

2 **ESHB 1338** - S COMM AMD

3 By Committee on Government Operations

4

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

7 "Sec. 1. RCW 36.70A.040 and 1995 c 400 s 1 are each amended to  
8 read as follows:

9 (1)(a) Each county that has both a population of fifty thousand or  
10 more and, until May 16, 1995, has had its population increase by more  
11 than ten percent in the previous ten years or, on or after May 16,  
12 1995, has had its population increase by more than seventeen percent in  
13 the previous ten years, and the cities located within such county, and  
14 any other county regardless of its population that has had its  
15 population increase by more than twenty percent in the previous ten  
16 years, and the cities located within such county, shall ~~((conform with  
17 all of the requirements of this chapter))~~ plan under this section.  
18 However, the county legislative authority of such a county ~~((with a  
19 population of less than fifty thousand population))~~ may adopt a  
20 resolution removing the county, and the cities located within the  
21 county, from the requirement~~((s of adopting comprehensive land use  
22 plans and development regulations under this chapter))~~ to plan under  
23 this section if this resolution is ~~((adopted and filed with the  
24 department by December 31, 1990, for counties initially meeting this  
25 set of criteria))~~ submitted to and approved by a majority of the voters  
26 voting at a general or special election to be called for such purpose,  
27 and such election to be held no later than December 1, 1997, or within  
28 ((sixty days)) six months of the date the office of financial  
29 management certifies that a county meets this set of criteria under  
30 subsection (5) of this section. A county that adopts a resolution  
31 removing the county, and the cities located within the county, from the  
32 requirement to plan under this section remains subject to the  
33 requirements for the designation and protection of critical areas and  
34 the designation of natural resource lands under RCW 36.70A.060(2),  
35 36.70A.170, and 36.70A.172.

1        (b) Once a county meets either of these sets of criteria and the  
2 county has not adopted a resolution under (a) of this subsection, the  
3 requirement to ((conform with all of the requirements of this chapter))  
4 plan under this section remains in effect, even if the county no longer  
5 meets one of these sets of criteria.

6        (2) The county legislative authority of any county that does not  
7 ~~((meet either of the sets of criteria established))~~ plan under  
8 ~~((subsection (1) of))~~ this section may adopt a resolution indicating  
9 its intention ~~((to have subsection (1) of this section apply to))~~ that  
10 the county plan under this section. Each city, located in a county  
11 that ~~((chooses to plan))~~ adopts a resolution under this subsection~~((7))~~  
12 shall ~~((conform with all of the requirements of this chapter))~~ plan  
13 under this section. Once such a resolution has been adopted, the  
14 county and the cities located within the county remain subject to all  
15 of the requirements of this ~~((chapter))~~ section. However, a county  
16 with a population of seventy-five thousand or less that, before the  
17 effective date of this act, adopted a resolution of intention under  
18 this subsection to plan under this section may adopt a resolution  
19 removing the county, and the cities located within the county, from the  
20 requirement to plan under this section if the resolution is submitted  
21 to and approved by a majority of the voters voting at a general or  
22 special election to be called for such purpose, and such election to be  
23 held no later than December 1, 1997. A county that adopts a resolution  
24 removing the county, and the cities located within the county, from the  
25 requirement to plan under this section remains subject to the  
26 requirements for the designation and protection of critical areas and  
27 the designation of natural resource lands under RCW 36.70A.060(2),  
28 36.70A.170, and 36.70A.172.

