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HOUSE BILL 2960

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Mulliken, Chandler, Skinner, Grant, Mielke, Mitchell, Schmidt, Sehlin, Holmquist, Cox, Talcott, Buck, Boldt, Benson, Campbell, Alexander, Sump, Nixon, Pflug, Lisk, Dunn, Schindler, Bush and Woods

Read first time 02/14/2002. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to rural county planning goals under the growth  
2 management act; amending RCW 36.70A.320; and adding a new section to  
3 chapter 36.70A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW  
6 to read as follows:

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

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

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

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

17 (c) Before adopting any alternative methods of achieving the  
18 planning goals established by RCW 36.70A.020, a rural county shall  
19 provide an opportunity for public review and comment. An ordinance or

1 resolution proposing or adopting alternative methods must be submitted  
2 to the department in the same manner as provided in RCW 36.70A.106 for  
3 submittal of proposed and adopted comprehensive plans and development  
4 regulations.

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

9 **Sec. 2.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to  
10 read as follows:

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

14 (2) Except as otherwise provided in subsection (4) of this section,  
15 the burden is on the petitioner to demonstrate that any action taken by  
16 a state agency, county, or city under this chapter is not in compliance  
17 with the requirements of this chapter.

18 (3) In any petition under this chapter, the board, after full  
19 consideration of the petition, shall determine whether there is  
20 compliance with the requirements of this chapter. In making its  
21 determination, the board shall consider the criteria adopted by the  
22 department under RCW 36.70A.190(4). The board shall find compliance  
23 unless it determines that the action by the state agency, county, or  
24 city is clearly erroneous in view of the entire record before the board  
25 and in light of the goals and requirements of this chapter. In any  
26 petition concerning whether or not a rural county's methods of  
27 achieving planning goals are in compliance with this chapter, the board  
28 shall give great weight to decisions made by the rural county with  
29 regard to developing alternative methods of achieving planning goals  
30 under section 1 of this act, and the board shall find that such  
31 alternative methods are in compliance with this chapter unless it finds  
32 by clear, cogent, and convincing evidence that the alternative methods  
33 will not achieve the planning goals established by RCW 36.70A.020.

34 (4) A county or city subject to a determination of invalidity made  
35 under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that  
36 the ordinance or resolution it has enacted in response to the  
37 determination of invalidity will no longer substantially interfere with

1 the fulfillment of the goals of this chapter under the standard in RCW  
2 36.70A.302(1).

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

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