

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2830

55th Legislature
1998 Regular Session

Passed by the House March 12, 1998
Yeas 98 Nays 0

Speaker of the
House of Representatives

Passed by the Senate March 11, 1998
Yeas 42 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2830** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2830

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By House Committee on House Government Reform & Land Use (originally sponsored by Representatives Reams, Romero and Lantz; by request of Land Use Study Commission)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to recommendations of the land use study
2 commission; amending RCW 35.13.182, 36.70A.020, 36.70A.060, and
3 36.70A.070; amending 1995 c 347 s 433 (uncodified); amending 1995 c 347
4 s 411 (uncodified); amending 1995 c 347 s 412 (uncodified); adding new
5 sections to chapter 35.13 RCW; and adding a new section to chapter
6 36.70A RCW.

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

8 **Sec. 1.** RCW 35.13.182 and 1997 c 429 s 37 are each amended to read
9 as follows:

10 (1) The legislative body of a city or town planning under chapter
11 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
12 city or town if there is, within the city or town, unincorporated
13 territory containing residential property owners within the same county
14 and within the same urban growth area designated under RCW 36.70A.110
15 as the city or town:

16 (a) Containing less than one hundred acres and having at least
17 eighty percent of the boundaries of such area contiguous to the city or
18 town (~~((if such area existed before June 30, 1994))~~); or

1 (b) Of any size and having at least eighty percent of the
2 boundaries of the area contiguous to the city if the area existed
3 before June 30, 1994.

4 (2) The resolution shall describe the boundaries of the area to be
5 annexed, state the number of voters residing in the area as nearly as
6 may be, and set a date for a public hearing on the resolution for
7 annexation. Notice of the hearing shall be given by publication of the
8 resolution at least once a week for two weeks before the date of the
9 hearing in one or more newspapers of general circulation within the
10 city or town and one or more newspapers of general circulation within
11 the area to be annexed.

12 (3) For purposes of subsection (1)(b) of this section, territory
13 bounded by a river, lake, or other body of water is considered
14 contiguous to a city that is also bounded by the same river, lake, or
15 other body of water.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW
17 to read as follows:

18 The annexation ordinance provided for in RCW 35.13.182 is subject
19 to referendum for forty-five days after its passage. Upon the filing
20 of a timely and sufficient referendum petition with the legislative
21 body, signed by qualified electors in number equal to not less than ten
22 percent of the votes cast in the last general state election in the
23 area to be annexed, the question of annexation shall be submitted to
24 the voters of the area in a general election if one is to be held
25 within ninety days or at a special election called for that purpose not
26 less than forty-five days nor more than ninety days after the filing of
27 the referendum petition. Notice of the election shall be given as
28 provided in RCW 35.13.080 and the election shall be conducted as
29 provided in the general election law. The annexation shall be deemed
30 approved by the voters unless a majority of the votes cast on the
31 proposition are in opposition thereto.

32 After the expiration of the forty-fifth day from but excluding the
33 date of passage of the annexation ordinance, if no timely and
34 sufficient referendum petition has been filed, the area annexed shall
35 become a part of the city or town upon the date fixed in the ordinance
36 of annexation.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13 RCW
2 to read as follows:

3 On the date set for hearing as provided in RCW 35.13.182(2),
4 residents or property owners of the area included in the resolution for
5 annexation shall be afforded an opportunity to be heard. The
6 legislative body may provide by ordinance for annexation of the
7 territory described in the resolution, but the effective date of the
8 ordinance shall be not less than forty-five days after the passage
9 thereof. The legislative body shall cause notice of the proposed
10 effective date of the annexation, together with a description of the
11 property to be annexed, to be published at least once each week for two
12 weeks subsequent to passage of the ordinance, in one or more newspapers
13 of general circulation within the city and in one or more newspapers of
14 general circulation within the area to be annexed. If the annexation
15 ordinance provides for assumption of indebtedness or adoption of a
16 proposed zoning regulation, the notice shall include a statement of
17 such requirements.

18 **Sec. 4.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
19 amended to read as follows:

20 The following goals are adopted to guide the development and
21 adoption of comprehensive plans and development regulations of those
22 counties and cities that are required or choose to plan under RCW
23 36.70A.040. The following goals are not listed in order of priority
24 and shall be used exclusively for the purpose of guiding the
25 development of comprehensive plans and development regulations:

26 (1) Urban growth. Encourage development in urban areas where
27 adequate public facilities and services exist or can be provided in an
28 efficient manner. Urban growth areas should have concentrated
29 employment centers, separated by adequate buffers that protect critical
30 areas, and need not be uniformly urban in nature.