29        (3) Any county or city that is initially required to ~~((conform with~~  
30 ~~all of the requirements of this chapter))~~ plan under this section, and,  
31 where applicable, the county legislative authority has not adopted a  
32 resolution removing the county from these requirements as provided in  
33 subsection (1) of this section, shall take actions under this chapter  
34 as follows: (a) The county legislative authority shall adopt a county-  
35 wide planning policy under RCW 36.70A.210; (b) the county and each city  
36 located within the county shall designate critical areas, agricultural  
37 lands, forest lands, and mineral resource lands, and adopt development  
38 regulations conserving these designated agricultural lands, forest  
39 lands, and mineral resource lands and protecting these designated

1 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county  
2 shall designate and take other actions related to urban growth areas  
3 under RCW 36.70A.110; (d) if the county has a population of fifty  
4 thousand or more, the county and each city located within the county  
5 shall adopt a comprehensive plan under this chapter and development  
6 regulations that are consistent with and implement the comprehensive  
7 plan on or before July 1, 1994, and if the county has a population of  
8 less than fifty thousand, the county and each city located within the  
9 county shall adopt a comprehensive plan under this chapter and  
10 development regulations that are consistent with and implement the  
11 comprehensive plan by January 1, 1995, but if the governor makes  
12 written findings that a county with a population of less than fifty  
13 thousand or a city located within such a county is not making  
14 reasonable progress toward adopting a comprehensive plan and  
15 development regulations the governor may reduce this deadline for such  
16 actions to be taken by no more than one hundred eighty days. Any  
17 county or city subject to this subsection may obtain an additional six  
18 months before it is required to have adopted its development  
19 regulations by submitting a letter notifying the department of  
20 community, trade, and economic development of its need prior to the  
21 deadline for adopting both a comprehensive plan and development  
22 regulations.

23 (4) Any county or city that is required to (~~conform with all the~~  
24 ~~requirements of this chapter~~) plan under this section, as a result of  
25 the county legislative authority adopting its resolution of intention  
26 under subsection (2) of this section, and the county legislative  
27 authority has not adopted a resolution removing the county from these  
28 requirements under subsection (2) of this section, shall take actions  
29 under this chapter as follows: (a) The county legislative authority  
30 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
31 county and each city that is located within the county shall adopt  
32 development regulations conserving agricultural lands, forest lands,  
33 and mineral resource lands it designated under RCW 36.70A.060 within  
34 one year of the date the county legislative authority adopts its  
35 resolution of intention; (c) the county shall designate and take other  
36 actions related to urban growth areas under RCW 36.70A.110; and (d) the  
37 county and each city that is located within the county shall adopt a  
38 comprehensive plan and development regulations that are consistent with  
39 and implement the comprehensive plan not later than four years from the

1 date the county legislative authority adopts its resolution of  
2 intention, but a county or city may obtain an additional six months  
3 before it is required to have adopted its development regulations by  
4 submitting a letter notifying the department of community, trade, and  
5 economic development of its need prior to the deadline for adopting  
6 both a comprehensive plan and development regulations.

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

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

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
34 to read as follows:

35 (1) A county, after conferring with its cities, may develop  
36 alternative methods of achieving the planning goals established by RCW  
37 36.70A.020.

1 (2) The authority provided by this section may not be used to  
2 modify:

3 (a) Requirements for the designation and protection of critical  
4 areas or for the designation of natural resource lands under RCW  
5 36.70A.060(2), 36.70A.170, and 36.70A.172;

6 (b) The requirement that wetlands be delineated consistent with the  
7 requirements of RCW 36.70A.175; or

8 (c) The requirement to establish a process for the siting of  
9 essential public facilities pursuant to RCW 36.70A.200.

10 (3) Before adopting any alternative methods of achieving the  
11 planning goals established by RCW 36.70A.020, a county shall provide an  
12 opportunity for public review and comment. An ordinance or resolution  
13 proposing or adopting alternative methods must be submitted to the  
14 department in the same manner as provided in RCW 36.70A.106 for  
15 submittal of proposed and adopted comprehensive plans and development  
16 regulations.

17 **Sec. 3.** RCW 36.70A.110 and 1995 c 400 s 2 are each amended to read  
18 as follows:

19 (1) Each county that is required or chooses to plan under RCW  
20 36.70A.040 shall designate an urban growth area or areas within which  
21 urban growth shall be encouraged and outside of which growth can occur  
22 only if it is not urban in nature. Each city that is located in such  
23 a county shall be included within an urban growth area. An urban  
24 growth area may include more than a single city. An urban growth area  
25 may include territory that is located outside of a city only if such  
26 territory already is characterized by urban growth whether or not the  
27 urban growth area includes a city, or is adjacent to territory already  
28 characterized by urban growth, or is a designated new fully contained  
29 community as defined by RCW 36.70A.350.

