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By Representatives Reams, K. Schmidt, L. Thomas, Chandler, Sehlin, Buck, Hargrove, Beeksma, Goldsmith, Foreman, McMorris, Mulliken, Johnson, Thompson, Huff and Casada

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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.

25 (2) A housing element recognizing the vitality and character of
26 established residential neighborhoods that: (a) Includes an inventory
27 and analysis of existing and projected housing needs; (b) includes a
28 statement of goals, policies, and objectives for the preservation,
29 improvement, and development of housing; (c) identifies sufficient land
30 for housing, including, but not limited to, government-assisted
31 housing, housing for low-income families, manufactured housing,
32 multifamily housing, and group homes and foster care facilities; and
33 (d) makes adequate provisions for existing and projected needs of all
34 economic segments of the community.

35 (3) A capital facilities plan element consisting of: (a) An
36 inventory of existing capital facilities owned by public entities,
37 showing the locations and capacities of the capital facilities; (b) a
38 forecast of the future needs for such capital facilities; (c) the
39 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such capital
2 facilities within projected funding capacities and clearly identifies
3 sources of public money for such purposes; and (e) a requirement to
4 reassess the land use element if probable funding falls short of
5 meeting existing needs and to ensure that the land use element, capital
6 facilities plan element, and financing plan within the capital
7 facilities plan element are coordinated and consistent.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed utilities,
10 including, but not limited to, electrical lines, telecommunication
11 lines, and natural gas lines.

12 (5) Counties shall include a rural element including lands that are
13 not designated for urban growth, agriculture, forest, or mineral
14 resources. The rural element shall permit land uses that are
15 compatible with the rural character of such lands and provide for a
16 variety of rural densities and may also provide for clustering, density
17 transfer, design guidelines, conservation easements, and other
18 innovative techniques that will provide for a variety of residential
19 and nonresidential uses and lifestyles.

20 (6) A transportation element that implements, and is consistent
21 with, the land use element. The transportation element shall include
22 the following subelements:

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

24 (b) Facilities and services needs, including:

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

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

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

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

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

39 (c) Finance, including:

1 (i) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (ii) A multiyear financing plan based on the needs identified in
4 the comprehensive plan, the appropriate parts of which shall serve as
5 the basis for the six-year street, road, or transit program required by
6 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
7 35.58.2795 for public transportation systems;

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

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

15 (e) Demand-management strategies.

16 After adoption of the comprehensive plan by jurisdictions required
17 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
18 must adopt and enforce ordinances which prohibit development approval
19 if the development causes the level of service on a transportation
20 facility to decline below the standards adopted in the transportation
21 element of the comprehensive plan, unless transportation improvements
22 or strategies to accommodate the impacts of development are made
23 concurrent with the development. These strategies may include
24 increased public transportation service, ride sharing programs, demand
25 management, and other transportation systems management strategies.
26 For the purposes of this subsection (6) "concurrent with the
27 development" shall mean that improvements or strategies are in place at
28 the time of development, or that a financial commitment is in place to
29 complete the improvements or strategies within six years.

30 The transportation element described in this subsection, and the
31 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
32 counties, and RCW 35.58.2795 for public transportation systems, must be
33 consistent.

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

36 (1) Each county that is required or chooses to plan under RCW
37 36.70A.040 shall designate an urban growth area or areas within which
38 urban growth shall be encouraged and outside of which growth can occur

1 only if it is not urban in nature. Each city that is located in such
2 a county shall be included within an urban growth area. An urban
3 growth area may include more than a single city. An urban growth area
4 that includes a city or cities may include territory that is located
5 outside of ((a)) the city or cities only if such territory already is
6 characterized by urban growth or is adjacent to territory already
7 characterized by urban growth. An urban growth area may be designated
8 that does not include a city, but only if the territory already is
9 characterized by urban growth or is adjacent to territory already
10 characterized by urban growth.

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

35 (3) Urban growth should be located ((first)) in areas: (a) Already
36 characterized by urban growth , whether or not the areas are located
37 within a city, that have existing public facility and service
38 capacities to serve such development, ((and second in areas)) (b)
39 already characterized by urban growth , whether or not the areas are

1 located within a city, that will be served by a combination of both
2 existing public facilities and services and any additional needed
3 public facilities and services that are provided by either public or
4 private sources, and (c) adjacent to territory already characterized by
5 urban growth, or so situated in light of geographic or utility
6 considerations as to be appropriate for urban growth within the
7 succeeding twenty-year period. Further, it is usually appropriate that
8 urban government services be provided by cities, and urban government
9 services should not be provided in rural areas.

