
SENATE BILL 5823

State of Washington

54th Legislature

1995 Regular Session

By Senators Swecker and McCaslin

Read first time 02/08/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the growth management act implementation dates;
2 and amending RCW 36.70A.040, 36.70A.110, 36.70A.385, and 36.70A.430.

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

4 **Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
5 read as follows:

6 (1) Each county that has both a population of fifty thousand or
7 more and has had its population increase by more than ten percent in
8 the previous ten years, and the cities located within such county, and
9 any other county regardless of its population that has had its
10 population increase by more than twenty percent in the previous ten
11 years, and the cities located within such county, shall conform with
12 all of the requirements of this chapter. However, the county
13 legislative authority of such a county with a population of less than
14 fifty thousand population may adopt a resolution removing the county,
15 and the cities located within the county, from the requirements of
16 adopting comprehensive land use plans and development regulations under
17 this chapter if this resolution is adopted and filed with the
18 department by December 31, 1990, for counties initially meeting this
19 set of criteria, or within sixty days of the date the office of

1 financial management certifies that a county meets this set of criteria
2 under subsection (5) of this section.

3 Once a county meets either of these sets of criteria, the
4 requirement to conform with all of the requirements of this chapter
5 remains in effect, even if the county no longer meets one of these sets
6 of criteria.

7 (2) The county legislative authority of any county that does not
8 meet either of the sets of criteria established under subsection (1) of
9 this section may adopt a resolution indicating its intention to have
10 subsection (1) of this section apply to the county. Each city, located
11 in a county that chooses to plan under this subsection, shall conform
12 with all of the requirements of this chapter. Once such a resolution
13 has been adopted, the county and the cities located within the county
14 remain subject to all of the requirements of this chapter.

15 (3) Any county or city that is initially required to conform with
16 all of the requirements of this chapter under subsection (1) of this
17 section shall take actions under this chapter as follows: (a) The
18 county legislative authority shall adopt a county-wide planning policy
19 under RCW 36.70A.210; (b) the county and each city located within the
20 county shall designate critical areas, agricultural lands, forest
21 lands, and mineral resource lands, and adopt development regulations
22 conserving these designated agricultural lands, forest lands, and
23 mineral resource lands and protecting these designated critical areas,
24 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
25 take other actions related to urban growth areas under RCW 36.70A.110;
26 (d) if the county has a population of fifty thousand or more, the
27 county and each city located within the county shall adopt a
28 comprehensive plan under this chapter and development regulations that
29 are consistent with and implement the comprehensive plan on or before
30 July 1, (~~(1994)~~) 1996, and if the county has a population of less than
31 fifty thousand, the county and each city located within the county
32 shall adopt a comprehensive plan under this chapter and development
33 regulations that are consistent with and implement the comprehensive
34 plan by January 1, (~~(1995)~~) 1997, but if the governor makes written
35 findings that a county with a population of less than fifty thousand or
36 a city located within such a county is not making reasonable progress
37 toward adopting a comprehensive plan and development regulations the
38 governor may reduce this deadline for such actions to be taken by no
39 more than one hundred eighty days. Any county or city subject to this

1 subsection may obtain an additional six months before it is required to
2 have adopted its development regulations by submitting a letter
3 notifying the department of community, trade, and economic development
4 of its need prior to the deadline for adopting both a comprehensive
5 plan and development regulations.

6 (4) Any county or city that is required to conform with all the
7 requirements of this chapter, as a result of the county legislative
8 authority adopting its resolution of intention under subsection (2) of
9 this section, shall take actions under this chapter as follows: (a)
10 The county legislative authority shall adopt a county-wide planning
11 policy under RCW 36.70A.210; (b) the county and each city that is
12 located within the county shall adopt development regulations
13 conserving agricultural lands, forest lands, and mineral resource lands
14 it designated under RCW 36.70A.060 within one year of the date the
15 county legislative authority adopts its resolution of intention; (c)
16 the county shall designate and take other actions related to urban
17 growth areas under RCW 36.70A.110; and (d) the county and each city
18 that is located within the county shall adopt a comprehensive plan and
19 development regulations that are consistent with and implement the
20 comprehensive plan not later than four years from the date the county
21 legislative authority adopts its resolution of intention, but a county
22 or city may obtain an additional six months before it is required to
23 have adopted its development regulations by submitting a letter
24 notifying the department of community, trade, and economic development
25 of its need prior to the deadline for adopting both a comprehensive
26 plan and development regulations.

