
SENATE BILL 6586

State of Washington

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By Senators A. Anderson, Hale, Oke, Zarelli, McCaslin, Deccio, Swecker, Moyer, Johnson, Hochstatter, Prince and West

Read first time 01/18/96. Referred to Committee on Government Operations.

1 AN ACT Relating to the application of initiative and referendum
2 powers to growth management measures; amending RCW 36.70A.030,
3 36.70A.040, 36.70A.110, 36.70A.130, and 36.70A.210; and adding a new
4 section to chapter 36.70A RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
7 to read as follows:

8 The citizens of a county may exercise their right to reject by
9 referendum or change by initiative all growth management measures to
10 the degree that such referendum and initiative rights are authorized
11 under the applicable home rule charter. Nothing in this section
12 prohibits growth management hearings boards or the governor from
13 performing their duties under this chapter.

14 **Sec. 2.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

1 (1) "Adopt a comprehensive land use plan" means to enact a new
2 comprehensive land use plan or to update an existing comprehensive land
3 use plan.

4 (2) "Agricultural land" means land primarily devoted to the
5 commercial production of horticultural, viticultural, floricultural,
6 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
7 straw, turf, seed, Christmas trees not subject to the excise tax
8 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
9 hatcheries, or livestock, and that has long-term commercial
10 significance for agricultural production.

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

12 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
13 means a generalized coordinated land use policy statement of (~~the~~
14 ~~governing body of~~) a county or city that is adopted pursuant to this
15 chapter.

16 (5) "Critical areas" include the following areas and ecosystems:
17 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
18 used for potable water; (c) fish and wildlife habitat conservation
19 areas; (d) frequently flooded areas; and (e) geologically hazardous
20 areas.

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

23 (7) "Development regulations" means the controls placed on
24 development or land use activities by a county or city, including, but
25 not limited to, zoning ordinances, critical areas ordinances, shoreline
26 master programs, official controls, planned unit development
27 ordinances, subdivision ordinances, and binding site plan ordinances
28 together with any amendments thereto. A development regulation does
29 not include a decision to approve a project permit application, as
30 defined in RCW 36.70B.020, even though the decision may be expressed in
31 a resolution or ordinance of the legislative body of the county or
32 city.

33 (8) "Forest land" means land primarily devoted to growing trees for
34 long-term commercial timber production on land that can be economically
35 and practically managed for such production, including Christmas trees
36 subject to the excise tax imposed under RCW 84.33.100 through
37 84.33.140, and that has long-term commercial significance. In
38 determining whether forest land is primarily devoted to growing trees
39 for long-term commercial timber production on land that can be

1 economically and practically managed for such production, the following
2 factors shall be considered: (a) The proximity of the land to urban,
3 suburban, and rural settlements; (b) surrounding parcel size and the
4 compatibility and intensity of adjacent and nearby land uses; (c) long-
5 term local economic conditions that affect the ability to manage for
6 timber production; and (d) the availability of public facilities and
7 services conducive to conversion of forest land to other uses.

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

13 (10) "Growth management measures" include the decision to be
14 subject to or excluded from the growth management act; the adoption of
15 county-wide planning policies; the designation of critical areas,
16 agricultural lands, forest lands, and mineral resource lands; the
17 adoption of development regulations conserving these designated
18 agricultural lands, forest lands, and mineral resource lands and
19 protecting these designated critical areas; the designation of and
20 other actions related to urban growth areas; the adoption of a
21 comprehensive plan under this chapter; and the adoption of development
22 regulations relating to the comprehensive plan under this chapter; and
23 amendments to these measures.

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

28 ~~((11))~~ (12) "Minerals" include gravel, sand, and valuable
29 metallic substances.

30 ~~((12))~~ (13) "Public facilities" include streets, roads, highways,
31 sidewalks, street and road lighting systems, traffic signals, domestic
32 water systems, storm and sanitary sewer systems, parks and recreational
33 facilities, and schools.

