

2 EHB 1305 - S AMD 366

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

4 ADOPTED AS AMENDED 4/14/95

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

7 "Sec. 1. RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
8 read as follows:

9 (1) Each county that has both a population of fifty thousand or
10 more and, until the effective date of this section, has had its
11 population increase by more than ten percent in the previous ten years
12 or, on or after the effective date of this section, has had its
13 population increase by more than seventeen percent in the previous ten
14 years, and the cities located within such county, and any other county
15 regardless of its population that has had its population increase by
16 more than twenty percent in the previous ten years, and the cities
17 located within such county, shall conform with all of the requirements
18 of this chapter. However, the county legislative authority of such a
19 county with a population of less than fifty thousand population may
20 adopt a resolution removing the county, and the cities located within
21 the county, from the requirements of adopting comprehensive land use
22 plans and development regulations under this chapter if this resolution
23 is adopted and filed with the department by December 31, 1990, for
24 counties initially meeting this set of criteria, or within sixty days
25 of the date the office of financial management certifies that a county
26 meets this set of criteria under subsection (5) of this section.

27 Once a county meets either of these sets of criteria, the
28 requirement to conform with all of the requirements of this chapter
29 remains in effect, even if the county no longer meets one of these sets
30 of criteria.

31 (2) The county legislative authority of any county that does not
32 meet either of the sets of criteria established under subsection (1) of
33 this section may adopt a resolution indicating its intention to have
34 subsection (1) of this section apply to the county. Each city, located
35 in a county that chooses to plan under this subsection, shall conform
36 with all of the requirements of this chapter. Once such a resolution

1 has been adopted, the county and the cities located within the county
2 remain subject to all of the requirements of this chapter.

3 (3) Any county or city that is initially required to conform with
4 all of the requirements of this chapter under subsection (1) of this
5 section shall take actions under this chapter as follows: (a) The
6 county legislative authority shall adopt a county-wide planning policy
7 under RCW 36.70A.210; (b) the county and each city located within the
8 county shall designate critical areas, agricultural lands, forest
9 lands, and mineral resource lands, and adopt development regulations
10 conserving these designated agricultural lands, forest lands, and
11 mineral resource lands and protecting these designated critical areas,
12 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
13 take other actions related to urban growth areas under RCW 36.70A.110;
14 (d) if the county has a population of fifty thousand or more, the
15 county and each city located within the county shall adopt a
16 comprehensive plan under this chapter and development regulations that
17 are consistent with and implement the comprehensive plan on or before
18 July 1, 1994, and if the county has a population of less than fifty
19 thousand, the county and each city located within the county shall
20 adopt a comprehensive plan under this chapter and development
21 regulations that are consistent with and implement the comprehensive
22 plan by January 1, 1995, but if the governor makes written findings
23 that a county with a population of less than fifty thousand or a city
24 located within such a county is not making reasonable progress toward
25 adopting a comprehensive plan and development regulations the governor
26 may reduce this deadline for such actions to be taken by no more than
27 one hundred eighty days. Any county or city subject to this subsection
28 may obtain an additional six months before it is required to have
29 adopted its development regulations by submitting a letter notifying
30 the department of community, trade, and economic development of its
31 need prior to the deadline for adopting both a comprehensive plan and
32 development regulations.

33 (4) Any county or city that is required to conform with all the
34 requirements of this chapter, as a result of the county legislative
35 authority adopting its resolution of intention under subsection (2) of
36 this section, shall take actions under this chapter as follows: (a)
37 The county legislative authority shall adopt a county-wide planning
38 policy under RCW 36.70A.210; (b) the county and each city that is
39 located within the county shall adopt development regulations

1 conserving agricultural lands, forest lands, and mineral resource lands
2 it designated under RCW 36.70A.060 within one year of the date the
3 county legislative authority adopts its resolution of intention; (c)
4 the county shall designate and take other actions related to urban
5 growth areas under RCW 36.70A.110; and (d) the county and each city
6 that is located within the county shall adopt a comprehensive plan and
7 development regulations that are consistent with and implement the
8 comprehensive plan not later than four years from the date the county
9 legislative authority adopts its resolution of intention, but a county
10 or city may obtain an additional six months before it is required to
11 have adopted its development regulations by submitting a letter
12 notifying the department of community, trade, and economic development
13 of its need prior to the deadline for adopting both a comprehensive
14 plan and development regulations.