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

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

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

28 (1) The legislature recognizes that in general counties are
29 ~~((regional governments within their boundaries))~~ the unit of local
30 government most appropriate to provide regional governmental services,
31 and cities are ~~((primary providers of))~~ the unit of local governmental
32 most appropriate to provide urban governmental services ~~((within urban~~
33 ~~growth areas))~~. For the purposes of this section, a "county-wide
34 planning policy" is a written policy statement or statements used
35 solely for establishing a county-wide framework from which county and
36 city comprehensive plans are developed and adopted pursuant to this
37 chapter. This framework shall ensure that city and county
38 comprehensive plans are consistent as required in RCW 36.70A.100.

1 Nothing in this section shall be construed to alter the land-use powers
2 of cities; the authority of cities to provide regional services; or the
3 authority of counties to provide urban governmental services. It is
4 the intent of the legislature that regional and urban governmental
5 service decisions be made through the flexible process established in
6 chapter 36.115 RCW.

7 (2) The legislative authority of a county that plans under RCW
8 36.70A.040 shall adopt a county-wide planning policy in cooperation
9 with the cities located in whole or in part within the county as
10 follows:

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

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

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

31 (d) If there is no agreement by October 1, 1991, in a county that
32 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
33 or if there is no agreement within one hundred twenty days of the date
34 the county adopted its resolution of intention or was certified by the
35 office of financial management in any other county that is required or
36 chooses to plan under RCW 36.70A.040, the governor shall first inquire
37 of the jurisdictions as to the reason or reasons for failure to reach
38 an agreement. If the governor deems it appropriate, the governor may
39 immediately request the assistance of the department of community,

1 trade, and economic development to mediate any disputes that preclude
2 agreement. If mediation is unsuccessful in resolving all disputes that
3 will lead to agreement, the governor may impose appropriate sanctions
4 from those specified under RCW 36.70A.340 on the county, city, or
5 cities for failure to reach an agreement as provided in this section.
6 The governor shall specify the reason or reasons for the imposition of
7 any sanction.

8 (e) No later than July 1, 1992, the legislative authority of each
9 county that was required or chose to plan under RCW 36.70A.040 as of
10 June 1, 1991, or no later than fourteen months after the date the
11 county adopted its resolution of intention or was certified by the
12 office of financial management the county legislative authority of any
13 other county that is required or chooses to plan under RCW 36.70A.040,
14 shall adopt a county-wide planning policy according to the process
15 provided under this section and that is consistent with the agreement
16 pursuant to (b) of this subsection, and after holding a public hearing
17 or hearings on the proposed county-wide planning policy.

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

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

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

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

25 (d) Policies for county-wide transportation facilities and
26 strategies;

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

30 (f) Policies for joint county and city planning within urban growth
31 areas;

32 (g) Policies for county-wide economic development and employment;
33 and

34 (h) An analysis of the fiscal impact.

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

1 (5) Federal agencies and Indian tribes may participate in and
2 cooperate with the county-wide planning policy adoption process.
3 Adopted county-wide planning policies shall be adhered to by state
4 agencies.

5 (~~(5)~~) (6) Failure to adopt a county-wide planning policy that
6 meets the requirements of this section may result in the imposition of
7 a sanction or sanctions on a county or city within the county, as
8 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
9 governor shall specify the reasons for failure to adopt a county-wide
10 planning policy in order that any imposed sanction or sanctions are
11 fairly and equitably related to the failure to adopt a county-wide
12 planning policy.

13 (~~(6)~~) (7) Cities and the governor may appeal an adopted county-
14 wide planning policy to the growth management hearings board within
15 sixty days of the adoption of the county-wide planning policy.

16 (~~(7)~~) (8) Multicounty planning policies shall be adopted by two
17 or more counties, each with a population of four hundred fifty thousand
18 or more, with contiguous urban areas and may be adopted by other
19 counties, according to the process established under this section or
20 other processes agreed to among the counties and cities within the
21 affected counties throughout the multicounty region.

