
ENGROSSED SUBSTITUTE HOUSE BILL 1274

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Sheldon, K. Schmidt, Hargrove, McMahan, Mulliken, Foreman, Sherstad, Elliot, Stevens, Johnson, Talcott and Huff)

Read first time 03/01/95.

1 AN ACT Relating to growth management; amending RCW 36.70A.040,
2 36.70A.065, 36.70A.070, 36.70A.110, 36.70A.210, 36.70A.250, 36.70A.260,
3 36.70A.280, 36.70A.310, 36.70A.320, 36.70A.350, and 43.62.035;
4 reenacting and amending RCW 36.70A.030; adding new sections to chapter
5 36.70A RCW; and creating a new section.

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

7 **Sec. 1.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are
8 each reenacted and amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Adopt a comprehensive land use plan" means to enact a new
12 comprehensive land use plan or to update an existing comprehensive land
13 use plan.

14 (2) "Agricultural land" means land primarily devoted to the
15 commercial production of horticultural, viticultural, floricultural,
16 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
17 straw, turf, seed, Christmas trees not subject to the excise tax
18 imposed by RCW 84.33.100 through 84.33.140, finfish in upland

1 hatcheries, or livestock, and that has long-term commercial
2 significance for agricultural production.

3 (3) "City" means any city or town, including a code city.

4 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
5 means a generalized coordinated land use policy statement of the
6 governing body of a county or city that is adopted pursuant to this
7 chapter.

8 (5) "Critical areas" include the following areas and ecosystems:
9 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
10 used for potable water; (c) fish and wildlife habitat conservation
11 areas; (d) frequently flooded areas; and (e) geologically hazardous
12 areas.

13 (6) "Department" means the department of community, trade, and
14 economic development.

15 (7) For purposes of RCW 36.70A.065 and 36.70A.440, "development
16 permit application" means any application for a development proposal
17 for a use that could be permitted under a plan adopted pursuant to this
18 chapter and is consistent with the underlying land use and zoning,
19 including but not limited to building permits, subdivisions, binding
20 site plans, planned unit developments, conditional uses or other
21 applications pertaining to land uses, but shall not include rezones,
22 proposed amendments to comprehensive plans or the adoption or amendment
23 of development regulations.

24 (8) "Development regulations" means any controls placed on
25 development or land use activities by a county or city, including, but
26 not limited to, zoning ordinances, official controls, planned unit
27 development ordinances, subdivision ordinances, and binding site plan
28 ordinances.

29 (9) "Forest land" means land primarily devoted to growing trees for
30 long-term commercial timber production on land that can be economically
31 and practically managed for such production, including Christmas trees
32 subject to the excise tax imposed under RCW 84.33.100 through
33 84.33.140, and that has long-term commercial significance. In
34 determining whether forest land is primarily devoted to growing trees
35 for long-term commercial timber production on land that can be
36 economically and practically managed for such production, the following
37 factors shall be considered: (a) The proximity of the land to urban,
38 suburban, and rural settlements; (b) surrounding parcel size and the
39 compatibility and intensity of adjacent and nearby land uses; (c) long-

1 term local economic conditions that affect the ability to manage for
2 timber production; and (d) the availability of public facilities and
3 services conducive to conversion of forest land to other uses.

4 (10) "Geologically hazardous areas" means areas that because of
5 their susceptibility to erosion, sliding, earthquake, or other
6 geological events, are not suited to the siting of commercial,
7 residential, or industrial development consistent with public health or
8 safety concerns.

9 (11) "Long-term commercial significance" includes the growing
10 capacity, productivity, and soil composition of the land for long-term
11 commercial production, in consideration with the land's proximity to
12 population areas, and the possibility of more intense uses of the land.

13 (12) "Minerals" include gravel, sand, and valuable metallic
14 substances.

15 (13) "Public facilities" include streets, roads, highways,
16 sidewalks, street and road lighting systems, traffic signals, domestic
17 water systems, storm and sanitary sewer systems, parks and recreational
18 facilities, and schools.

19 (14) "Public services" include fire protection and suppression, law
20 enforcement, public health, education, recreation, environmental
21 protection, and other governmental services.

22 (15) "Urban growth" refers to growth that makes intensive use of
23 land for the location of buildings, structures, and impermeable
24 surfaces to such a degree as to be incompatible with the primary use of
25 such land for the production of food, other agricultural products, or
26 fiber, or the extraction of mineral resources. When allowed to spread
27 over wide areas, urban growth typically requires urban governmental
28 services. "Characterized by urban growth" refers to land having urban
29 growth located on it, or to land located in relationship to an area
30 with urban growth on it as to be appropriate for urban growth.

31 (16) "Urban growth areas" means those areas designated by a county
32 pursuant to RCW 36.70A.110.

33 (17) "Urban governmental services" include those governmental
34 services historically and typically delivered by cities, and include
35 storm and sanitary sewer systems, domestic water systems, street
36 cleaning services, fire and police protection services, public transit
37 services, and other public utilities associated with urban areas and
38 normally not associated with nonurban areas. However, sanitary sewer
39 systems and public domestic water systems in rural areas, designed for

1 and serving approved rural uses, shall not be considered an urban
2 governmental service.