31 (2) Reduce sprawl. Reduce the inappropriate conversion of
32 undeveloped land into sprawling, low-density development.

33 (3) Transportation. Encourage efficient multimodal transportation
34 systems that are based on regional priorities and coordinated with
35 county and city comprehensive plans.

36 (4) Housing. Encourage the availability of affordable housing to
37 all economic segments of the population of this state, promote a

1 variety of residential densities and housing types, and encourage
2 preservation of existing housing stock.

3 (5) Economic development. Encourage economic development
4 throughout the state that is consistent with adopted comprehensive
5 plans, promote economic opportunity for all citizens of this state,
6 especially for unemployed and for disadvantaged persons, and encourage
7 growth in areas experiencing insufficient economic growth, all within
8 the capacities of the state's natural resources, public services, and
9 public facilities.

10 (6) Property rights. Private property shall not be taken for
11 public use without just compensation having been made. The property
12 rights of landowners shall be protected from arbitrary and
13 discriminatory actions.

14 (7) Permits. Applications for both state and local government
15 permits should be processed in a timely and fair manner to ensure
16 predictability.

17 (8) Natural resource industries. Maintain and enhance natural
18 resource-based industries, including productive timber, agricultural,
19 and fisheries industries. Encourage the conservation of productive
20 forest lands and productive agricultural lands, and discourage
21 incompatible uses.

22 (9) Open space and recreation. Encourage the retention of open
23 space and development of recreational opportunities, conserve fish and
24 wildlife habitat, increase access to natural resource lands and water,
25 and develop parks.

26 (10) Environment. Protect the environment and enhance the state's
27 high quality of life, including air and water quality, and the
28 availability of water.

29 (11) Citizen participation and coordination. Encourage the
30 involvement of citizens in the planning process and ensure coordination
31 between communities and jurisdictions to reconcile conflicts.

32 (12) Public facilities and services. Ensure that those public
33 facilities and services necessary to support development shall be
34 adequate to serve the development at the time the development is
35 available for occupancy and use without decreasing current service
36 levels below locally established minimum standards.

37 (13) Historic preservation. Identify and encourage the
38 preservation of lands, sites, and structures, that have historical or
39 archaeological significance.

1 **Sec. 5.** RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended
2 to read as follows:

3 (1) Each county that is required or chooses to plan under RCW
4 36.70A.040, and each city within such county, shall adopt development
5 regulations on or before September 1, 1991, to assure the conservation
6 of agricultural, forest, and mineral resource lands designated under
7 RCW 36.70A.170. Regulations adopted under this subsection may not
8 prohibit uses legally existing on any parcel prior to their adoption
9 and shall remain in effect until the county or city adopts development
10 regulations pursuant to RCW (~~36.70A.120~~) 36.70A.040. Such
11 regulations shall assure that the use of lands adjacent to
12 agricultural, forest, or mineral resource lands shall not interfere
13 with the continued use, in the accustomed manner and in accordance with
14 best management practices, of these designated lands for the production
15 of food, agricultural products, or timber, or for the extraction of
16 minerals. Counties and cities shall require that all plats, short
17 plats, development permits, and building permits issued for development
18 activities on, or within (~~three~~) five hundred feet of, lands
19 designated as agricultural lands, forest lands, or mineral resource
20 lands, contain a notice that the subject property is within or near
21 designated agricultural lands, forest lands, or mineral resource lands
22 on which a variety of commercial activities may occur that are not
23 compatible with residential development for certain periods of limited
24 duration. The notice for mineral resource lands shall also inform that
25 an application might be made for mining-related activities, including
26 mining, extraction, washing, crushing, stockpiling, blasting,
27 transporting, and recycling of minerals.

28 (2) Each county and city shall adopt development regulations that
29 protect critical areas that are required to be designated under RCW
30 36.70A.170. For counties and cities that are required or choose to
31 plan under RCW 36.70A.040, such development regulations shall be
32 adopted on or before September 1, 1991. For the remainder of the
33 counties and cities, such development regulations shall be adopted on
34 or before March 1, 1992.

35 (3) Such counties and cities shall review these designations and
36 development regulations when adopting their comprehensive plans under
37 RCW 36.70A.040 and implementing development regulations under RCW
38 36.70A.120 and may alter such designations and development regulations
39 to insure consistency.

1 (4) Forest land and agricultural land located within urban growth
2 areas shall not be designated by a county or city as forest land or
3 agricultural land of long-term commercial significance under RCW
4 36.70A.170 unless the city or county has enacted a program authorizing
5 transfer or purchase of development rights.

