
HOUSE BILL 3300

State of Washington 59th Legislature 2006 Regular Session

By Representative Ericksen

Read first time 02/03/2006. Referred to Committee on Local Government.

1 AN ACT Relating to population accommodation requirements for cities
2 with fewer than ten thousand residents; amending RCW 36.70A.110 and
3 36.70A.115; and reenacting and amending RCW 36.70A.130.

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

5 **Sec. 1.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
6 as follows:

7 (1) Each county that is required or chooses to plan under RCW
8 36.70A.040 shall designate an urban growth area or areas within which
9 urban growth shall be encouraged and outside of which growth can occur
10 only if it is not urban in nature. Each city that is located in such
11 a county shall be included within an urban growth area. An urban
12 growth area may include more than a single city. An urban growth area
13 may include territory that is located outside of a city only if such
14 territory already is characterized by urban growth whether or not the
15 urban growth area includes a city, or is adjacent to territory already
16 characterized by urban growth, or is a designated new fully contained
17 community as defined by RCW 36.70A.350.

18 (2)(a) Except as provided in this subsection, based upon the growth
19 management population projection made for the county by the office of

1 financial management, the county and each city within the county shall
2 include areas and densities sufficient to permit the urban growth that
3 is projected to occur in the county or city for the succeeding twenty-
4 year period, except for those urban growth areas contained totally
5 within a national historical reserve.

6 (b) Cities with fewer than ten thousand residents on April 1, 2006,
7 as determined by the office of financial management are not required to
8 satisfy the requirements of (a) of this subsection.

9 (c) Each urban growth area shall permit urban densities and shall
10 include greenbelt and open space areas. In the case of urban growth
11 areas contained totally within a national historical reserve, the city
12 may restrict densities, intensities, and forms of urban growth as
13 determined to be necessary and appropriate to protect the physical,
14 cultural, or historic integrity of the reserve. An urban growth area
15 determination may include a reasonable land market supply factor and
16 shall permit a range of urban densities and uses. In determining this
17 market factor, cities and counties may consider local circumstances.
18 Cities and counties have discretion in their comprehensive plans to
19 make many choices about accommodating growth.

20 (d) Within one year of July 1, 1990, each county that as of June 1,
21 1991, was required or chose to plan under RCW 36.70A.040, shall begin
22 consulting with each city located within its boundaries and each city
23 shall propose the location of an urban growth area. Within sixty days
24 of the date the county legislative authority of a county adopts its
25 resolution of intention or of certification by the office of financial
26 management, all other counties that are required or choose to plan
27 under RCW 36.70A.040 shall begin this consultation with each city
28 located within its boundaries. The county shall attempt to reach
29 agreement with each city on the location of an urban growth area within
30 which the city is located. If such an agreement is not reached with
31 each city located within the urban growth area, the county shall
32 justify in writing why it so designated the area an urban growth area.
33 A city may object formally with the department over the designation of
34 the urban growth area within which it is located. Where appropriate,
35 the department shall attempt to resolve the conflicts, including the
36 use of mediation services.

37 (3) Urban growth should be located first in areas already
38 characterized by urban growth that have adequate existing public

1 facility and service capacities to serve such development, second in
2 areas already characterized by urban growth that will be served
3 adequately by a combination of both existing public facilities and
4 services and any additional needed public facilities and services that
5 are provided by either public or private sources, and third in the
6 remaining portions of the urban growth areas. Urban growth may also be
7 located in designated new fully contained communities as defined by RCW
8 36.70A.350.

9 (4) In general, cities are the units of local government most
10 appropriate to provide urban governmental services. In general, it is
11 not appropriate that urban governmental services be extended to or
12 expanded in rural areas except in those limited circumstances shown to
13 be necessary to protect basic public health and safety and the
14 environment and when such services are financially supportable at rural
15 densities and do not permit urban development.

16 (5) On or before October 1, 1993, each county that was initially
17 required to plan under RCW 36.70A.040(1) shall adopt development
18 regulations designating interim urban growth areas under this chapter.
19 Within three years and three months of the date the county legislative
20 authority of a county adopts its resolution of intention or of
21 certification by the office of financial management, all other counties
22 that are required or choose to plan under RCW 36.70A.040 shall adopt
23 development regulations designating interim urban growth areas under
24 this chapter. Adoption of the interim urban growth areas may only
25 occur after public notice; public hearing; and compliance with the
26 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
27 Such action may be appealed to the appropriate growth management
28 hearings board under RCW 36.70A.280. Final urban growth areas shall be
29 adopted at the time of comprehensive plan adoption under this chapter.

30 (6) Each county shall include designations of urban growth areas in
31 its comprehensive plan.