3 (18) "Wetland" or "wetlands" means areas that are inundated or
4 saturated by surface water or ground water at a frequency and duration
5 sufficient to support, and that under normal circumstances do support,
6 a prevalence of vegetation typically adapted for life in saturated soil
7 conditions. Wetlands generally include swamps, marshes, bogs, and
8 similar areas. Wetlands do not include those artificial wetlands
9 intentionally created from nonwetland sites, including, but not limited
10 to, irrigation and drainage ditches, grass-lined swales, canals,
11 detention facilities, wastewater treatment facilities, farm ponds, and
12 landscape amenities. However, wetlands may include those artificial
13 wetlands intentionally created from nonwetland areas created to
14 mitigate conversion of wetlands, if permitted by the county or city.

15 **Sec. 2.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
16 read as follows:

17 (1) Each county that has both a population of fifty thousand or
18 more and has had its population increase by more than ten percent in
19 the previous ten years, and the cities located within such county, and
20 any other county regardless of its population that has had its
21 population increase by more than twenty percent in the previous ten
22 years, and the cities located within such county, shall ~~((conform with~~
23 ~~all of the requirements of this chapter))~~ plan under this section.
24 ~~((However, the county legislative authority of such a county with a~~
25 ~~population of less than fifty thousand population may adopt a~~
26 ~~resolution removing the county, and the cities located within the~~
27 ~~county, from the requirements of adopting comprehensive land use plans~~
28 ~~and development regulations under this chapter if this resolution is~~
29 ~~adopted and filed with the department by December 31, 1990, for~~
30 ~~counties initially meeting this set of criteria, or within sixty days~~
31 ~~of the date the office of financial management certifies that a county~~
32 ~~meets this set of criteria under subsection (5) of this section.))~~

33 Once a county meets either of these sets of criteria, the
34 requirement to ~~((conform with all of the requirements of this chapter))~~
35 plan under this section remains in effect, even if the county no longer
36 meets one of these sets of criteria unless the county removes itself
37 under subsection (6) of this section.

1 (2) The county legislative authority of any county that does not
2 ~~((meet either of the sets of criteria established))~~ plan under
3 ~~((subsection (1) of))~~ this section may adopt a resolution indicating
4 its intention ~~((to have subsection (1) of this section apply to))~~ that
5 the county plan under this section. Each city~~((7))~~ located in a county
6 that ~~((chooses to plan))~~ adopts a resolution under this subsection~~((7))~~
7 shall ~~((conform with all of the requirements of this chapter))~~ plan
8 under this section. Once such a resolution has been adopted, the
9 county and the cities located within the county remain subject to all
10 of the requirements of this ~~((chapter))~~ section unless the county
11 removes itself under subsection (6) of this section.

12 (3) Any county or city that is initially required to ~~((conform with~~
13 ~~all of the requirements of this chapter))~~ plan under this section by
14 subsection (1) of this section, and, where applicable, the county
15 legislative authority has not adopted a resolution removing the county
16 from these requirements as provided in subsection (6) of this section,
17 shall take actions under this chapter as follows: (a) The county
18 legislative authority shall adopt a county-wide planning policy under
19 RCW 36.70A.210; (b) the county and each city located within the county
20 shall designate critical areas, agricultural lands, forest lands, and
21 mineral resource lands, and adopt development regulations conserving
22 these designated agricultural lands, forest lands, and mineral resource
23 lands and protecting these designated critical areas, under RCW
24 36.70A.170 and 36.70A.060; (c) the county shall designate and take
25 other actions related to urban growth areas under RCW 36.70A.110; (d)
26 if the county has a population of fifty thousand or more, the county
27 and each city located within the county shall adopt a comprehensive
28 plan under this chapter and development regulations that are consistent
29 with and implement the comprehensive plan on or before July 1, 1994,
30 and if the county has a population of less than fifty thousand, the
31 county and each city located within the county shall adopt a
32 comprehensive plan under this chapter and development regulations that
33 are consistent with and implement the comprehensive plan by January 1,
34 1995, but if the governor makes written findings that a county with a
35 population of less than fifty thousand or a city located within such a
36 county is not making reasonable progress toward adopting a
37 comprehensive plan and development regulations the governor may reduce
38 this deadline for such actions to be taken by no more than one hundred
39 eighty days. Any county or city subject to this subsection may obtain

1 an additional six months before it is required to have adopted its
2 development regulations by submitting a letter notifying the department
3 (~~of community development~~) of its need prior to the deadline for
4 adopting both a comprehensive plan and development regulations.

