations or a combination that provide reasonable assurances, but not absolute guarantees that the locally defined (within the perimeters of the Act) public facilities and services necessary for future growth are adequate within previously established LOS levels to serve that new growth either at the time of occupancy and use, or within an appropriately timed phasing of growth connected to a clear and specific funding strategy.). *Gig Harbor v. Pierce County*, CPSGMHB Case Number 95-3-0016 Final Decision and Order 13 (October 13, 1995) (Jurisdictions have a duty to provide for adequate public facilities, including parks. However, this duty is limited by two constraints. First, provision of those services is to take place “at the time development is available for occupancy and use” and second, adequacy is measured by “locally established minimum standards.”).

preparation of development regulations to protect critical areas. RCW 36.70A.060(2) requires that those development regulations must “protect critical areas.”

- The most effective argument for critical areas protection will include GMA Goal 10’s admonition to protect the environment, RCW 36.70A.060(2)’s requirement that development regulations are to protect critical areas, the requirement that the policies and regulations must incorporate best available science from RCW 36.70A.172(1), and the requirement, if it applies, to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries also in RCW 36.70A.172(1).
- In adopting regulations, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. See RCW 36.70A.172(1).
- Counties and cities should also adopt storm water regulations equivalent to the Washington Department of Ecology’s storm water manual for their region. While not specifically required by the Growth Management Act, the adoption of the manual may well be one of a package of regulations that represents the best available science for storm water management and are needed to protect streams and aquatic wildlife habitats, which are two GMA critical areas. Adopting the manual is certainly consistent with RCW 36.70A.172(1) that requires counties and cities to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. However, the manual alone is not sufficient to preserve or enhance anadromous fisheries.

A comprehensive approach to storm water management will include several elements in addition to the storm water runoff controls and siltation controls in the storm water manual. These elements include regional planning that directs urban growth away from rural stream basins and excludes these basins from the urban growth area, limits on impervious surfaces, limits on the clearing of native vegetation in rural areas, storm water infiltration where feasible and where groundwater quality will not be adversely affected, and an adaptive management approach that monitors storm water runoff, its adverse impacts, and modifies the programs and regulations to address these impacts.

- Cities and counties in the Puget Sound basin should implement the storm water, habitat, shellfish, and on-site sewage programs of the *2000 Puget Sound Water Quality Management Plan* through their comprehensive plans (including the capital facilities plan), critical areas ordinances, and development regulations. While not specifically required by the Growth Management Act, many of these program may well represent the best available science for aquatic critical areas and they are certainly consistent with RCW 36.70A.172(1) that requires counties and cities to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. They are also consistent with RCW 36.70A.070(1)’s requirement that comprehensive plans include guidance for corrective actions to mitigate or cleanse discharges that pollute the waters of the state, including Puget Sound and the waters that enter Puget Sound.

- **Agricultural and forest lands.** In a recent Washington State Supreme Court decision, the court concluded that the Growth Management Act has a mandate to conserve agricultural land. Development regulations adopted for agricultural land must “conserve agricultural lands for the maintenance and enhancement of the agricultural industry.” The development regulations cannot allow the conversion of agricultural land to unrelated uses. See *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 560-61, 14 P.3d 133, 142-43 (2000). This reasoning also applies to the protection of forestlands. Counties and cities should review their agriculture and forest protection policies and regulations to ensure they protect agricultural and forest lands of long-term commercial significance from conversion to other uses.
- RCW 36.70A.177 allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. In *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000), the Supreme Court held that innovative techniques must protect prime and unique agricultural land from conversion to other uses and some of the techniques can only be used on poor quality agricultural soils or land that is otherwise unsuited to agriculture.
- RCW 36.70A.060 requires that a notice warning that activities on resource lands may be incompatible with other uses be included on plats and permits issued for development activities within 500 feet of agriculture, forestry, and mineral resource lands.

The State of Washington Department of Community, Trade, and Economic Development (CTED) has prepared a comprehensive list of amendments to the Growth Management Act. The document, *GMA Amendments 1995-2003*, is available at CTED’s Growth Management Program website Resource Documents webpage at:

http://www.cted.wa.gov/uploads/GMA_amendments_1995_2003.pdf

Growth Board Review of Periodic Reviews

Washington’s Growth Management Act (GMA) grants three Growth Management Hearings Boards the duty to review appeals alleging cities, counties, or state agencies do not comply with the GMA. The appeals process is also the primary method of interpreting the GMA. This process provides a quick, cheap, fair, and effective way to resolve disputes over compliance with the GMA. Both lay people and attorneys can practice before the board.

