

2 EHB 1305 - S AMD 366

3 By Senators Haugen, Owen, Winsley, Hargrove, McCaslin and Snyder

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

7 "Sec. 1. RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
8 read as follows:

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

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

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

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

13 (3) Urban growth should be located first in areas already
14 characterized by urban growth that have adequate existing public
15 facility and service capacities to serve such development, ~~((and))~~
16 second in areas already characterized by urban growth that will be
17 served adequately by a combination of both existing public facilities
18 and services and any additional needed public facilities and services
19 that are provided by either public or private sources, and third in the
20 remaining portions of the urban growth areas. Urban growth may also be
21 located in designated new fully contained communities as defined by RCW
22 36.70A.350. ~~((Further, it is))~~

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

32 ~~((4))~~ (5) On or before October 1, 1993, each county that was
33 initially required to plan under RCW 36.70A.040(1) shall adopt
34 development regulations designating interim urban growth areas under
35 this chapter. Within three years and three months of the date the
36 county legislative authority of a county adopts its resolution of
37 intention or of certification by the office of financial management,
38 all other counties that are required or choose to plan under RCW
39 36.70A.040 shall adopt development regulations designating interim

1 urban growth areas under this chapter. Adoption of the interim urban
2 growth areas may only occur after public notice; public hearing; and
3 compliance with the state environmental policy act, chapter 43.21C RCW,
4 and RCW 36.70A.110. Such action may be appealed to the appropriate
5 growth management hearings board under RCW 36.70A.280. Final urban
6 growth areas shall be adopted at the time of comprehensive plan
7 adoption under this chapter.

8 ~~((5))~~ (6) Each county shall include designations of urban growth
9 areas in its comprehensive plan.

10 (7) Any county with a population greater than one million may
11 include as part of its urban growth areas established under this
12 section any new fully contained community or planned development where
13 the criteria for a new fully contained community under RCW
14 36.70A.350(1) are met and which prior to July 1, 1990, both: (a) Was
15 designated or zoned potentially for urban growth activity under an
16 officially adopted county plan; and (b) had a development application
17 submitted to the county implementing that urban designation.

18 **Sec. 2.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
19 amended to read as follows:

20 The comprehensive plan of a county or city that is required or
21 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
22 and descriptive text covering objectives, principles, and standards
23 used to develop the comprehensive plan. The plan shall be an
24 internally consistent document and all elements shall be consistent
25 with the future land use map. A comprehensive plan shall be adopted
26 and amended with public participation as provided in RCW 36.70A.140.

27 Each comprehensive plan shall include a plan, scheme, or design for
28 each of the following:

29 (1) A land use element designating the proposed general
30 distribution and general location and extent of the uses of land, where
31 appropriate, for agriculture, timber production, housing, commerce,
32 industry, recreation, open spaces, public utilities, public facilities,
33 and other land uses. The land use element shall include population
34 densities, building intensities, and estimates of future population
35 growth. The land use element shall provide for protection of the
36 quality and quantity of ground water used for public water supplies.
37 Where applicable, the land use element shall review drainage, flooding,
38 and storm water run-off in the area and nearby jurisdictions and

1 provide guidance for corrective actions to mitigate or cleanse those
2 discharges that pollute waters of the state, including Puget Sound or
3 waters entering Puget Sound.

4 (2) A housing element recognizing the vitality and character of
5 established residential neighborhoods that: (a) Includes an inventory
6 and analysis of existing and projected housing needs; (b) includes a
7 statement of goals, policies, and objectives for the preservation,
8 improvement, and development of housing; (c) identifies sufficient land
9 for housing, including, but not limited to, government-assisted
10 housing, housing for low-income families, manufactured housing,
11 multifamily housing, and group homes and foster care facilities; and
12 (d) makes adequate provisions for existing and projected needs of all
13 economic segments of the community.

14 (3) A capital facilities plan element consisting of: (a) An
15 inventory of existing capital facilities owned by public entities,
16 showing the locations and capacities of the capital facilities; (b) a
17 forecast of the future needs for such capital facilities; (c) the
18 proposed locations and capacities of expanded or new capital
19 facilities; (d) at least a six-year plan that will finance such capital
20 facilities within projected funding capacities and clearly identifies
21 sources of public money for such purposes; and (e) a requirement to
22 reassess the land use element if probable funding falls short of
23 meeting existing needs and to ensure that the land use element, capital
24 facilities plan element, and financing plan within the capital
25 facilities plan element are coordinated and consistent.

