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**SUBSTITUTE HOUSE BILL 1274**

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**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))~~ seventy-five thousand population may  
26 adopt a resolution removing the county, and the cities located within  
27 the county, from the requirement~~((s of adopting comprehensive land use~~  
28 ~~plans and development regulations under this chapter))~~ to plan under  
29 this section if this resolution is adopted and filed with the  
30 department by December 31, ~~((1990, for counties initially meeting this~~  
31 ~~set of criteria))~~ 1995, or within sixty days of the date the office of  
32 financial management certifies that a county meets this set of criteria  
33 under subsection (5) of this section.

34 Once a county meets either of these sets of criteria and the county  
35 has not followed this procedure to remove itself from the requirement  
36 to plan under this section, the requirement to ~~((conform with all of~~  
37 ~~the requirements of this chapter))~~ plan under this section remains in

1 effect, even if the county no longer meets one of these sets of  
2 criteria.

3 (2) The county legislative authority of any county that does not  
4 ~~((meet either of the sets of criteria established))~~ plan under  
5 ~~((subsection (1) of))~~ this section may adopt a resolution indicating  
6 its intention ~~((to have subsection (1) of this section apply to))~~ that  
7 the county plan under this section. Each city~~((7))~~ located in a county  
8 that ~~((chooses to plan))~~ adopts a resolution under this subsection~~((7))~~  
9 shall ~~((conform with all of the requirements of this chapter))~~ plan  
10 under this section. Once such a resolution has been adopted, the  
11 county and the cities located within the county remain subject to all  
12 of the requirements of this ~~((chapter))~~ section. However, a county  
13 with a population of seventy-five thousand or less that, before the  
14 effective date of this act, adopted a resolution of intention under  
15 this subsection to plan under this section may adopt a resolution  
16 removing the county, and the cities located within the county, from the  
17 requirement to plan under this section if the resolution is adopted and  
18 filed with the department by December 31, 1995.

19 (3) Any county or city that is initially required to ~~((conform with~~  
20 ~~all of the requirements of this chapter))~~ plan under this section by  
21 subsection (1) of this section, and, where applicable, the county  
22 legislative authority has not adopted a resolution removing the county  
23 from these requirements as provided in subsection (1) of this section,  
24 shall take actions under this chapter as follows: (a) The county  
25 legislative authority shall adopt a county-wide planning policy under  
26 RCW 36.70A.210; (b) the county and each city located within the county  
27 shall designate critical areas, agricultural lands, forest lands, and  
28 mineral resource lands, and adopt development regulations conserving  
29 these designated agricultural lands, forest lands, and mineral resource  
30 lands and protecting these designated critical areas, under RCW  
31 36.70A.170 and 36.70A.060; (c) the county shall designate and take  
32 other actions related to urban growth areas under RCW 36.70A.110; (d)  
33 if the county has a population of fifty thousand or more, the county  
34 and each city located within the county shall adopt a comprehensive  
35 plan under this chapter and development regulations that are consistent  
36 with and implement the comprehensive plan on or before July 1, 1994,  
37 and if the county has a population of less than fifty thousand, the  
38 county and each city located within the county shall adopt a  
39 comprehensive plan under this chapter and development regulations that

1 are consistent with and implement the comprehensive plan by January 1,  
2 1995, but if the governor makes written findings that a county with a  
3 population of less than fifty thousand or a city located within such a  
4 county is not making reasonable progress toward adopting a  
5 comprehensive plan and development regulations the governor may reduce  
6 this deadline for such actions to be taken by no more than one hundred  
7 eighty days. Any county or city subject to this subsection may obtain  
8 an additional six months before it is required to have adopted its  
9 development regulations by submitting a letter notifying the department  
10 (~~of community development~~) of its need prior to the deadline for  
11 adopting both a comprehensive plan and development regulations.