34 ~~((13))~~ (14) "Public services" include fire protection and
35 suppression, law enforcement, public health, education, recreation,
36 environmental protection, and other governmental services.

37 ~~((14))~~ (15) "Urban growth" refers to growth that makes intensive
38 use of land for the location of buildings, structures, and impermeable
39 surfaces to such a degree as to be incompatible with the primary use of

1 such land for the production of food, other agricultural products, or
2 fiber, or the extraction of mineral resources. When allowed to spread
3 over wide areas, urban growth typically requires urban governmental
4 services. "Characterized by urban growth" refers to land having urban
5 growth located on it, or to land located in relationship to an area
6 with urban growth on it as to be appropriate for urban growth.

7 ~~((15))~~ (16) "Urban growth areas" means those areas designated by
8 a county pursuant to RCW 36.70A.110.

9 ~~((16))~~ (17) "Urban governmental services" include those
10 governmental services historically and typically delivered by cities,
11 and include storm and sanitary sewer systems, domestic water systems,
12 street cleaning services, fire and police protection services, public
13 transit services, and other public utilities associated with urban
14 areas and normally not associated with nonurban areas.

15 ~~((17))~~ (18) "Wetland" or "wetlands" means areas that are
16 inundated or saturated by surface water or ground water at a frequency
17 and duration sufficient to support, and that under normal circumstances
18 do support, a prevalence of vegetation typically adapted for life in
19 saturated soil conditions. Wetlands generally include swamps, marshes,
20 bogs, and similar areas. Wetlands do not include those artificial
21 wetlands intentionally created from nonwetland sites, including, but
22 not limited to, irrigation and drainage ditches, grass-lined swales,
23 canals, detention facilities, wastewater treatment facilities, farm
24 ponds, and landscape amenities, or those wetlands created after July 1,
25 1990, that were unintentionally created as a result of the construction
26 of a road, street, or highway. Wetlands may include those artificial
27 wetlands intentionally created from nonwetland areas created to
28 mitigate conversion of wetlands.

29 **Sec. 3.** RCW 36.70A.040 and 1995 c 400 s 1 are each amended to read
30 as follows:

31 (1) Each county that has both a population of fifty thousand or
32 more and, until May 16, 1995, has had its population increase by more
33 than ten percent in the previous ten years or, on or after May 16,
34 1995, has had its population increase by more than seventeen percent in
35 the previous ten years, and the cities located within such county, and
36 any other county regardless of its population that has had its
37 population increase by more than twenty percent in the previous ten
38 years, and the cities located within such county, shall conform with

1 all of the requirements of this chapter. However, (~~the county~~
2 ~~legislative authority of~~) such a county with a population of less than
3 fifty thousand population may adopt a resolution removing the county,
4 and the cities located within the county, from the requirements of
5 adopting comprehensive land use plans and development regulations under
6 this chapter if this resolution is adopted and filed with the
7 department by December 31, 1990, for counties initially meeting this
8 set of criteria, or within sixty days of the date the office of
9 financial management certifies that a county meets this set of criteria
10 under subsection (5) of this section.

11 Once a county meets either of these sets of criteria, the
12 requirement to conform with all of the requirements of this chapter
13 remains in effect, even if the county no longer meets one of these sets
14 of criteria.

15 (2) (~~The county legislative authority of~~) Any county that does
16 not meet either of the sets of criteria established under subsection
17 (1) of this section may adopt a resolution indicating its intention to
18 have subsection (1) of this section apply to the county. Each city,
19 located in a county that chooses to plan under this subsection, shall
20 conform with all of the requirements of this chapter. Once such a
21 resolution has been adopted, the county and the cities located within
22 the county remain subject to all of the requirements of this chapter.

