
SUBSTITUTE HOUSE BILL 1380

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Scott, Foreman, R. Fisher, Smith, Buck, Johnson, Huff and Boldt)

Read first time 03/01/95.

1 AN ACT Relating to growth management; amending RCW 36.70A.040,
2 36.70A.110, 36.70A.310, 36.70A.320, and 43.62.035; and adding a new
3 section to chapter 36.70A RCW.

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

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

7 (1) Each county that has both a population of fifty thousand or
8 more and has had its population increase by more than ten percent in
9 the previous ten years, and the cities located within such county, and
10 any other county regardless of its population that has had its
11 population increase by more than twenty percent in the previous ten
12 years, and the cities located within such county, shall ~~((conform with
13 all of the requirements of this chapter))~~ plan under this section.
14 However, the county legislative authority of such a county with a
15 population of less than ~~((fifty))~~ three hundred thousand population may
16 adopt a resolution removing the county, and the cities located within
17 the county, from the requirement~~((s of adopting comprehensive land use
18 plans and development regulations under this chapter))~~ to plan under
19 this section if this resolution is adopted and filed with the

1 department by December 31, (~~(1990, for counties initially meeting this~~
2 ~~set of criteria)) 1995, or within sixty days of the date the office of
3 financial management certifies that a county meets this set of criteria
4 under subsection (5) of this section.~~

5 Once a county meets either of these sets of criteria and the county
6 has not followed this procedure to remove itself from the requirement
7 to plan under this section, the requirement to (~~(conform with all of~~
8 ~~the requirements of this chapter)) plan under this section remains in
9 effect, even if the county no longer meets one of these sets of
10 criteria.~~

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

27 (3) Any county or city that is initially required to (~~(conform with~~
28 ~~all of the requirements of this chapter)) plan under this section by~~
29 subsection (1) of this section, and, where applicable, the county
30 legislative authority has not adopted a resolution removing the county
31 from these requirements as provided in subsection (1) of this section,
32 shall take actions under this chapter as follows: (a) The county
33 legislative authority shall adopt a county-wide planning policy under
34 RCW 36.70A.210; (b) the county and each city located within the county
35 shall designate critical areas, agricultural lands, forest lands, and
36 mineral resource lands, and adopt development regulations conserving
37 these designated agricultural lands, forest lands, and mineral resource
38 lands and protecting these designated critical areas, under RCW
39 36.70A.170 and 36.70A.060; (c) the county shall designate and take

1 other actions related to urban growth areas under RCW 36.70A.110; (d)
2 if the county has a population of fifty thousand or more, the county
3 and each city located within the county shall adopt a comprehensive
4 plan under this chapter and development regulations that are consistent
5 with and implement the comprehensive plan on or before July 1, 1994,
6 and if the county has a population of less than fifty thousand, the
7 county and each city located within the county shall adopt a
8 comprehensive plan under this chapter and development regulations that
9 are consistent with and implement the comprehensive plan by January 1,
10 1995, but if the governor makes written findings that a county with a
11 population of less than fifty thousand or a city located within such a
12 county is not making reasonable progress toward adopting a
13 comprehensive plan and development regulations the governor may reduce
14 this deadline for such actions to be taken by no more than one hundred
15 eighty days. Any county or city subject to this subsection may obtain
16 an additional six months before it is required to have adopted its
17 development regulations by submitting a letter notifying the department
18 ((of community development)) of its need prior to the deadline for
19 adopting both a comprehensive plan and development regulations.

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

1 regulations by submitting a letter notifying the department (~~of~~
2 ~~community development~~) of its need prior to the deadline for adopting
3 both a comprehensive plan and development regulations.

4 (5) If the office of financial management certifies that the
5 population of a county that (~~previously had not been required to~~)
6 does not plan under (~~subsection (1) or (2) of~~) this section has
7 changed sufficiently to meet either of the sets of criteria specified
8 under subsection (1) 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 (1) of this section,
11 the county and each city within such county shall take actions under
12 this chapter as follows: (a) The county legislative authority shall
13 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
14 county and each city located within the county shall adopt development
15 regulations under RCW 36.70A.060 conserving agricultural lands, forest
16 lands, and mineral resource lands it designated within one year of the
17 certification by the office of financial management; (c) the county
18 shall designate and take other actions related to urban growth areas
19 under RCW 36.70A.110; and (d) the county and each city located within
20 the county shall adopt a comprehensive land use plan and development
21 regulations that are consistent with and implement the comprehensive
22 plan within four years of the certification by the office of financial
23 management, but a county or city may obtain an additional six months
24 before it is required to have adopted its development regulations by
25 submitting a letter notifying the department (~~of community~~
26 ~~development~~) of its need prior to the deadline for adopting both a
27 comprehensive plan and development regulations.

