
SUBSTITUTE HOUSE BILL 2217

State of Washington **59th Legislature** **2006 Regular Session**

By House Committee on Local Government (originally sponsored by Representative Simpson)

READ FIRST TIME 01/27/06.

1 AN ACT Relating to growth management planning; and amending RCW
2 36.70A.030, 36.70A.115, and 36.70A.210.

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

4 **Sec. 1.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Adopt a comprehensive land use plan" means to enact a new
9 comprehensive land use plan or to update an existing comprehensive land
10 use plan.

11 (2) "Agricultural land" means land primarily devoted to the
12 commercial production of horticultural, viticultural, floricultural,
13 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
14 straw, turf, seed, Christmas trees not subject to the excise tax
15 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
16 hatcheries, or livestock, and that has long-term commercial
17 significance for agricultural production.

18 (3) "City" means any city or town, including a code city.

1 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
2 means a generalized coordinated land use policy statement of the
3 governing body of a county or city that is adopted pursuant to this
4 chapter.

5 (5) "Critical areas" include the following areas and ecosystems:
6 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
7 used for potable water; (c) fish and wildlife habitat conservation
8 areas; (d) frequently flooded areas; and (e) geologically hazardous
9 areas.

10 (6) "Department" means the department of community, trade, and
11 economic development.

12 (7) "Development regulations" or "regulation" means the controls
13 placed on development or land use activities by a county or city,
14 including, but not limited to, zoning ordinances, critical areas
15 ordinances, shoreline master programs, official controls, planned unit
16 development ordinances, subdivision ordinances, and binding site plan
17 ordinances together with any amendments thereto. A development
18 regulation does not include a decision to approve a project permit
19 application, as defined in RCW 36.70B.020, even though the decision may
20 be expressed in a resolution or ordinance of the legislative body of
21 the county or city.

22 (8) "Forest land" means land primarily devoted to growing trees for
23 long-term commercial timber production on land that can be economically
24 and practically managed for such production, including Christmas trees
25 subject to the excise tax imposed under RCW 84.33.100 through
26 84.33.140, and that has long-term commercial significance. In
27 determining whether forest land is primarily devoted to growing trees
28 for long-term commercial timber production on land that can be
29 economically and practically managed for such production, the following
30 factors shall be considered: (a) The proximity of the land to urban,
31 suburban, and rural settlements; (b) surrounding parcel size and the
32 compatibility and intensity of adjacent and nearby land uses; (c) long-
33 term local economic conditions that affect the ability to manage for
34 timber production; and (d) the availability of public facilities and
35 services conducive to conversion of forest land to other uses.

36 (9) "Geologically hazardous areas" means areas that because of
37 their susceptibility to erosion, sliding, earthquake, or other

1 geological events, are not suited to the siting of commercial,
2 residential, or industrial development consistent with public health or
3 safety concerns.

4 (10) "Land suitable for development" means all parcels that are
5 vacant, and all undeveloped portions of parcels that are partially
6 used, or underutilized to an extent that further development would be
7 likely and are: (a) Designated by applicable development regulations
8 for commercial, industrial, or residential use; (b) not intended for
9 public use; (c) not constrained by critical areas in a way that limits
10 development potential and makes new construction on a parcel
11 unfeasible; and (d) served by infrastructure currently available and
12 adequate or planned for within the twenty-year planning period.

13 (11) "Long-term commercial significance" includes the growing
14 capacity, productivity, and soil composition of the land for long-term
15 commercial production, in consideration with the land's proximity to
16 population areas, and the possibility of more intense uses of the land.

17 ~~((+11+))~~ (12) "Minerals" include gravel, sand, and valuable
18 metallic substances.

19 ~~((+12+))~~ (13) "Performance measures" means an indicator providing
20 consistent and reliable information over time to help gauge how a
21 jurisdiction is achieving specified performance results. For purposes
22 of this subsection, "indicator" means a quantifiable measurement or
23 index.

24 (14) "Public facilities" include streets, roads, highways,
25 sidewalks, street and road lighting systems, traffic signals, domestic
26 water systems, storm and sanitary sewer systems, parks and recreational
27 facilities, and schools.

