

2 **ESHB 1338** - S COMM AMD

3 By Committee on Government Operations

4 ADOPTED AS AMENDED 4/27/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 36.70A.040 and 1995 c 400 s 1 are each amended to
8 read as follows:

9 (1)(a) Each county that has both a population of fifty thousand or
10 more and, until May 16, 1995, has had its population increase by more
11 than ten percent in the previous ten years or, on or after May 16,
12 1995, has had its population increase by more than seventeen percent in
13 the previous ten years, and the cities located within such county, and
14 any other county regardless of its population that has had its
15 population increase by more than twenty percent in the previous ten
16 years, and the cities located within such county, shall ~~((conform with
17 all of the requirements of this chapter))~~ plan under this section.
18 However, the county legislative authority of such a county with a
19 population of less than ~~((fifty))~~ seventy-five thousand population,
20 with the concurrence of a majority of the legislative authorities of
21 all cities within the county, may adopt a resolution removing the
22 county, and the cities located within the county, from the
23 requirement~~((s of adopting comprehensive land use plans and development
24 regulations under this chapter))~~ to plan under this section if this
25 resolution is ~~((adopted and filed with the department by December 31,
26 1990, for counties initially meeting this set of criteria))~~ submitted
27 to and approved by a majority of the voters voting at a general or
28 special election to be called for such purpose, and such election to be
29 held no later than December 1, 1997, or within ((sixty days)) six
30 months of the date the office of financial management certifies that a
31 county meets this set of criteria under subsection (5) of this section.
32 A county that adopts a resolution removing the county, and the cities
33 located within the county, from the requirement to plan under this
34 section remains subject to the requirements for the designation and
35 protection of critical areas and the designation of natural resource
36 lands under RCW 36.70A.060(2), 36.70A.170, and 36.70A.172.

1 (b) Once a county meets either of these sets of criteria and the
2 county has not adopted a resolution under (a) of this subsection, the
3 requirement to ((conform with all of the requirements of this chapter))
4 plan under this section remains in effect, even if the county no longer
5 meets one of these sets of criteria.

6 (2) The county legislative authority of any county that does not
7 ~~((meet either of the sets of criteria established))~~ plan under
8 ~~((subsection (1) of))~~ this section may adopt a resolution indicating
9 its intention ~~((to have subsection (1) of this section apply to))~~ that
10 the county plan under this section. Each city, located in a county
11 that ~~((chooses to plan))~~ adopts a resolution under this subsection~~((7))~~
12 shall ~~((conform with all of the requirements of this chapter))~~ plan
13 under this section. Once such a resolution has been adopted, the
14 county and the cities located within the county remain subject to all
15 of the requirements of this ~~((chapter))~~ section. However, a county
16 with a population of seventy-five thousand or less that, before the
17 effective date of this act, adopted a resolution of intention under
18 this subsection to plan under this section may adopt a resolution
19 removing the county, and the cities located within the county, from the
20 requirement to plan under this section if the resolution is submitted
21 to and approved by a majority of the voters voting at a general or
22 special election to be called for such purpose, and such election to be
23 held no later than December 1, 1997. A county that adopts a resolution
24 removing the county, and the cities located within the county, from the
25 requirement to plan under this section remains subject to the
26 requirements for the designation and protection of critical areas and
27 the designation of natural resource lands under RCW 36.70A.060(2),
28 36.70A.170, and 36.70A.172.

29 (3) Any county or city that is initially required to ~~((conform with~~
30 ~~all of the requirements of this chapter))~~ plan under this section, and,
31 where applicable, the county legislative authority has not adopted a
32 resolution removing the county from these requirements as provided in
33 subsection (1) of this section, shall take actions under this chapter
34 as follows: (a) The county legislative authority shall adopt a county-
35 wide planning policy under RCW 36.70A.210; (b) the county and each city
36 located within the county shall designate critical areas, agricultural
37 lands, forest lands, and mineral resource lands, and adopt development
38 regulations conserving these designated agricultural lands, forest
39 lands, and mineral resource lands and protecting these designated