5 (4) Any county or city that is required to (~~conform with all the~~
6 ~~requirements of this chapter~~) plan under this section, as a result of
7 the county legislative authority adopting its resolution of intention
8 under subsection (2) of this section, and, where applicable, the county
9 legislative authority has not adopted a resolution removing the county
10 from these requirements as provided in subsection (6) of this section,
11 shall take actions under this chapter as follows: (a) The county
12 legislative authority shall adopt a county-wide planning policy under
13 RCW 36.70A.210; (b) the county and each city that is located within the
14 county shall adopt development regulations conserving agricultural
15 lands, forest lands, and mineral resource lands it designated under RCW
16 36.70A.060 within one year of the date the county legislative authority
17 adopts its resolution of intention; (c) the county shall designate and
18 take other actions related to urban growth areas under RCW 36.70A.110;
19 and (d) the county and each city that is located within the county
20 shall adopt a comprehensive plan and development regulations that are
21 consistent with and implement the comprehensive plan not later than
22 four years from the date the county legislative authority adopts its
23 resolution of intention, but a county or city may obtain an additional
24 six months before it is required to have adopted its development
25 regulations by submitting a letter notifying the department (~~of~~
26 ~~community development~~) of its need prior to the deadline for adopting
27 both a comprehensive plan and development regulations.

28 (5) If the office of financial management certifies that the
29 population of a county that (~~previously had not been required to~~)
30 does not plan under (~~subsection (1) or (2) of~~) this section has
31 changed sufficiently to meet either of the sets of criteria specified
32 under subsection (1) of this section, and where applicable, the county
33 legislative authority has not adopted a resolution removing the county
34 from these requirements as provided in subsection (1) of this section,
35 the county and each city within such county shall take actions under
36 this chapter as follows: (a) The county legislative authority shall
37 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
38 county and each city located within the county shall adopt development
39 regulations under RCW 36.70A.060 conserving agricultural lands, forest

1 lands, and mineral resource lands it designated within one year of the
2 certification by the office of financial management; (c) the county
3 shall designate and take other actions related to urban growth areas
4 under RCW 36.70A.110; and (d) the county and each city located within
5 the county shall adopt a comprehensive land use plan and development
6 regulations that are consistent with and implement the comprehensive
7 plan within four years of the certification by the office of financial
8 management, but a county or city may obtain an additional six months
9 before it is required to have adopted its development regulations by
10 submitting a letter notifying the department ((of—community
11 development)) of its need prior to the deadline for adopting both a
12 comprehensive plan and development regulations.

13 (6) The county legislative authority of any county that is planning
14 under this chapter may adopt a resolution removing the county, and the
15 cities located within the county, from the requirements of this
16 chapter. The removal shall be effective on the date the resolution is
17 filed with the department.

18 (7) A copy of each document that is required under this section
19 shall be submitted to the department at the time of its adoption.

20 **Sec. 3.** RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read
21 as follows:

22 (1) Development regulations adopted pursuant to RCW 36.70A.040
23 shall establish time periods for local government actions on specific
24 development permit applications and provide timely and predictable
25 procedures to determine whether a completed development permit
26 application meets the requirements of those development regulations.
27 Such development regulations shall specify the contents of a completed
28 development permit application necessary for the application of such
29 time periods and procedures.

30 (2) Existing zoning and legal uses, lots, and structures shall be
31 affected only through locally adopted development regulations.
32 Development regulations that implement comprehensive plans adopted
33 pursuant to RCW 36.70A.040 shall establish rules of transition
34 governing such matters as zoning, uses, lots, and structures to ensure
35 that implementation of this chapter will occur in an orderly, fair, and
36 predictable manner.

1 **Sec. 4.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
2 amended to read as follows:

3 The comprehensive plan of a county or city that is required or
4 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
5 and descriptive text covering objectives, principles, and standards
6 used to develop the comprehensive plan. The plan shall be an
7 internally consistent document and all elements shall be consistent
8 with the future land use map. A comprehensive plan shall be adopted
9 and amended with public participation as provided in RCW 36.70A.140.

10 Each comprehensive plan shall include a plan, scheme, or design for
11 each of the following:

12 (1) A land use element designating the proposed general
13 distribution and general location and extent of the uses of land, where
14 appropriate, for agriculture, timber production, housing, commerce,
15 industry, recreation, open spaces, public utilities, public facilities,
16 and other land uses. The land use element shall include population
17 densities, building intensities, and estimates of future population
18 growth. The land use element shall provide for protection of the
19 quality and quantity of ground water used for public water supplies.
20 Where applicable, the land use element shall review drainage, flooding,
21 and storm water run-off in the area and nearby jurisdictions and
22 provide guidance for corrective actions to mitigate or cleanse those
23 discharges that pollute waters of the state, including Puget Sound or
24 waters entering Puget Sound. The land use element shall include
25 protection of water use needs by the land uses proposed and the
26 proposed sources of supply for such uses, including conservation,
27 transfers from existing uses, or new sources. The water supply portion
28 of the land use element may adopt or incorporate all or applicable
29 portions of a regional water resources management plan adopted under
30 chapter 90.54 RCW.

31 (2) A housing element recognizing the vitality and character of
32 established residential neighborhoods that: (a) Includes an inventory
33 and analysis of existing and projected housing needs; (b) includes a
34 statement of goals, policies, and objectives for the preservation,
35 improvement, and development of housing; (c) identifies sufficient land
36 for housing, including, but not limited to, government-assisted
37 housing, housing for low-income families, manufactured housing,
38 multifamily housing, and group homes and foster care facilities; and

1 (d) makes adequate provisions for existing and projected needs of all
2 economic segments of the community.