26 (4) A utilities element consisting of the general location,
27 proposed location, and capacity of all existing and proposed utilities,
28 including, but not limited to, electrical lines, telecommunication
29 lines, and natural gas lines.

30 (5) Counties shall include a rural element including lands that are
31 not designated for urban growth, agriculture, forest, or mineral
32 resources. The rural element shall permit appropriate land uses that
33 are compatible with the rural character of such lands and provide for
34 a variety of rural densities and uses and may also provide for
35 clustering, density transfer, design guidelines, conservation
36 easements, and other innovative techniques that will accommodate
37 appropriate rural uses not characterized by urban growth.

1 (6) A transportation element that implements, and is consistent
2 with, the land use element. The transportation element shall include
3 the following subelements:

4 (a) Land use assumptions used in estimating travel;

5 (b) Facilities and services needs, including:

6 (i) An inventory of air, water, and land transportation facilities
7 and services, including transit alignments, to define existing capital
8 facilities and travel levels as a basis for future planning;

9 (ii) Level of service standards for all arterials and transit
10 routes to serve as a gauge to judge performance of the system. These
11 standards should be regionally coordinated;

12 (iii) Specific actions and requirements for bringing into
13 compliance any facilities or services that are below an established
14 level of service standard;

15 (iv) Forecasts of traffic for at least ten years based on the
16 adopted land use plan to provide information on the location, timing,
17 and capacity needs of future growth;

18 (v) Identification of system expansion needs and transportation
19 system management needs to meet current and future demands;

20 (c) Finance, including:

21 (i) An analysis of funding capability to judge needs against
22 probable funding resources;

23 (ii) A multiyear financing plan based on the needs identified in
24 the comprehensive plan, the appropriate parts of which shall serve as
25 the basis for the six-year street, road, or transit program required by
26 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
27 35.58.2795 for public transportation systems;

28 (iii) If probable funding falls short of meeting identified needs,
29 a discussion of how additional funding will be raised, or how land use
30 assumptions will be reassessed to ensure that level of service
31 standards will be met;

32 (d) Intergovernmental coordination efforts, including an assessment
33 of the impacts of the transportation plan and land use assumptions on
34 the transportation systems of adjacent jurisdictions;

35 (e) Demand-management strategies.

36 After adoption of the comprehensive plan by jurisdictions required
37 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
38 must adopt and enforce ordinances which prohibit development approval
39 if the development causes the level of service on a transportation

1 facility to decline below the standards adopted in the transportation
2 element of the comprehensive plan, unless transportation improvements
3 or strategies to accommodate the impacts of development are made
4 concurrent with the development. These strategies may include
5 increased public transportation service, ride sharing programs, demand
6 management, and other transportation systems management strategies.
7 For the purposes of this subsection (6) "concurrent with the
8 development" shall mean that improvements or strategies are in place at
9 the time of development, or that a financial commitment is in place to
10 complete the improvements or strategies within six years.

11 The transportation element described in this subsection, and the
12 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
13 counties, and RCW 35.58.2795 for public transportation systems, must be
14 consistent.

15 NEW SECTION. **Sec. 3.** A comprehensive plan adopted or amended
16 before the effective date of this act shall be considered to be in
17 compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their
18 amendment by this act, if the comprehensive plan is in compliance with
19 RCW 36.70A.070 and 36.70A.110 as amended by this act. This section
20 shall not be construed to alter the relationship between a county-wide
21 planning policy and comprehensive plans as specified under RCW
22 36.70A.210.

23 As to any appeal relating to compliance with RCW 36.70A.070 or
24 36.70A.110 pending before a growth management hearings board on the
25 effective date of this act, the board may take up to an additional
26 ninety days to resolve such appeal. By mutual agreement of all parties
27 to the appeal, this additional ninety-day period may be extended.

28 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and shall take
31 effect immediately."

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1 On page 1, line 1 of the title, after "management;" strike the
2 remainder of the title and insert "amending RCW 36.70A.110 and
3 36.70A.070; creating a new section; and declaring an emergency."

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