28 ~~((+13+))~~ (15) "Public services" include fire protection and
29 suppression, law enforcement, public health, education, recreation,
30 environmental protection, and other governmental services.

31 ~~((+14+))~~ (16) "Reasonable measures" means comprehensive planning
32 policies and development regulations that increase consistency with
33 this chapter and the countywide planning policies and comprehensive
34 plan.

35 (17) "Recreational land" means land so designated under RCW
36 36.70A.1701 and that, immediately prior to this designation, was
37 designated as agricultural land of long-term commercial significance

1 under RCW 36.70A.170. Recreational land must have playing fields and
2 supporting facilities existing before July 1, 2004, for sports played
3 on grass playing fields.

4 ~~((+15+))~~ (18) "Rural character" refers to the patterns of land use
5 and development established by a county in the rural element of its
6 comprehensive plan:

7 (a) In which open space, the natural landscape, and vegetation
8 predominate over the built environment;

9 (b) That foster traditional rural lifestyles, rural-based
10 economies, and opportunities to both live and work in rural areas;

11 (c) That provide visual landscapes that are traditionally found in
12 rural areas and communities;

13 (d) That are compatible with the use of the land by wildlife and
14 for fish and wildlife habitat;

15 (e) That reduce the inappropriate conversion of undeveloped land
16 into sprawling, low-density development;

17 (f) That generally do not require the extension of urban
18 governmental services; and

19 (g) That are consistent with the protection of natural surface
20 water flows and ground water and surface water recharge and discharge
21 areas.

22 ~~((+16+))~~ (19) "Rural counties" has the same meaning as in RCW
23 82.14.370(5).

24 (20) "Rural development" refers to development outside the urban
25 growth area and outside agricultural, forest, and mineral resource
26 lands designated pursuant to RCW 36.70A.170. Rural development can
27 consist of a variety of uses and residential densities, including
28 clustered residential development, at levels that are consistent with
29 the preservation of rural character and the requirements of the rural
30 element. Rural development does not refer to agriculture or forestry
31 activities that may be conducted in rural areas.

32 ~~((+17+))~~ (21) "Rural governmental services" or "rural services"
33 include those public services and public facilities historically and
34 typically delivered at an intensity usually found in rural areas, and
35 may include domestic water systems, fire and police protection
36 services, transportation and public transit services, and other public
37 utilities associated with rural development and normally not associated

1 with urban areas. Rural services do not include storm or sanitary
2 sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((+18+))~~ (22) "Urban growth" refers to growth that makes intensive
4 use of land for the location of buildings, structures, and impermeable
5 surfaces to such a degree as to be incompatible with the primary use of
6 land for the production of food, other agricultural products, or fiber,
7 or the extraction of mineral resources, rural uses, rural development,
8 and natural resource lands designated pursuant to RCW 36.70A.170. A
9 pattern of more intensive rural development, as provided in RCW
10 36.70A.070(5)(d), is not urban growth. When allowed to spread over
11 wide areas, urban growth typically requires urban governmental
12 services. "Characterized by urban growth" refers to land having urban
13 growth located on it, or to land located in relationship to an area
14 with urban growth on it as to be appropriate for urban growth.

15 ~~((+19+))~~ (23) "Urban growth areas" means those areas designated by
16 a county pursuant to RCW 36.70A.110.

17 ~~((+20+))~~ (24) "Urban governmental services" or "urban services"
18 include those public services and public facilities at an intensity
19 historically and typically provided in cities, specifically including
20 storm and sanitary sewer systems, domestic water systems, street
21 cleaning services, fire and police protection services, public transit
22 services, and other public utilities associated with urban areas and
23 normally not associated with rural areas.