3 (3) A capital facilities plan element consisting of: (a) An
4 inventory of existing capital facilities owned by public entities,
5 showing the locations and capacities of the capital facilities; (b) a
6 forecast of the future needs for such capital facilities; (c) the
7 proposed locations and capacities of expanded or new capital
8 facilities; (d) at least a six-year plan that will finance such capital
9 facilities within projected funding capacities and clearly identifies
10 sources of public money for such purposes; and (e) a requirement to
11 reassess the land use element if probable funding falls short of
12 meeting existing needs and to ensure that the land use element, capital
13 facilities plan element, and financing plan within the capital
14 facilities plan element are coordinated and consistent. The inventory
15 required by (a) of this subsection shall include existing capital
16 facilities for water supply owned by private entities, and the
17 forecasts and plan element required under this subsection shall
18 consider protected water supply provision by existing, new, or expanded
19 private water supply purveyors.

20 (4) A utilities element consisting of the general location,
21 proposed location, and capacity of all existing and proposed utilities,
22 including, but not limited to, electrical lines, telecommunication
23 lines, and natural gas lines.

24 (5) Counties shall include a rural element including lands that are
25 not designated for urban growth, agriculture, forest, or mineral
26 resources. The rural element shall permit land uses that are
27 compatible with the rural character of such lands and provide for a
28 variety of rural densities and may also provide for clustering, density
29 transfer, design guidelines, conservation easements, and other
30 innovative techniques that will provide for a variety of residential
31 and nonresidential uses and lifestyles.

32 (6) A transportation element that implements, and is consistent
33 with, the land use element. The transportation element shall include
34 the following subelements:

35 (a) Land use assumptions used in estimating travel;

36 (b) Facilities and services needs, including:

37 (i) An inventory of air, water, and land transportation facilities
38 and services, including transit alignments, to define existing capital
39 facilities and travel levels as a basis for future planning;

1 (ii) Level of service standards for all arterials and transit
2 routes to serve as a gauge to judge performance of the system. These
3 standards should be regionally coordinated;

4 (iii) Specific actions and requirements for bringing into
5 compliance any facilities or services that are below an established
6 level of service standard;

7 (iv) Forecasts of traffic for at least ten years based on the
8 adopted land use plan to provide information on the location, timing,
9 and capacity needs of future growth;

10 (v) Identification of system expansion needs and transportation
11 system management needs to meet current and future demands;

12 (c) Finance, including:

13 (i) An analysis of funding capability to judge needs against
14 probable funding resources;

15 (ii) A multiyear financing plan based on the needs identified in
16 the comprehensive plan, the appropriate parts of which shall serve as
17 the basis for the six-year street, road, or transit program required by
18 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
19 35.58.2795 for public transportation systems;

20 (iii) If probable funding falls short of meeting identified needs,
21 a discussion of how additional funding will be raised, or how land use
22 assumptions will be reassessed to ensure that level of service
23 standards will be met;

24 (d) Intergovernmental coordination efforts, including an assessment
25 of the impacts of the transportation plan and land use assumptions on
26 the transportation systems of adjacent jurisdictions;

27 (e) Demand-management strategies.

28 After adoption of the comprehensive plan by jurisdictions required
29 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
30 must adopt and enforce ordinances which prohibit development approval
31 if the development causes the level of service on a transportation
32 facility to decline below the standards adopted in the transportation
33 element of the comprehensive plan, unless transportation improvements
34 or strategies to accommodate the impacts of development are made
35 concurrent with the development. These strategies may include
36 increased public transportation service, ride sharing programs, demand
37 management, and other transportation systems management strategies.
38 For the purposes of this subsection (6) "concurrent with the
39 development" shall mean that improvements or strategies are in place at

1 the time of development, or that a financial commitment is in place to
2 complete the improvements or strategies within six years.

3 The transportation element described in this subsection, and the
4 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
5 counties, and RCW 35.58.2795 for public transportation systems, must be
6 consistent.

7 **Sec. 5.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
8 read as follows:

9 (1) Each county that is required or chooses to plan under RCW
10 36.70A.040 shall designate an urban growth area or areas within which
11 urban growth shall be encouraged and outside of which growth can occur
12 only if it is not urban in nature. Each city that is located in such
13 a county shall be included within an urban growth area. An urban
14 growth area may include more than a single city. An urban growth area
15 that includes a city or cities may include territory that is located
16 outside of ((a)) the city or cities only if such territory already is
17 characterized by urban growth or is adjacent to territory already
18 characterized by urban growth. An urban growth area may be designated
19 that does not include a city, but only if the territory already is
20 characterized by urban growth or is adjacent to territory already
21 characterized by urban growth or is so situated in light of geographic,
22 resource protection, affordable housing, or utility considerations as
23 to be appropriate for urban growth within the succeeding twenty-year
24 period.

