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**SUBSTITUTE HOUSE BILL 2830**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on House Government Reform & Land Use (originally sponsored by Representatives Reams, Romero and Lantz; by request of Land Use Study Commission)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to recommendations of the land use study  
2 commission; amending RCW 35.13.182, 35.13.130, 36.70A.020, 36.70A.060,  
3 and 36.70A.070; amending 1995 c 347 s 433 (uncodified); amending 1995  
4 c 347 s 411 (uncodified); amending 1995 c 347 s 412 (uncodified);  
5 adding new sections to chapter 35.13 RCW; and adding a new section to  
6 chapter 36.70A RCW.

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

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

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

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

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

4 (2) The resolution shall describe the boundaries of the area to be  
5 annexed, state the number of voters residing in the area as nearly as  
6 may be, and set a date for a public hearing on the resolution for  
7 annexation. Notice of the hearing shall be given by publication of the  
8 resolution at least once a week for two weeks before the date of the  
9 hearing in one or more newspapers of general circulation within the  
10 city or town and one or more newspapers of general circulation within  
11 the area to be annexed.

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

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

18 The annexation ordinance provided for in RCW 35.13.182 is subject  
19 to referendum for forty-five days after its passage. Upon the filing  
20 of a timely and sufficient referendum petition with the legislative  
21 body, signed by qualified electors in number equal to not less than ten  
22 percent of the votes cast in the last general state election in the  
23 area to be annexed, the question of annexation shall be submitted to  
24 the voters of the area in a general election if one is to be held  
25 within ninety days or at a special election called for that purpose not  
26 less than forty-five days nor more than ninety days after the filing of  
27 the referendum petition. Notice of the election shall be given as  
28 provided in RCW 35.13.080 and the election shall be conducted as  
29 provided in the general election law. The annexation shall be deemed  
30 approved by the voters unless a majority of the votes cast on the  
31 proposition are in opposition thereto.

32 After the expiration of the forty-fifth day from but excluding the  
33 date of passage of the annexation ordinance, if no timely and  
34 sufficient referendum petition has been filed, the area annexed shall  
35 become a part of the city or town upon the date fixed in the ordinance  
36 of annexation.

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

3        On the date set for hearing as provided in RCW 35.13.182(2),  
4 residents or property owners of the area included in the resolution for  
5 annexation shall be afforded an opportunity to be heard.    The  
6 legislative body may provide by ordinance for annexation of the  
7 territory described in the resolution, but the effective date of the  
8 ordinance shall be not less than forty-five days after the passage  
9 thereof.    The legislative body shall cause notice of the proposed  
10 effective date of the annexation, together with a description of the  
11 property to be annexed, to be published at least once each week for two  
12 weeks subsequent to passage of the ordinance, in one or more newspapers  
13 of general circulation within the city and in one or more newspapers of  
14 general circulation within the area to be annexed.    If the annexation  
15 ordinance provides for assumption of indebtedness or adoption of a  
16 proposed zoning regulation, the notice shall include a statement of  
17 such requirements.

18        **Sec. 4.**    RCW 35.13.130 and 1990 c 33 s 566 are each amended to read  
19 as follows:

20        (1) A petition for annexation of an area contiguous to a city or  
21 town may be made in writing addressed to and filed with the legislative  
22 body of the municipality to which annexation is desired.

23        (2) Except as otherwise provided in subsection (3) of this section,  
24 the petition must be signed by the owners of not less than seventy-five  
25 percent in value according to the assessed valuation for general  
26 taxation of the property for which annexation is petitioned.

27        (3)(a) Subsection (2) of this section does not apply where all the  
28 property sought to be annexed is property of a school district, and the  
29 school directors thereof file the petition for annexation as authorized  
30 in RCW 28A.335.110 ((authorized, the petition must be signed by the  
31 owners of not less than seventy-five percent in value according to the  
32 assessed valuation for general taxation of the property for which  
33 annexation is petitioned: PROVIDED, That)).