- The Central Puget Sound Growth Management Hearings Board has jurisdiction over King, Kitsap, Pierce, and Snohomish Counties and the cities in those counties.
- The Western Washington Growth Management Board Hearings Board has jurisdiction over the other Western Washington counties that fully plan under the Growth Management Act and the cities within them. These are currently: Clallam County, Clark County, Island County, Jefferson County, Lewis County, Mason County, Pacific County, San Juan County, Skagit County, Thurston County, and Whatcom County.
- The Eastern Washington Growth Management Board Hearings Board has jurisdiction over the Eastern Washington counties that fully plan under the Growth Management Act

and the cities within them. These are currently: Benton County, Chelan County, Columbia County, Douglas County, Ferry County, Franklin County, Garfield County, Grant County, Kittitas County, Pend Oreille County, Spokane County, Stevens County, Walla Walla County, and Yakima County.

Appeals must be filed within 60-days of the date the local government files a notice of adoption in the city or counties legal newspaper. As part of the Periodic Update, some local governments may adopt resolutions or ordinances indicating that no amendments are necessary for their comprehensive plans and development regulations to comply with the GMA. Appeals of these resolutions or ordinances must also be appealed within 60-days of any notice indicating adoption of such a resolution or ordinance. If a city or county has not acted by a deadline or not published a notice of their action, an appeal may be filed at anytime. For more information please see RCW 36.70A.250 through RCW 36.70A.250 for the state laws that created and govern the boards and Chapter 242-02 WAC, the boards' rules of practice and procedure.

In order to appeal to the Growth Boards, you must have participated orally or in writing before the city, county, or state agency in the matter being appealed. To appeal on behalf of the organization, the organization must have participated. Your participation need only be reasonably related to the issues your petition for review raises before the board. A person or organization with standing can appeal a decision not to amend a comprehensive plan or development regulation to a Growth Board if the comprehensive plan or development regulations do not fully comply with the GMA. Similarly, if the amendments made to the comprehensive plan or development regulations do not fully comply with the GMA or if the amendments do not bring the comprehensive plans or development regulations into full compliance, they can be appealed as well.

While this report was carefully prepared, it cannot take the place of careful legal research and legal advice.

For Additional Information

Futurewise, formerly 1000 Friends of Washington, website: <http://www.futurewise.org/>

Washington's laws are compiled into the Revised Code of Washington (RCWs). The rules of Washington State agencies are compiled into the Washington Administrative Code (WACs). The RCWs, WACs, and other materials are available at the website: <http://slc.leg.wa.gov>

The Growth Management Act can be found at the above website at the following specific address:

<http://search.leg.wa.gov/wslrcw/RCW%20%2036%20%20TITLE/RCW%20%2036%20.%2070A%20CHAPTER/RCW%20%2036%20.%2070A%20chapter.htm>

The Central Puget Sound, Eastern, and Western Washington Growth Management Hearings Boards maintain websites with helpful digests (summaries) of their decisions and the full text of their decisions. The board's websites are at: <http://www.gmhb.wa.gov/>

Copies of the Washington Supreme Court and Washington Court of Appeals decisions referenced in the report, and all published opinions, are available at the free site: <http://www.legalwa.org/>

The Washington State Department of Community, Trade, and Economic Development's (CTED's) Growth Management Website is at:

http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_375/DesktopDefault.aspx Most of CTED's publications are now on line. A topical index can be found at: http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_420/DesktopDefault.aspx

CTED also has a Critical Areas and Best Available Science (BAS) webpage at:

http://qa.cted.wa.gov/portal/alias_CTED/lang_en/tabID_418/DesktopDefault.aspx CTED's Critical Areas Handbook and other critical areas update publications can be found on this webpage. These publications can be useful in working with local governments to improve their critical areas policies and regulations and in Growth Board appeals if you have put them in the record.

CTED has a Comprehensive Plan and Development Regulations Periodic "Updates Page" at this web address: http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_394/DesktopDefault.aspx These publications can be useful in working with local governments to improve their comprehensive plans and development regulations and in Growth Board appeals if you have put them in the record.

For copies of state agency comment letters or to contact the State of Washington Department of Community, Trade, and Economic Development (CTED) regional planner for your area or call (360) 725-3000.