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

24 (1) There are hereby created three growth management hearings
25 boards for the state of Washington. Each board is a quasijudicial
26 body. The boards shall be established as follows:

27 (a) An Eastern Washington board with jurisdictional boundaries
28 including all counties that are required to or choose to plan under RCW
29 36.70A.040 and are located east of the crest of the Cascade mountains;

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

32 (c) A Western Washington board with jurisdictional boundaries
33 including all counties that are required or choose to plan under RCW
34 36.70A.040 and are located west of the crest of the Cascade mountains
35 and are not included in the Central Puget Sound board jurisdictional
36 boundaries. Skamania county, should it be required or choose to plan
37 under RCW 36.70A.040, may elect to be included within the
38 jurisdictional boundaries of either the Western or Eastern board.

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

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

5 (1) Each growth management hearings board shall consist of three
6 members qualified by experience or training in matters pertaining to
7 land use planning and residing within the jurisdictional boundaries of
8 the applicable board. At least one member of each board must be
9 admitted to practice law in this state and at least one member must
10 have been a city or county elected official. Each board shall be
11 appointed by the governor with the advice and consent of the senate and
12 not more than two members at the time of appointment or during their
13 term shall be members of the same political party. No more than two
14 members at the time of appointment or during their term shall reside in
15 the same county.

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

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

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

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

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

34 (2) A petition may be filed only by the state, a county or city
35 that plans under this chapter, a person who has either appeared before
36 the county or city regarding the matter on which a review is being
37 requested or is certified by the governor within sixty days of filing

1 the request with the board, or a person qualified pursuant to RCW
2 34.05.530.

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

6 (4) When considering a possible ((adjustment)) reduction to a
7 growth management planning population projection prepared by the office
8 of financial management, a board shall consider the implications of any
9 such ((adjustment)) reduction to the population forecast for the entire
10 state.

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

14 If ((adjusted)) reduced by a board, a county growth management
15 planning population projection shall only be used for the planning
16 purposes set forth in this chapter and shall be known as a "board
17 adjusted population projection". None of these changes shall affect
18 the official state and county population forecasts prepared by the
19 office of financial management, which shall continue to be used for
20 state budget and planning purposes.

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

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

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

30 (1) A request for review by the state to a growth management
31 hearings board may be made only by the governor, or with the governor's
32 consent the head of an agency, or by the commissioner of public lands
33 as relating to state trust lands, for the review of whether: ((+1))
34 (a) A county or city that is required or chooses to plan under RCW
35 36.70A.040 has failed to adopt a comprehensive plan or development
36 regulations, or county-wide planning policies within the time limits
37 established by this chapter; or ((+2)) (b) a county or city that is

1 required or chooses to plan under this chapter has adopted a
2 comprehensive plan, development regulations, or county-wide planning
3 policies, that are not in compliance with the requirements of this
4 chapter.

5 (2) Only if the governor finds:

6 (a) The agency or commissioner has participated substantially in
7 the local process and has consistently raised the issues included in
8 the petition for review; or

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

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

15 (1) Comprehensive plans and development regulations, and amendments
16 thereto, adopted under this chapter are presumed valid upon adoption.
17 In any petition under this chapter, the board, after full consideration
18 of the petition, shall determine whether there is compliance with the
19 requirements of this chapter. In making its determination, the board
20 shall consider the criteria adopted by the department under RCW
21 36.70A.190(4). The board shall find compliance by the state agency,
22 county, or city unless it finds (~~by a preponderance of the evidence~~
23 that the state agency, county, or city erroneously interpreted or
24 applied this chapter)) that the action either: (a) Was predicated upon
25 an interpretation of this chapter or chapter 43.21C RCW that is clearly
26 erroneous; or (b) is not supported by substantial evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) New fully contained communities may be approved outside
30 established urban growth areas only if a county reserves a portion of
31 the twenty-year growth management planning population projection used
32 to establish urban growth areas under RCW 36.70A.110 and offsets the
33 urban growth area accordingly for allocation to new fully contained
34 communities that meet the requirements of this chapter. Any county
35 electing to establish a new community reserve shall do so no more often
36 than once every five years as a part of the designation or review of
37 urban growth areas required by this chapter. The new community reserve
38 shall be allocated on a project-by-project basis, only after specific
39 project approval procedures have been adopted pursuant to this chapter

1 as a development regulation. When a new community reserve is
2 established, urban growth areas designated pursuant to this chapter
3 shall accommodate the unreserved portion of the twenty-year population
4 projection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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