23 (3) Any county or city that is initially required to conform with
24 all of the requirements of this chapter under subsection (1) of this
25 section shall take actions under this chapter as follows: (a) The
26 county (~~legislative authority~~) shall adopt a county-wide planning
27 policy under RCW 36.70A.210; (b) the county and each city located
28 within the county shall designate critical areas, agricultural lands,
29 forest lands, and mineral resource lands, and adopt development
30 regulations conserving these designated agricultural lands, forest
31 lands, and mineral resource lands and protecting these designated
32 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
33 shall designate and take other actions related to urban growth areas
34 under RCW 36.70A.110; (d) if the county has a population of fifty
35 thousand or more, the county and each city located within the county
36 shall adopt a comprehensive plan under this chapter and development
37 regulations that are consistent with and implement the comprehensive
38 plan on or before July 1, 1994, and if the county has a population of
39 less than fifty thousand, the county and each city located within the

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

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

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

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

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

23 **Sec. 4.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read
24 as follows:

25 (1) Each county that is required or chooses to plan under RCW
26 36.70A.040 shall designate an urban growth area or areas within which
27 urban growth shall be encouraged and outside of which growth can occur
28 only if it is not urban in nature. Each city that is located in such
29 a county shall be included within an urban growth area. An urban
30 growth area may include more than a single city. An urban growth area
31 may include territory that is located outside of a city only if such
32 territory already is characterized by urban growth whether or not the
33 urban growth area includes a city, or is adjacent to territory already
34 characterized by urban growth, or is a designated new fully contained
35 community as defined by RCW 36.70A.350.

36 (2) Based upon the growth management population projection made for
37 the county by the office of financial management, the urban growth
38 areas in the county shall include areas and densities sufficient to

1 permit the urban growth that is projected to occur in the county for
2 the succeeding twenty-year period. Each urban growth area shall permit
3 urban densities and shall include greenbelt and open space areas. An
4 urban growth area determination may include a reasonable land market
5 supply factor and shall permit a range of urban densities and uses. In
6 determining this market factor, cities and counties may consider local
7 circumstances. Cities and counties have discretion in their
8 comprehensive plans to make many choices about accommodating growth.

9 Within one year of July 1, 1990, each county that as of June 1,
10 1991, was required or chose to plan under RCW 36.70A.040, shall begin
11 consulting with each city located within its boundaries and each city
12 shall propose the location of an urban growth area. Within sixty days
13 of the date (~~the county legislative authority of~~) a county adopts its
14 resolution of intention or of certification by the office of financial
15 management, all other counties that are required or choose to plan
16 under RCW 36.70A.040 shall begin this consultation with each city
17 located within its boundaries. The county shall attempt to reach
18 agreement with each city on the location of an urban growth area within
19 which the city is located. If such an agreement is not reached with
20 each city located within the urban growth area, the county shall
21 justify in writing why it so designated the area an urban growth area.
22 A city may object formally with the department over the designation of
23 the urban growth area within which it is located. Where appropriate,
24 the department shall attempt to resolve the conflicts, including the
25 use of mediation services.

26 (3) Urban growth should be located first in areas already
27 characterized by urban growth that have adequate existing public
28 facility and service capacities to serve such development, second in
29 areas already characterized by urban growth that will be served
30 adequately by a combination of both existing public facilities and
31 services and any additional needed public facilities and services that
32 are provided by either public or private sources, and third in the
33 remaining portions of the urban growth areas. Urban growth may also be
34 located in designated new fully contained communities as defined by RCW
35 36.70A.350.

36 (4) In general, cities are the units of local government most
37 appropriate to provide urban governmental services. In general, it is
38 not appropriate that urban governmental services be extended to or
39 expanded in rural areas except in those limited circumstances shown to

1 be necessary to protect basic public health and safety and the
2 environment and when such services are financially supportable at rural
3 densities and do not permit urban development.

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

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

20 **Sec. 5.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to
21 read as follows:

22 (1) Each comprehensive land use plan and development regulations
23 shall be subject to continuing evaluation and review by the county or
24 city that adopted them.