CTED has prepared a bibliography that identifies sources of the best available science for critical areas ordinances or regulations. The document is titled: *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* (March 2002). You can download it from CTED's Growth Management Publications page:

http://www.cted.wa.gov/portal/alias_cted.wa/lang_en-US/tabID_420/DesktopDefault.aspx

The Puget Sound Water Quality Action Team (PSWQAT) maintains a webpage with recommendations and resource materials to guide local governments in Growth Management Act and Shoreline Master Program updates. This information is available at: <http://www.psat.wa.gov/Programs/GMA/GMA.htm> Helpful recommendations can be found in the *Puget Sound Action Team GMA Update Recommendations to Local Governments in*

Puget Sound at:

<http://www.psat.wa.gov/Programs/GMA/PSAT%20external%20GMA%20checklist%202004.pdf>

The Seattle Audubon Society has produced the *Activist Toolkit - A Citizen's Guide to Protecting the Environment*. The toolkit was designed to assist citizen activists and describes the basic elements of grassroots advocacy - how to target an audience, influence decision-makers, get media coverage, formulate a compelling message, and recruit and retain volunteers. It is available at their website:

<http://www.seattleaudubon.org/Conservation/ConservationActivism/ActivistToolkit.asp>

A Brief Glossary

Comprehensive Plan, Comprehensive Land Use Plan, or Plan: means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW.

Concurrency: A requirement of the 1990 Growth Management Act (RCW 36.70A.070(6)) that the cities and counties must enforce an ordinance precluding development approval if a development would cause the transportation level of service (LOS) standards to fall below the city's or county's adopted standards, unless revenues are secured to complete mitigating transportation improvements or strategies within six years. The CTED recommends that concurrency requirements be considered for other public facilities and services in addition to transportation. The Growth Board's have held that a system to assure adequacy is needed for the other public facilities and services needed to accommodate growth.

Development Regulations: Any controls placed on development or land use activities by a city or county including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances.

Periodic Update: To review and revise, if needed, comprehensive plans and development regulations within the time periods specified by RCW 36.70A.130(4) so they comply with the requirements of the GMA. Counties and cities that are not fully planning under the GMA are required to review and revise their policies and regulations regarding critical areas and natural resource lands in the time periods specified by RCW 36.70A.130(4) so they comply with the requirements of the GMA. See page 1 for a list of counties fully planning under the GMA, page 1 for the schedule for the first periodic reviews, and page 21 for a copy of RCW 36.70A.130. Periodic Updates are required every seven years starting from the staggered schedule on page 2.

Public Participation Program: A document established by a city or county that identifies procedures and schedules for the adoption of comprehensive plans, development regulations, amendments to plans and regulations, and Periodic Updates. Public Participation Programs must be broadly disseminated to the public.

Urban Growth Area: Those areas designated by a county to accommodate the State of Washington Office of Financial Management's 20-year population forecast for the county

and its employment needs. Urban growth areas must include the land in all incorporated cities and towns.

Tips for Effective Testimony

The Livable Communities Coalition with assistance from Futurewise wrote the following suggestions for providing effective testimony before planning commissions, city councils, and county councils and county commissions. It is important to remember that your city or county wants to hear from you. That is the whole purpose of public hearings and other methods of public involvement. Help out your city or county by participating in the Periodic Update!

- **Arrive early.** If you do not wish to wait, be sure to show up at least a half hour early in order to sign up to testify for contentious issues. If you do not arrive early, it may be a long wait if it's a contentious issue. Also, often the news media, especially TV or radio reporters, is present only for the first 20 minutes of the hearing – if you want to get your message out, sign up early.
- **Prepare.** Usually there is a three-minute time limit. Prepare your presentation to include two or three key points. Practice or role-play your testimony.
- **Identify yourself.** Begin by giving your name. Usually you must state your full address. If you are testifying for a group, state the name of the organization or group, briefly describe the group's mission, and state how many members it has. Remember, that you have the most flexibility if you testify both on your own behalf and for your group. See page 7.
- **Clearly state your position.** Give a clear and concise description of your position on the issue, comprehensive plan amendment, or development regulation amendment.
- **Speak from your own experience,** either personal or from your work. Talk about how the policy in question affects you and people like you. Use your own words. Do not use unfamiliar terms. Formulated testimony is not as impressive and eloquent as speaking in your own words. Describe or show through pictures how the issue affects you. If you are going to use photographs or a power point presentation and do not want to hand out copies, check in advance on what kind of audio-visual equipment will be available for use in the hearing room. While some hearing rooms have overhead projectors or LCD projectors available for your use, many do not. Check with staff in advance so you will not be surprised.

