

2 **ESHB 1761** - S COMM AMD

3 By Committee on Government Operations

4 ADOPTED AS AMENDED BY 680-681 - 4/12/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each  
8 amended to read as follows:

9 (1) Each county that has both a population of fifty thousand or  
10 more and has had its population increase by more than ten percent in  
11 the previous ten years, and the cities located within such county, and  
12 any other county regardless of its population that has had its  
13 population increase by more than twenty percent in the previous ten  
14 years, and the cities located within such county, shall ((adopt  
15 ~~comprehensive land use plans and development regulations under~~))  
16 conform with all of the requirements of this chapter. However, the  
17 county legislative authority of such a county with a population of less  
18 than fifty thousand population may adopt a resolution removing the  
19 county, and the cities located within the county, from the requirements  
20 of adopting comprehensive land use plans and development regulations  
21 under this chapter if this resolution is adopted and filed with the  
22 department by December 31, 1990, for counties initially meeting this  
23 set of criteria, or within sixty days of the date the office of  
24 financial management certifies that a county meets this set of criteria  
25 under subsection (5) of this section.

26 Once a county meets either of these sets of criteria, the  
27 requirement to conform with ((RCW 36.70A.040 through 36.70A.160)) all  
28 of the requirements of this chapter remains in effect, even if the  
29 county no longer meets one of these sets of criteria.

30 (2) The county legislative authority of any county that does not  
31 meet ((~~the requirements of~~)) either of the sets of criteria established  
32 under subsection (1) of this section may adopt a resolution indicating  
33 its intention to have subsection (1) of this section apply to the  
34 county. Each city, located in a county that chooses to plan under this  
35 subsection, shall ((~~adopt a comprehensive land use plan in accordance~~  
36 ~~with~~)) conform with all of the requirements of this chapter. Once such

1 a resolution has been adopted, the county (~~cannot remove itself from~~)  
2 and the cities located within the county remain subject to all of the  
3 requirements of this chapter.

4 (3) Any county or city that is initially required to (~~adopt a~~  
5 ~~comprehensive land use plan~~) conform with all of the requirements of  
6 this chapter under subsection (1) of this section shall take actions  
7 under this chapter as follows: (a) The county legislative authority  
8 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
9 county legislative authority and governing body of each city located  
10 within the county shall designate critical areas, agricultural lands,  
11 forest lands, and mineral resource lands, and adopt development  
12 regulations conserving these designated lands and protecting these  
13 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the  
14 county legislative authority shall designate and take other actions  
15 related to urban growth areas under RCW 36.70A.110; (d) the county  
16 legislative authority and governing body of each city located within  
17 the county shall adopt ((the)) a comprehensive plan under this chapter  
18 and development regulations that are consistent with and implement the  
19 comprehensive plan on or before July 1, ((1993)) 1994, but a county or  
20 city may obtain an additional six months before it is required to have  
21 adopted its development regulations by submitting a letter notifying  
22 the department of community development of its need prior to the  
23 deadline for adopting both a comprehensive plan and development  
24 regulations.

25 (4) Any county or city that is required to (~~adopt a comprehensive~~  
26 ~~land use plan~~) conform with all the requirements of this chapter, as  
27 a result of the county legislative authority adopting its resolution of  
28 intention under subsection (2) of this section, shall take actions  
29 under this chapter as follows: (a) The county legislative authority  
30 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
31 county legislative authority and governing body of each city that is  
32 located within the county shall adopt development regulations  
33 conserving agricultural lands, forest lands, and mineral resource lands  
34 it designated under RCW 36.70A.060 within one year of the date the  
35 county legislative authority adopts its resolution of intention; (c)  
36 the county legislative authority shall designate and take other actions  
37 related to urban growth areas under RCW 36.70A.110; and (d) the county  
38 legislative authority and governing body of each city that is located  
39 within the county shall adopt ((the)) a comprehensive plan and

1 development regulations that are consistent with and implement the  
2 comprehensive plan not later than ((three)) four years from the date  
3 the county legislative ((body takes action as required by subsection  
4 (2) of this section)) authority adopts its resolution of intention, but  
5 a county or city may obtain an additional six months before it is  
6 required to have adopted its development regulations by submitting a  
7 letter notifying the department of community development of its need  
8 prior to the deadline for adopting both a comprehensive plan and  
9 development regulations.

