
ENGROSSED HOUSE BILL 1305

State of Washington

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By Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich

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1 AN ACT Relating to growth management; amending RCW 36.70A.110,
2 36.70A.070, and 36.70A.210; adding new sections to chapter 36.70A RCW;
3 and adding a new section to chapter 43.21C 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 county required or choosing to plan under RCW 36.70A.040 may
8 establish, in consultation with cities, a process for reviewing
9 proposals to authorize siting of major industrial developments outside
10 urban growth areas.

11 (2) A major industrial development may be approved outside an urban
12 growth area in a county planning under this chapter if criteria
13 including, but not limited to the following, are met:

14 (a) Infrastructure is provided and/or impact fees are established
15 consistent with the requirements of RCW 82.02.060;

16 (b) Transit-oriented site planning and traffic demand management
17 programs are implemented;

18 (c) Buffers are provided between the major industrial development
19 and adjacent nonurban areas;

1 (d) Environmental protection including air and water quality has
2 been addressed and provided for;

3 (e) Development regulations are established that discourage urban
4 growth in adjacent nonurban area;

5 (f) Provision is made to mitigate adverse impacts on designated
6 agricultural lands, forest lands, and mineral resource lands;

7 (g) The plan for the major industrial development is consistent
8 with the county's development regulations established for protection of
9 critical areas; and

10 (h) The county has determined and entered findings that land
11 suitable to site the major industrial development is unavailable within
12 the urban growth area. Priority shall be given to applications for
13 sites that are adjacent to or in close proximity to the urban growth
14 area.

15 (3) "Major industrial development" means a master planned location
16 for a specific manufacturing, industrial, or commercial business that:

17 (a) Requires a parcel of land so large that no suitable parcels,
18 without critical areas, are available within an urban growth area; or

19 (b) is a natural-resource-based industry requiring a location near
20 agricultural land, forest land, or mineral resource land upon which it
21 is dependent; and (c) is not for the purpose of retail shopping
22 developments.

23 **Sec. 2.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
24 read as follows:

25 (1) Each county that is required or chooses to plan under RCW
26 36.70A.040 shall designate an urban growth area or areas within which
27 urban growth shall be encouraged and outside of which growth can occur
28 only if it is not urban in nature. Each city that is located in such
29 a county shall be included within an urban growth area. An urban
30 growth area may include more than a single city. An urban growth area
31 may include territory that is located outside of a city only if such
32 territory already is characterized by urban growth or is adjacent to
33 territory already characterized by urban growth.

34 (2) Based upon the population growth management planning population
35 projection made for the county by the office of financial management as
36 modified by the county in light of information regarding growth
37 projection or other local conditions, the urban growth areas in the
38 county shall include areas and densities at least sufficient to permit

1 the urban growth that is projected to occur in the county for the
2 succeeding twenty-year period. Each urban growth area shall permit a
3 range of urban densities and shall include greenbelt and open space
4 areas. Within one year of July 1, 1990, each county that as of June 1,
5 1991, was required or chose to plan under RCW 36.70A.040, shall begin
6 consulting with each city located within its boundaries and each city
7 shall propose the location of an urban growth area. Within sixty days
8 of the date the county legislative authority of a county adopts its
9 resolution of intention or of certification by the office of financial
10 management, all other counties that are required or choose to plan
11 under RCW 36.70A.040 shall begin this consultation with each city
12 located within its boundaries. The county shall attempt to reach
13 agreement with each city on the location of an urban growth area within
14 which the city is located. If such an agreement is not reached with
15 each city located within the urban growth area, the county shall
16 justify in writing why it so designated the area an urban growth area.
17 A city may object formally with the department over the designation of
18 the urban growth area within which it is located. Where appropriate,
19 the department shall attempt to resolve the conflicts, including the
20 use of mediation services.

21 (3) Urban growth should be located (~~(first)~~) in areas: (a) Already
22 characterized by urban growth that have existing public facility and
23 service capacities to serve such development, (~~and second in areas~~)
24 (b) already characterized by urban growth that will be served by a
25 combination of both existing public facilities and services and any
26 additional needed public facilities and services that are provided by
27 either public or private sources, and (c) adjacent to territory already
28 characterized by urban growth, or so situated in light of geographic or
29 utility considerations as to be appropriate for urban growth within the
30 succeeding twenty-year period. Further, it is usually appropriate that
31 urban government services be provided by cities, and urban government
32 services (~~(should)~~) not be provided in rural areas.