34        (b) In a county required or choosing to plan under all of the  
35 provisions of RCW 36.70A.040 prior to June 30, 1993, if the property to  
36 be annexed is within an urban growth area designated under RCW  
37 36.70A.110, the petition must be signed by the owners of not less than

1 sixty percent in value according to the assessed valuation for general  
2 taxation of property for which annexation is petitioned.

3 (c) In cities and towns with populations greater than one hundred  
4 sixty thousand located east of the Cascade mountains, the owner of tax  
5 exempt property may sign an annexation petition and have the tax exempt  
6 property annexed into the city or town, but the value of the tax exempt  
7 property shall not be used in calculating the sufficiency of the  
8 required property owner signatures unless only tax exempt property is  
9 proposed to be annexed into the city or town.

10 (4) The petition shall set forth a description of the property  
11 according to government legal subdivisions or legal plats which is in  
12 compliance with RCW 35.02.170, and shall be accompanied by a plat which  
13 outlines the boundaries of the property sought to be annexed. If the  
14 legislative body has required the assumption of all or of any portion  
15 of city or town indebtedness by the area annexed, and/or the adoption  
16 of a comprehensive plan for the area to be annexed, these facts,  
17 together with a quotation of the minute entry of such requirement or  
18 requirements shall be set forth in the petition.

19 **Sec. 5.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each  
20 amended to read as follows:

21 The following goals are adopted to guide the development and  
22 adoption of comprehensive plans and development regulations of those  
23 counties and cities that are required or choose to plan under RCW  
24 36.70A.040. The following goals are not listed in order of priority  
25 and shall be used exclusively for the purpose of guiding the  
26 development of comprehensive plans and development regulations:

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

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

34 (3) Transportation. Encourage efficient multimodal transportation  
35 systems that are based on regional priorities and coordinated with  
36 county and city comprehensive plans.

37 (4) Housing. Encourage the availability of affordable housing to  
38 all economic segments of the population of this state, promote a

1 variety of residential densities and housing types, and encourage  
2 preservation of existing housing stock. "Affordable housing" means  
3 housing for income groups who typically have difficulty renting or  
4 purchasing market-rate housing. In order for housing to be affordable,  
5 total monthly housing costs should not exceed thirty percent of the  
6 household's gross monthly income.

7 (5) Economic development. Encourage economic development  
8 throughout the state that is consistent with adopted comprehensive  
9 plans, promote economic opportunity for all citizens of this state,  
10 especially for unemployed and for disadvantaged persons, and encourage  
11 growth in areas experiencing insufficient economic growth, all within  
12 the capacities of the state's natural resources, public services, and  
13 public facilities.

14 (6) Property rights. Private property shall not be taken for  
15 public use without just compensation having been made. The property  
16 rights of landowners shall be protected from arbitrary and  
17 discriminatory actions.

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

21 (8) Natural resource industries. Maintain and enhance natural  
22 resource-based industries, including productive timber, agricultural,  
23 and fisheries industries. Encourage the conservation of productive  
24 forest lands and productive agricultural lands, and discourage  
25 incompatible uses.

26 (9) Open space and recreation. Encourage the retention of open  
27 space and development of recreational opportunities, conserve fish and  
28 wildlife habitat, increase access to natural resource lands and water,  
29 and develop parks.

30 (10) Environment. Protect the environment and enhance the state's  
31 high quality of life, including air and water quality, and the  
32 availability of water.

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

36 (12) Public facilities and services. Ensure that those public  
37 facilities and services necessary to support development shall be  
38 adequate to serve the development at the time the development is

1 available for occupancy and use without decreasing current service  
2 levels below locally established minimum standards.

3 (13) Historic preservation. Identify and encourage the  
4 preservation of lands, sites, and structures, that have historical or  
5 archaeological significance.