6 **Sec. 6.** RCW 36.70A.070 and 1997 c 429 s 7 are each amended to read
7 as follows:

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

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

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

30 (2) A housing element ensuring the vitality and character of
31 established residential neighborhoods that: (a) Includes an inventory
32 and analysis of existing and projected housing needs; (b) includes a
33 statement of goals, policies, objectives, and mandatory provisions for
34 the preservation, improvement, and development of housing, including
35 single-family residences; (c) identifies sufficient land for housing,
36 including, but not limited to, government-assisted housing, housing for
37 low-income families, manufactured housing, multifamily housing, and
38 group homes and foster care facilities; and (d) makes adequate

1 provisions for existing and projected needs of all economic segments of
2 the community, including affordable housing and adequate housing
3 located within reasonable commuting distances to employment centers.

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

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

20 (5) Rural element. Counties shall include a rural element
21 including lands that are not designated for urban growth, agriculture,
22 forest, or mineral resources. The following provisions shall apply to
23 the rural element:

24 (a) Growth management act goals and local circumstances. Because
25 circumstances vary from county to county, in establishing patterns of
26 rural densities and uses, a county may consider local circumstances,
27 but shall develop a written record explaining how the rural element
28 harmonizes the planning goals in RCW 36.70A.020 and meets the
29 requirements of this chapter.

30 (b) Rural development. The rural element shall permit rural
31 development, forestry, and agriculture in rural areas. The rural
32 element shall provide for a variety of rural densities, uses, essential
33 public facilities, and rural governmental services needed to serve the
34 permitted densities and uses. In order to achieve a variety of rural
35 densities and uses, counties may provide for clustering, density
36 transfer, design guidelines, conservation easements, and other
37 innovative techniques that will accommodate appropriate rural densities
38 and uses that are not characterized by urban growth and that are
39 consistent with rural character.

1 (c) Measures governing rural development. The rural element shall
2 include measures that apply to rural development and protect the rural
3 character of the area, as established by the county, by:

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

7 (iii) Reducing the inappropriate conversion of undeveloped land
8 into sprawling, low-density development in the rural area;

9 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
10 surface water and ground water resources; and

11 (v) Protecting against conflicts with the use of agricultural,
12 forest, and mineral resource lands designated under RCW 36.70A.170.

13 (d) Limited areas of more intensive rural development. Subject to
14 the requirements of this subsection and except as otherwise
15 specifically provided in this subsection (5)(d), the rural element may
16 allow for limited areas of more intensive rural development, including
17 necessary public facilities and public services to serve the limited
18 area as follows:

19 (i) Rural development consisting of the infill, development, or
20 redevelopment of existing commercial, industrial, residential, or
21 mixed-use areas, whether characterized as shoreline development,
22 villages, hamlets, rural activity centers, or crossroads developments.
23 A commercial, industrial, residential, shoreline, or mixed-use area
24 shall be subject to the requirements of (d)(iv) of this subsection, but
25 shall not be subject to the requirements of (c)(ii) and (iii) of this
26 subsection. An industrial area is not required to be principally
27 designed to serve the existing and projected rural population;

28 (ii) The intensification of development on lots containing, or new
29 development of, small-scale recreational or tourist uses, including
30 commercial facilities to serve those recreational or tourist uses, that
31 rely on a rural location and setting, but that do not include new
32 residential development. A small-scale recreation or tourist use is
33 not required to be principally designed to serve the existing and
34 projected rural population. Public services and public facilities
35 shall be limited to those necessary to serve the recreation or tourist
36 use and shall be provided in a manner that does not permit low-density
37 sprawl;

38 (iii) The intensification of development on lots containing
39 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not principally
2 designed to serve the existing and projected rural population and
3 nonresidential uses, but do provide job opportunities for rural
4 residents. Public services and public facilities shall be limited to
5 those necessary to serve the isolated nonresidential use and shall be
6 provided in a manner that does not permit low-density sprawl;

7 (iv) A county shall adopt measures to minimize and contain the
8 existing areas or uses of more intensive rural development, as
9 appropriate, authorized under this subsection. Lands included in such
10 existing areas or uses shall not extend beyond the logical outer
11 boundary of the existing area or use, thereby allowing a new pattern of
12 low-density sprawl. Existing areas are those that are clearly
13 identifiable and contained and where there is a logical boundary
14 delineated predominately by the built environment, but that may also
15 include undeveloped lands if limited as provided in this subsection.
16 The county shall establish the logical outer boundary of an area of
17 more intensive rural development. In establishing the logical outer
18 boundary the county shall address (A) the need to preserve the
19 character of existing natural neighborhoods and communities, (B)
20 physical boundaries such as bodies of water, streets and highways, and
21 land forms and contours, (C) the prevention of abnormally irregular
22 boundaries, and (D) the ability to provide public facilities and public
23 services in a manner that does not permit low-density sprawl;