30 (2) Based upon the growth management population projection made for  
31 the county by the office of financial management, the urban growth  
32 areas in the county shall include areas and densities at least  
33 sufficient to permit the urban growth that is projected to occur in the  
34 county for the succeeding twenty-year period. Each urban growth area  
35 shall permit urban densities and shall include greenbelt and open space  
36 areas. An urban growth area determination may include a reasonable  
37 land market supply factor and shall permit a range of urban densities  
38 and uses. In determining this market factor, cities and counties may

1 consider local circumstances. Cities and counties have discretion in  
2 their comprehensive plans to make many choices about accommodating  
3 growth.

4 Within one year of July 1, 1990, each county that as of June 1,  
5 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
6 consulting with each city located within its boundaries and each city  
7 shall propose the location of an urban growth area. Within sixty days  
8 of the date the county legislative authority of a county adopts its  
9 resolution of intention or of certification by the office of financial  
10 management, all other counties that are required or choose to plan  
11 under RCW 36.70A.040 shall begin this consultation with each city  
12 located within its boundaries. The county shall attempt to reach  
13 agreement with each city on the location of an urban growth area within  
14 which the city is located. If such an agreement is not reached with  
15 each city located within the urban growth area, the county shall  
16 justify in writing why it so designated the area an urban growth area.  
17 A city may object formally with the department over the designation of  
18 the urban growth area within which it is located. Where appropriate,  
19 the department shall attempt to resolve the conflicts, including the  
20 use of mediation services.

21 (3) Urban growth should be located first in areas already  
22 characterized by urban growth that have adequate existing public  
23 facility and service capacities to serve such development, second in  
24 areas already characterized by urban growth that will be served  
25 adequately by a combination of both existing public facilities and  
26 services and any additional needed public facilities and services that  
27 are provided by either public or private sources, and third in the  
28 remaining portions of the urban growth areas. Urban growth may also be  
29 located in designated new fully contained communities as defined by RCW  
30 36.70A.350.

31 (4) In general, cities are the units of local government most  
32 appropriate to provide urban governmental services. In general, it is  
33 not appropriate that urban governmental services be extended to or  
34 expanded in rural areas except in those limited circumstances shown to  
35 be necessary to protect basic public health and safety and the  
36 environment and when such services are financially supportable at rural  
37 densities and do not permit urban development. Counties and special  
38 districts also may provide a variety of governmental services,  
39 including but not limited to, public safety and fire protection; water,

1 wastewater, and other utility service; and transit and transportation  
2 services. When such services are provided outside the urban growth  
3 area it is usually at a lower service level than for urban governmental  
4 services.

5 (5) On or before October 1, 1993, each county that was initially  
6 required to plan under RCW 36.70A.040(1) shall adopt development  
7 regulations designating interim urban growth areas under this chapter.  
8 Within three years and three months of the date the county legislative  
9 authority of a county adopts its resolution of intention or of  
10 certification by the office of financial management, all other counties  
11 that are required or choose to plan under RCW 36.70A.040 shall adopt  
12 development regulations designating interim urban growth areas under  
13 this chapter. Adoption of the interim urban growth areas may only  
14 occur after public notice; public hearing; and compliance with the  
15 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.  
16 Such action may be appealed to the appropriate growth management  
17 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
18 adopted at the time of comprehensive plan adoption under this chapter.

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

21 NEW SECTION. **Sec. 4.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 immediately."

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30 By Committee on Government Operations

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32 On page 1, line 2 of the title, after "management;" strike the  
33 remainder of the title and insert "amending RCW 36.70A.040 and

1 36.70A.110; adding a new section to chapter 36.70A RCW; and declaring  
2 an emergency."

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