24 ~~((+21+))~~ (25) "Wetland" or "wetlands" means areas that are
25 inundated or saturated by surface water or ground water at a frequency
26 and duration sufficient to support, and that under normal circumstances
27 do support, a prevalence of vegetation typically adapted for life in
28 saturated soil conditions. Wetlands generally include swamps, marshes,
29 bogs, and similar areas. Wetlands do not include those artificial
30 wetlands intentionally created from nonwetland sites, including, but
31 not limited to, irrigation and drainage ditches, grass-lined swales,
32 canals, detention facilities, wastewater treatment facilities, farm
33 ponds, and landscape amenities, or those wetlands created after July 1,
34 1990, that were unintentionally created as a result of the construction
35 of a road, street, or highway. Wetlands may include those artificial
36 wetlands intentionally created from nonwetland areas created to
37 mitigate conversion of wetlands.

1 **Sec. 2.** RCW 36.70A.115 and 2003 c 333 s 1 are each amended to read
2 as follows:

3 (1) Counties and cities that are required or choose to plan under
4 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
5 amendments to their comprehensive plans and/or development regulations
6 provide sufficient capacity of land suitable for development within
7 their jurisdictions to accommodate their allocated housing and
8 employment growth, as adopted in the applicable countywide planning
9 policies and consistent with the twenty-year population forecast from
10 the office of financial management. When land use regulations are
11 adopted that reduce a local jurisdiction's capacity to accommodate
12 planned growth, the jurisdiction shall recapture that reduced capacity
13 by increasing residential densities within the jurisdiction.

14 (2)(a) Nothing in this section shall be construed as:

15 (i) Prohibiting a qualifying city from determining an urban
16 residential density that is sufficient to accommodate projected
17 population growth under RCW 36.70A.110; or

18 (ii) Requiring a qualifying city to establish a uniform minimum
19 residential density.

20 (b) "Qualifying city," for the purposes of this subsection, means
21 a city planning under RCW 36.70A.040 that is coterminous with, and
22 comprised only of, an island in a county with more than two hundred
23 twenty-five thousand residents and fewer than three hundred twenty-five
24 thousand residents.

25 **Sec. 3.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
26 as follows:

27 (1) The legislature recognizes that counties are regional
28 governments within their boundaries, and cities are primary providers
29 of urban governmental services within urban growth areas. For the
30 purposes of this section, a "county-wide planning policy" is a written
31 policy statement or statements used solely for establishing a county-
32 wide framework from which county and city comprehensive plans are
33 developed and adopted pursuant to this chapter. This framework shall
34 ensure that city and county comprehensive plans are consistent as
35 required in RCW 36.70A.100. Nothing in this section shall be construed
36 to alter the land-use powers of cities.

1 (2) The legislative authority of a county that plans under RCW
2 36.70A.040 shall adopt a county-wide planning policy in cooperation
3 with the cities located in whole or in part within the county as
4 follows:

5 (a) No later than sixty calendar days from July 16, 1991, the
6 legislative authority of each county that as of June 1, 1991, was
7 required or chose to plan under RCW 36.70A.040 shall convene a meeting
8 with representatives of each city located within the county for the
9 purpose of establishing a collaborative process that will provide a
10 framework for the adoption of a county-wide planning policy. In other
11 counties that are required or choose to plan under RCW 36.70A.040, this
12 meeting shall be convened no later than sixty days after the date the
13 county adopts its resolution of intention or was certified by the
14 office of financial management.

15 (b) The process and framework for adoption of a county-wide
16 planning policy specified in (a) of this subsection shall determine the
17 manner in which the county and the cities agree to all procedures and
18 provisions including but not limited to desired planning policies,
19 deadlines, ratification of final agreements and demonstration thereof,
20 and financing, if any, of all activities associated therewith.

21 (c) If a county fails for any reason to convene a meeting with
22 representatives of cities as required in (a) of this subsection, the
23 governor may immediately impose any appropriate sanction or sanctions
24 on the county from those specified under RCW 36.70A.340.