You do not need to be an expert to testify. Your experience and your informed opinions can be persuasive. Do be well informed and well organized. This report and other resources from Futurewise can help you get informed.

- **Stick to the facts.** Offer clear and well-documented comments. Make sure that what you state as fact is correct and, as appropriate, take care to distinguish opinion and interpretation from uncontestable information. If you have the time to back up your information with citations to reliable sources, you can help counter the perception that

activists speak out on these issues based solely on emotion. Try to use sources that your audience will consider authoritative. By making your comments clear, specific and on-point, you help to assure that decision makers will be required to give your concerns serious consideration and, at the very least, prepare responses that speaks directly to your issues. It is best if you can provide copies of the sources of your facts to the decision makers.

- **Don't read your testimony.** The committee or council will listen to you and appreciate your testimony more if you tell it from the heart and not from a script. Your oral testimony does not have to be exactly the same as your written testimony. You are more likely to be listened to and quoted in the news if you don't have your head buried in a page.
- **Prepare written testimony, if you have time.** Bring enough copies to distribute to all members of the Planning Commission, City Council, or County Council or Commission; key staff; and the media. At the top of the page, put your name, your organization (if any) and how to get in touch with you. Putting your points "in the record" can be critical, if you eventually need to appeal to a higher authority to overturn an unfavorable decision. Also, if you want data or a report to be part of the record, you should submit a copy with your testimony. Otherwise, it may not be available if you decided to appeal.
- **Request action.** State exactly what you would like the Planning Commission, City Council, or County Council or Commission to do.
- **Don't just ask questions.** Testimony that consists primarily of asking questions is ineffective. The purpose of a public hearing is to hear your comments. It is OK to ask a question, but it is better to ask staff the questions before the hearing.
- **Offer solutions.** Whether speaking to a specific or general approach to an issue, solutions or feasible alternatives are always well received.
- **Be respectful and courteous.** Never blame anyone or make accusatory remarks.
- **Stay within the time limit.** Time your testimony so that it will fit within the time limits. If you have a lot more to say, include it in your written testimony or ask someone else in your group to work it into his or her testimony. In case time runs out on you before you have a chance to finish your remarks, be sure to have a point that you can skip to in summation – the point you want to leave them with.
- **Thank the committee, commission, or council.** Close your presentation by thanking the committee, commission, or council.
- **Offer to answer any questions.** It is usually acceptable for legislators to interrupt the presenter to ask questions. Answer the questions and return to where you left off in your testimony. Be sure to answer questions honestly. If you do not know the answer, say so. If possible, defer the question to another testifier who may have the information.

- Listen to other testimony. Try not to repeat exactly what a previous speaker has presented – this is why speaking from your own experience is so effective, because your experience is likely to be somewhat different.
- Make notes on what your opponents say at the hearing, so that you can be ready to rebut their arguments or double-check their information for errors and inconsistencies.

Why Testify?

Tips from the Oregon Conservation Network: (<http://www.olcv.org/>)

“It is important to attend hearings in addition to sending your comments in by mail for the following reasons.

1. Oral testimony has an emotional impact, especially on elected officials who may have limited time to review the written record.
2. Hearings are often covered by news reporters, and thus are an opportunity to get your message out to the public, not just the agency or decision maker.
3. The fact that you made the extra effort to come out in person sends an important message to the agency and the public regarding your level of commitment to the issue.
4. Agencies are always under pressure to do the wrong thing and appreciate some support to do the right thing.”

Growth Management Act Provisions on Periodic Updates

Un-Codified Purpose from 2005 Amendments to RCW 36.70A.130 Comprehensive plans -- Review -- Amendments.

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

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

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the

review and revision schedules of the growth management act may receive preference for financial assistance from these accounts.

[2005 c 294 § 1]

RCW 36.70A.130 Comprehensive plans -- Review -- Amendments.

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

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

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

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

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsection (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

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

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

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

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various

proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

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

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

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsection (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

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

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

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

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

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

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

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for

periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

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

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

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

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

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

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

[2005 c 294 § 2; 2002 c 320 § 1; 1997 c 429 § 10; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

RCW 36.70A.215 Review and evaluation program.

(1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, county-wide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection every five years as provided in subsection (3) of this section. The first evaluation shall be completed not later than September 1, 2002. The county and its cities may establish in the county-wide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the county-wide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Provide for the amendment of the county-wide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;

(b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area

since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(c) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the county-wide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to county-wide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.

(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.

(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the county-wide planning policies and the comprehensive plans and development regulations of the counties and cities.

(6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.

(7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

[1997 c 429 § 25.]