6 **Sec. 6.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended  
7 to read as follows:

8 (1) Each county that is required or chooses to plan under RCW  
9 36.70A.040, and each city within such county, shall adopt development  
10 regulations on or before September 1, 1991, to assure the conservation  
11 of agricultural, forest, and mineral resource lands designated under  
12 RCW 36.70A.170. Regulations adopted under this subsection may not  
13 prohibit uses legally existing on any parcel prior to their adoption  
14 and shall remain in effect until the county or city adopts development  
15 regulations pursuant to RCW (~~36.70A.120~~) 36.70A.040. Such  
16 regulations shall assure that the use of lands adjacent to  
17 agricultural, forest, or mineral resource lands shall not interfere  
18 with the continued use, in the accustomed manner and in accordance with  
19 best management practices, of these designated lands for the production  
20 of food, agricultural products, or timber, or for the extraction of  
21 minerals. Counties and cities shall require that all plats, short  
22 plats, development permits, and building permits issued for development  
23 activities on, or within (~~three~~) five hundred feet of, lands  
24 designated as agricultural lands, forest lands, or mineral resource  
25 lands, contain a notice that the subject property is within or near  
26 designated agricultural lands, forest lands, or mineral resource lands  
27 on which a variety of commercial activities may occur that are not  
28 compatible with residential development for certain periods of limited  
29 duration. The notice for mineral resource lands shall also inform that  
30 an application might be made for mining-related activities, including  
31 mining, extraction, washing, crushing, stockpiling, blasting,  
32 transporting, and recycling of minerals.

33 (2) Each county and city shall adopt development regulations that  
34 protect critical areas that are required to be designated under RCW  
35 36.70A.170. For counties and cities that are required or choose to  
36 plan under RCW 36.70A.040, such development regulations shall be  
37 adopted on or before September 1, 1991. For the remainder of the

1 counties and cities, such development regulations shall be adopted on  
2 or before March 1, 1992.

3 (3) Such counties and cities shall review these designations and  
4 development regulations when adopting their comprehensive plans under  
5 RCW 36.70A.040 and implementing development regulations under RCW  
6 36.70A.120 and may alter such designations and development regulations  
7 to insure consistency.

8 (4) Forest land and agricultural land located within urban growth  
9 areas shall not be designated by a county or city as forest land or  
10 agricultural land of long-term commercial significance under RCW  
11 36.70A.170 unless the city or county has enacted a program authorizing  
12 transfer or purchase of development rights.

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

15 The comprehensive plan of a county or city that is required or  
16 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
17 and descriptive text covering objectives, principles, and standards  
18 used to develop the comprehensive plan. The plan shall be an  
19 internally consistent document and all elements shall be consistent  
20 with the future land use map. A comprehensive plan shall be adopted  
21 and amended with public participation as provided in RCW 36.70A.140.

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

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

37 (2) A housing element ensuring the vitality and character of  
38 established residential neighborhoods that: (a) Includes an inventory

1 and analysis of existing and projected housing needs; (b) includes a  
2 statement of goals, policies, objectives, and mandatory provisions for  
3 the preservation, improvement, and development of housing, including  
4 single-family residences; (c) identifies sufficient land for housing,  
5 including, but not limited to, government-assisted housing, housing for  
6 low-income families, manufactured housing, multifamily housing, and  
7 group homes and foster care facilities; and (d) makes adequate  
8 provisions for existing and projected needs of all economic segments of  
9 the community, including affordable housing and adequate housing  
10 located within reasonable commuting distances to employment centers.

11 (3) A capital facilities plan element consisting of: (a) An  
12 inventory of existing capital facilities owned by public entities,  
13 showing the locations and capacities of the capital facilities; (b) a  
14 forecast of the future needs for such capital facilities; (c) the  
15 proposed locations and capacities of expanded or new capital  
16 facilities; (d) at least a six-year plan that will finance such capital  
17 facilities within projected funding capacities and clearly identifies  
18 sources of public money for such purposes; and (e) a requirement to  
19 reassess the land use element if probable funding falls short of  
20 meeting existing needs and to ensure that the land use element, capital  
21 facilities plan element, and financing plan within the capital  
22 facilities plan element are coordinated and consistent.