32 (7) An urban growth area designated in accordance with this section
33 may include within its boundaries urban service areas or potential
34 annexation areas designated for specific cities or towns within the
35 county.

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

1 (1) Except as provided in this section, counties and cities that
2 are required or choose to plan under RCW 36.70A.040 shall ensure that,
3 taken collectively, adoption of and amendments to their comprehensive
4 plans and/or development regulations provide sufficient capacity of
5 land suitable for development within their jurisdictions to accommodate
6 their allocated housing and employment growth, as adopted in the
7 applicable countywide planning policies and consistent with the twenty-
8 year population forecast from the office of financial management.

9 (2) Cities with fewer than ten thousand residents on April 1, 2006,
10 as determined by the office of financial management are not required to
11 satisfy the requirements of this section.

12 **Sec. 3.** RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are
13 each reenacted and amended to read as follows:

14 (1)(a) Each comprehensive land use plan and development regulations
15 shall be subject to continuing review and evaluation by the county or
16 city that adopted them. Except as otherwise provided, a county or city
17 shall take legislative action to review and, if needed, revise its
18 comprehensive land use plan and development regulations to ensure the
19 plan and regulations comply with the requirements of this chapter
20 according to the time periods specified in subsection (4) of this
21 section.

22 (b) Except as otherwise provided, a county or city not planning
23 under RCW 36.70A.040 shall take action to review and, if needed, revise
24 its policies and development regulations regarding critical areas and
25 natural resource lands adopted according to this chapter to ensure
26 these policies and regulations comply with the requirements of this
27 chapter according to the time periods specified in subsection (4) of
28 this section. Legislative action means the adoption of a resolution or
29 ordinance following notice and a public hearing indicating at a
30 minimum, a finding that a review and evaluation has occurred and
31 identifying the revisions made, or that a revision was not needed and
32 the reasons therefor.

33 (c) The review and evaluation required by this subsection may be
34 combined with the review required by subsection (3) of this section.
35 The review and evaluation required by this subsection shall include,
36 but is not limited to, consideration of critical area ordinances and,

1 if planning under RCW 36.70A.040, an analysis of the population
2 allocated to a city or county from the most recent ten-year population
3 forecast by the office of financial management.

4 (d) Any amendment of or revision to a comprehensive land use plan
5 shall conform to this chapter. Any amendment of or revision to
6 development regulations shall be consistent with and implement the
7 comprehensive plan.

8 (2)(a) Each county and city shall establish and broadly disseminate
9 to the public a public participation program consistent with RCW
10 36.70A.035 and 36.70A.140 that identifies procedures and schedules
11 whereby updates, proposed amendments, or revisions of the comprehensive
12 plan are considered by the governing body of the county or city no more
13 frequently than once every year. "Updates" means to review and revise,
14 if needed, according to subsection (1) of this section, and the time
15 periods specified in subsection (4) of this section or in accordance
16 with the provisions of subsection (8) of this section. Amendments may
17 be considered more frequently than once per year under the following
18 circumstances:

19 (i) The initial adoption of a subarea plan that does not modify the
20 comprehensive plan policies and designations applicable to the subarea;

21 (ii) The adoption or amendment of a shoreline master program under
22 the procedures set forth in chapter 90.58 RCW;

23 (iii) The amendment of the capital facilities element of a
24 comprehensive plan that occurs concurrently with the adoption or
25 amendment of a county or city budget; and

26 (iv) Until June 30, 2006, the designation of recreational lands
27 under RCW 36.70A.1701. A county amending its comprehensive plan
28 pursuant to this subsection (2)(a)(iv) may not do so more frequently
29 than every eighteen months.

30 (b) Except as otherwise provided in (a) of this subsection, all
31 proposals shall be considered by the governing body concurrently so the
32 cumulative effect of the various proposals can be ascertained.
33 However, after appropriate public participation a county or city may
34 adopt amendments or revisions to its comprehensive plan that conform
35 with this chapter whenever an emergency exists or to resolve an appeal
36 of a comprehensive plan filed with a growth management hearings board
37 or with the court.

1 (3)(a) Each county that designates urban growth areas under RCW
2 36.70A.110 shall review, at least every ten years, its designated urban
3 growth area or areas, and the densities permitted within both the
4 incorporated and unincorporated portions of each urban growth area. In
5 conjunction with this review by the county, each city located within an
6 urban growth area shall review the densities permitted within its
7 boundaries, and the extent to which the urban growth occurring within
8 the county has located within each city and the unincorporated portions
9 of the urban growth areas.

10 (b)(i) Except as provided in this subsection (3)(b), the county
11 comprehensive plan designating urban growth areas, and the densities
12 permitted in the urban growth areas by the comprehensive plans of the
13 county and each city located within the urban growth areas, shall be
14 revised to accommodate the urban growth projected to occur in the
15 county for the succeeding twenty-year period.

