

1 1305 AMH REAM H2552.1

2 **HB 1305 - H AMD 436 ADOPTED 3/15/95**

3 By Representative Reams and others

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
8 RCW to read as follows:

9 (1) A county required or choosing to plan under RCW 36.70A.040 may
10 establish, in consultation with cities, a process for reviewing
11 proposals to authorize siting of major industrial developments outside
12 urban growth areas.

13 (2) A major industrial development may be approved outside an urban
14 growth area in a county planning under this chapter if criteria
15 including, but not limited to the following, are met:

16 (a) Infrastructure is provided and/or impact fees are established
17 consistent with the requirements of RCW 82.02.060;

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

20 (c) Buffers are provided between the major industrial development
21 and adjacent nonurban areas;

22 (d) Environmental protection including air and water quality has
23 been addressed and provided for;

24 (e) Development regulations are established that discourage urban
25 growth in adjacent nonurban area;

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

28 (g) The plan for the major industrial development is consistent
29 with the county's development regulations established for protection of
30 critical areas; and

31 (h) The county has determined and entered findings that land
32 suitable to site the major industrial development is unavailable within
33 the urban growth area. Priority shall be given to applications for
34 sites that are adjacent to or in close proximity to the urban growth
35 area.

36 (3) "Major industrial development" means a master planned location

1 for a specific manufacturing, industrial, or commercial business that:
2 (a) Requires a parcel of land so large that no suitable parcels,
3 without critical areas, are available within an urban growth area; or
4 (b) is a natural-resource-based industry requiring a location near
5 agricultural land, forest land, or mineral resource land upon which it
6 is dependent; and (c) is not for the purpose of retail shopping
7 developments.

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

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

19 (2) Based upon the population growth management planning population
20 projection made for the county by the office of financial management as
21 modified by the county in light of information regarding growth
22 projection or other local conditions, the urban growth areas in the
23 county shall include areas and densities at least sufficient to permit
24 the urban growth that is projected to occur in the county for the
25 succeeding twenty-year period. Each urban growth area shall permit a
26 range of urban densities and shall include greenbelt and open space
27 areas. Within one year of July 1, 1990, each county that as of June 1,
28 1991, was required or chose to plan under RCW 36.70A.040, shall begin
29 consulting with each city located within its boundaries and each city
30 shall propose the location of an urban growth area. Within sixty days
31 of the date the county legislative authority of a county adopts its
32 resolution of intention or of certification by the office of financial
33 management, all other counties that are required or choose to plan
34 under RCW 36.70A.040 shall begin this consultation with each city
35 located within its boundaries. The county shall attempt to reach
36 agreement with each city on the location of an urban growth area within
37 which the city is located. If such an agreement is not reached with
38 each city located within the urban growth area, the county shall

1 justify in writing why it so designated the area an urban growth area.
2 A city may object formally with the department over the designation of
3 the urban growth area within which it is located. Where appropriate,
4 the department shall attempt to resolve the conflicts, including the
5 use of mediation services.

6 (3) Urban growth should be located (~~(first)~~) in areas: (a) Already
7 characterized by urban growth that have existing public facility and
8 service capacities to serve such development, (~~and second in areas~~)
9 (b) already characterized by urban growth that will be served by a
10 combination of both existing public facilities and services and any
11 additional needed public facilities and services that are provided by
12 either public or private sources, and (c) adjacent to territory already
13 characterized by urban growth, or so situated in light of geographic or
14 utility considerations as to be appropriate for urban growth within the
15 succeeding twenty-year period. Further, it is usually appropriate that
16 urban government services be provided by cities, and urban government
17 services (~~(should)~~) not be provided in rural areas.

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

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

34 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
35 amended to read as follows:

36 The comprehensive plan of a county or city that is required or
37 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
38 and descriptive text covering objectives, principles, and standards

1 used to develop the comprehensive plan. The plan shall be an
2 internally consistent document and all elements shall be consistent
3 with the future land use map. A comprehensive plan shall be adopted
4 and amended with public participation as provided in RCW 36.70A.140.

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

7 (1) A land use element designating the proposed general
8 distribution and general location and extent of the uses of land, where
9 appropriate, for agriculture, timber production, housing, commerce,
10 industry, recreation, open spaces, public utilities, public facilities,
11 and other land uses. The land use element shall include population
12 densities, building intensities, and estimates of future population
13 growth. The land use element shall provide for protection of the
14 quality and quantity of ground water used for public water supplies.
15 Where applicable, the land use element shall review drainage, flooding,
16 and storm water run-off in the area and nearby jurisdictions and
17 provide guidance for corrective actions to mitigate or cleanse those
18 discharges that pollute waters of the state, including Puget Sound or
19 waters entering Puget Sound.

20 (2) A housing element recognizing the vitality and character of
21 established residential neighborhoods that: (a) Includes an inventory
22 and analysis of existing and projected housing needs; (b) includes a
23 statement of goals, policies, and objectives for the preservation,
24 improvement, and development of housing; (c) identifies sufficient land
25 for housing, including, but not limited to, government-assisted
26 housing, housing for low-income families, manufactured housing,
27 multifamily housing, and group homes and foster care facilities; and
28 (d) makes adequate provisions for existing and projected needs of all
29 economic segments of the community.