23 (4) A utilities element consisting of the general location,  
24 proposed location, and capacity of all existing and proposed utilities,  
25 including, but not limited to, electrical lines, telecommunication  
26 lines, and natural gas lines.

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

31 (a) Growth management act goals and local circumstances. Because  
32 circumstances vary from county to county, in establishing patterns of  
33 rural densities and uses, a county may consider local circumstances,  
34 but shall develop a written record explaining how the rural element  
35 harmonizes the planning goals in RCW 36.70A.020 and meets the  
36 requirements of this chapter.

37 (b) Rural development. The rural element shall permit rural  
38 development, forestry, and agriculture in rural areas. The rural  
39 element shall provide for a variety of rural densities, uses, essential



1 public facilities, and rural governmental services needed to serve the  
2 permitted densities and uses. In order to achieve a variety of rural  
3 densities and uses, counties may provide for clustering, density  
4 transfer, design guidelines, conservation easements, and other  
5 innovative techniques that will accommodate appropriate rural densities  
6 and uses that are not characterized by urban growth and that are  
7 consistent with rural character.

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

11 (i) Containing or otherwise controlling rural development;

12 (ii) Assuring visual compatibility of rural development with the  
13 surrounding rural area;

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

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

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

20 (d) Limited areas of more intensive rural development. Subject to  
21 the requirements of this subsection and except as otherwise  
22 specifically provided in this subsection (5)(d), the rural element may  
23 allow for limited areas of more intensive rural development, including  
24 necessary public facilities and public services to serve the limited  
25 area as follows:

26 (i) Rural development consisting of the infill, development, or  
27 redevelopment of existing commercial, industrial, residential, or  
28 mixed-use areas, whether characterized as shoreline development,  
29 villages, hamlets, rural activity centers, or crossroads developments.  
30 A commercial, industrial, residential, shoreline, or mixed-use area  
31 shall be subject to the requirements of (d)(iv) of this subsection, but  
32 shall not be subject to the requirements of (c)(ii) and (iii) of this  
33 subsection. An industrial area is not required to be principally  
34 designed to serve the existing and projected rural population;

35 (ii) The intensification of development on lots containing, or new  
36 development of, small-scale recreational or tourist uses, including  
37 commercial facilities to serve those recreational or tourist uses, that  
38 rely on a rural location and setting, but that do not include new  
39 residential development. A small-scale recreation or tourist use is

1 not required to be principally designed to serve the existing and  
2 projected rural population. Public services and public facilities  
3 shall be limited to those necessary to serve the recreation or tourist  
4 use and shall be provided in a manner that does not permit low-density  
5 sprawl;

6 (iii) The intensification of development on lots containing  
7 isolated nonresidential uses or new development of isolated cottage  
8 industries and isolated small-scale businesses that are not principally  
9 designed to serve the existing and projected rural population and  
10 nonresidential uses, but do provide job opportunities for rural  
11 residents. Public services and public facilities shall be limited to  
12 those necessary to serve the isolated nonresidential use and shall be  
13 provided in a manner that does not permit low-density sprawl;

14 (iv) A county shall adopt measures to minimize and contain the  
15 existing areas or uses of more intensive rural development, as  
16 appropriate, authorized under this subsection. Lands included in such  
17 existing areas or uses shall not extend beyond the logical outer  
18 boundary of the existing area or use, thereby allowing a new pattern of  
19 low-density sprawl. Existing areas are those that are clearly  
20 identifiable and contained and where there is a logical boundary  
21 delineated predominately by the built environment, but that may also  
22 include undeveloped lands if limited as provided in this subsection.  
23 The county shall establish the logical outer boundary of an area of  
24 more intensive rural development. In establishing the logical outer  
25 boundary the county shall address (A) the need to preserve the  
26 character of existing natural neighborhoods and communities, (B)  
27 physical boundaries such as bodies of water, streets and highways, and  
28 land forms and contours, (C) the prevention of abnormally irregular  
29 boundaries, and (D) the ability to provide public facilities and public  
30 services in a manner that does not permit low-density sprawl;