25 Any amendment or revision to a comprehensive land use plan shall
26 conform to this chapter, and any change to development regulations
27 shall be consistent with and implement the comprehensive plan.

28 (2)(a) Each county and city shall establish and broadly disseminate
29 to the public a public participation program identifying procedures
30 whereby proposed amendments or revisions of the comprehensive plan are
31 considered by ((~~the governing body of~~)) the county or city no more
32 frequently than once every year except that amendments may be
33 considered more frequently under the following circumstances:

34 (i) The initial adoption of a subarea plan; and

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

37 (b) All proposals shall be considered by the ((~~governing body~~))
38 county or city concurrently so the cumulative effect of the various

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

6 (3) Each county that designates urban growth areas under RCW
7 36.70A.110 shall review, at least every ten years, its designated urban
8 growth area or areas, and the densities permitted within both the
9 incorporated and unincorporated portions of each urban growth area. In
10 conjunction with this review by the county, each city located within an
11 urban growth area shall review the densities permitted within its
12 boundaries, and the extent to which the urban growth occurring within
13 the county has located within each city and the unincorporated portions
14 of the urban growth areas. The county comprehensive plan designating
15 urban growth areas, and the densities permitted in the urban growth
16 areas by the comprehensive plans of the county and each city located
17 within the urban growth areas, shall be revised to accommodate the
18 urban growth projected to occur in the county for the succeeding
19 twenty-year period.

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

22 (1) The legislature recognizes that counties are regional
23 governments within their boundaries, and cities are primary providers
24 of urban governmental services within urban growth areas. For the
25 purposes of this section, a "county-wide planning policy" is a written
26 policy statement or statements used solely for establishing a county-
27 wide framework from which county and city comprehensive plans are
28 developed and adopted pursuant to this chapter. This framework shall
29 ensure that city and county comprehensive plans are consistent as
30 required in RCW 36.70A.100. Nothing in this section shall be construed
31 to alter the land-use powers of cities.

32 (2) (~~The legislative authority of~~) A county that plans under RCW
33 36.70A.040 shall adopt a county-wide planning policy in cooperation
34 with the cities located in whole or in part within the county as
35 follows:

36 (a) No later than sixty calendar days from July 16, 1991, (~~the~~
37 ~~legislative authority of~~) each county that as of June 1, 1991, was
38 required or chose to plan under RCW 36.70A.040 shall convene a meeting

1 with representatives of each city located within the county for the
2 purpose of establishing a collaborative process that will provide a
3 framework for the adoption of a county-wide planning policy. In other
4 counties that are required or choose to plan under RCW 36.70A.040, this
5 meeting shall be convened no later than sixty days after the date the
6 county adopts its resolution of intention or was certified by the
7 office of financial management.

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

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

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

34 (e) No later than July 1, 1992, (~~the legislative authority of~~)
35 each county that was required or chose to plan under RCW 36.70A.040 as
36 of June 1, 1991, or no later than fourteen months after the date the
37 county adopted its resolution of intention or was certified by the
38 office of financial management (~~the county legislative authority of~~)
39 any other county that is required or chooses to plan under RCW

1 36.70A.040, shall adopt a county-wide planning policy according to the
2 process provided under this section and that is consistent with the
3 agreement pursuant to (b) of this subsection, and after holding a
4 public hearing or hearings on the proposed county-wide planning policy.

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

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

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

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

12 (d) Policies for county-wide transportation facilities and
13 strategies;

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

17 (f) Policies for joint county and city planning within urban growth
18 areas;

19 (g) Policies for county-wide economic development and employment;
20 and

21 (h) An analysis of the fiscal impact.

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

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

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

37 (7) Multicounty planning policies shall be adopted by two or more
38 counties, each with a population of four hundred fifty thousand or
39 more, with contiguous urban areas and may be adopted by other counties,

1 according to the process established under this section or other
2 processes agreed to among the counties and cities within the affected
3 counties throughout the multicounty region.

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