25 (2) Based upon the population growth management planning population
26 projection made for the county by the office of financial management as
27 a minimum, the urban growth areas in the county shall include areas and
28 densities at least sufficient to permit the urban growth that is
29 projected to occur in the county for the succeeding twenty-year period.
30 Each urban growth area shall permit a range of urban densities and
31 shall include greenbelt and open space areas. Within one year of July
32 1, 1990, each county that as of June 1, 1991, was required or chose to
33 plan under RCW 36.70A.040, shall begin consulting with each city
34 located within its boundaries and each city shall propose the location
35 of an urban growth area. Within sixty days of the date the county
36 legislative authority of a county adopts its resolution of intention or
37 of certification by the office of financial management, all other
38 counties that are required or choose to plan under RCW 36.70A.040 shall

1 begin this consultation with each city located within its boundaries.
2 The county shall attempt to reach agreement with each city on the
3 location of an urban growth area within which the city is located. If
4 such an agreement is not reached with each city located within the
5 urban growth area, the county shall justify in writing why it so
6 designated the area an urban growth area. A city may object formally
7 with the department over the designation of the urban growth area
8 within which it is located. Where appropriate, the department shall
9 attempt to resolve the conflicts, including the use of mediation
10 services.

11 (3) Urban growth should be located (~~(first)~~) in areas: (a) Already
12 characterized by urban growth , whether or not the areas are located
13 within a city, that have existing public facility and service
14 capacities to serve such development, (~~and second in areas~~) (b)
15 already characterized by urban growth , whether or not the areas are
16 located within a city, that will be served by a combination of both
17 existing public facilities and services and any additional needed
18 public facilities and services that are provided by either public or
19 private sources, and (c) adjacent to territory already characterized by
20 urban growth, or so situated in light of geographic, resource
21 protection, affordable housing, or utility considerations as to be
22 appropriate for urban growth within the succeeding twenty-year period.
23 Further, it is usually appropriate that urban government services be
24 provided by cities, and urban government services should not be
25 provided in rural areas.

26 (4) On or before October 1, 1993, each county that was initially
27 required to plan under RCW 36.70A.040(1) shall adopt development
28 regulations designating interim urban growth areas under this chapter.
29 Within three years and three months of the date the county legislative
30 authority of a county adopts its resolution of intention or of
31 certification by the office of financial management, all other counties
32 that are required or choose to plan under RCW 36.70A.040 shall adopt
33 development regulations designating interim urban growth areas under
34 this chapter. Adoption of the interim urban growth areas may only
35 occur after public notice; public hearing; and compliance with the
36 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
37 Such action may be appealed to the appropriate growth management
38 hearings board under RCW 36.70A.280. Final urban growth areas shall be
39 adopted at the time of comprehensive plan adoption under this chapter.

1 (5) Each county shall include designations of urban growth areas in
2 its comprehensive plan.

3 (6) Nothing in this chapter shall prevent a county from including
4 as part of the urban growth area established under this section any
5 area which prior to July 1, 1990, both: (a) Was designated for urban
6 growth activity under an officially adopted county plan; and (b) had
7 development permits submitted to the county implementing that urban
8 designation.

9 **Sec. 6.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
10 read as follows:

11 (1) The legislature recognizes that in general counties are
12 ((regional governments within their boundaries)) the unit of local
13 government most appropriate to provide regional governmental services,
14 and cities are ((primary providers of)) the unit of local governmental
15 most appropriate to provide urban governmental services ((within urban
16 growth areas)). For the purposes of this section, a "county-wide
17 planning policy" is a written policy statement or statements used
18 solely for establishing a county-wide framework from which county and
19 city comprehensive plans are developed and adopted pursuant to this
20 chapter. This framework shall ensure that city and county
21 comprehensive plans are consistent as required in RCW 36.70A.100.
22 Nothing in this section shall be construed to alter the land-use powers
23 of cities; the authority of cities to provide regional services; or the
24 authority of counties or special purpose districts to provide urban
25 governmental services. It is the intent of the legislature that
26 regional and urban governmental service decisions be made through the
27 flexible process established in chapter 36.115 RCW.

28 (2) The legislative authority of a county that plans under RCW
29 36.70A.040 shall adopt a county-wide planning policy in cooperation
30 with the cities located in whole or in part within the county as
31 follows:

32 (a) No later than sixty calendar days from July 16, 1991, the
33 legislative authority of each county that as of June 1, 1991, was
34 required or chose to plan under RCW 36.70A.040 shall convene a meeting
35 with representatives of each city located within the county for the
36 purpose of establishing a collaborative process that will provide a
37 framework for the adoption of a county-wide planning policy. In other
38 counties that are required or choose to plan under RCW 36.70A.040, this

1 meeting shall be convened no later than sixty days after the date the
2 county adopts its resolution of intention or was certified by the
3 office of financial management.

4 (b) The process and framework for adoption of a county-wide
5 planning policy specified in (a) of this subsection shall determine the
6 manner in which the county and the cities agree to all procedures and
7 provisions including but not limited to desired planning policies,
8 deadlines, ratification of final agreements and demonstration thereof,
9 and financing, if any, of all activities associated therewith.

10 (c) If a county fails for any reason to convene a meeting with
11 representatives of cities as required in (a) of this subsection, the
12 governor may immediately impose any appropriate sanction or sanctions
13 on the county from those specified under RCW 36.70A.340.

