

2 **ESHB 2830** - S COMM AMD  
3 By Committee on Government Operations

4 ADOPTED 3/11/98

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

7 "**Sec. 1.** RCW 35.13.182 and 1997 c 429 s 37 are each amended to  
8 read as follows:

9 (1) The legislative body of a city or town planning under chapter  
10 36.70A RCW as of June 30, 1994, may resolve to annex territory to the  
11 city or town if there is, within the city or town, unincorporated  
12 territory containing residential property owners within the same county  
13 and within the same urban growth area designated under RCW 36.70A.110  
14 as the city or town:

15 (a) Containing less than one hundred acres and having at least  
16 eighty percent of the boundaries of such area contiguous to the city or  
17 town (~~((if such area existed before June 30, 1994))~~); or

18 (b) Of any size and having at least eighty percent of the  
19 boundaries of the area contiguous to the city if the area existed  
20 before June 30, 1994.

21 (2) The resolution shall describe the boundaries of the area to be  
22 annexed, state the number of voters residing in the area as nearly as  
23 may be, and set a date for a public hearing on the resolution for  
24 annexation. Notice of the hearing shall be given by publication of the  
25 resolution at least once a week for two weeks before the date of the  
26 hearing in one or more newspapers of general circulation within the  
27 city or town and one or more newspapers of general circulation within  
28 the area to be annexed.

29 (3) For purposes of subsection (1)(b) of this section, territory  
30 bounded by a river, lake, or other body of water is considered  
31 contiguous to a city that is also bounded by the same river, lake, or  
32 other body of water.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW  
34 to read as follows:

1 The annexation ordinance provided for in RCW 35.13.182 is subject  
2 to referendum for forty-five days after its passage. Upon the filing  
3 of a timely and sufficient referendum petition with the legislative  
4 body, signed by qualified electors in number equal to not less than ten  
5 percent of the votes cast in the last general state election in the  
6 area to be annexed, the question of annexation shall be submitted to  
7 the voters of the area in a general election if one is to be held  
8 within ninety days or at a special election called for that purpose not  
9 less than forty-five days nor more than ninety days after the filing of  
10 the referendum petition. Notice of the election shall be given as  
11 provided in RCW 35.13.080 and the election shall be conducted as  
12 provided in the general election law. The annexation shall be deemed  
13 approved by the voters unless a majority of the votes cast on the  
14 proposition are in opposition thereto.

15 After the expiration of the forty-fifth day from but excluding the  
16 date of passage of the annexation ordinance, if no timely and  
17 sufficient referendum petition has been filed, the area annexed shall  
18 become a part of the city or town upon the date fixed in the ordinance  
19 of annexation.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13 RCW  
21 to read as follows:

22 On the date set for hearing as provided in RCW 35.13.182(2),  
23 residents or property owners of the area included in the resolution for  
24 annexation shall be afforded an opportunity to be heard. The  
25 legislative body may provide by ordinance for annexation of the  
26 territory described in the resolution, but the effective date of the  
27 ordinance shall be not less than forty-five days after the passage  
28 thereof. The legislative body shall cause notice of the proposed  
29 effective date of the annexation, together with a description of the  
30 property to be annexed, to be published at least once each week for two  
31 weeks subsequent to passage of the ordinance, in one or more newspapers  
32 of general circulation within the city and in one or more newspapers of  
33 general circulation within the area to be annexed. If the annexation  
34 ordinance provides for assumption of indebtedness or adoption of a  
35 proposed zoning regulation, the notice shall include a statement of  
36 such requirements.

1       **Sec. 4.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each  
2 amended to read as follows:

3       The following goals are adopted to guide the development and  
4 adoption of comprehensive plans and development regulations of those  
5 counties and cities that are required or choose to plan under RCW  
6 36.70A.040. The following goals are not listed in order of priority  
7 and shall be used exclusively for the purpose of guiding the  
8 development of comprehensive plans and development regulations:

9       (1) Urban growth. Encourage development in urban areas where  
10 adequate public facilities and services exist or can be provided in an  
11 efficient manner. Urban growth areas should have concentrated  
12 employment centers, separated by adequate buffers that protect critical  
13 areas, and need not be uniformly urban in nature.

14       (2) Reduce sprawl. Reduce the inappropriate conversion of  
15 undeveloped land into sprawling, low-density development.

16       (3) Transportation. Encourage efficient multimodal transportation  
17 systems that are based on regional priorities and coordinated with  
18 county and city comprehensive plans.

19       (4) Housing. Encourage the availability of affordable housing to  
20 all economic segments of the population of this state, promote a  
21 variety of residential densities and housing types, and encourage  
22 preservation of existing housing stock.