10 ((4)) (5) If the office of financial management certifies that  
11 the population of a county that previously had not been required to  
12 plan under subsection (1) or (2) of this section has changed  
13 sufficiently to meet either of the ((requirements of)) sets of criteria  
14 specified under subsection (1) of this section, and where applicable,  
15 the county legislative authority has not adopted a resolution removing  
16 the county from these requirements as provided in subsection (1) of  
17 this section, the county and each city within such county shall  
18 ((adopt)) take actions under this chapter as follows: (a) The county  
19 legislative authority shall adopt a county-wide planning policy under  
20 RCW 36.70A.210; (b) the county legislative authority and each city  
21 governing body shall adopt development regulations under RCW 36.70A.060  
22 conserving agricultural lands, forest lands, and mineral resource lands  
23 it designated within one year of the certification by the office of  
24 financial management; ((b)) (c) the county legislative authority  
25 shall designate and take other actions related to urban growth areas  
26 under RCW 36.70A.110; and (d) the county legislative authority and each  
27 city governing body shall adopt a comprehensive land use plan ((under  
28 this chapter)) and development regulations that are consistent with and  
29 implement the comprehensive plan within ((three)) four years of the  
30 certification by the office of financial management((; and (e)  
31 development regulations pursuant to this chapter within one year of  
32 having adopted its comprehensive land use plan)), but a county or city  
33 may obtain an additional six months before it is required to have  
34 adopted its development regulations by submitting a letter notifying  
35 the department of community development of its need prior to the  
36 deadline for adopting both a comprehensive plan and development  
37 regulations.

38 (6) A copy of each document that is required under this section  
39 shall be submitted to the department at the time of its adoption.

1       **Sec. 2.** RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended  
2 to read as follows:

3       (1) Each county that is required or chooses to (~~adopt a~~  
4 ~~comprehensive land use~~) plan under RCW 36.70A.040 shall designate an  
5 urban growth area or areas within which urban growth shall be  
6 encouraged and outside of which growth can occur only if it is not  
7 urban in nature. Each city that is located in such a county shall be  
8 included within an urban growth area. An urban growth area may include  
9 more than a single city. An urban growth area may include territory  
10 that is located outside of a city only if such territory already is  
11 characterized by urban growth or is adjacent to territory already  
12 characterized by urban growth.

13       (2) Based upon the population growth management planning population  
14 projection made for the county by the office of financial management,  
15 the urban growth areas in the county shall include areas and densities  
16 sufficient to permit the urban growth that is projected to occur in the  
17 county for the succeeding twenty-year period. Each urban growth area  
18 shall permit urban densities and shall include greenbelt and open space  
19 areas. Within one year of July 1, 1990, each county (~~required to~~  
20 ~~designate urban growth areas~~) that as of June 1, 1991, was required or  
21 chose to plan under RCW 36.70A.040, shall begin consulting with each  
22 city located within its boundaries and each city shall propose the  
23 location of an urban growth area. Within sixty days of the date the  
24 county legislative authority of a county adopts its resolution of  
25 intention or of certification by the office of financial management,  
26 all other counties that are required or choose to plan under RCW  
27 36.70A.040 shall begin this consultation with each city located within  
28 its boundaries. The county shall attempt to reach agreement with each  
29 city on the location of an urban growth area within which the city is  
30 located. If such an agreement is not reached with each city located  
31 within the urban growth area, the county shall justify in writing why  
32 it so designated the area an urban growth area. A city may object  
33 formally with the department over the designation of the urban growth  
34 area within which it is located. Where appropriate, the department  
35 shall attempt to resolve the conflicts, including the use of mediation  
36 services.

37       (3) Urban growth should be located first in areas already  
38 characterized by urban growth that have existing public facility and  
39 service capacities to serve such development, and second in areas

1 already characterized by urban growth that will be served by a  
2 combination of both existing public facilities and services and any  
3 additional needed public facilities and services that are provided by  
4 either public or private sources. Further, it is appropriate that  
5 urban government services be provided by cities, and urban government  
6 services should not be provided in rural areas.