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

35 (5) If the office of financial management certifies that the  
36 population of a county that (~~previously had not been required to~~)  
37 does not plan under (~~subsection (1) or (2) of~~) this section has  
38 changed sufficiently to meet either of the sets of criteria specified  
39 under subsection (1) of this section, and where applicable, the county

1 legislative authority has not adopted a resolution removing the county  
2 from these requirements as provided in subsection (1) of this section,  
3 the county and each city within such county shall take actions under  
4 this chapter as follows: (a) The county legislative authority shall  
5 adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
6 county and each city located within the county shall adopt development  
7 regulations under RCW 36.70A.060 conserving agricultural lands, forest  
8 lands, and mineral resource lands it designated within one year of the  
9 certification by the office of financial management; (c) the county  
10 shall designate and take other actions related to urban growth areas  
11 under RCW 36.70A.110; and (d) the county and each city located within  
12 the county shall adopt a comprehensive land use plan and development  
13 regulations that are consistent with and implement the comprehensive  
14 plan within four years of the certification by the office of financial  
15 management, but a county or city may obtain an additional six months  
16 before it is required to have adopted its development regulations by  
17 submitting a letter notifying the department ((of—community  
18 development)) of its need prior to the deadline for adopting both a  
19 comprehensive plan and development regulations.

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

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

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

32 (2) Existing zoning and legal uses, lots, and structures shall be  
33 affected only through locally adopted development regulations.  
34 Development regulations that implement comprehensive plans adopted  
35 pursuant to RCW 36.70A.040 shall establish rules of transition  
36 governing such matters as zoning, uses, lots, and structures to ensure  
37 that implementation of this chapter will occur in an orderly, fair, and  
38 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.

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

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

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

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

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

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

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

20       (2) The legislative authority of a county that plans under RCW  
21 36.70A.040 shall adopt a county-wide planning policy in cooperation  
22 with the cities located in whole or in part within the county as  
23 follows:

24       (a) No later than sixty calendar days from July 16, 1991, the  
25 legislative authority of each county that as of June 1, 1991, was  
26 required or chose to plan under RCW 36.70A.040 shall convene a meeting  
27 with representatives of each city located within the county for the  
28 purpose of establishing a collaborative process that will provide a  
29 framework for the adoption of a county-wide planning policy. In other  
30 counties that are required or choose to plan under RCW 36.70A.040, this  
31 meeting shall be convened no later than sixty days after the date the  
32 county adopts its resolution of intention or was certified by the  
33 office of financial management.

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

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

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

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

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

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

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

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

38 (d) Policies for county-wide transportation facilities and  
39 strategies;

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

4 (f) Policies for joint county and city planning within urban growth  
5 areas;

6 (g) Policies for county-wide economic development and employment;  
7 and

8 (h) An analysis of the fiscal impact.

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

14 (5) Federal agencies and Indian tribes may participate in and  
15 cooperate with the county-wide planning policy adoption process.  
16 Adopted county-wide planning policies shall be adhered to by state  
17 agencies.

18 ~~((+5))~~ (6) Failure to adopt a county-wide planning policy that  
19 meets the requirements of this section may result in the imposition of  
20 a sanction or sanctions on a county or city within the county, as  
21 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the  
22 governor shall specify the reasons for failure to adopt a county-wide  
23 planning policy in order that any imposed sanction or sanctions are  
24 fairly and equitably related to the failure to adopt a county-wide  
25 planning policy.

26 ~~((+6))~~ (7) Cities and the governor may appeal an adopted county-  
27 wide planning policy to the growth management hearings board within  
28 sixty days of the adoption of the county-wide planning policy.

29 ~~((+7))~~ (8) Multicounty planning policies shall be adopted by two  
30 or more counties, each with a population of four hundred fifty thousand  
31 or more, with contiguous urban areas and may be adopted by other  
32 counties, according to the process established under this section or  
33 other processes agreed to among the counties and cities within the  
34 affected counties throughout the multicounty region.

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

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

4 (a) An Eastern Washington board with jurisdictional boundaries  
5 including all counties that are required to or choose to plan under RCW  
6 36.70A.040 and are located east of the crest of the Cascade mountains;

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

9 (c) A Western Washington board with jurisdictional boundaries  
10 including all counties that are required or choose to plan under RCW  
11 36.70A.040 and are located west of the crest of the Cascade mountains  
12 and are not included in the Central Puget Sound board jurisdictional  
13 boundaries. Skamania county, should it be required or choose to plan  
14 under RCW 36.70A.040, may elect to be included within the  
15 jurisdictional boundaries of either the Western or Eastern board.

