

2 **2SHB 2244** - H AMD 386 ADOPTED 3/19/97

3 By Representative

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5 On page 23, beginning on line 9, strike all of sections 17 and 18
6 and insert the following:

7 "Sec. 17. RCW 36.70A.110 and 1995 c 400 s 2 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 growth management population projection made for
21 the county by the office of financial management, (~~the urban growth~~
22 ~~areas in~~)) the county and each city within the county shall include
23 areas and densities within urban growth areas sufficient to permit the
24 urban growth that is projected to occur in the county or city for the
25 succeeding twenty-year period. Each urban growth area shall permit
26 urban densities and shall include greenbelt and open space areas. An
27 urban growth area determination may include a reasonable land market
28 supply factor and shall permit a range of urban densities and uses. In
29 determining this market factor, cities and counties may consider local
30 circumstances. Cities and counties have discretion in their
31 comprehensive plans to make many choices about 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, second in
16 areas already characterized by urban growth that will be served
17 adequately by a combination of both existing public facilities and
18 services and any additional needed public facilities and services that
19 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.

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

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

1 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
2 Such action may be appealed to the appropriate growth management
3 hearings board under RCW 36.70A.280. Final urban growth areas shall be
4 adopted at the time of comprehensive plan adoption under this chapter.

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

7 **Sec. 18.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to
8 read as follows:

9 (1) Each comprehensive land use plan and development regulations
10 shall be subject to continuing ((evaluation and)) review and evaluation
11 by the county or city that adopted them. Not later than September 1,
12 2002, and at least every five years thereafter, a county or city shall
13 take action to review and, if needed, revise its comprehensive land use
14 plan and development regulations to ensure that the plan and
15 regulations are complying with the requirements of this chapter. The
16 review and evaluation required by this subsection may be combined with
17 the review required by subsection (3) of this section.

18 Any amendment or revision to a comprehensive land use plan shall
19 conform to this chapter, and any change to development regulations
20 shall be consistent with and implement the comprehensive plan.

21 (2)(a) Each county and city shall establish and broadly disseminate
22 to the public a public participation program identifying procedures
23 whereby proposed amendments or revisions of the comprehensive plan are
24 considered by the governing body of the county or city no more
25 frequently than once every year except that amendments may be
26 considered more frequently under the following circumstances:

27 (i) The initial adoption of a subarea plan; and

28 (ii) The adoption or amendment of a shoreline master program under
29 the procedures set forth in chapter 90.58 RCW.

30 (b) All proposals shall be considered by the governing body
31 concurrently so the cumulative effect of the various proposals can be
32 ascertained. However, after appropriate public participation a county
33 or city may adopt amendments or revisions to its comprehensive plan
34 that conform with this chapter whenever an emergency exists or to
35 resolve an appeal of a comprehensive plan filed with a growth
36 management hearings board or with the court.

37 (3) Each county that designates urban growth areas under RCW
38 36.70A.110 shall review, at least every ten years, its designated urban

1 growth area or areas, and the densities permitted within both the
2 incorporated and unincorporated portions of each urban growth area. In
3 conjunction with this review by the county, each city located within an
4 urban growth area shall review the densities permitted within its
5 boundaries, and the extent to which the urban growth occurring within
6 the county has located within each city and the unincorporated portions
7 of the urban growth areas. The county comprehensive plan designating
8 urban growth areas, and the densities permitted in the urban growth
9 areas by the comprehensive plans of the county and each city located
10 within the urban growth areas, shall be revised to accommodate the
11 urban growth projected to occur in the county for the succeeding
12 twenty-year period. The review required in this subsection may be
13 combined with the review and evaluation required in section 19 of this
14 act.

