
HOUSE BILL 1338

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mulliken, Hatfield, Reams, Mielke, Doumit, McMorris and Schoesler

Read first time 01/22/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to increasing flexibility for counties and cities
2 in implementing growth management; amending RCW 36.70A.040 and
3 36.70A.110; and adding a new section to chapter 36.70A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 36.70A.040 and 1995 c 400 s 1 are each amended to read
6 as follows:

7 (1) Each county that has both a population of fifty thousand or
8 more and, until May 16, 1995, has had its population increase by more
9 than ten percent in the previous ten years or, on or after May 16,
10 1995, has had its population increase by more than seventeen percent in
11 the previous ten years, and the cities located within such county, and
12 any other county regardless of its population that has had its
13 population increase by more than twenty percent in the previous ten
14 years, and the cities located within such county, shall ~~((conform with
15 all of the requirements of this chapter))~~ plan under this section.
16 However, the county legislative authority of such a county with a
17 population of less than ~~((fifty))~~ seventy-five thousand population may
18 adopt a resolution removing the county, and the cities located within
19 the county, from the requirement~~((s of adopting comprehensive land use~~

1 ~~plans and development regulations under this chapter~~) to plan under
2 this section if this resolution is adopted and filed with the
3 department by December 31, (~~1990, for counties initially meeting this~~
4 ~~set of criteria~~) 1997, or within sixty days of the date the office of
5 financial management certifies that a county meets this set of criteria
6 under subsection (5) of this section.

7 Once a county meets either of these sets of criteria and the county
8 has not followed this procedure to remove itself from the requirement
9 to plan under this section, the requirement to (~~conform with all of~~
10 ~~the requirements of this chapter~~) plan under this section remains in
11 effect, even if the county no longer meets one of these sets of
12 criteria.

13 (2) The county legislative authority of any county that does not
14 (~~meet either of the sets of criteria established~~) plan under
15 (~~subsection (1) of~~) this section may adopt a resolution indicating
16 its intention (~~to have subsection (1) of this section apply to~~) that
17 the county plan under this section. Each city, located in a county
18 that (~~chooses to plan~~) adopts a resolution under this subsection(~~(7)~~)
19 shall (~~conform with all of the requirements of this chapter~~) plan
20 under this section. Once such a resolution has been adopted, the
21 county and the cities located within the county remain subject to all
22 of the requirements of this (~~chapter~~) section. However, a county
23 with a population of seventy-five thousand or less that, before the
24 effective date of this act, adopted a resolution of intention under
25 this subsection to plan under this section may adopt a resolution
26 removing the county, and the cities located within the county, from the
27 requirement to plan under this section if the resolution is adopted and
28 filed with the department by December 31, 1997.

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, in consultation 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, 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.

--- END ---