23       (5) Economic development. Encourage economic development  
24 throughout the state that is consistent with adopted comprehensive  
25 plans, promote economic opportunity for all citizens of this state,  
26 especially for unemployed and for disadvantaged persons, and encourage  
27 growth in areas experiencing insufficient economic growth, all within  
28 the capacities of the state's natural resources, public services, and  
29 public facilities.

30       (6) Property rights. Private property shall not be taken for  
31 public use without just compensation having been made. The property  
32 rights of landowners shall be protected from arbitrary and  
33 discriminatory actions.

34       (7) Permits. Applications for both state and local government  
35 permits should be processed in a timely and fair manner to ensure  
36 predictability.

37       (8) Natural resource industries. Maintain and enhance natural  
38 resource-based industries, including productive timber, agricultural,  
39 and fisheries industries. Encourage the conservation of productive

1 forest lands and productive agricultural lands, and discourage  
2 incompatible uses.

3 (9) Open space and recreation. Encourage the retention of open  
4 space and development of recreational opportunities, conserve fish and  
5 wildlife habitat, increase access to natural resource lands and water,  
6 and develop parks.

7 (10) Environment. Protect the environment and enhance the state's  
8 high quality of life, including air and water quality, and the  
9 availability of water.

10 (11) Citizen participation and coordination. Encourage the  
11 involvement of citizens in the planning process and ensure coordination  
12 between communities and jurisdictions to reconcile conflicts.

13 (12) Public facilities and services. Ensure that those public  
14 facilities and services necessary to support development shall be  
15 adequate to serve the development at the time the development is  
16 available for occupancy and use without decreasing current service  
17 levels below locally established minimum standards.

18 (13) Historic preservation. Identify and encourage the  
19 preservation of lands, sites, and structures, that have historical or  
20 archaeological significance.

21 **Sec. 5.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
22 to read as follows:

23 (1) Each county that is required or chooses to plan under RCW  
24 36.70A.040, and each city within such county, shall adopt development  
25 regulations on or before September 1, 1991, to assure the conservation  
26 of agricultural, forest, and mineral resource lands designated under  
27 RCW 36.70A.170. Regulations adopted under this subsection may not  
28 prohibit uses legally existing on any parcel prior to their adoption  
29 and shall remain in effect until the county or city adopts development  
30 regulations pursuant to RCW (~~36.70A.120~~) 36.70A.040. Such  
31 regulations shall assure that the use of lands adjacent to  
32 agricultural, forest, or mineral resource lands shall not interfere  
33 with the continued use, in the accustomed manner and in accordance with  
34 best management practices, of these designated lands for the production  
35 of food, agricultural products, or timber, or for the extraction of  
36 minerals. Counties and cities shall require that all plats, short  
37 plats, development permits, and building permits issued for development  
38 activities on, or within (~~three~~) five hundred feet of, lands

1 designated as agricultural lands, forest lands, or mineral resource  
2 lands, contain a notice that the subject property is within or near  
3 designated agricultural lands, forest lands, or mineral resource lands  
4 on which a variety of commercial activities may occur that are not  
5 compatible with residential development for certain periods of limited  
6 duration. The notice for mineral resource lands shall also inform that  
7 an application might be made for mining-related activities, including  
8 mining, extraction, washing, crushing, stockpiling, blasting,  
9 transporting, and recycling of minerals.

10 (2) Each county and city shall adopt development regulations that  
11 protect critical areas that are required to be designated under RCW  
12 36.70A.170. For counties and cities that are required or choose to  
13 plan under RCW 36.70A.040, such development regulations shall be  
14 adopted on or before September 1, 1991. For the remainder of the  
15 counties and cities, such development regulations shall be adopted on  
16 or before March 1, 1992.

17 (3) Such counties and cities shall review these designations and  
18 development regulations when adopting their comprehensive plans under  
19 RCW 36.70A.040 and implementing development regulations under RCW  
20 36.70A.120 and may alter such designations and development regulations  
21 to insure consistency.

22 (4) Forest land and agricultural land located within urban growth  
23 areas shall not be designated by a county or city as forest land or  
24 agricultural land of long-term commercial significance under RCW  
25 36.70A.170 unless the city or county has enacted a program authorizing  
26 transfer or purchase of development rights.

27 **Sec. 6.** RCW 36.70A.070 and 1997 c 429 s 7 are each amended to read  
28 as follows:

29 The comprehensive plan of a county or city that is required or  
30 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
31 and descriptive text covering objectives, principles, and standards  
32 used to develop the comprehensive plan. The plan shall be an  
33 internally consistent document and all elements shall be consistent  
34 with the future land use map. A comprehensive plan shall be adopted  
35 and amended with public participation as provided in RCW 36.70A.140.