27 (5) If the office of financial management certifies that the
28 population of a county that previously had not been required to plan
29 under subsection (1) or (2) of this section has changed sufficiently to
30 meet either of the sets of criteria specified under subsection (1) of
31 this section, and where applicable, the county legislative authority
32 has not adopted a resolution removing the county from these
33 requirements as provided in subsection (1) of this section, the county
34 and each city within such county shall take actions under this chapter
35 as follows: (a) The county legislative authority shall adopt a county-
36 wide planning policy under RCW 36.70A.210; (b) the county and each city
37 located within the county shall adopt development regulations under RCW
38 36.70A.060 conserving agricultural lands, forest lands, and mineral
39 resource lands it designated within one year of the certification by

1 the office of financial management; (c) the county shall designate and
2 take other actions related to urban growth areas under RCW 36.70A.110;
3 and (d) the county and each city located within the county shall adopt
4 a comprehensive land use plan and development regulations that are
5 consistent with and implement the comprehensive plan within four years
6 of the certification by the office of financial management, but a
7 county or city may obtain an additional six months before it is
8 required to have adopted its development regulations by submitting a
9 letter notifying the department of community, trade, and economic
10 development of its need prior to the deadline for adopting both a
11 comprehensive plan and development regulations.

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

14 **Sec. 2.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
15 read as follows:

16 (1) Each county that is required or chooses to plan under RCW
17 36.70A.040 shall designate an urban growth area or areas within which
18 urban growth shall be encouraged and outside of which growth can occur
19 only if it is not urban in nature. Each city that is located in such
20 a county shall be included within an urban growth area. An urban
21 growth area may include more than a single city. An urban growth area
22 may include territory that is located outside of a city only if such
23 territory already is characterized by urban growth or is adjacent to
24 territory already characterized by urban growth.

25 (2) Based upon the population growth management planning population
26 projection made for the county by the office of financial management,
27 the urban growth areas in the county shall include areas and densities
28 sufficient to permit the urban growth that is projected to occur in the
29 county for the succeeding twenty-year period. Each urban growth area
30 shall permit urban densities and shall include greenbelt and open space
31 areas. Within one year of July 1, 1990, each county that as of June 1,
32 1991, was required or chose to plan under RCW 36.70A.040, shall begin
33 consulting with each city located within its boundaries and each city
34 shall propose the location of an urban growth area. Within sixty days
35 of the date the county legislative authority of a county adopts its
36 resolution of intention or of certification by the office of financial
37 management, all other counties that are required or choose to plan
38 under RCW 36.70A.040 shall begin this consultation with each city

1 located within its boundaries. The county shall attempt to reach
2 agreement with each city on the location of an urban growth area within
3 which the city is located. If such an agreement is not reached with
4 each city located within the urban growth area, the county shall
5 justify in writing why it so designated the area an urban growth area.
6 A city may object formally with the department over the designation of
7 the urban growth area within which it is located. Where appropriate,
8 the department shall attempt to resolve the conflicts, including the
9 use of mediation services.

10 (3) Urban growth should be located first in areas already
11 characterized by urban growth that have existing public facility and
12 service capacities to serve such development, and second in areas
13 already characterized by urban growth that will be served by a
14 combination of both existing public facilities and services and any
15 additional needed public facilities and services that are provided by
16 either public or private sources. Further, it is appropriate that
17 urban government services be provided by cities, and urban government
18 services should not be provided in rural areas.