33 (4) On or before October 1, 1993, each county that was initially
34 required to plan under RCW 36.70A.040(1) shall adopt development
35 regulations designating interim urban growth areas under this chapter.
36 Within three years and three months of the date the county legislative
37 authority of a county adopts its resolution of intention or of
38 certification by the office of financial management, all other counties
39 that are required or choose to plan under RCW 36.70A.040 shall adopt

1 development regulations designating interim urban growth areas under
2 this chapter. Adoption of the interim urban growth areas may only
3 occur after public notice; public hearing; and compliance with the
4 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
5 Such action may be appealed to the appropriate growth management
6 hearings board under RCW 36.70A.280. Final urban growth areas shall be
7 adopted at the time of comprehensive plan adoption under this chapter.

8 (5) Each county shall include designations of urban growth areas in
9 its comprehensive plan.

10 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
11 amended to read as follows:

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

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

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

34 (2) A housing element recognizing the vitality and character of
35 established residential neighborhoods that: (a) Includes an inventory
36 and analysis of existing and projected housing needs; (b) includes a
37 statement of goals, policies, and objectives for the preservation,
38 improvement, and development of housing; (c) identifies sufficient land

1 for housing, including, but not limited to, government-assisted
2 housing, housing for low-income families, manufactured housing,
3 multifamily housing, and group homes and foster care facilities; and
4 (d) makes adequate provisions for existing and projected needs of all
5 economic segments of the community.

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

18 (4) A utilities element consisting of the general location,
19 proposed location, and capacity of all existing and proposed utilities,
20 including, but not limited to, electrical lines, telecommunication
21 lines, and natural gas lines.

22 (5) Counties shall include a rural element including lands that are
23 not designated for urban growth, agriculture, forest, or mineral
24 resources. The rural element shall permit residential and
25 nonresidential land uses that are compatible with the rural character
26 of such lands and provide for a variety of rural densities.

27 (6) A transportation element that implements, and is consistent
28 with, the land use element. The transportation element shall include
29 the following subelements:

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

31 (b) Facilities and services needs, including:

32 (i) An inventory of air, water, and land transportation facilities
33 and services, including transit alignments, to define existing capital
34 facilities and travel levels as a basis for future planning;

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

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

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

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

9 (c) Finance, including:

10 (i) An analysis of funding capability to judge needs against
11 probable funding resources;

12 (ii) A multiyear financing plan based on the needs identified in
13 the comprehensive plan, the appropriate parts of which shall serve as
14 the basis for the six-year street, road, or transit program required by
15 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
16 35.58.2795 for public transportation systems;

17 (iii) If probable funding falls short of meeting identified needs,
18 a discussion of how additional funding will be raised, or how land use
19 assumptions will be reassessed to ensure that level of service
20 standards will be met;

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

24 (e) Demand-management strategies.

25 After adoption of the comprehensive plan by jurisdictions required
26 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
27 must adopt and enforce ordinances which prohibit development approval
28 if the development causes the level of service on a transportation
29 facility to decline below the standards adopted in the transportation
30 element of the comprehensive plan, unless transportation improvements
31 or strategies to accommodate the impacts of development are made
32 concurrent with the development. These strategies may include
33 increased public transportation service, ride sharing programs, demand
34 management, and other transportation systems management strategies.
35 For the purposes of this subsection (6) "concurrent with the
36 development" shall mean that improvements or strategies are in place at
37 the time of development, or that a financial commitment is in place to
38 complete the improvements or strategies within six years.

1 The transportation element described in this subsection, and the
2 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
3 counties, and RCW 35.58.2795 for public transportation systems, must be
4 consistent.

5 **Sec. 4.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
6 read as follows:

7 (1) The legislature recognizes that counties are (~~regional~~
8 ~~governments within their boundaries~~) usually the unit of local
9 government most appropriate to provide regional governmental services,
10 and cities are (~~primary providers of~~) usually the unit of local
11 government most appropriate to provide urban governmental services
12 (~~within urban growth areas~~). For the purposes of this section, a
13 "county-wide planning policy" is a written policy statement or
14 statements used solely for establishing a county-wide framework from
15 which county and city comprehensive plans are developed and adopted
16 pursuant to this chapter. This framework shall ensure that city and
17 county comprehensive plans are consistent as required in RCW
18 36.70A.100. Nothing in this section shall be construed to alter the
19 land-use powers of cities or the authority of counties to provide urban
20 governmental services. It is the intent of the legislature that urban
21 governmental service decisions be made through the flexible process
22 established in chapter 36.115 RCW.