24 (v) For purposes of (d) of this subsection, an existing area or
25 existing use is one that was in existence:

26 (A) On July 1, 1990, in a county that was initially required to
27 plan under all of the provisions of this chapter;

28 (B) On the date the county adopted a resolution under RCW
29 36.70A.040(2), in a county that is planning under all of the provisions
30 of this chapter under RCW 36.70A.040(2); or

31 (C) On the date the office of financial management certifies the
32 county's population as provided in RCW 36.70A.040(5), in a county that
33 is planning under all of the provisions of this chapter pursuant to RCW
34 36.70A.040(5).

35 (e) Exception. This subsection shall not be interpreted to permit
36 in the rural area a major industrial development or a master planned
37 resort unless otherwise specifically permitted under RCW 36.70A.360 and
38 36.70A.365.

1 (6) A transportation element that implements, and is consistent
2 with, the land use element. The transportation element shall include
3 the following subelements:

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

5 (b) Facilities and services needs, including:

6 (i) An inventory of air, water, and ground transportation
7 facilities and services, including railways, transit alignments, and
8 general aviation airport facilities, to define existing capital
9 facilities and travel levels as a basis for future planning. This
10 inventory must include state-owned transportation facilities, including
11 interstate highway exits and ferry terminals, within the city or
12 county's jurisdictional boundaries;

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

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

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

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

24 (c) Finance, including:

25 (i) An analysis of funding capability to judge needs against
26 probable funding resources;

27 (ii) A multiyear financing plan based on the needs identified in
28 the comprehensive plan, the appropriate parts of which shall serve as
29 the basis for the six-year street, road, or transit program required by
30 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
31 35.58.2795 for public transportation systems;

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

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

39 (e) Demand-management strategies.

1 After adoption of the comprehensive plan by jurisdictions required
2 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
3 must adopt and enforce ordinances which prohibit development approval
4 if the development causes the level of service on a transportation
5 facility to decline below the standards adopted in the transportation
6 element of the comprehensive plan, unless transportation improvements
7 or strategies to accommodate the impacts of development are made
8 concurrent with the development. These strategies may include
9 increased public transportation service, ride sharing programs, demand
10 management, and other transportation systems management strategies.
11 For the purposes of this subsection (6) "concurrent with the
12 development" shall mean that improvements or strategies are in place at
13 the time of development, or that a financial commitment is in place to
14 complete the improvements or strategies within six years.

15 The transportation element described in this subsection, and the
16 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
17 counties, and RCW 35.58.2795 for public transportation systems, must be
18 consistent.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW
20 to read as follows:

21 As part of the review required by RCW 36.70A.130(1), a county or
22 city shall review its mineral resource lands designations adopted
23 pursuant to RCW 36.70A.170 and mineral resource lands development
24 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its
25 review, the county or city shall take into consideration:

26 (1) New information made available since the adoption or last
27 review of its designations or development regulations, including data
28 available from the department of natural resources relating to mineral
29 resource deposits; and

30 (2) New or modified model development regulations for mineral
31 resource lands prepared by the department of natural resources, the
32 department of community, trade, and economic development, or the
33 Washington state association of counties.

34 **Sec. 8.** 1995 c 347 s 433 (uncodified) is amended to read as
35 follows:

36 ((Sections 413 and 421 of this act)) RCW 36.70B.090 and 64.40.050
37 shall expire June 30, ((1998)) 2000. The provisions of ((sections 413

1 ~~and 421 of this act))~~ RCW 36.70B.090 and 64.40.050 shall apply to
2 project permit applications determined to be complete pursuant to RCW
3 36.70B.070 on or before June 30, (~~(1998)~~) 2000.

4 **Sec. 9.** 1995 c 347 s 411 (uncodified) is amended to read as
5 follows:

6 The amendments to RCW (~~(36.70A.065)~~) 36.70B.080 contained in
7 section 409 (~~(of this act)~~), chapter 347, Laws of 1995 shall expire
8 July 1, (~~(1998)~~) 2000.

9 **Sec. 10.** 1995 c 347 s 412 (uncodified) is amended to read as
10 follows:

11 Section 410 (~~(of this act)~~), chapter 347, Laws of 1995 shall take
12 effect July 1, (~~(1998)~~) 2000.

--- END ---