25 (d) If there is no agreement by October 1, 1991, in a county that
26 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
27 or if there is no agreement within one hundred twenty days of the date
28 the county adopted its resolution of intention or was certified by the
29 office of financial management in any other county that is required or
30 chooses to plan under RCW 36.70A.040, the governor shall first inquire
31 of the jurisdictions as to the reason or reasons for failure to reach
32 an agreement. If the governor deems it appropriate, the governor may
33 immediately request the assistance of the department of community,
34 trade, and economic development to mediate any disputes that preclude
35 agreement. If mediation is unsuccessful in resolving all disputes that
36 will lead to agreement, the governor may impose appropriate sanctions
37 from those specified under RCW 36.70A.340 on the county, city, or

1 cities for failure to reach an agreement as provided in this section.
2 The governor shall specify the reason or reasons for the imposition of
3 any sanction.

4 (e) No later than July 1, 1992, the legislative authority of each
5 county that was required or chose to plan under RCW 36.70A.040 as of
6 June 1, 1991, or no later than fourteen months after the date the
7 county adopted its resolution of intention or was certified by the
8 office of financial management the county legislative authority of any
9 other county that is required or chooses to plan under RCW 36.70A.040,
10 shall adopt a county-wide planning policy according to the process
11 provided under this section and that is consistent with the agreement
12 pursuant to (b) of this subsection, and after holding a public hearing
13 or hearings on the proposed county-wide planning policy.

14 (3) A county-wide planning policy shall at a minimum, address the
15 following:

16 (a) Policies to implement RCW 36.70A.110;

17 (b) Policies for promotion of contiguous and orderly development
18 and provision of urban services to such development;

19 (c) Policies for siting public capital facilities of a county-wide
20 or statewide nature, including transportation facilities of statewide
21 significance as defined in RCW 47.06.140;

22 (d) Policies for county-wide transportation facilities and
23 strategies;

24 (e) Policies that consider the need for affordable housing, such as
25 housing for all economic segments of the population and parameters for
26 its distribution;

27 (f) Policies for joint county and city planning within urban growth
28 areas;

29 (g) Policies for county-wide economic development and employment;
30 (~~and~~)

31 (h) Policies for the allocation of projected population and
32 employment growth, and the number of residential units necessary to
33 accommodate growth in the urban and rural areas by jurisdiction;

34 (i) Policies establishing appropriate densities for urban and rural
35 areas;

36 (j) Policies that annually review progress towards accommodating
37 the twenty-year population and employment growth projections
38 established in the countywide planning policies;

1 (k) Policies that plan for and achieve a supply of housing
2 sufficient to accommodate employment growth; and

3 (l) An analysis of the fiscal impact.

4 (4) Federal agencies and Indian tribes may participate in and
5 cooperate with the county-wide planning policy adoption process.
6 Adopted county-wide planning policies shall be adhered to by state
7 agencies.

8 (5) Failure to adopt a county-wide planning policy that meets the
9 requirements of this section may result in the imposition of a sanction
10 or sanctions on a county or city within the county, as specified in RCW
11 36.70A.340. In imposing a sanction or sanctions, the governor shall
12 specify the reasons for failure to adopt a county-wide planning policy
13 in order that any imposed sanction or sanctions are fairly and
14 equitably related to the failure to adopt a county-wide planning
15 policy.

16 (6) Cities and the governor may appeal an adopted county-wide
17 planning policy to the growth management hearings board within sixty
18 days of the adoption of the county-wide planning policy.

19 (7) Multicounty planning policies shall be adopted by two or more
20 counties, each with a population of four hundred fifty thousand or
21 more, with contiguous urban areas and may be adopted by other counties,
22 according to the process established under this section or other
23 processes agreed to among the counties and cities within the affected
24 counties throughout the multicounty region.

25 (8)(a) Nothing in this section shall be construed as:

26 (i) Prohibiting a qualifying city from determining an urban
27 residential density that is sufficient to accommodate projected
28 population growth under RCW 36.70A.110; or

29 (ii) Requiring a qualifying city to establish a uniform minimum
30 residential density.

31 (b) "Qualifying city," for the purposes of this subsection, means
32 a city planning under RCW 36.70A.040 that is coterminous with, and
33 comprised only of, an island in a county with more than two hundred
34 twenty-five thousand residents and fewer than three hundred twenty-five
35 thousand residents.

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