
HOUSE BILL 1358

State of Washington 60th Legislature 2007 Regular Session

By Representatives Miloscia, Dunn and Anderson

Read first time 01/17/2007. Referred to Committee on Local Government.

1 AN ACT Relating to growth management planning; and amending RCW
2 36.70A.030 and 36.70A.210.

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

4 **Sec. 1.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to read
5 as follows:

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

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

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

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

1 geological events, are not suited to the siting of commercial,
2 residential, or industrial development consistent with public health or
3 safety concerns.

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

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

10 (12) "Performance measures" means an indicator providing consistent
11 and reliable information over time to help gauge how a jurisdiction is
12 achieving specified performance results. For purposes of this
13 subsection, "indicator" means a quantifiable measurement or index.

14 (13) "Public facilities" include streets, roads, highways,
15 sidewalks, street and road lighting systems, traffic signals, domestic
16 water systems, storm and sanitary sewer systems, parks and recreational
17 facilities, and schools.

18 ((+13)) (14) "Public services" include fire protection and
19 suppression, law enforcement, public health, education, recreation,
20 environmental protection, and other governmental services.

21 ((+14)) (15) "Reasonable measures" means comprehensive planning
22 policies and development regulations that increase consistency with
23 this chapter and the countywide planning policies and comprehensive
24 plan.

25 (16) "Recreational land" means land so designated under RCW
26 36.70A.1701 and that, immediately prior to this designation, was
27 designated as agricultural land of long-term commercial significance
28 under RCW 36.70A.170. Recreational land must have playing fields and
29 supporting facilities existing before July 1, 2004, for sports played
30 on grass playing fields.

31 ((+15)) (17) "Rural character" refers to the patterns of land use
32 and development established by a county in the rural element of its
33 comprehensive plan:

34 (a) In which open space, the natural landscape, and vegetation
35 predominate over the built environment;

36 (b) That foster traditional rural lifestyles, rural-based
37 economies, and opportunities to both live and work in rural areas;

1 (c) That provide visual landscapes that are traditionally found in
2 rural areas and communities;

3 (d) That are compatible with the use of the land by wildlife and
4 for fish and wildlife habitat;

5 (e) That reduce the inappropriate conversion of undeveloped land
6 into sprawling, low-density development;

7 (f) That generally do not require the extension of urban
8 governmental services; and

9 (g) That are consistent with the protection of natural surface
10 water flows and ground water and surface water recharge and discharge
11 areas.

12 (~~(16)~~) (18) "Rural development" refers to development outside the
13 urban growth area and outside agricultural, forest, and mineral
14 resource lands designated pursuant to RCW 36.70A.170. Rural
15 development can consist of a variety of uses and residential densities,
16 including clustered residential development, at levels that are
17 consistent with the preservation of rural character and the
18 requirements of the rural element. Rural development does not refer to
19 agriculture or forestry activities that may be conducted in rural
20 areas.

21 (~~(17)~~) (19) "Rural governmental services" or "rural services"
22 include those public services and public facilities historically and
23 typically delivered at an intensity usually found in rural areas, and
24 may include domestic water systems, fire and police protection
25 services, transportation and public transit services, and other public
26 utilities associated with rural development and normally not associated
27 with urban areas. Rural services do not include storm or sanitary
28 sewers, except as otherwise authorized by RCW 36.70A.110(4).

29 (~~(18)~~) (20) "Urban growth" refers to growth that makes intensive
30 use of land for the location of buildings, structures, and impermeable
31 surfaces to such a degree as to be incompatible with the primary use of
32 land for the production of food, other agricultural products, or fiber,
33 or the extraction of mineral resources, rural uses, rural development,
34 and natural resource lands designated pursuant to RCW 36.70A.170. A
35 pattern of more intensive rural development, as provided in RCW
36 36.70A.070(5)(d), is not urban growth. When allowed to spread over
37 wide areas, urban growth typically requires urban governmental

1 services. "Characterized by urban growth" refers to land having urban
2 growth located on it, or to land located in relationship to an area
3 with urban growth on it as to be appropriate for urban growth.