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

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

14 (2) A housing element ensuring the vitality and character of  
15 established residential neighborhoods that: (a) Includes an inventory  
16 and analysis of existing and projected housing needs; (b) includes a  
17 statement of goals, policies, objectives, and mandatory provisions for  
18 the preservation, improvement, and development of housing, including  
19 single-family residences; (c) identifies sufficient land for housing,  
20 including, but not limited to, government-assisted housing, housing for  
21 low-income families, manufactured housing, multifamily housing, and  
22 group homes and foster care facilities; and (d) makes adequate  
23 provisions for existing and projected needs of all economic segments of  
24 the community, including affordable housing and adequate housing  
25 located within reasonable commuting distances to employment centers.

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

38 (4) A utilities element consisting of the general location,  
39 proposed location, and capacity of all existing and proposed utilities,

1 including, but not limited to, electrical lines, telecommunication  
2 lines, and natural gas lines.

3 (5) Rural element. Counties shall include a rural element  
4 including lands that are not designated for urban growth, agriculture,  
5 forest, or mineral resources. The following provisions shall apply to  
6 the rural element:

7 (a) Growth management act goals and local circumstances. Because  
8 circumstances vary from county to county, in establishing patterns of  
9 rural densities and uses, a county may consider local circumstances,  
10 but shall develop a written record explaining how the rural element  
11 harmonizes the planning goals in RCW 36.70A.020 and meets the  
12 requirements of this chapter.

13 (b) Rural development. The rural element shall permit rural  
14 development, forestry, and agriculture in rural areas. The rural  
15 element shall provide for a variety of rural densities, uses, essential  
16 public facilities, and rural governmental services needed to serve the  
17 permitted densities and uses. In order to achieve a variety of rural  
18 densities and uses, counties may provide for clustering, density  
19 transfer, design guidelines, conservation easements, and other  
20 innovative techniques that will accommodate appropriate rural densities  
21 and uses that are not characterized by urban growth and that are  
22 consistent with rural character.

23 (c) Measures governing rural development. The rural element shall  
24 include measures that apply to rural development and protect the rural  
25 character of the area, as established by the county, by:

26 (i) Containing or otherwise controlling rural development;

27 (ii) Assuring visual compatibility of rural development with the  
28 surrounding rural area;

29 (iii) Reducing the inappropriate conversion of undeveloped land  
30 into sprawling, low-density development in the rural area;

31 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
32 surface water and ground water resources; and

33 (v) Protecting against conflicts with the use of agricultural,  
34 forest, and mineral resource lands designated under RCW 36.70A.170.

35 (d) Limited areas of more intensive rural development. Subject to  
36 the requirements of this subsection and except as otherwise  
37 specifically provided in this subsection (5)(d), the rural element may  
38 allow for limited areas of more intensive rural development, including

1 necessary public facilities and public services to serve the limited  
2 area as follows:

3 (i) Rural development consisting of the infill, development, or  
4 redevelopment of existing commercial, industrial, residential, or  
5 mixed-use areas, whether characterized as shoreline development,  
6 villages, hamlets, rural activity centers, or crossroads developments.  
7 A commercial, industrial, residential, shoreline, or mixed-use area  
8 shall be subject to the requirements of (d)(iv) of this subsection, but  
9 shall not be subject to the requirements of (c)(ii) and (iii) of this  
10 subsection. An industrial area is not required to be principally  
11 designed to serve the existing and projected rural population;

12 (ii) The intensification of development on lots containing, or new  
13 development of, small-scale recreational or tourist uses, including  
14 commercial facilities to serve those recreational or tourist uses, that  
15 rely on a rural location and setting, but that do not include new  
16 residential development. A small-scale recreation or tourist use is  
17 not required to be principally designed to serve the existing and  
18 projected rural population. Public services and public facilities  
19 shall be limited to those necessary to serve the recreation or tourist  
20 use and shall be provided in a manner that does not permit low-density  
21 sprawl;

22 (iii) The intensification of development on lots containing  
23 isolated nonresidential uses or new development of isolated cottage  
24 industries and isolated small-scale businesses that are not principally  
25 designed to serve the existing and projected rural population and  
26 nonresidential uses, but do provide job opportunities for rural  
27 residents. Public services and public facilities shall be limited to  
28 those necessary to serve the isolated nonresidential use and shall be  
29 provided in a manner that does not permit low-density sprawl;

30 (iv) A county shall adopt measures to minimize and contain the  
31 existing areas or uses of more intensive rural development, as  
32 appropriate, authorized under this subsection. Lands included in such  
33 existing areas or uses shall not extend beyond the logical outer  
34 boundary of the existing area or use, thereby allowing a new pattern of  
35 low-density sprawl. Existing areas are those that are clearly  
36 identifiable and contained and where there is a logical boundary  
37 delineated predominately by the built environment, but that may also  
38 include undeveloped lands if limited as provided in this subsection.  
39 The county shall establish the logical outer boundary of an area of