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

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

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

5 (1) Each county that is required or chooses to plan under RCW
6 36.70A.040 shall designate an urban growth area or areas within which
7 urban growth shall be encouraged and outside of which growth can occur
8 only if it is not urban in nature. Each city that is located in such
9 a county shall be included within an urban growth area. An urban
10 growth area may include more than a single city. An urban growth area
11 may include territory that is located outside of a city only if such
12 territory already is characterized by urban growth whether or not the
13 urban growth area includes a city, or is adjacent to territory already
14 characterized by urban growth, or is a designated new fully contained
15 community as defined by RCW 36.70A.350.

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

28 Within one year of July 1, 1990, each county that as of June 1,
29 1991, was required or chose to plan under RCW 36.70A.040, shall begin
30 consulting with each city located within its boundaries and each city
31 shall propose the location of an urban growth area. Within sixty days
32 of the date the county legislative authority of a county adopts its
33 resolution of intention or of certification by the office of financial
34 management, all other counties that are required or choose to plan
35 under RCW 36.70A.040 shall begin this consultation with each city
36 located within its boundaries. The county shall attempt to reach
37 agreement with each city on the location of an urban growth area within
38 which the city is located. If such an agreement is not reached with

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

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

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

26 ~~((+4))~~ (5) On or before October 1, 1993, each county that was
27 initially required to plan under RCW 36.70A.040(1) shall adopt
28 development regulations designating interim urban growth areas under
29 this chapter. Within three years and three months of the date the
30 county legislative authority of a county adopts its resolution of
31 intention or of certification by the office of financial management,
32 all other counties that are required or choose to plan under RCW
33 36.70A.040 shall adopt development regulations designating interim
34 urban growth areas under this chapter. Adoption of the interim urban
35 growth areas may only occur after public notice; public hearing; and
36 compliance with the state environmental policy act, chapter 43.21C RCW,
37 and RCW 36.70A.110. Such action may be appealed to the appropriate
38 growth management hearings board under RCW 36.70A.280. Final urban

1 growth areas shall be adopted at the time of comprehensive plan
2 adoption under this chapter.

3 ~~((+5))~~ (6) Each county shall include designations of urban growth
4 areas in its comprehensive plan.

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

7 The comprehensive plan of a county or city that is required or
8 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
9 and descriptive text covering objectives, principles, and standards
10 used to develop the comprehensive plan. The plan shall be an
11 internally consistent document and all elements shall be consistent
12 with the future land use map. A comprehensive plan shall be adopted
13 and amended with public participation as provided in RCW 36.70A.140.

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

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

29 (2) A housing element recognizing the vitality and character of
30 established residential neighborhoods that: (a) Includes an inventory
31 and analysis of existing and projected housing needs; (b) includes a
32 statement of goals, policies, and objectives for the preservation,
33 improvement, and development of housing; (c) identifies sufficient land
34 for housing, including, but not limited to, government-assisted
35 housing, housing for low-income families, manufactured housing,
36 multifamily housing, and group homes and foster care facilities; and
37 (d) makes adequate provisions for existing and projected needs of all
38 economic segments of the community.

1 (3) A capital facilities plan element consisting of: (a) An
2 inventory of existing capital facilities owned by public entities,
3 showing the locations and capacities of the capital facilities; (b) a
4 forecast of the future needs for such capital facilities; (c) the
5 proposed locations and capacities of expanded or new capital
6 facilities; (d) at least a six-year plan that will finance such capital
7 facilities within projected funding capacities and clearly identifies
8 sources of public money for such purposes; and (e) a requirement to
9 reassess the land use element if probable funding falls short of
10 meeting existing needs and to ensure that the land use element, capital
11 facilities plan element, and financing plan within the capital
12 facilities plan element are coordinated and consistent.