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

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

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

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

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

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

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

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

12       (2) A petition may be filed only by the state, a county or city  
13 that plans under this chapter, a person who has either appeared before  
14 the county or city regarding the matter on which a review is being  
15 requested or is certified by the governor within sixty days of filing  
16 the request with the board, or a person qualified pursuant to RCW  
17 34.05.530.

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

21       (4) When considering a possible (~~((adjustment))~~) reduction to a  
22 growth management planning population projection prepared by the office  
23 of financial management, a board shall consider the implications of any  
24 such (~~((adjustment))~~) reduction to the population forecast for the entire  
25 state.

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

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

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

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

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

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

12 (a) A county or city that is required or chooses to plan under RCW  
13 36.70A.040 has failed to adopt a comprehensive plan or development  
14 regulations, or county-wide planning policies within the time limits  
15 established by this chapter; or ~~((+2))~~ (b) a county or city that is  
16 required or chooses to plan under this chapter has adopted a  
17 comprehensive plan, development regulations, or county-wide planning  
18 policies, that are not in compliance with the requirements of this  
19 chapter.

20 (2) Only if the governor finds:

21 (a) The agency or commissioner has participated substantially in  
22 the local process and has consistently raised the issues included in  
23 the petition for review; or

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

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

30 (1) Comprehensive plans and development regulations, and amendments  
31 thereto, adopted under this chapter are presumed valid upon adoption.  
32 In any petition under this chapter, the board, after full consideration  
33 of the petition, shall determine whether there is compliance with the  
34 requirements of this chapter. In making its determination, the board  
35 shall consider the criteria adopted by the department under RCW  
36 36.70A.190(4). The board shall find compliance by the state agency,  
37 county, or city unless it finds ~~((by a preponderance of the evidence~~

1 ~~that the state agency, county, or city erroneously interpreted or~~  
2 ~~applied this chapter))~~ that the action either: (a) Was predicated upon  
3 an interpretation of this chapter or chapter 43.21C RCW that is clearly  
4 erroneous; or (b) is not supported by substantial evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70A  
28 RCW to read as follows:

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

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

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

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

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

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

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

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

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

14 (h) The county has determined and entered findings that land  
15 suitable to site the major industrial development is unavailable within  
16 the urban growth area. Priority shall be given to applications for  
17 sites that are adjacent to or in close proximity to the urban growth  
18 area.

19 (3) "Major industrial development" means a master planned location  
20 for a specific manufacturing, industrial, or commercial business that:  
21 (a) Requires a parcel of land so large that no suitable parcels,  
22 without critical areas, are available within an urban growth area; or  
23 (b) is a natural-resource-based industry requiring a location near  
24 agricultural land, forest land, or mineral resource land upon which it  
25 is dependent; and (c) is not for the purpose of retail shopping  
26 developments.

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

29 (1) The office of financial management shall determine the  
30 population of each county of the state annually as of April 1st of each  
31 year and on or before July 1st of each year shall file a certificate  
32 with the secretary of state showing its determination of the population  
33 for each county. The office of financial management also shall  
34 determine the percentage increase in population for each county over  
35 the preceding ten-year period, as of April 1st, and shall file a  
36 certificate with the secretary of state by July 1st showing its  
37 determination. At least once every ~~((ten))~~ five years the office of  
38 financial management shall, in collaboration with affected counties and

1 cities, prepare a range of twenty-year growth management planning  
2 population projections required by RCW 36.70A.110 for each county that  
3 adopts a comprehensive plan under RCW 36.70A.040 ((and shall review  
4 these projections with such counties before final adoption)).

5 (2) Before adopting the projections, the office of financial  
6 management shall consult with affected cities and counties and shall  
7 consider county and city comments before taking final action on the  
8 projections. These projections shall only be used for the planning  
9 purposes set forth in chapter 36.70A RCW and shall not affect the  
10 official state and county population forecasts and annual population  
11 determinations, which shall continue to be used for state budget and  
12 planning purposes.

13 NEW SECTION. Sec. 16. This act is remedial in nature and applies  
14 retroactively to July 1, 1990.

--- END ---