1 more intensive rural development. In establishing the logical outer  
2 boundary the county shall address (A) the need to preserve the  
3 character of existing natural neighborhoods and communities, (B)  
4 physical boundaries such as bodies of water, streets and highways, and  
5 land forms and contours, (C) the prevention of abnormally irregular  
6 boundaries, and (D) the ability to provide public facilities and public  
7 services in a manner that does not permit low-density sprawl;

8 (v) For purposes of (d) of this subsection, an existing area or  
9 existing use is one that was in existence:

10 (A) On July 1, 1990, in a county that was initially required to  
11 plan under all of the provisions of this chapter;

12 (B) On the date the county adopted a resolution under RCW  
13 36.70A.040(2), in a county that is planning under all of the provisions  
14 of this chapter under RCW 36.70A.040(2); or

15 (C) On the date the office of financial management certifies the  
16 county's population as provided in RCW 36.70A.040(5), in a county that  
17 is planning under all of the provisions of this chapter pursuant to RCW  
18 36.70A.040(5).

19 (e) Exception. This subsection shall not be interpreted to permit  
20 in the rural area a major industrial development or a master planned  
21 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
22 36.70A.365.

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

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

27 (b) Facilities and services needs, including:

28 (i) An inventory of air, water, and ground transportation  
29 facilities and services, including railways, transit alignments, and  
30 general aviation airport facilities, to define existing capital  
31 facilities and travel levels as a basis for future planning. This  
32 inventory must include state-owned transportation facilities, including  
33 interstate highway exits and ferry terminals, within the city or  
34 county's jurisdictional boundaries;

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

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

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

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

9 (c) Finance, including:

10 (i) An analysis of funding capability to judge needs against  
11 probable funding resources;

12 (ii) A multiyear financing plan based on the needs identified in  
13 the comprehensive plan, the appropriate parts of which shall serve as  
14 the basis for the six-year street, road, or transit program required by  
15 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
16 35.58.2795 for public transportation systems;

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

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

24 (e) Demand-management strategies.

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

1 The transportation element described in this subsection, and the  
2 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
3 counties, and RCW 35.58.2795 for public transportation systems, must be  
4 consistent.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW  
6 to read as follows:

7 As part of the review required by RCW 36.70A.130(1), a county or  
8 city shall review its mineral resource lands designations adopted  
9 pursuant to RCW 36.70A.170 and mineral resource lands development  
10 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its  
11 review, the county or city shall take into consideration:

12 (1) New information made available since the adoption or last  
13 review of its designations or development regulations, including data  
14 available from the department of natural resources relating to mineral  
15 resource deposits; and

16 (2) New or modified model development regulations for mineral  
17 resource lands prepared by the department of natural resources, the  
18 department of community, trade, and economic development, or the  
19 Washington state association of counties.

20 **Sec. 8.** 1995 c 347 s 433 (uncodified) is amended to read as  
21 follows:

22 (~~Sections 413 and 421 of this act~~) RCW 36.70B.090 and 64.40.050  
23 shall expire June 30, (~~1998~~) 2000. The provisions of (~~sections 413~~  
24 ~~and 421 of this act~~) RCW 36.70B.090 and 64.40.050 shall apply to  
25 project permit applications determined to be complete pursuant to RCW  
26 36.70B.070 on or before June 30, (~~1998~~) 2000.

27 **Sec. 9.** 1995 c 347 s 411 (uncodified) is amended to read as  
28 follows:

29 The amendments to RCW (~~36.70A.065~~) 36.70B.080 contained in  
30 section 409 (~~of this act~~), chapter 347, Laws of 1995 shall expire  
31 July 1, (~~1998~~) 2000.

32 **Sec. 10.** 1995 c 347 s 412 (uncodified) is amended to read as  
33 follows:

34 Section 410 (~~of this act~~), chapter 347, Laws of 1995 shall take  
35 effect July 1, (~~1998~~) 2000."

1 **ESHB 2830** - S COMM AMD  
2 By Committee on Government Operations

ADOPTED 3/11/98

3  
4 On page 1, line 2 of the title, after "commission;" strike the  
5 remainder of the title and insert "amending RCW 35.13.182, 36.70A.020,  
6 36.70A.060, and 36.70A.070; amending 1995 c 347 s 433 (uncodified);  
7 amending 1995 c 347 s 411 (uncodified); amending 1995 c 347 s 412  
8 (uncodified); adding new sections to chapter 35.13 RCW; and adding a  
9 new section to chapter 36.70A RCW."

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