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

17 (5) Counties shall include a rural element including lands that are
18 not designated for urban growth, agriculture, forest, or mineral
19 resources. The rural element shall permit appropriate land uses that
20 are compatible with the rural character of such lands and provide for
21 a variety of rural densities and uses and may also provide for
22 clustering, density transfer, design guidelines, conservation
23 easements, and other innovative techniques that will accommodate
24 appropriate rural uses not characterized by urban growth.

25 (6) A transportation element that implements, and is consistent
26 with, the land use element. The transportation element shall include
27 the following subelements:

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

29 (b) Facilities and services needs, including:

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

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

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

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

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

6 (c) Finance, including:

7 (i) An analysis of funding capability to judge needs against
8 probable funding resources;

9 (ii) A multiyear financing plan based on the needs identified in
10 the comprehensive plan, the appropriate parts of which shall serve as
11 the basis for the six-year street, road, or transit program required by
12 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
13 35.58.2795 for public transportation systems;

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

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

21 (e) Demand-management strategies.

22 After adoption of the comprehensive plan by jurisdictions required
23 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
24 must adopt and enforce ordinances which prohibit development approval
25 if the development causes the level of service on a transportation
26 facility to decline below the standards adopted in the transportation
27 element of the comprehensive plan, unless transportation improvements
28 or strategies to accommodate the impacts of development are made
29 concurrent with the development. These strategies may include
30 increased public transportation service, ride sharing programs, demand
31 management, and other transportation systems management strategies.
32 For the purposes of this subsection (6) "concurrent with the
33 development" shall mean that improvements or strategies are in place at
34 the time of development, or that a financial commitment is in place to
35 complete the improvements or strategies within six years.

36 The transportation element described in this subsection, and the
37 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
38 counties, and RCW 35.58.2795 for public transportation systems, must be
39 consistent.

1 NEW SECTION. **Sec. 4.** A comprehensive plan adopted or amended
2 before the effective date of this act shall be considered to be in
3 compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their
4 amendment by this act, if the comprehensive plan is in compliance with
5 RCW 36.70A.070 and 36.70A.110 as amended by this act. This section
6 shall not be construed to alter the relationship between a county-wide
7 planning policy and comprehensive plans as specified under RCW
8 36.70A.210.

9 As to any appeal relating to compliance with RCW 36.70A.070 or
10 36.70A.110 pending before a growth management hearings board on the
11 effective date of this act, the board may take up to an additional
12 ninety days to resolve such appeal. By mutual agreement of all parties
13 to the appeal, this additional ninety-day period may be extended.

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

16 Where the county has classified mineral lands pursuant to RCW
17 36.70A.050 and mineral resource lands of long-term commercial
18 significance exist, a county, city, or town shall designate sufficient
19 mineral resource lands in the comprehensive plans to meet the projected
20 twenty-year, county-wide need. Once designated, mineral resource uses,
21 including operations as defined in RCW 78.44.031, shall be established
22 as an allowed use in local development regulations.

23 The county, city, or town shall designate mineral resource
24 deposits, both active and inactive, in economically viable proximity to
25 locations where the deposits are likely to be used.

26 Through its comprehensive plan and development regulations, as
27 defined in RCW 36.70A.030, the county, city, or town shall discourage
28 the siting of incompatible uses adjacent to mineral resource
29 industries, deposits, and holdings.

30 The county-wide need and proximity provisions of this section do
31 not apply to metals mining and milling operations as defined in RCW
32 78.56.020.

33 For the purposes of this section, "long-term commercial
34 significance" includes the mineral composition of the land for long-
35 term economically viable commercial production, in consideration with
36 the mineral resource land's proximity to population areas, product
37 markets, and the possibility of more intense uses of the land.

