
HOUSE BILL 1644

State of Washington

55th Legislature

1997 Regular Session

By Representatives Reams, Scott and D. Schmidt

Read first time 02/04/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to the role of special districts in growth
2 management planning; and amending RCW 36.70A.030, 36.70A.110,
3 36.70A.150, 36.70A.210, and 36.70A.350.

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

5 **Sec. 1.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

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

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

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

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

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

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

12 (7) "Development regulations" means the controls placed on
13 development or land use activities by a county or city, including, but
14 not limited to, zoning ordinances, critical areas ordinances, shoreline
15 master programs, official controls, planned unit development
16 ordinances, subdivision ordinances, and binding site plan ordinances
17 together with any amendments thereto. A development regulation does
18 not include a decision to approve a project permit application, as
19 defined in RCW 36.70B.020, even though the decision may be expressed in
20 a resolution or ordinance of the legislative body of the county or
21 city.

22 (8) "Forest land" means land primarily devoted to growing trees for
23 long-term commercial timber production on land that can be economically
24 and practically managed for such production, including Christmas trees
25 subject to the excise tax imposed under RCW 84.33.100 through
26 84.33.140, and that has long-term commercial significance. In
27 determining whether forest land is primarily devoted to growing trees
28 for long-term commercial timber production on land that can be
29 economically and practically managed for such production, the following
30 factors shall be considered: (a) The proximity of the land to urban,
31 suburban, and rural settlements; (b) surrounding parcel size and the
32 compatibility and intensity of adjacent and nearby land uses; (c) long-
33 term local economic conditions that affect the ability to manage for
34 timber production; and (d) the availability of public facilities and
35 services conducive to conversion of forest land to other uses.

36 (9) "Geologically hazardous areas" means areas that because of
37 their susceptibility to erosion, sliding, earthquake, or other
38 geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health or
2 safety concerns.

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

7 (11) "Minerals" include gravel, sand, and valuable metallic
8 substances.

9 (12) "Public facilities" include streets, roads, highways,
10 sidewalks, street and road lighting systems, traffic signals, domestic
11 water systems, storm and sanitary sewer systems, parks and recreational
12 facilities, and schools.

13 (13) "Public services" include fire protection and suppression
14 including water supply, law enforcement, public health, education,
15 recreation, environmental protection, and other governmental services.

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

25 (15) "Urban growth areas" means those areas designated by a county
26 pursuant to RCW 36.70A.110.

27 (16) "Urban governmental services" include those governmental
28 services historically and typically delivered by cities and special
29 districts, and include storm water systems and sanitary sewer systems,
30 domestic water systems, street cleaning services, fire and police
31 protection services, public transit services, and other public
32 utilities associated with urban areas and normally not associated with
33 nonurban areas.

34 (17) "Wetland" or "wetlands" means areas that are inundated or
35 saturated by surface water or ground water at a frequency and duration
36 sufficient to support, and that under normal circumstances do support,
37 a prevalence of vegetation typically adapted for life in saturated soil
38 conditions. Wetlands generally include swamps, marshes, bogs, and
39 similar areas. Wetlands do not include those artificial wetlands

1 intentionally created from nonwetland sites, including, but not limited
2 to, irrigation and drainage ditches, grass-lined swales, canals,
3 detention facilities, wastewater treatment facilities, farm ponds, and
4 landscape amenities, or those wetlands created after July 1, 1990, that
5 were unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

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

11 (1) Each county that is required or chooses to plan under RCW
12 36.70A.040 shall designate an urban growth area or areas within which
13 urban growth shall be encouraged and outside of which growth can occur
14 only if it is not urban in nature. Each city that is located in such
15 a county shall be included within an urban growth area. An urban
16 growth area may include more than a single city. An urban growth area
17 may include territory that is located outside of a city only if such
18 territory already is characterized by urban growth whether or not the
19 urban growth area includes a city, or is adjacent to territory already
20 characterized by urban growth, or is a designated new fully contained
21 community as defined by RCW 36.70A.350.

22 (2) Based upon the growth management population projection made for
23 the county by the office of financial management, the urban growth
24 areas in the county shall include areas and densities sufficient to
25 permit the urban growth that is projected to occur in the county for
26 the succeeding twenty-year period. Each urban growth area shall permit
27 urban densities and shall include greenbelt and open space areas. An
28 urban growth area determination may include a reasonable land market
29 supply factor and shall permit a range of urban densities and uses. In
30 determining this market factor, cities and counties may consider local
31 circumstances. Cities and counties have discretion in their
32 comprehensive plans to make many choices about accommodating growth.

33 Within one year of July 1, 1990, each county that as of June 1,
34 1991, was required or chose to plan under RCW 36.70A.040, shall begin
35 consulting with each city located within its boundaries and each city
36 shall propose the location of an urban growth area. Within sixty days
37 of the date the county legislative authority of a county adopts its
38 resolution of intention or of certification by the office of financial

1 management, all other counties that are required or choose to plan
2 under RCW 36.70A.040 shall begin this consultation with each city
3 located within its boundaries. The county shall attempt to reach
4 agreement with each city on the location of an urban growth area within
5 which the city is located. If such an agreement is not reached with
6 each city located within the urban growth area, the county shall
7 justify in writing why it so designated the area an urban growth area.
8 A city may object formally with the department over the designation of
9 the urban growth area within which it is located. Where appropriate,
10 the department shall attempt to resolve the conflicts, including the
11 use of mediation services.