7 (4) On or before October 1, 1993, each county that was initially  
8 required to plan under RCW 36.70A.040(1) shall designate urban growth  
9 areas under this chapter. Within three years and three months of the  
10 date the county legislative authority of a county adopts its resolution  
11 of intention or of certification by the office of financial management,  
12 all other counties that are required or choose to plan under RCW  
13 36.70A.040 shall designate urban growth areas under this chapter. A  
14 permit or other authorization allowing land use activities not already  
15 vested shall not be issued or approved by a county or city after the  
16 county designates its urban growth areas if the permit or other  
17 authorization is inconsistent with these designations.

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

20 **Sec. 3.** RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each  
21 amended to read as follows:

22 ~~((Within one year of the adoption of its comprehensive plan, each~~  
23 ~~county and city that is required or chooses to plan under RCW~~  
24 ~~36.70A.040 shall enact development regulations that are consistent with~~  
25 ~~and implement the comprehensive plan. These counties and cities)) Each~~  
26 ~~county and city that is required or chooses to plan under RCW~~  
27 36.70A.040 shall perform ((their)) its activities and make capital  
28 budget decisions in conformity with ((their)) its comprehensive  
29 plan((s)).

30 **Sec. 4.** RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to  
31 read as follows:

32 (1) The legislature recognizes that counties are regional  
33 governments within their boundaries, and cities are primary providers  
34 of urban governmental services within urban growth areas. For the  
35 purposes of this section, a "county-wide planning policy" is a written  
36 policy statement or statements used solely for establishing a county-  
37 wide framework from which county and city comprehensive plans are

1 developed and adopted pursuant to this chapter. This framework shall  
2 ensure that city and county comprehensive plans are consistent as  
3 required in RCW 36.70A.100. Nothing in this section shall be construed  
4 to alter the land-use powers of cities. The exercise of the right of  
5 the people to petition for referendum is protected under RCW 4.24.500  
6 through 4.24.520.

7 (2) The legislative authority of a county that plans under RCW  
8 36.70A.040 shall adopt a county-wide planning policy in cooperation  
9 with the cities located in whole or in part within the county as  
10 follows:

11 (a) No later than sixty calendar days from July 16, 1991, the  
12 legislative authority of ~~((the))~~ each county that as of June 1, 1991,  
13 was required or chose to plan under RCW 36.70A.040 shall convene a  
14 meeting with representatives of each city located within the county for  
15 the purpose of establishing a collaborative process that will provide  
16 a framework for the adoption of a county-wide planning policy~~((+))~~. In  
17 other counties that are required or choose to plan under RCW  
18 36.70A.040, this meeting shall be convened no later than sixty days  
19 after the date the county adopts its resolution of intention or was  
20 certified by the office of financial management.

21 (b) The process and framework for adoption of a county-wide  
22 planning policy specified in (a) of this subsection shall determine the  
23 manner in which the county and the cities agree to all procedures and  
24 provisions including but not limited to desired planning policies,  
25 deadlines, ratification of final agreements and demonstration thereof,  
26 and financing, if any, of all activities associated therewith~~((+))~~.

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

31 (d) If there is no agreement by October 1, 1991, in a county that  
32 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,  
33 or if there is no agreement within one hundred twenty days of the date  
34 the county adopted its resolution of intention or was certified by the  
35 office of financial management in any other county that is required or  
36 chooses to plan under RCW 36.70A.040, the governor shall first inquire  
37 of the jurisdictions as to the reason or reasons for failure to reach  
38 an agreement. If the governor deems it appropriate, the governor may  
39 immediately request the assistance of the department of community

1 development to mediate any disputes that preclude agreement. If  
2 mediation is unsuccessful in resolving all disputes that will lead to  
3 agreement, the governor may impose appropriate sanctions from those  
4 specified under RCW 36.70A.340 on the county, city, or cities for  
5 failure to reach an agreement as provided in this section. The  
6 governor shall specify the reason or reasons for the imposition of any  
7 sanction(~~(+and)~~).

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

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

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

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

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

25 (d) Policies for county-wide transportation facilities and  
26 strategies;

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

30 (f) Policies for joint county and city planning within urban growth  
31 areas;

32 (g) Policies for county-wide economic development and employment;  
33 and

34 (h) An analysis of the fiscal impact.

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

1 (5) Failure to adopt a county-wide planning policy that meets the  
2 requirements of this section may result in the imposition of a sanction  
3 or sanctions on a county or city within the county, as specified in RCW  
4 36.70A.340. In imposing a sanction or sanctions, the governor shall  
5 specify the reasons for failure to adopt a county-wide planning policy  
6 in order that any imposed sanction or sanctions are fairly and  
7 equitably related to the failure to adopt a county-wide planning  
8 policy.