15 NEW SECTION. **Sec. 19.** A new section is added to chapter 36.70A
16 RCW to read as follows:

17 (1) Subject to the limitations in subsection (7) of this section,
18 a county shall adopt, in consultation with its cities, county-wide
19 planning policies to establish a review and evaluation program. This
20 program shall be in addition to the requirements of RCW 36.70A.110,
21 36.70A.130, and 36.70A.210. In developing and implementing the review
22 and evaluation program required by this section, the county and its
23 cities shall consider information from other appropriate jurisdictions
24 and sources. The purpose of the review and evaluation program shall be
25 to:

26 (a) Determine whether a county and its cities are achieving urban
27 densities within urban growth areas by comparing growth and development
28 assumptions, targets and objectives contained in the county-wide
29 planning policies and the county and city comprehensive plans with
30 actual growth and development that has occurred in the county and its
31 cities; and

32 (b) Identify reasonable measures, other than adjusting urban growth
33 areas, that will be taken to comply with this chapter.

34 (2) The review and evaluation program shall:

35 (a) Encompass land uses and activities both within and outside of
36 urban growth areas and provide for annual collection of data on urban
37 and rural land uses, development, critical areas, and capital
38 facilities to the extent necessary to determine the quantity and type

1 of land suitable for development, both for residential and employment-
2 based activities;

3 (b) Provide for evaluation of the data collected under (a) of this
4 subsection every five years as provided in subsection (3) of this
5 section. The first evaluation shall be completed not later than
6 September 1, 2002. The county and its cities may establish in the
7 county-wide planning policies indicators, benchmarks, and other similar
8 criteria to use in conducting the evaluation;

9 (c) Provide for methods to resolve disputes among jurisdictions
10 relating to the county-wide planning policies required by this section
11 and procedures to resolve inconsistencies in collection and analysis of
12 data; and

13 (d) Provide for the amendment of the county-wide policies and
14 county and city comprehensive plans as needed to remedy inconsistencies
15 identified through the evaluation required by this section, or to bring
16 these policies into compliance with this chapter.

17 (3) At a minimum, the evaluation component of the program required
18 in subsection (1) of this section shall:

19 (a) Determine whether there is sufficient suitable land to
20 accommodate the county-wide population projection established for the
21 county pursuant to RCW 43.62.035 and the subsequent population
22 allocations within the county and between the county and its cities and
23 the requirements of RCW 36.70A.110;

24 (b) Determine the actual density of housing that has been
25 constructed and the actual amount of land developed for commercial and
26 industrial uses within the urban growth area since the adoption of a
27 comprehensive plan under this chapter or since the last periodic
28 evaluation as required by subsection (1) of this section; and

29 (c) Based on the actual density of development as determined under
30 (b) of this subsection, review commercial, industrial, and housing
31 needs by type and density range to determine the amount of land needed
32 for commercial, industrial, and housing for the remaining portion of
33 the twenty-year planning period used in the most recently adopted
34 comprehensive plan.

35 (4) If the evaluation required in subsection (3) of this section
36 demonstrates an inconsistency between what has occurred since the
37 adoption of the county-wide planning policies and the county and city
38 comprehensive plans and development regulations and what was envisioned
39 in those policies and plans and the planning goals and the requirements

1 of this chapter, as the inconsistency relates to the evaluation factors
2 specified in subsection (3) of this section, the county and its cities
3 shall adopt and implement measures that are reasonably likely to
4 increase consistency during the subsequent five-year period. If
5 necessary, a county, in consultation with its cities as required by RCW
6 36.70A.210, shall adopt amendments to county-wide planning policies to
7 increase consistency. The county and its cities shall annually monitor
8 the measures adopted under this subsection to determine their effect
9 and may revise or rescind them as appropriate.

10 (5)(a) Not later than July 1, 1998, the department shall prepare a
11 list of methods used by counties and cities in carrying out the types
12 of activities required by this section. The department shall provide
13 this information and appropriate technical assistance to counties and
14 cities required to or choosing to comply with the provisions of this
15 section.