16 (ii) Cities with fewer than ten thousand residents on April 1,
17 2006, as determined by the office of financial management are not
18 subject to the requirements of (b)(i) of this subsection.

19 (iii) The review required by this subsection may be combined with
20 the review and evaluation required by RCW 36.70A.215.

21 (4) The department shall establish a schedule for counties and
22 cities to take action to review and, if needed, revise their
23 comprehensive plans and development regulations to ensure the plan and
24 regulations comply with the requirements of this chapter. Except as
25 provided in subsection (8) of this section, the schedule established by
26 the department shall provide for the reviews and evaluations to be
27 completed as follows:

28 (a) On or before December 1, 2004, and every seven years
29 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
30 Snohomish, Thurston, and Whatcom counties and the cities within those
31 counties;

32 (b) On or before December 1, 2005, and every seven years
33 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
34 Skamania counties and the cities within those counties;

35 (c) On or before December 1, 2006, and every seven years
36 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
37 Yakima counties and the cities within those counties; and

1 (d) On or before December 1, 2007, and every seven years
2 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
3 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
4 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
5 within those counties.

6 (5)(a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the time limits established in subsection (4) of this section.
9 Counties and cities may begin this process early and may be eligible
10 for grants from the department, subject to available funding, if they
11 elect to do so.

12 (b) State agencies are encouraged to provide technical assistance
13 to the counties and cities in the review of critical area ordinances,
14 comprehensive plans, and development regulations.

15 (6) A county or city subject to the time periods in subsection
16 (4)(a) of this section that, pursuant to an ordinance adopted by the
17 county or city establishing a schedule for periodic review of its
18 comprehensive plan and development regulations, has conducted a review
19 and evaluation of its comprehensive plan and development regulations
20 and, on or after January 1, 2001, has taken action in response to that
21 review and evaluation shall be deemed to have conducted the first
22 review required by subsection (4)(a) of this section. Subsequent
23 review and evaluation by the county or city of its comprehensive plan
24 and development regulations shall be conducted in accordance with the
25 time periods established under subsection (4)(a) of this section.

26 (7) The requirements imposed on counties and cities under this
27 section shall be considered "requirements of this chapter" under the
28 terms of RCW 36.70A.040(1). Only those counties and cities in
29 compliance with the schedules in this section and those counties and
30 cities demonstrating substantial progress towards compliance with the
31 schedules in this section for development regulations that protect
32 critical areas may receive grants, loans, pledges, or financial
33 guarantees from those accounts established in RCW 43.155.050 and
34 70.146.030. A county or city that is fewer than twelve months out of
35 compliance with the schedules in this section for development
36 regulations that protect critical areas is deemed to be making
37 substantial progress towards compliance. Only those counties and

1 cities in compliance with the schedules in this section may receive
2 preference for grants or loans subject to the provisions of RCW
3 43.17.250.

4 (8)(a) Counties and cities required to satisfy the requirements of
5 this section according to the schedule established by subsection (4)(b)
6 through (d) of this section may comply with the requirements of this
7 section for development regulations that protect critical areas one
8 year after the dates established in subsection (4)(b) through (d) of
9 this section.

10 (b) Counties and cities complying with the requirements of this
11 section one year after the dates established in subsection (4)(b)
12 through (d) of this section for development regulations that protect
13 critical areas shall be deemed in compliance with the requirements of
14 this section.

15 (c) This subsection (8) applies only to the counties and cities
16 specified in subsection (4)(b) through (d) of this section, and only to
17 the requirements of this section for development regulations that
18 protect critical areas that must be satisfied by December 1, 2005,
19 December 1, 2006, and December 1, 2007.

20 (9) Notwithstanding subsection (8) of this section and the
21 substantial progress provisions of subsections (7) and (10) of this
22 section, only those counties and cities complying with the schedule in
23 subsection (4) of this section may receive preferences for grants,
24 loans, pledges, or financial guarantees from those accounts established
25 in RCW 43.155.050 and 70.146.030.

26 (10) Until December 1, 2005, and notwithstanding subsection (7) of
27 this section, a county or city subject to the time periods in
28 subsection (4)(a) of this section demonstrating substantial progress
29 towards compliance with the schedules in this section for its
30 comprehensive land use plan and development regulations may receive
31 grants, loans, pledges, or financial guarantees from those accounts
32 established in RCW 43.155.050 and 70.146.030. A county or city that is
33 fewer than twelve months out of compliance with the schedules in this
34 section for its comprehensive land use plan and development regulations
35 is deemed to be making substantial progress towards compliance.

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