14 (d) If there is no agreement by October 1, 1991, in a county that
15 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
16 or if there is no agreement within one hundred twenty days of the date
17 the county adopted its resolution of intention or was certified by the
18 office of financial management in any other county that is required or
19 chooses to plan under RCW 36.70A.040, the governor shall first inquire
20 of the jurisdictions as to the reason or reasons for failure to reach
21 an agreement. If the governor deems it appropriate, the governor may
22 immediately request the assistance of the department of community,
23 trade, and economic development to mediate any disputes that preclude
24 agreement. If mediation is unsuccessful in resolving all disputes that
25 will lead to agreement, the governor may impose appropriate sanctions
26 from those specified under RCW 36.70A.340 on the county, city, or
27 cities for failure to reach an agreement as provided in this section.
28 The governor shall specify the reason or reasons for the imposition of
29 any sanction.

30 (e) No later than July 1, 1992, the legislative authority of each
31 county that was required or chose to plan under RCW 36.70A.040 as of
32 June 1, 1991, or no later than fourteen months after the date the
33 county adopted its resolution of intention or was certified by the
34 office of financial management the county legislative authority of any
35 other county that is required or chooses to plan under RCW 36.70A.040,
36 shall adopt a county-wide planning policy according to the process
37 provided under this section and that is consistent with the agreement
38 pursuant to (b) of this subsection, and after holding a public hearing
39 or hearings on the proposed county-wide planning policy.

1 (3) A county-wide planning policy shall at a minimum, address the
2 following:

3 (a) Policies to implement RCW 36.70A.110;

4 (b) Policies for promotion of contiguous and orderly development
5 and provision of urban services to such development;

6 (c) Policies for siting public capital facilities of a county-wide
7 or state-wide nature;

8 (d) Policies for county-wide transportation facilities and
9 strategies;

10 (e) Policies that consider the need for affordable housing, such as
11 housing for all economic segments of the population and parameters for
12 its distribution;

13 (f) Policies for joint county and city planning within urban growth
14 areas;

15 (g) Policies for county-wide economic development and employment;
16 and

17 (h) An analysis of the fiscal impact.

18 (4) A county-wide planning policy may also include a determination
19 of the twenty-year growth management planning population projection to
20 be used in comprehensive plans and a procedure for allocation of all or
21 a portion of this projection to each city and town located in the
22 county.

23 (5) Federal agencies and Indian tribes may participate in and
24 cooperate with the county-wide planning policy adoption process.
25 Adopted county-wide planning policies shall be adhered to by state
26 agencies.

27 ~~((+5))~~ (6) Failure to adopt a county-wide planning policy that
28 meets the requirements of this section may result in the imposition of
29 a sanction or sanctions on a county or city within the county, as
30 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
31 governor shall specify the reasons for failure to adopt a county-wide
32 planning policy in order that any imposed sanction or sanctions are
33 fairly and equitably related to the failure to adopt a county-wide
34 planning policy.

35 ~~((+6))~~ (7) Cities and the governor may appeal an adopted county-
36 wide planning policy to the growth management hearings board within
37 sixty days of the adoption of the county-wide planning policy.

38 ~~((+7))~~ (8) Multicounty planning policies shall be adopted by two
39 or more counties, each with a population of four hundred fifty thousand

1 or more, with contiguous urban areas and may be adopted by other
2 counties, according to the process established under this section or
3 other processes agreed to among the counties and cities within the
4 affected counties throughout the multicounty region.

5 **Sec. 7.** RCW 36.70A.250 and 1994 c 249 s 29 are each amended to
6 read as follows:

7 (1) There are hereby created three growth management hearings
8 boards for the state of Washington. Each board is a quasi-judicial
9 body. The boards shall be established as follows:

10 (a) An Eastern Washington board with jurisdictional boundaries
11 including all counties that are required to or choose to plan under RCW
12 36.70A.040 and are located east of the crest of the Cascade mountains;

13 (b) A Central Puget Sound board with jurisdictional boundaries
14 including King, Pierce, Snohomish, and Kitsap counties; and

15 (c) A Western Washington board with jurisdictional boundaries
16 including all counties that are required or choose to plan under RCW
17 36.70A.040 and are located west of the crest of the Cascade mountains
18 and are not included in the Central Puget Sound board jurisdictional
19 boundaries. Skamania county, should it be required or choose to plan
20 under RCW 36.70A.040, may elect to be included within the
21 jurisdictional boundaries of either the Western or Eastern board.

22 (2) Each board shall only hear matters pertaining to the cities and
23 counties located within its jurisdictional boundaries.

24 **Sec. 8.** RCW 36.70A.260 and 1994 c 249 s 30 are each amended to
25 read as follows:

26 (1) Each growth management hearings board shall consist of three
27 members qualified by experience or training in matters pertaining to
28 land use planning and residing within the jurisdictional boundaries of
29 the applicable board. At least one member of each board must be
30 admitted to practice law in this state and at least one member must
31 have been a city or county elected official. Each board shall be
32 appointed by the governor with the advice and consent of the senate and
33 not more than two members at the time of appointment or during their
34 term shall be members of the same political party. No more than two
35 members at the time of appointment or during their term shall reside in
36 the same county.

