

2 **ESHB 1761** - S AMD - 001031

3 By Senators Haugen, Hargrove, Winsley, von Reichbauer and Loveland

4 ADOPTED 4/30/93 - Roll Call Vote 39-7

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 and each city located within the county shall designate critical
10 areas, agricultural lands, forest lands, and mineral resource lands,
11 and adopt development regulations conserving these designated
12 agricultural lands, forest lands, and mineral resource lands and
13 protecting these designated critical areas, under RCW 36.70A.170 and
14 36.70A.060; (c) the county shall designate and take other actions
15 related to urban growth areas under RCW 36.70A.110; (d) if the county
16 has a population of fifty thousand or more, the county and each city
17 located within the county shall adopt ((the)) a comprehensive plan
18 under this chapter and development regulations that are consistent with
19 and implement the comprehensive plan on or before July 1, ((1993))
20 1994, and if the county has a population of less than fifty thousand,
21 the county and each city located within the county shall adopt a
22 comprehensive plan under this chapter and development regulations that
23 are consistent with and implement the comprehensive plan by January 1,
24 1995, but if the governor makes written findings that a county with a
25 population of less than fifty thousand or a city located within such a
26 county is not making reasonable progress toward adopting a
27 comprehensive plan and development regulations the governor may reduce
28 this deadline for such actions to be taken by no more than one hundred
29 eighty days. Any county or city subject to this subsection may obtain
30 an additional six months before it is required to have adopted its
31 development regulations by submitting a letter notifying the department
32 of community development of its need prior to the deadline for adopting
33 both a comprehensive plan and development regulations.

34 (4) Any county or city that is required to (~~adopt a comprehensive~~
35 ~~land use plan~~) conform with all the requirements of this chapter, as
36 a result of the county legislative authority adopting its resolution of
37 intention under subsection (2) of this section, shall take actions
38 under this chapter as follows: (a) The county legislative authority
39 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the

1 county and each city that is located within the county shall adopt
2 development regulations conserving agricultural lands, forest lands,
3 and mineral resource lands it designated under RCW 36.70A.060 within
4 one year of the date the county legislative authority adopts its
5 resolution of intention; (c) the county shall designate and take other
6 actions related to urban growth areas under RCW 36.70A.110; and (d) the
7 county and each city that is located within the county shall adopt
8 ~~((the))~~ a comprehensive plan and development regulations that are
9 consistent with and implement the comprehensive plan not later than
10 ~~((three))~~ four years from the date the county legislative ~~((body takes~~
11 ~~action as required by subsection (2) of this section))~~ authority adopts
12 its resolution of intention, but a county or city may obtain an
13 additional six months before it is required to have adopted its
14 development regulations by submitting a letter notifying the department
15 of community development of its need prior to the deadline for adopting
16 both a comprehensive plan and development regulations.

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

1 before it is required to have adopted its development regulations by
2 submitting a letter notifying the department of community development
3 of its need prior to the deadline for adopting both a comprehensive
4 plan and development regulations.

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

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

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

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

1 formally with the department over the designation of the urban growth
2 area within which it is located. Where appropriate, the department
3 shall attempt to resolve the conflicts, including the use of mediation
4 services.

5 (3) Urban growth should be located first in areas already
6 characterized by urban growth that have existing public facility and
7 service capacities to serve such development, and second in areas
8 already characterized by urban growth that will be served by a
9 combination of both existing public facilities and services and any
10 additional needed public facilities and services that are provided by
11 either public or private sources. Further, it is appropriate that
12 urban government services be provided by cities, and urban government
13 services should not be provided in rural areas.

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

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

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

32 ~~((Within one year of the adoption of its comprehensive plan, each~~
33 ~~county and city that is required or chooses to plan under RCW~~
34 ~~36.70A.040 shall enact development regulations that are consistent with~~
35 ~~and implement the comprehensive plan. These counties and cities)) Each~~
36 county and city that is required or chooses to plan under RCW
37 36.70A.040 shall perform ((their)) its activities and make capital

1 budget decisions in conformity with ~~((their))~~ its comprehensive
2 plan(~~(s)~~).

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

5 (1) The legislature recognizes that counties are regional
6 governments within their boundaries, and cities are primary providers
7 of urban governmental services within urban growth areas. For the
8 purposes of this section, a "county-wide planning policy" is a written
9 policy statement or statements used solely for establishing a county-
10 wide framework from which county and city comprehensive plans are
11 developed and adopted pursuant to this chapter. This framework shall
12 ensure that city and county comprehensive plans are consistent as
13 required in RCW 36.70A.100. Nothing in this section shall be construed
14 to alter the land-use powers of cities.