19 (4) On or before October 1, (~~1993~~) 1995, each county that was
20 initially required to plan under RCW 36.70A.040(1) shall adopt
21 development regulations designating interim urban growth areas under
22 this chapter. Within three years and three months of the date the
23 county legislative authority of a county adopts its resolution of
24 intention or of certification by the office of financial management,
25 all other counties that are required or choose to plan under RCW
26 36.70A.040 shall adopt development regulations designating interim
27 urban growth areas under this chapter. Adoption of the interim urban
28 growth areas may only occur after public notice; public hearing; and
29 compliance with the state environmental policy act, chapter 43.21C RCW,
30 and RCW 36.70A.110. Such action may be appealed to the appropriate
31 growth management hearings board under RCW 36.70A.280. Final urban
32 growth areas shall be adopted at the time of comprehensive plan
33 adoption under this chapter.

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

36 **Sec. 3.** RCW 36.70A.385 and 1991 sp.s. c 32 s 20 are each amended
37 to read as follows:

1 (1) The legislature intends to determine whether the environmental
2 review process mandated under chapter 43.21C RCW may be enhanced and
3 simplified, and coordination improved, when applied to comprehensive
4 plans mandated by this chapter. The department of community, trade,
5 and economic development shall undertake pilot projects on
6 environmental review to determine if the review process can be improved
7 by fostering more coordination and eliminating duplicative
8 environmental analysis which is made to assist decision makers
9 approving comprehensive plans pursuant to this chapter. Such pilot
10 projects should be designed and scoped to consider cumulative impacts
11 resulting from plan decisions, plan impacts on environmental quality,
12 impacts on adjacent jurisdictions, and similar factors in sufficient
13 depth to simplify the analysis of subsequent specific projects being
14 carried out pursuant to the approved plan.

15 (2) The legislature hereby authorizes the department of community,
16 trade, and economic development to establish, in cooperation with
17 business, industry, cities, counties, and other interested parties, at
18 least two but not more than four pilot projects, one of which shall be
19 with a county, on enhanced draft and final nonproject environmental
20 analysis of comprehensive plans prepared pursuant to this chapter, for
21 the purposes outlined in subsection (1) of this section. The
22 department of community, trade, and economic development may select
23 appropriate geographic subareas within a comprehensive plan if that
24 will best serve the purposes of this section and meet the requirements
25 of chapter 43.21C RCW.

26 (3) An enhanced draft and final nonproject environmental analysis
27 prepared pursuant to this section shall follow the rules adopted
28 pursuant to chapter 43.21C RCW.

29 (4) Not later than December 31, (~~1993~~) 1995, the department of
30 community, trade, and economic development shall evaluate the overall
31 effectiveness of the pilot projects under this section regarding
32 preparing enhanced nonproject environmental analysis for the approval
33 process of comprehensive plans and shall:

34 (a) Provide an interim report of its findings to the legislature
35 with such recommendations as may be appropriate, including the need, if
36 any, for further legislation;

37 (b) Consider adoption of any further rules or guidelines as may be
38 appropriate to assist counties and cities in meeting requirements of
39 chapter 43.21C RCW when considering comprehensive plans; and

1 (c) Prepare and circulate to counties and cities such instructional
2 manuals or other information derived from the pilot projects as will
3 assist all counties and cities in meeting the requirements and
4 objectives of chapter 43.21C RCW in the most expeditious and efficient
5 manner in the process of considering comprehensive plans pursuant to
6 this chapter.

7 (5) The department of community, trade, and economic development
8 shall submit a final report to the legislature no later than December
9 31, (~~1995~~) 1997.

10 **Sec. 4.** RCW 36.70A.430 and 1994 c 258 s 2 are each amended to read
11 as follows:

12 For counties engaged in planning under this chapter, there shall be
13 established by December 31, (~~1994~~) 1996, a collaborative process to
14 review and coordinate state and local permits for all transportation
15 projects that cross more than one city or county boundary. This
16 process shall at a minimum, establish a mechanism among affected cities
17 and counties to designate a permit coordinating agency to facilitate
18 multijurisdictional review and approval of such transportation
19 projects.

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