1 (2) Each member of a board shall be appointed for a term of six
2 years. A vacancy shall be filled by appointment by the governor, with
3 the advice and consent of the senate, for the unexpired portion of the
4 term in which the vacancy occurs. The terms of the first three members
5 of a board shall be staggered so that one member is appointed to serve
6 until July 1, 1994, one member until July 1, 1996, and one member until
7 July 1, 1998.

8 **Sec. 9.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to
9 read as follows:

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

12 (a) That a state agency, county, or city is not in compliance with
13 the requirements of this chapter, or chapter 43.21C RCW as it relates
14 to plans, regulations, or amendments, adopted under RCW 36.70A.040; or

15 (b) That the county's twenty-year growth management planning
16 population (~~((projections adopted by the office of financial management~~
17 ~~pursuant to RCW 43.62.035))~~ projection or the allocation of the
18 projection to cities within the county should be (~~((adjusted))~~) reduced.

19 (2) A petition may be filed only by the state, a county or city
20 that plans under this chapter, a person who has either appeared before
21 the county or city regarding the matter on which a review is being
22 requested or is certified by the governor within sixty days of filing
23 the request with the board, or a person qualified pursuant to RCW
24 34.05.530.

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

28 (4) When considering a possible (~~((adjustment))~~) reduction to a
29 growth management planning population projection prepared by the office
30 of financial management, a board shall consider the implications of any
31 such (~~((adjustment))~~) reduction to the population forecast for the entire
32 state.

33 The rationale for any (~~((adjustment))~~) reduction that is adopted by
34 a board must be documented and filed with the office of financial
35 management within ten working days after adoption.

36 If (~~((adjusted))~~) reduced by a board, a county growth management
37 planning population projection shall only be used for the planning
38 purposes set forth in this chapter and shall be known as a "board

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

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70A
6 RCW to read as follows:

7 The office of the attorney general shall, at the request of a
8 county or city that has been found in compliance with this chapter by
9 a growth management hearings board, defend or provide assistance in the
10 county's or city's defense of an appeal of the board finding in
11 superior court.

12 **Sec. 11.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to
13 read as follows:

14 (1) A request for review by the state to a growth management
15 hearings board may be made only by the governor, or with the governor's
16 consent the head of an agency, or by the commissioner of public lands
17 as relating to state trust lands, for the review of whether: ~~((+1))~~

18 (a) A county or city that is required or chooses to plan under RCW
19 36.70A.040 has failed to adopt a comprehensive plan or development
20 regulations, or county-wide planning policies within the time limits
21 established by this chapter; or ~~((+2))~~ (b) a county or city that is
22 required or chooses to plan under this chapter has adopted a
23 comprehensive plan, development regulations, or county-wide planning
24 policies, that are not in compliance with the requirements of this
25 chapter.

26 (2) Only if the governor finds:

27 (a) The agency or commissioner has participated substantially in
28 the local process and has consistently raised the issues included in
29 the petition for review; or

30 (b) That review by a board is the best means to accomplish the
31 state's goals,
32 then a state agency or the commissioner of public lands may seek review
33 by a growth management hearings board.

34 **Sec. 12.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended
35 to read as follows:

1 (1) Comprehensive plans and development regulations, and amendments
2 thereto, adopted under this chapter are presumed valid upon adoption.
3 In any petition under this chapter, the board, after full consideration
4 of the petition, shall determine whether there is compliance with the
5 requirements of this chapter. In making its determination, the board
6 shall consider the criteria adopted by the department under RCW
7 36.70A.190(4). The board shall find compliance by the state agency,
8 county, or city unless it finds ((by a preponderance of the evidence
9 that the state agency, county, or city erroneously interpreted or
10 applied this chapter)) that the action either: (a) Was predicated upon
11 an interpretation of this chapter or chapter 43.21C RCW that is clearly
12 erroneous; or (b) is not supported by substantial evidence.

13 (2) In making its determination, the board shall take into
14 consideration the extent of urbanization of the area in question, the
15 planning history and capabilities of the county or city, and the
16 relative amount of financial assistance made available to the county or
17 city by the state for purposes of meeting this chapter.

18 (3) Under no circumstances, unless specifically provided for by
19 chapter 34.05 RCW, shall the board (a) undertake de novo review of a
20 discretionary decision made by a city or county; (b) exercise the
21 discretion that the legislature has delegated to a city or county; (c)
22 substitute its judgment for that of the local government; (d) decide
23 matters not clearly presented in a petition; or (e) render advisory
24 opinions.

25 **Sec. 13.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
26 to read as follows:

27 A county required or choosing to plan under RCW 36.70A.040 may
28 establish a process as part of its urban growth areas, that are
29 designated under RCW 36.70A.110, for reviewing proposals to authorize
30 new fully contained communities located outside of the initially
31 designated urban growth areas.