9 (6) Cities and the governor may appeal an adopted county-wide  
10 planning policy to the growth planning hearings board within sixty days  
11 of the adoption of the county-wide planning policy.

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

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

20 The governor may impose upon any county or city that is required or  
21 that chooses to plan under RCW 35.70A.040 a sanction or sanctions  
22 specified under RCW 36.70A.340 on: (1) A county or city that fails to  
23 designate critical areas, agricultural lands, forest lands, or mineral  
24 resource lands under RCW 36.70A.170 by the date such action was  
25 required to have been taken; (2) a county or city that fails to adopt  
26 development regulations under RCW 36.70A.060 protecting critical areas  
27 or conserving agricultural lands, forest lands, or mineral resource  
28 lands by the date such action was required to have been taken; (3) a  
29 county that fails to designate urban growth areas under RCW 36.70A.110  
30 by the date such action was required to have been taken; and (4) a  
31 county or city that fails to adopt its comprehensive plan or  
32 development regulations when such actions are required to be taken.

33 Imposition of sanctions under this section shall be preceded by  
34 written findings by the governor that the county or city is not  
35 proceeding in good faith to meet the requirements of the act and that  
36 adequate state funding has been provided to the county or city to  
37 accomplish the goals of the act. A delay caused by an initiative or



1 referendum on subjects covered in chapter ..., Laws of 1993 (this act)  
2 is not an unreasonable delay.

3 **Sec. 6.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
4 amended to read as follows:

5 (1) It is the intent of the legislature:

6 (a) To ensure that adequate facilities are available to serve new  
7 growth and development;

8 (b) To promote orderly growth and development by establishing  
9 standards by which counties, cities, and towns may require, by  
10 ordinance, that new growth and development pay a proportionate share of  
11 the cost of new facilities needed to serve new growth and development;  
12 and

13 (c) To ensure that impact fees are imposed through established  
14 procedures and criteria so that specific developments do not pay  
15 arbitrary fees or duplicative fees for the same impact.

16 (2) Counties, cities, and towns that are required or choose to plan  
17 under RCW 36.70A.040 are authorized to impose impact fees on  
18 development activity as part of the financing for public facilities,  
19 provided that the financing for system improvements to serve new  
20 development must provide for a balance between impact fees and other  
21 sources of public funds and cannot rely solely on impact fees.

22 (3) The impact fees:

23 (a) Shall only be imposed for system improvements that are  
24 reasonably related to the new development;

25 (b) Shall not exceed a proportionate share of the costs of system  
26 improvements that are reasonably related to the new development; and

27 (c) Shall be used for system improvements that will reasonably  
28 benefit the new development.

29 (4) Impact fees may be collected and spent only for the public  
30 facilities defined in RCW 82.02.090 which are addressed by a capital  
31 facilities plan element of a comprehensive land use plan adopted  
32 pursuant to the provisions of RCW 36.70A.070 or the provisions for  
33 comprehensive plan adoption contained in chapter 36.70, 35.63, or  
34 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is  
35 required to adopt its comprehensive plan and development regulations  
36 under chapter 36.70A RCW, continued authorization to collect and expend  
37 impact fees shall be contingent on the county, city, or town adopting

1 or revising a comprehensive plan in compliance with RCW 36.70A.070, and  
2 on the capital facilities plan identifying:

3 (a) Deficiencies in public facilities serving existing development  
4 and the means by which existing deficiencies will be eliminated within  
5 a reasonable period of time;

6 (b) Additional demands placed on existing public facilities by new  
7 development; and

8 (c) Additional public facility improvements required to serve new  
9 development.

10 If the capital facilities plan of the county, city, or town is  
11 complete other than for the inclusion of those elements which are the  
12 responsibility of a special district, the county, city, or town may  
13 impose impact fees to address those public facility needs for which the  
14 county, city, or town is responsible.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and shall take  
18 effect June 1, 1993."

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20 By Committee on Government Operations

21 ADOPTED 4/12/93

22 On page 1, line 2 of the title, after "years;" strike the remainder  
23 of the title and insert "amending RCW 36.70A.040, 36.70A.110,  
24 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter  
25 36.70A RCW; providing an effective date; and declaring an emergency."

--- END ---