

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1825

Chapter 121, Laws of 2009

61st Legislature
2009 Regular Session

GROWTH MANAGEMENT ACT--FACILITIES PLANNING REQUIREMENTS

EFFECTIVE DATE: 07/26/09

Passed by the House March 3, 2009
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2009
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved April 17, 2009, 3:13 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1825** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 20, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1825

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Local Government & Housing (originally sponsored by
Representatives Rodne and Anderson)

READ FIRST TIME 02/17/09.

1 AN ACT Relating to identifying specific facilities planning
2 requirements under the growth management act; and amending RCW
3 36.70A.110, 36.70A.210, and 36.70A.115.

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

5 **Sec. 1.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
6 as follows:

7 (1) Each county that is required or chooses to plan under RCW
8 36.70A.040 shall designate an urban growth area or areas within which
9 urban growth shall be encouraged and outside of which growth can occur
10 only if it is not urban in nature. Each city that is located in such
11 a county shall be included within an urban growth area. An urban
12 growth area may include more than a single city. An urban growth area
13 may include territory that is located outside of a city only if such
14 territory already is characterized by urban growth whether or not the
15 urban growth area includes a city, or is adjacent to territory already
16 characterized by urban growth, or is a designated new fully contained
17 community as defined by RCW 36.70A.350.

18 (2) Based upon the growth management population projection made for
19 the county by the office of financial management, the county and each

1 city within the county shall include areas and densities sufficient to
2 permit the urban growth that is projected to occur in the county or
3 city for the succeeding twenty-year period, except for those urban
4 growth areas contained totally within a national historical reserve.
5 As part of this planning process, each city within the county must
6 include areas sufficient to accommodate the broad range of needs and
7 uses that will accompany the projected urban growth including, as
8 appropriate, medical, governmental, institutional, commercial, service,
9 retail, and other nonresidential uses.

10 Each urban growth area shall permit urban densities and shall
11 include greenbelt and open space areas. In the case of urban growth
12 areas contained totally within a national historical reserve, the city
13 may restrict densities, intensities, and forms of urban growth as
14 determined to be necessary and appropriate to protect the physical,
15 cultural, or historic integrity of the reserve. An urban growth area
16 determination may include a reasonable land market supply factor and
17 shall permit a range of urban densities and uses. In determining this
18 market factor, cities and counties may consider local circumstances.
19 Cities and counties have discretion in their comprehensive plans to
20 make many choices about accommodating growth.

21 Within one year of July 1, 1990, each county that as of June 1,
22 1991, was required or chose to plan under RCW 36.70A.040, shall begin
23 consulting with each city located within its boundaries and each city
24 shall propose the location of an urban growth area. Within sixty days
25 of the date the county legislative authority of a county adopts its
26 resolution of intention or of certification by the office of financial
27 management, all other counties that are required or choose to plan
28 under RCW 36.70A.040 shall begin this consultation with each city
29 located within its boundaries. The county shall attempt to reach
30 agreement with each city on the location of an urban growth area within
31 which the city is located. If such an agreement is not reached with
32 each city located within the urban growth area, the county shall
33 justify in writing why it so designated the area an urban growth area.
34 A city may object formally with the department over the designation of
35 the urban growth area within which it is located. Where appropriate,
36 the department shall attempt to resolve the conflicts, including the
37 use of mediation services.

1 (3) Urban growth should be located first in areas already
2 characterized by urban growth that have adequate existing public
3 facility and service capacities to serve such development, second in
4 areas already characterized by urban growth that will be served
5 adequately by a combination of both existing public facilities and
6 services and any additional needed public facilities and services that
7 are provided by either public or private sources, and third in the
8 remaining portions of the urban growth areas. Urban growth may also be
9 located in designated new fully contained communities as defined by RCW
10 36.70A.350.

11 (4) In general, cities are the units of local government most
12 appropriate to provide urban governmental services. In general, it is
13 not appropriate that urban governmental services be extended to or
14 expanded in rural areas except in those limited circumstances shown to
15 be necessary to protect basic public health and safety and the
16 environment and when such services are financially supportable at rural
17 densities and do not permit urban development.

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

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

34 (7) An urban growth area designated in accordance with this section
35 may include within its boundaries urban service areas or potential
36 annexation areas designated for specific cities or towns within the
37 county.

1 **Sec. 2.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
2 as follows:

3 (1) The legislature recognizes that counties are regional
4 governments within their boundaries, and cities are primary providers
5 of urban governmental services within urban growth areas. For the
6 purposes of this section, a "county-wide planning policy" is a written
7 policy statement or statements used solely for establishing a county-
8 wide framework from which county and city comprehensive plans are
9 developed and adopted pursuant to this chapter. This framework shall
10 ensure that city and county comprehensive plans are consistent as
11 required in RCW 36.70A.100. Nothing in this section shall be construed
12 to alter the land-use powers of cities.

13 (2) The legislative authority of a county that plans under RCW
14 36.70A.040 shall adopt a county-wide planning policy in cooperation
15 with the cities located in whole or in part within the county as
16 follows:

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

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

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

37 (d) If there is no agreement by October 1, 1991, in a county that
38 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,

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

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

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 statewide nature, including transportation facilities of statewide
32 significance as defined in RCW 47.06.140;

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

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

1 (f) Policies for joint county and city planning within urban growth
2 areas;

3 (g) Policies for county-wide economic development and employment,
4 which must include consideration of the future development of
5 commercial and industrial facilities; and

6 (h) An analysis of the fiscal impact.

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

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

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

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

28 **Sec. 3.** RCW 36.70A.115 and 2003 c 333 s 1 are each amended to read
29 as follows:

30 Counties and cities that are required or choose to plan under RCW
31 36.70A.040 shall ensure that, taken collectively, adoption of and
32 amendments to their comprehensive plans and/or development regulations
33 provide sufficient capacity of land suitable for development within
34 their jurisdictions to accommodate their allocated housing and
35 employment growth, including the accommodation of, as appropriate, the
36 medical, governmental, educational, institutional, commercial, and

1 industrial facilities related to such growth, as adopted in the
2 applicable countywide planning policies and consistent with the twenty-
3 year population forecast from the office of financial management.

Passed by the House March 3, 2009.

Passed by the Senate April 8, 2009.

Approved by the Governor April 17, 2009.

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