30 (3) A capital facilities plan element consisting of: (a) An
31 inventory of existing capital facilities owned by public entities,
32 showing the locations and capacities of the capital facilities; (b) a
33 forecast of the future needs for such capital facilities; (c) the
34 proposed locations and capacities of expanded or new capital
35 facilities; (d) at least a six-year plan that will finance such capital
36 facilities within projected funding capacities and clearly identifies
37 sources of public money for such purposes; and (e) a requirement to
38 reassess the land use element if probable funding falls short of
39 meeting existing needs and to ensure that the land use element, capital

1 facilities plan element, and financing plan within the capital
2 facilities plan element are coordinated and consistent.

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

7 (5) Counties shall include a rural element including lands that are
8 not designated for urban growth, agriculture, forest, or mineral
9 resources. The rural element shall permit residential and
10 nonresidential land uses that are compatible with the rural character
11 of such lands and provide for a variety of rural densities.

12 (6) A transportation element that implements, and is consistent
13 with, the land use element. The transportation element shall include
14 the following subelements:

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

16 (b) Facilities and services needs, including:

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

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

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

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

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

31 (c) Finance, including:

32 (i) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (ii) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required by
37 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems;

39 (iii) If probable funding falls short of meeting identified needs,

1 a discussion of how additional funding will be raised, or how land use
2 assumptions will be reassessed to ensure that level of service
3 standards will be met;

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

7 (e) Demand-management strategies.

8 After adoption of the comprehensive plan by jurisdictions required
9 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
10 must adopt and enforce ordinances which prohibit development approval
11 if the development causes the level of service on a transportation
12 facility to decline below the standards adopted in the transportation
13 element of the comprehensive plan, unless transportation improvements
14 or strategies to accommodate the impacts of development are made
15 concurrent with the development. These strategies may include
16 increased public transportation service, ride sharing programs, demand
17 management, and other transportation systems management strategies.
18 For the purposes of this subsection (6) "concurrent with the
19 development" shall mean that improvements or strategies are in place at
20 the time of development, or that a financial commitment is in place to
21 complete the improvements or strategies within six years.

22 The transportation element described in this subsection, and the
23 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
24 counties, and RCW 35.58.2795 for public transportation systems, must be
25 consistent.

26 **Sec. 4.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
27 read as follows:

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

1 36.70A.100. Nothing in this section shall be construed to alter the
2 land-use powers of cities or the authority of counties to provide urban
3 governmental services. It is the intent of the legislature that urban
4 governmental service decisions be made through the flexible process
5 established in chapter 36.115 RCW.

6 (2) The legislative authority of a county that plans under RCW
7 36.70A.040 shall adopt a county-wide planning policy in cooperation
8 with the cities located in whole or in part within the county as
9 follows:

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

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

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

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

1 agreement. If mediation is unsuccessful in resolving all disputes that
2 will lead to agreement, the governor may impose appropriate sanctions
3 from those specified under RCW 36.70A.340 on the county, city, or
4 cities for failure to reach an agreement as provided in this section.
5 The governor shall specify the reason or reasons for the imposition of
6 any sanction.

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

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

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

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

22 (c) Policies for siting public capital facilities of a county-wide
23 or state-wide nature;

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

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

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

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

33 (h) An analysis of the fiscal impact.

34 (4) Federal agencies and Indian tribes may participate in and
35 cooperate with the county-wide planning policy adoption process.
36 Adopted county-wide planning policies shall be adhered to by state
37 agencies.

38 (5) Failure to adopt a county-wide planning policy that meets the
39 requirements of this section may result in the imposition of a sanction

1 or sanctions on a county or city within the county, as specified in RCW
2 36.70A.340. In imposing a sanction or sanctions, the governor shall
3 specify the reasons for failure to adopt a county-wide planning policy
4 in order that any imposed sanction or sanctions are fairly and
5 equitably related to the failure to adopt a county-wide planning
6 policy.

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

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

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A RCW
17 to read as follows:

18 A county or city planning under RCW 36.70A.040 must allow cellular
19 antenna facilities to be sited in any zone within its planning
20 jurisdiction, but may establish conditions and requirements on the
21 siting of such facilities and require the issuance of a conditional use
22 permit or special use permit before a cellular antenna facility is
23 authorized.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW
25 to read as follows:

26 An authorization of cellular antenna facilities under section 5 of
27 this act shall be categorically exempt from a threshold decision under
28 the rules adopted by the department for categorical exemptions."

29 **HB 1305** - H AMD
30 By Representative Reams

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32 On page 1, line 1 of the title, after "management;" strike the
33 remainder of the title and insert "amending RCW 36.70A.110, 36.70A.070,
34 and 36.70A.210; adding new sections to chapter 36.70A RCW; and adding

1 a new section to chapter 43.21C RCW."

--- **END** ---