32 (1) A new fully contained community may be approved in a county
33 planning under this chapter if criteria including but not limited to
34 the following are met:

35 (a) New infrastructure is provided for and impact fees are
36 established consistent with the requirements of RCW 82.02.050;

37 (b) Transit-oriented site planning and traffic demand management
38 programs are implemented;

1 (c) Buffers are provided between the new fully contained
2 communities and adjacent urban development;

3 (d) A mix of uses is provided to offer jobs, housing, and services
4 to the residents of the new community;

5 (e) Affordable housing is provided within the new community for a
6 broad range of income levels;

7 (f) Environmental protection has been addressed and provided for;

8 (g) Development regulations are established to ensure urban growth
9 will not occur in adjacent nonurban areas;

10 (h) Provision is made to mitigate impacts on designated
11 agricultural lands, forest lands, and mineral resource lands;

12 (i) The plan for the new fully contained community is consistent
13 with the development regulations established for the protection of
14 critical areas by the county pursuant to RCW 36.70A.170.

15 (2) New fully contained communities may be approved outside
16 established urban growth areas only if a county reserves a portion of
17 the twenty-year growth management planning population projection used
18 to establish urban growth areas under RCW 36.70A.110 and offsets the
19 urban growth area accordingly for allocation to new fully contained
20 communities that meet the requirements of this chapter. Any county
21 electing to establish a new community reserve shall do so no more often
22 than once every five years as a part of the designation or review of
23 urban growth areas required by this chapter. The new community reserve
24 shall be allocated on a project-by-project basis, only after specific
25 project approval procedures have been adopted pursuant to this chapter
26 as a development regulation. When a new community reserve is
27 established, urban growth areas designated pursuant to this chapter
28 shall accommodate the unreserved portion of the twenty-year population
29 projection.

30 Final approval of an application for a new fully contained
31 community shall be considered an adopted amendment to the comprehensive
32 plan prepared pursuant to RCW 36.70A.070 designating the new fully
33 contained community as an urban growth area.

34 (3) In lieu of the procedures under subsection (2) of this section
35 to approve a fully contained community by altering an established urban
36 growth area, a county may allocate initially part of its twenty-year
37 growth management planning population projection to and include in its
38 initial urban growth areas fully contained communities where the

1 criteria stated under subsection (1) of this section will be met
2 through project approval.

3 (4) The criteria for designating an urban growth area for fully
4 contained communities are those set forth in this section, and not the
5 criteria in RCW 36.70.110.

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

8 (1) A county required or choosing to plan under RCW 36.70A.040 may
9 establish, in consultation with cities, a process for reviewing
10 proposals to authorize siting of major industrial developments outside
11 urban growth areas.

12 (2) A major industrial development may be approved outside an urban
13 growth area in a county planning under this chapter if criteria
14 including, but not limited to the following, are met:

15 (a) Infrastructure is provided and/or impact fees are established
16 consistent with the requirements of RCW 82.02.060;

17 (b) Transit-oriented site planning and traffic demand management
18 programs are implemented;

19 (c) Buffers are provided between the major industrial development
20 and adjacent nonurban areas;

21 (d) Environmental protection including air and water quality has
22 been addressed and provided for;

23 (e) Development regulations are established that discourage urban
24 growth in adjacent nonurban area;

25 (f) Provision is made to mitigate adverse impacts on designated
26 agricultural lands, forest lands, and mineral resource lands;

27 (g) The plan for the major industrial development is consistent
28 with the county's development regulations established for protection of
29 critical areas; and

30 (h) The county has determined and entered findings that land
31 suitable to site the major industrial development is unavailable within
32 the urban growth area. Priority shall be given to applications for
33 sites that are adjacent to or in close proximity to the urban growth
34 area.

35 (3) "Major industrial development" means a master planned location
36 for a specific manufacturing, industrial, or commercial business that:

37 (a) Requires a parcel of land so large that no suitable parcels,
38 without critical areas, are available within an urban growth area; or

1 (b) is a natural-resource-based industry requiring a location near
2 agricultural land, forest land, or mineral resource land upon which it
3 is dependent; and (c) is not for the purpose of retail shopping
4 developments.

5 **Sec. 15.** RCW 43.62.035 and 1991 sp.s. c 32 s 30 are each amended
6 to read as follows:

7 (1) The office of financial management shall determine the
8 population of each county of the state annually as of April 1st of each
9 year and on or before July 1st of each year shall file a certificate
10 with the secretary of state showing its determination of the population
11 for each county. The office of financial management also shall
12 determine the percentage increase in population for each county over
13 the preceding ten-year period, as of April 1st, and shall file a
14 certificate with the secretary of state by July 1st showing its
15 determination. At least once every ((ten)) five years the office of
16 financial management shall, in collaboration with affected counties and
17 cities, prepare a range of twenty-year growth management planning
18 population projections required by RCW 36.70A.110 for each county that
19 adopts a comprehensive plan under RCW 36.70A.040 ((and shall review
20 these projections with such counties before final adoption)).

21 (2) Before adopting the projections, the office of financial
22 management shall consult with affected cities and counties and shall
23 consider county and city comments before taking final action on the
24 projections. These projections shall only be used for the planning
25 purposes set forth in chapter 36.70A RCW and shall not affect the
26 official state and county population forecasts and annual population
27 determinations, which shall continue to be used for state budget and
28 planning purposes.

29 NEW SECTION. **Sec. 16.** This act is remedial in nature and applies
30 retroactively to July 1, 1990.

--- END ---