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SENATE BILL 5909

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State of Washington

54th Legislature

1995 Regular Session

By Senators Sheldon, Hochstatter and Hargrove

Read first time 02/14/95. Referred to Committee on Government Operations.

1 AN ACT Relating to growth planning forecasts; and amending RCW  
2 36.70A.110, 36.70A.280, 36.70A.350, and 43.62.035.

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

4 **Sec. 1.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to  
5 read as follows:

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

15 (2) Based upon the ((population)) county's twenty-year growth  
16 management planning population projection ((made for the county by the  
17 office of financial management)), the urban growth area or areas in the  
18 county shall include ((areas)) land and densities sufficient to permit  
19 the urban growth that is projected to occur in the county for the

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

20 (3) Urban growth should be located first in areas already  
21 characterized by urban growth that have existing public facility and  
22 service capacities to serve such development, and second in areas  
23 already characterized by urban growth that will be served by a  
24 combination of both existing public facilities and services and any  
25 additional needed public facilities and services that are provided by  
26 either public or private sources. Further, in general it is  
27 appropriate that urban government services be provided by cities, and  
28 urban government services should not be provided in rural areas.

29 (4) 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 (5) Each county shall include designations of urban growth areas in  
5 its comprehensive plan.

6 **Sec. 2.** RCW 36.70A.280 and 1994 c 249 s 31 are each amended to  
7 read as follows:

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

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

13 (b) That the county's twenty-year growth management planning  
14 population (~~((projections adopted by the office of financial management~~  
15 ~~pursuant to RCW 43.62.035))~~ projection or the allocation of the  
16 projection to cities within the county should be adjusted.

17 (2) A petition may be filed only by the state, a county or city  
18 that plans under this chapter, a person who has either appeared before  
19 the county or city regarding the matter on which a review is being  
20 requested or is certified by the governor within sixty days of filing  
21 the request with the board, or a person qualified pursuant to RCW  
22 34.05.530.

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

26 (4) When considering a possible adjustment to a growth management  
27 planning population projection prepared by the office of financial  
28 management, a board shall consider the implications of any such  
29 adjustment to the population forecast for the entire state.

30 The rationale for any adjustment that is adopted by a board must be  
31 documented and filed with the office of financial management within ten  
32 working days after adoption.

33 If adjusted by a board, a county growth management planning  
34 population projection shall only be used for the planning purposes set  
35 forth in this chapter and shall be known as a "board adjusted  
36 population projection". None of these changes shall affect the  
37 official state and county population forecasts prepared by the office

1 of financial management, which shall continue to be used for state  
2 budget and planning purposes.

3 **Sec. 3.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended  
4 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

31 (2) New fully contained communities may be approved outside  
32 established urban growth areas only if a county reserves a portion of  
33 the twenty-year growth management planning population projection and  
34 offsets the urban growth area accordingly for allocation to new fully  
35 contained communities that meet the requirements of this chapter. Any  
36 county electing to establish a new community reserve shall do so no  
37 more often than once every five years as a part of the designation or  
38 review of urban growth areas required by this chapter. The new

1 community reserve shall be allocated on a project-by-project basis,  
2 only after specific project approval procedures have been adopted  
3 pursuant to this chapter as a development regulation. When a new  
4 community reserve is established, urban growth areas designated  
5 pursuant to this chapter shall accommodate the unreserved portion of  
6 the twenty-year population projection.

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

11 **Sec. 4.** RCW 43.62.035 and 1991 sp.s. c 32 s 30 are each amended to  
12 read as follows:

13 The office of financial management shall determine the population  
14 of each county of the state annually as of April 1st of each year and  
15 on or before July 1st of each year shall file a certificate with the  
16 secretary of state showing its determination of the population for each  
17 county. The office of financial management also shall determine the  
18 percentage increase in population for each county over the preceding  
19 ten-year period, as of April 1st, and shall file a certificate with the  
20 secretary of state by July 1st showing its determination. At least  
21 once every ten years the office of financial management shall prepare  
22 a range of twenty-year growth management planning population  
23 projections (~~(required by RCW 36.70A.110)~~) for each county that adopts  
24 a comprehensive plan under RCW 36.70A.040 and shall review these  
25 projections with such counties before final adoption. These  
26 projections must be used exclusively unless a county demonstrates in  
27 its county-wide planning policies or comprehensive plan that the  
28 projections should be modified to accomplish the goals and requirements  
29 of chapter 36.70A RCW.

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