4 ~~((+19+))~~ (21) "Urban growth areas" means those areas designated by
5 a county pursuant to RCW 36.70A.110.

6 ~~((+20+))~~ (22) "Urban governmental services" or "urban services"
7 include those public services and public facilities at an intensity
8 historically and typically provided in cities, specifically including
9 storm and sanitary sewer systems, domestic water systems, street
10 cleaning services, fire and police protection services, public transit
11 services, and other public utilities associated with urban areas and
12 normally not associated with rural areas.

13 ~~((+21+))~~ (23) "Wetland" or "wetlands" means areas that are
14 inundated or saturated by surface water or ground water at a frequency
15 and duration sufficient to support, and that under normal circumstances
16 do support, a prevalence of vegetation typically adapted for life in
17 saturated soil conditions. Wetlands generally include swamps, marshes,
18 bogs, and similar areas. Wetlands do not include those artificial
19 wetlands intentionally created from nonwetland sites, including, but
20 not limited to, irrigation and drainage ditches, grass-lined swales,
21 canals, detention facilities, wastewater treatment facilities, farm
22 ponds, and landscape amenities, or those wetlands created after July 1,
23 1990, that were unintentionally created as a result of the construction
24 of a road, street, or highway. Wetlands may include those artificial
25 wetlands intentionally created from nonwetland areas created to
26 mitigate conversion of wetlands.

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

29 (1) The legislature recognizes that counties are regional
30 governments within their boundaries, and cities are primary providers
31 of urban governmental services within urban growth areas. For the
32 purposes of this section, a "county-wide planning policy" is a written
33 policy statement or statements used solely for establishing a county-
34 wide framework from which county and city comprehensive plans are
35 developed and adopted pursuant to this chapter. This framework shall
36 ensure that city and county comprehensive plans are consistent as

1 required in RCW 36.70A.100. Nothing in this section shall be construed
2 to alter the land-use powers of cities.

3 (2) The legislative authority of a county that plans under RCW
4 36.70A.040 shall adopt a county-wide planning policy in cooperation
5 with the cities located in whole or in part within the county as
6 follows:

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

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

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

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

1 from those specified under RCW 36.70A.340 on the county, city, or
2 cities for failure to reach an agreement as provided in this section.
3 The governor shall specify the reason or reasons for the imposition of
4 any sanction.

5 (e) No later than July 1, 1992, the legislative authority of each
6 county that was required or chose to plan under RCW 36.70A.040 as of
7 June 1, 1991, or no later than fourteen months after the date the
8 county adopted its resolution of intention or was certified by the
9 office of financial management the county legislative authority of any
10 other county that is required or chooses to plan under RCW 36.70A.040,
11 shall adopt a county-wide planning policy according to the process
12 provided under this section and that is consistent with the agreement
13 pursuant to (b) of this subsection, and after holding a public hearing
14 or hearings on the proposed county-wide planning policy.

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

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

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

20 (c) Policies for siting public capital facilities of a county-wide
21 or statewide nature, including transportation facilities of statewide
22 significance as defined in RCW 47.06.140;

23 (d) Policies for county-wide transportation facilities and
24 strategies;

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

28 (f) Policies for joint county and city planning within urban growth
29 areas;

30 (g) Policies for county-wide economic development and employment;
31 ((and))

32 (h) Policies establishing performance measures that regularly
33 review progress towards accommodating the twenty-year population and
34 employment growth projections established in the countywide planning
35 policies; and

36 (i) An analysis of the fiscal impact.

37 (4) Federal agencies and Indian tribes may participate in and

1 cooperate with the county-wide planning policy adoption process.
2 Adopted county-wide planning policies shall be adhered to by state
3 agencies.

4 (5) Failure to adopt a county-wide planning policy that meets the
5 requirements of this section may result in the imposition of a sanction
6 or sanctions on a county or city within the county, as specified in RCW
7 36.70A.340. In imposing a sanction or sanctions, the governor shall
8 specify the reasons for failure to adopt a county-wide planning policy
9 in order that any imposed sanction or sanctions are fairly and
10 equitably related to the failure to adopt a county-wide planning
11 policy.

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

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

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