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

30 **Sec. 2.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
31 read as follows:

32 (1) Each county that is required or chooses to plan under RCW
33 36.70A.040 shall designate an urban growth area or areas within which
34 urban growth shall be encouraged and outside of which growth can occur
35 only if it is not urban in nature. Each city that is located in such
36 a county shall be included within an urban growth area. An urban
37 growth area may include more than a single city. An urban growth area
38 that includes a city or cities may include territory that is located

1 outside of ((a)) the city or cities only if such territory already is
2 characterized by urban growth or is adjacent to territory already
3 characterized by urban growth. An urban growth area may be designated
4 that does not include a city, but only if the territory already is
5 characterized by urban growth or is adjacent to territory already
6 characterized by urban growth.

7 (2) Based upon the (~~population growth management planning~~)
8 twenty-year population projection made for the county by the office of
9 financial management, the urban growth areas in the county shall
10 include areas and densities at least sufficient to permit the urban
11 growth that is projected to occur in the county for the succeeding
12 twenty-year period. Each urban growth area shall permit urban
13 densities and shall include greenbelt and open space areas. Within one
14 year of July 1, 1990, each county that as of June 1, 1991, was required
15 or chose to plan under RCW 36.70A.040, shall begin consulting with each
16 city located within its boundaries and each city shall propose the
17 location of an urban growth area. Within sixty days of the date the
18 county legislative authority of a county adopts its resolution of
19 intention or of certification by the office of financial management,
20 all other counties that are required or choose to plan under RCW
21 36.70A.040 shall begin this consultation with each city located within
22 its boundaries. The county shall attempt to reach agreement with each
23 city on the location of an urban growth area within which the city is
24 located. If such an agreement is not reached with each city located
25 within the urban growth area, the county shall justify in writing why
26 it so designated the area an urban growth area. A city may object
27 formally with the department over the designation of the urban growth
28 area within which it is located. Where appropriate, the department
29 shall attempt to resolve the conflicts, including the use of mediation
30 services.

31 (3) Urban growth should be located first in areas already
32 characterized by urban growth, whether or not the areas are located
33 within a city, that have existing public facility and service
34 capacities to serve such development, and second in areas already
35 characterized by urban growth, whether or not the areas are located
36 within a city, that will be served by a combination of both existing
37 public facilities and services and any additional needed public
38 facilities and services that are provided by either public or private
39 sources. Further, it is appropriate that urban government services be

1 provided by cities, and urban government services should not be
2 provided in rural areas.

3 (4) On or before October 1, 1993, each county that was initially
4 required to plan under RCW 36.70A.040(1) shall adopt development
5 regulations designating interim urban growth areas under this chapter.
6 Within three years and three months of the date the county legislative
7 authority of a county adopts its resolution of intention or of
8 certification by the office of financial management, all other counties
9 that are required or choose to plan under RCW 36.70A.040 shall adopt
10 development regulations designating interim urban growth areas under
11 this chapter. Adoption of the interim urban growth areas may only
12 occur after public notice; public hearing; and compliance with the
13 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
14 Such action may be appealed to the appropriate growth management
15 hearings board under RCW 36.70A.280. Final urban growth areas shall be
16 adopted at the time of comprehensive plan adoption under this chapter.

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

19 **Sec. 3.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to
20 read as follows:

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

25 (a) A county or city that is required or chooses to plan under RCW
26 36.70A.040 has failed to adopt a comprehensive plan or development
27 regulations, or county-wide planning policies within the time limits
28 established by this chapter; or ~~((+2))~~ (b) a county or city that is
29 required or chooses to plan under this chapter has adopted a
30 comprehensive plan, development regulations, or county-wide planning
31 policies, that are not in compliance with the requirements of this
32 chapter.

33 (2) Only if the governor finds:

34 (a) The agency or commissioner has participated substantially in
35 the local process and has consistently raised the issues included in
36 the petition for review; or

37 (b) That review by a board is the best means to accomplish the
38 state's goals,

1 then a state agency or the commissioner of public lands may seek review
2 by a growth management hearings board.

3 **Sec. 4.** RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended
4 to read as follows:

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

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

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

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

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

31 The office of financial management shall determine the population
32 of each county of the state annually as of April 1st of each year and
33 on or before July 1st of each year shall file a certificate with the
34 secretary of state showing its determination of the population for each
35 county. The office of financial management also shall determine the
36 percentage increase in population for each county over the preceding

1 ten-year period, as of April 1st, and shall file a certificate with the
2 secretary of state by July 1st showing its determination.

3 ~~((At least once every ten years))~~ The office of financial
4 management shall prepare a twenty-year ~~((growth management planning))~~
5 population projection~~((s required by RCW 36.70A.110))~~ for each county
6 that ~~((adopts a comprehensive))~~ is required or chooses to plan under
7 RCW 36.70A.040 at least once every ten years, commencing after the
8 county initially plans under RCW 36.70A.040, and shall review ~~((these~~
9 ~~projections with such counties before final adoption))~~ the county's
10 twenty-year population projection with the county before finally
11 adopting the projection. A twenty-year population projection shall
12 include a range of projected populations for the county over the next
13 twenty years.

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