1 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
2 shall designate and take other actions related to urban growth areas
3 under RCW 36.70A.110; (d) if the county has a population of fifty
4 thousand or more, the county and each city located within the county
5 shall adopt a comprehensive plan under this chapter and development
6 regulations that are consistent with and implement the comprehensive
7 plan on or before July 1, 1994, and if the county has a population of
8 less than fifty thousand, the county and each city located within the
9 county shall adopt a comprehensive plan under this chapter and
10 development regulations that are consistent with and implement the
11 comprehensive plan by January 1, 1995, but if the governor makes
12 written findings that a county with a population of less than fifty
13 thousand or a city located within such a county is not making
14 reasonable progress toward adopting a comprehensive plan and
15 development regulations the governor may reduce this deadline for such
16 actions to be taken by no more than one hundred eighty days. Any
17 county or city subject to this subsection may obtain an additional six
18 months before it is required to have adopted its development
19 regulations by submitting a letter notifying the department of
20 community, trade, and economic development of its need prior to the
21 deadline for adopting both a comprehensive plan and development
22 regulations.

23 (4) Any county or city that is required to (~~conform with all the~~
24 ~~requirements of this chapter~~) plan under this section, as a result of
25 the county legislative authority adopting its resolution of intention
26 under subsection (2) of this section, and the county legislative
27 authority has not adopted a resolution removing the county from these
28 requirements under subsection (2) of this section, shall take actions
29 under this chapter as follows: (a) The county legislative authority
30 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
31 county and each city that is located within the county shall adopt
32 development regulations conserving agricultural lands, forest lands,
33 and mineral resource lands it designated under RCW 36.70A.060 within
34 one year of the date the county legislative authority adopts its
35 resolution of intention; (c) the county shall designate and take other
36 actions related to urban growth areas under RCW 36.70A.110; and (d) the
37 county and each city that is located within the county shall adopt a
38 comprehensive plan and development regulations that are consistent with
39 and implement the comprehensive plan not later than four years from the

1 date the county legislative authority adopts its resolution of
2 intention, but a county or city may obtain an additional six months
3 before it is required to have adopted its development regulations by
4 submitting a letter notifying the department of community, trade, and
5 economic development of its need prior to the deadline for adopting
6 both a comprehensive plan and development regulations.

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

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

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

35 (1) Each county that is required or chooses to plan under RCW
36 36.70A.040 shall designate an urban growth area or areas within which
37 urban growth shall be encouraged and outside of which growth can occur
38 only if it is not urban in nature. Each city that is located in such

1 a county shall be included within an urban growth area. An urban
2 growth area may include more than a single city. An urban growth area
3 may include territory that is located outside of a city only if such
4 territory already is characterized by urban growth whether or not the
5 urban growth area includes a city, or is adjacent to territory already
6 characterized by urban growth, or is a designated new fully contained
7 community as defined by RCW 36.70A.350.

8 (2) Based upon the growth management population projection made for
9 the county by the office of financial management, the urban growth
10 areas in the county shall include areas and densities at least
11 sufficient to permit the urban growth that is projected to occur in the
12 county for the succeeding twenty-year period. Each urban growth area
13 shall permit urban densities and shall include greenbelt and open space
14 areas. An urban growth area determination may include a reasonable
15 land market supply factor and shall permit a range of urban densities
16 and uses. In determining this market factor, cities and counties may
17 consider local circumstances. Cities and counties have discretion in
18 their comprehensive plans to make many choices about accommodating
19 growth.

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

37 (3) Urban growth should be located first in areas already
38 characterized by urban growth that have adequate existing public
39 facility and service capacities to serve such development, second in

1 areas already characterized by urban growth that will be served
2 adequately by a combination of both existing public facilities and
3 services and any additional needed public facilities and services that
4 are provided by either public or private sources, and third in the
5 remaining portions of the urban growth areas. Urban growth may also be
6 located in designated new fully contained communities as defined by RCW
7 36.70A.350.

8 (4) In general, cities are the units of local government most
9 appropriate to provide urban governmental services. In general, it is
10 not appropriate that urban governmental services be extended to or
11 expanded in rural areas except in those limited circumstances shown to
12 be necessary to protect basic public health and safety and the
13 environment and when such services are financially supportable at rural
14 densities and do not permit urban development. Counties and special
15 districts also may provide a variety of governmental services,
16 including but not limited to, public safety and fire protection; water,
17 wastewater, and other utility service; and transit and transportation
18 services. When such services are provided outside the urban growth
19 area it is usually at a lower service level than for urban governmental
20 services.

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

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

37 NEW SECTION. **Sec. 3.** If any provision of this act or its
38 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected."

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6 On page 1, line 2 of the title, after "management;" strike the
7 remainder of the title and insert "and amending RCW 36.70A.040 and
8 36.70A.110."

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