

2 **SB 6446** - S AMD - 171
3 By Senator T. Sheldon

4 NOT ADOPTED 2/15/00

5 On page 3, after line 7, insert the following:

6 "NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
7 RCW to read as follows:

8 (1)(a) A rural county, after conferring with its cities, may
9 develop alternative methods of achieving the planning goals established
10 by RCW 36.70A.020.

11 (b) The authority provided by this subsection may not be used to
12 modify:

13 (i) Requirements for the designation and protection of critical
14 areas or for the designation of natural resource lands under RCW
15 36.70A.060(2), 36.70A.170, and 36.70A.172; or

16 (ii) The requirement to establish a process for the siting of
17 essential public facilities pursuant to RCW 36.70A.200.

18 (c) Before adopting any alternative methods of achieving the
19 planning goals established by RCW 36.70A.020, a rural county shall
20 provide an opportunity for public review and comment. An ordinance or
21 resolution proposing or adopting alternative methods must be submitted
22 to the department in the same manner as provided in RCW 36.70A.106 for
23 submittal of proposed and adopted comprehensive plans and development
24 regulations.

25 (2) For purposes of this section, "rural county" means a county
26 with a population density of less than one hundred persons per square
27 mile as determined by the office of financial management and published
28 each year by the department for the period July 1st to June 30th.

29 **Sec. 3.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to
30 read as follows:

31 (1) Except as provided in subsection (5) of this section,
32 comprehensive plans and development regulations, and amendments
33 thereto, adopted under this chapter are presumed valid upon adoption.

34 (2) Except as otherwise provided in subsection (4) of this section,
35 the burden is on the petitioner to demonstrate that any action taken by

1 a state agency, county, or city under this chapter is not in compliance
2 with the requirements of this chapter.

3 (3) In any petition under this chapter, the board, after full
4 consideration of the petition, shall determine whether there is
5 compliance with the requirements of this chapter. In making its
6 determination, the board shall consider the criteria adopted by the
7 department under RCW 36.70A.190(4). The board shall find compliance
8 unless it determines that the action by the state agency, county, or
9 city is clearly erroneous in view of the entire record before the board
10 and in light of the goals and requirements of this chapter. In any
11 petition concerning whether or not a rural county's methods of
12 achieving planning goals are in compliance with this chapter, the board
13 shall give great weight to decisions made by the rural county with
14 regard to developing alternative methods of achieving planning goals
15 under section 2 of this act, and the board shall find that such
16 alternative methods are in compliance with this chapter unless it finds
17 by clear, cogent, and convincing evidence that the alternative methods
18 will not achieve the planning goals established by RCW 36.70A.020.

19 (4) A county or city subject to a determination of invalidity made
20 under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that
21 the ordinance or resolution it has enacted in response to the
22 determination of invalidity will no longer substantially interfere with
23 the fulfillment of the goals of this chapter under the standard in RCW
24 36.70A.302(1).

25 (5) The shoreline element of a comprehensive plan and the
26 applicable development regulations adopted by a county or city shall
27 take effect as provided in chapter 90.58 RCW."

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31 On page 1, line 2 of the title, after "amendment;" strike the
32 remainder of the title and insert "amending RCW 36.70A.130 and
33 36.70A.320; and adding a new section to chapter 36.70A RCW."

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