23 (2) The legislative authority of a county that plans under RCW
24 36.70A.040 shall adopt a county-wide planning policy in cooperation
25 with the cities located in whole or in part within the county as
26 follows:

27 (a) No later than sixty calendar days from July 16, 1991, the
28 legislative authority of each county that as of June 1, 1991, was
29 required or chose to plan under RCW 36.70A.040 shall convene a meeting
30 with representatives of each city located within the county for the
31 purpose of establishing a collaborative process that will provide a
32 framework for the adoption of a county-wide planning policy. In other
33 counties that are required or choose to plan under RCW 36.70A.040, this
34 meeting shall be convened no later than sixty days after the date the
35 county adopts its resolution of intention or was certified by the
36 office of financial management.

37 (b) The process and framework for adoption of a county-wide
38 planning policy specified in (a) of this subsection shall determine the

1 manner in which the county and the cities agree to all procedures and
2 provisions including but not limited to desired planning policies,
3 deadlines, ratification of final agreements and demonstration thereof,
4 and financing, if any, of all activities associated therewith.

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

9 (d) If there is no agreement by October 1, 1991, in a county that
10 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
11 or if there is no agreement within one hundred twenty days of the date
12 the county adopted its resolution of intention or was certified by the
13 office of financial management in any other county that is required or
14 chooses to plan under RCW 36.70A.040, the governor shall first inquire
15 of the jurisdictions as to the reason or reasons for failure to reach
16 an agreement. If the governor deems it appropriate, the governor may
17 immediately request the assistance of the department of community,
18 trade, and economic development to mediate any disputes that preclude
19 agreement. If mediation is unsuccessful in resolving all disputes that
20 will lead to agreement, the governor may impose appropriate sanctions
21 from those specified under RCW 36.70A.340 on the county, city, or
22 cities for failure to reach an agreement as provided in this section.
23 The governor shall specify the reason or reasons for the imposition of
24 any sanction.

25 (e) No later than July 1, 1992, the legislative authority of each
26 county that was required or chose to plan under RCW 36.70A.040 as of
27 June 1, 1991, or no later than fourteen months after the date the
28 county adopted its resolution of intention or was certified by the
29 office of financial management the county legislative authority of any
30 other county that is required or chooses to plan under RCW 36.70A.040,
31 shall adopt a county-wide planning policy according to the process
32 provided under this section and that is consistent with the agreement
33 pursuant to (b) of this subsection, and after holding a public hearing
34 or hearings on the proposed county-wide planning policy.

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

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

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

1 (c) Policies for siting public capital facilities of a county-wide
2 or state-wide nature;

3 (d) Policies for county-wide transportation facilities and
4 strategies;

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

8 (f) Policies for joint county and city planning within urban growth
9 areas;

10 (g) Policies for county-wide economic development and employment;
11 and

12 (h) An analysis of the fiscal impact.

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

17 (5) Failure to adopt a county-wide planning policy that meets the
18 requirements of this section may result in the imposition of a sanction
19 or sanctions on a county or city within the county, as specified in RCW
20 36.70A.340. In imposing a sanction or sanctions, the governor shall
21 specify the reasons for failure to adopt a county-wide planning policy
22 in order that any imposed sanction or sanctions are fairly and
23 equitably related to the failure to adopt a county-wide planning
24 policy.

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

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

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

36 A county or city planning under RCW 36.70A.040 must allow cellular
37 antenna facilities to be sited in any zone within its planning
38 jurisdiction, but may establish conditions and requirements on the

1 siting of such facilities and require the issuance of a conditional use
2 permit or special use permit before a cellular antenna facility is
3 authorized.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW
5 to read as follows:

6 An authorization of cellular antenna facilities under section 5 of
7 this act shall be categorically exempt from a threshold decision under
8 the rules adopted by the department for categorical exemptions.

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