12 (3) Urban growth should be located first in areas already
13 characterized by urban growth that have adequate existing public
14 facility and service capacities to serve such development, second in
15 areas already characterized by urban growth that will be served
16 adequately by a combination of both existing public facilities and
17 services and any additional needed public facilities and services that
18 are provided by either public or private sources, and third in the
19 remaining portions of the urban growth areas. Urban growth may also be
20 located in designated new fully contained communities as defined by RCW
21 36.70A.350.

22 (4) In general, cities and special districts are the units of local
23 government most appropriate to provide urban governmental services. In
24 general, it is not appropriate that urban governmental services be
25 extended to or expanded in rural areas except in those limited
26 circumstances shown to be necessary to protect basic public health and
27 safety and the environment and when such services are financially
28 supportable at rural densities and do not permit urban development.

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

1 Such action may be appealed to the appropriate growth management
2 hearings board under RCW 36.70A.280. Final urban growth areas shall be
3 adopted at the time of comprehensive plan adoption under this chapter.

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

6 **Sec. 3.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to
7 read as follows:

8 Each county and city that is required or chooses to prepare a
9 comprehensive land use plan under RCW 36.70A.040 shall identify lands
10 useful for public purposes such as utility corridors, transportation
11 corridors, landfills, sewage treatment facilities, storm water
12 management facilities, recreation, schools, and other public uses. The
13 county shall work with the state (~~and the~~), cities, and special
14 districts within its borders to identify areas of shared need for
15 public facilities. The jurisdictions within the county shall prepare
16 a prioritized list of lands necessary for the identified public uses
17 including an estimated date by which the acquisition will be needed.

18 The respective capital acquisition budgets for each jurisdiction
19 shall reflect the jointly agreed upon priorities and time schedule.

20 **Sec. 4.** 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 and special districts
24 are primary providers of urban governmental services within urban
25 growth areas. For the purposes of this section, a "county-wide
26 planning policy" is a written policy statement or statements used
27 solely for establishing a county-wide framework from which county and
28 city comprehensive plans are developed and adopted pursuant to this
29 chapter. This framework shall ensure that city (~~and~~), county, and
30 special district comprehensive plans are consistent as required in RCW
31 36.70A.100. Nothing in this section shall be construed to alter the
32 land-use powers of cities.

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

1 (a) No later than sixty calendar days from July 16, 1991, the
2 legislative authority of each county that as of June 1, 1991, was
3 required or chose to plan under RCW 36.70A.040 shall convene a meeting
4 with representatives of each city and special district located within
5 the county for the purpose of establishing a collaborative process that
6 will provide a framework for the adoption of a county-wide planning
7 policy. In other counties that are required or choose to plan under
8 RCW 36.70A.040, this meeting shall be convened no later than sixty days
9 after the date the county adopts its resolution of intention or was
10 certified by the office of financial management.

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

17 (c) If a county fails for any reason to convene a meeting with
18 representatives of cities and special districts as required in (a) of
19 this subsection, the governor may immediately impose any appropriate
20 sanction or sanctions on the county from those specified under RCW
21 36.70A.340.

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

38 (e) No later than July 1, 1992, the legislative authority of each
39 county that was required or chose to plan under RCW 36.70A.040 as of

1 June 1, 1991, or no later than fourteen months after the date the
2 county adopted its resolution of intention or was certified by the
3 office of financial management the county legislative authority of any
4 other county that is required or chooses to plan under RCW 36.70A.040,
5 shall adopt a county-wide planning policy according to the process
6 provided under this section and that is consistent with the agreement
7 pursuant to (b) of this subsection, and after holding a public hearing
8 or hearings on the proposed county-wide planning policy.

9 (f) A county that is required or chooses to plan under RCW
10 36.70A.040 on or after July 1, 1997, shall adopt a county-wide planning
11 policy pursuant to the procedures of this subsection, and shall include
12 representatives of each special district located within the county in
13 the collaborative process required under this subsection. In a county
14 with an adopted county-wide planning policy adopted before July 1,
15 1997, the county shall include special districts in the collaborative
16 process required by this subsection in the next scheduled comprehensive
17 revision of its policy, if scheduled for revision adoption no later
18 than July 1, 2001. If not scheduled for comprehensive revision
19 adoption by July 1, 2001, the county shall schedule a revision of its
20 county-wide planning policy for adoption by July 1, 2001, that includes
21 representatives of special districts.

22 (g) All comprehensive revisions of a county-wide planning policy
23 under this section shall include representatives of each special
24 district located within the county.

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

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

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

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

32 (d) Policies for county-wide transportation facilities and
33 strategies;

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

37 (f) Policies for joint county and city planning within urban growth
38 areas;

1 (g) Policies for county-wide economic development and employment;
2 and

3 (h) An analysis of the fiscal impact.

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

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

16 (6) Cities, special districts, and the governor may appeal an
17 adopted county-wide planning policy to the growth management hearings
18 board within sixty days of the adoption of the county-wide planning
19 policy.

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

26 **Sec. 5.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
27 to read as follows:

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

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

36 (a) New infrastructure, including water systems, storm water
37 systems, and sanitary sewer systems, is provided for and impact fees
38 are established consistent with the requirements of RCW 82.02.050;

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

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

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

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

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

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

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

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

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

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

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