16 (b) By December 31, 2007, the department shall submit to the
17 appropriate committees of the legislature a report analyzing the
18 effectiveness of the activities described in this section in achieving
19 the goals envisioned by the county-wide planning policies and the
20 comprehensive plans and development regulations of the counties and
21 cities.

22 (6) From funds appropriated by the legislature for this purpose,
23 the department shall provide grants to counties, cities, and regional
24 planning organizations required under subsection (7) of this section to
25 conduct the review and perform the evaluation required by this section.

26 (7) This section applies to counties, and the cities within those
27 counties, that were greater than one hundred fifty thousand in
28 population in 1995 as determined by office of financial management
29 population estimates and that are located west of the crest of the
30 Cascade mountain range. Any other county planning under RCW 36.70A.040
31 may carry out the review, evaluation, and amendment programs and
32 procedures as provided in this section.

33 **Sec. 20.** RCW 43.62.035 and 1995 c 162 s 1 are each amended to read
34 as follows:

35 The office of financial management shall determine the population
36 of each county of the state annually as of April 1st of each year and
37 on or before July 1st of each year shall file a certificate with the
38 secretary of state showing its determination of the population for each

1 county. The office of financial management also shall determine the
2 percentage increase in population for each county over the preceding
3 ten-year period, as of April 1st, and shall file a certificate with the
4 secretary of state by July 1st showing its determination. At least
5 once every ((ten)) five years or upon the availability of decennial
6 census data, whichever is later, the office of financial management
7 shall prepare twenty-year growth management planning population
8 projections required by RCW 36.70A.110 for each county that adopts a
9 comprehensive plan under RCW 36.70A.040 and shall review these
10 projections with such counties and the cities in those counties before
11 final adoption. The county and its cities may provide to the office
12 such information as they deem relevant to the office's projection, and
13 the office shall consider and comment on such information before
14 adoption. Each projection shall be expressed as a reasonable range
15 developed within the standard state high and low projection. The
16 middle range shall represent the office's estimate of the most likely
17 population projection for the county. If any city or county believes
18 that a projection will not accurately reflect actual population growth
19 in a county, it may petition the office to revise the projection
20 accordingly. The office shall complete the first set of ranges for
21 every county by December 31, 1995.

22 A comprehensive plan adopted or amended before December 31, 1995,
23 shall not be considered to be in noncompliance with the twenty-year
24 growth management planning population projection if the projection used
25 in the comprehensive plan is in compliance with the range later adopted
26 under this section.

27 NEW SECTION. **Sec. 21.** A new section is added to chapter 42.17 RCW
28 to read as follows:

29 (1) Notwithstanding other provisions of this chapter, a county or
30 city that provides maps or other standard or customized products from
31 an electronic geographic information system may establish fees by
32 ordinance or resolution for providing the services and products to
33 persons who request them. The county or city shall base the fees on
34 the recovery of the actual cost of providing the electronic services
35 and products and a reasonable portion of the cost of developing and
36 maintaining them.

37 (2) A county or city may by ordinance or resolution establish
38 standards for the reduction or waiver of the fees if the services and

1 products are to be used for noncommercial public purposes, including
2 but not limited to the support of other agencies, the support of public
3 benefit nonprofit activities, public information or education, academic
4 research, or other purposes that the county or city determines are
5 beneficial to the public. The county or city shall apply the fee
6 reductions or waivers uniformly for each noncommercial use.

7 (3) A county or city shall not recover through fees authorized by
8 this section costs paid for by another governmental entity.

9 NEW SECTION. **Sec. 22.** To ensure that there will be no unfunded
10 mandates imposed on counties and cities, if funds for the purposes of
11 section 21 of this act are not provided in the 1997-99 biennial budget
12 by June 30, 1997, referencing this act by bill or chapter number,
13 section number, and subject matter, section 21 of this act is null and
14 void."

15 Renumber the remaining sections consecutively and correct any
16 internal references accordingly.

17 Correct the title.

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