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

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

35 (B) On the date the county adopted a resolution under RCW  
36 36.70A.040(2), in a county that is planning under all of the provisions  
37 of this chapter under RCW 36.70A.040(2); or

38 (C) On the date the office of financial management certifies the  
39 county's population as provided in RCW 36.70A.040(5), in a county that

1 is planning under all of the provisions of this chapter pursuant to RCW  
2 36.70A.040(5).

3 (e) Exception. This subsection shall not be interpreted to permit  
4 in the rural area a major industrial development or a master planned  
5 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
6 36.70A.365.

7 (6) A transportation element that implements, and is consistent  
8 with, the land use element. The transportation element shall include  
9 the following subelements:

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

11 (b) Facilities and services needs, including:

12 (i) An inventory of air, water, and ground transportation  
13 facilities and services, including railways, transit alignments, and  
14 general aviation airport facilities, to define existing capital  
15 facilities and travel levels as a basis for future planning. This  
16 inventory must include state-owned transportation facilities, including  
17 interstate highway exits and ferry terminals, within the city or  
18 county's jurisdictional boundaries;

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

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

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

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

30 (c) Finance, including:

31 (i) An analysis of funding capability to judge needs against  
32 probable funding resources;

33 (ii) A multiyear financing plan based on the needs identified in  
34 the comprehensive plan, the appropriate parts of which shall serve as  
35 the basis for the six-year street, road, or transit program required by  
36 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
37 35.58.2795 for public transportation systems;

38 (iii) If probable funding falls short of meeting identified needs,  
39 a discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service  
2 standards will be met;

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

6 (e) Demand-management strategies.

7 After adoption of the comprehensive plan by jurisdictions required  
8 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions  
9 must adopt and enforce ordinances which prohibit development approval  
10 if the development causes the level of service on a transportation  
11 facility to decline below the standards adopted in the transportation  
12 element of the comprehensive plan, unless transportation improvements  
13 or strategies to accommodate the impacts of development are made  
14 concurrent with the development. These strategies may include  
15 increased public transportation service, ride sharing programs, demand  
16 management, and other transportation systems management strategies.  
17 For the purposes of this subsection (6) "concurrent with the  
18 development" shall mean that improvements or strategies are in place at  
19 the time of development, or that a financial commitment is in place to  
20 complete the improvements or strategies within six years.

21 The transportation element described in this subsection, and the  
22 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
23 counties, and RCW 35.58.2795 for public transportation systems, must be  
24 consistent.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A RCW  
26 to read as follows:

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

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

36 (2) New or modified model development regulations for mineral  
37 resource lands prepared by the department of natural resources, the

1 department of community, trade, and economic development, or the  
2 Washington state association of counties.

3 **Sec. 9.** 1995 c 347 s 433 (uncodified) is amended to read as  
4 follows:

5 (~~Sections 413 and 421 of this act~~) RCW 36.70B.090 and 64.40.050  
6 shall expire June 30, (~~1998~~) 2000. The provisions of (~~sections 413~~  
7 ~~and 421 of this act~~) RCW 36.70B.090 and 64.40.050 shall apply to  
8 project permit applications determined to be complete pursuant to RCW  
9 36.70B.070 on or before June 30, (~~1998~~) 2000.

10 **Sec. 10.** 1995 c 347 s 411 (uncodified) is amended to read as  
11 follows:

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

15 **Sec. 11.** 1995 c 347 s 412 (uncodified) is amended to read as  
16 follows:

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

--- END ---