15 (2) The legislative authority of a county that plans under RCW
16 36.70A.040 shall adopt a county-wide planning policy in cooperation
17 with the cities located in whole or in part within the county as
18 follows:

19 (a) No later than sixty calendar days from July 16, 1991, the
20 legislative authority of ~~((the))~~ each county that as of June 1, 1991,
21 was required or chose to plan under RCW 36.70A.040 shall convene a
22 meeting with representatives of each city located within the county for
23 the purpose of establishing a collaborative process that will provide
24 a framework for the adoption of a county-wide planning policy~~((r))~~. In
25 other counties that are required or choose to plan under RCW
26 36.70A.040, this meeting shall be convened no later than sixty days
27 after the date the county adopts its resolution of intention or was
28 certified by the office of financial management.

29 (b) The process and framework for adoption of a county-wide
30 planning policy specified in (a) of this subsection shall determine the
31 manner in which the county and the cities agree to all procedures and
32 provisions including but not limited to desired planning policies,
33 deadlines, ratification of final agreements and demonstration thereof,
34 and financing, if any, of all activities associated therewith~~((r))~~.

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

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

17 (e) No later than July 1, 1992, the legislative authority of
18 (~~the~~) each county that was required or chose to plan under RCW
19 36.70A.040 as of June 1, 1991, or no later than fourteen months after
20 the date the county adopted its resolution of intention or was
21 certified by the office of financial management the county legislative
22 authority of any other county that is required or chooses to plan under
23 RCW 36.70A.040, shall adopt a county-wide planning policy according to
24 the process provided under this section and that is consistent with the
25 agreement pursuant to (b) of this subsection, and after holding a
26 public hearing or hearings on the proposed county-wide planning policy.

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

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

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

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

34 (d) Policies for county-wide transportation facilities and
35 strategies;

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

1 (f) Policies for joint county and city planning within urban growth
2 areas;

3 (g) Policies for county-wide economic development and employment;
4 and

5 (h) An analysis of the fiscal impact.

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

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

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

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

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

29 The governor may impose a sanction or sanctions specified under RCW
30 36.70A.340 on: (1) A county or city that fails to designate critical
31 areas, agricultural lands, forest lands, or mineral resource lands
32 under RCW 36.70A.170 by the date such action was required to have been
33 taken; (2) a county or city that fails to adopt development regulations
34 under RCW 36.70A.060 protecting critical areas or conserving
35 agricultural lands, forest lands, or mineral resource lands by the date
36 such action was required to have been taken; (3) a county that fails to
37 designate urban growth areas under RCW 36.70A.110 by the date such
38 action was required to have been taken; and (4) a county or city that

1 fails to adopt its comprehensive plan or development regulations when
2 such actions are required to be taken.

3 Imposition of a sanction or sanctions under this section shall be
4 preceded by written findings by the governor, that either the county or
5 city is not proceeding in good faith to meet the requirements of the
6 act; or that the county or city has unreasonably delayed taking the
7 required action. The governor shall consult with and communicate his
8 or her findings to the appropriate growth planning hearings board prior
9 to imposing the sanction or sanctions. For those counties or cities
10 that are not required to plan or have not opted in, the governor in
11 imposing sanctions shall consider the size of the jurisdiction relative
12 to the requirements of this chapter and the degree of technical and
13 financial assistance provided.

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

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

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

19 (b) To promote orderly growth and development by establishing
20 standards by which counties, cities, and towns may require, by
21 ordinance, that new growth and development pay a proportionate share of
22 the cost of new facilities needed to serve new growth and development;
23 and

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

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

33 (3) The impact fees:

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

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

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

3 (4) Impact fees may be collected and spent only for the public
4 facilities defined in RCW 82.02.090 which are addressed by a capital
5 facilities plan element of a comprehensive land use plan adopted
6 pursuant to the provisions of RCW 36.70A.070 or the provisions for
7 comprehensive plan adoption contained in chapter 36.70, 35.63, or
8 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is
9 required to adopt its comprehensive plan and development regulations
10 under chapter 36.70A RCW, continued authorization to collect and expend
11 impact fees shall be contingent on the county, city, or town adopting
12 or revising a comprehensive plan in compliance with RCW 36.70A.070, and
13 on the capital facilities plan identifying:

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

17 (b) Additional demands placed on existing public facilities by new
18 development; and

19 (c) Additional public facility improvements required to serve new
20 development.

21 If the capital facilities plan of the county, city, or town is
22 complete other than for the inclusion of those elements which are the
23 responsibility of a special district, the county, city, or town may
24 impose impact fees to address those public facility needs for which the
25 county, city, or town is responsible.

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

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31 By Senators Haugen, Hargrove, Winsley, von Reichbauer and Loveland

32 ADOPTED 4/30/93 - Roll Call Vote 39-7

33 On page 1, line 2 of the title, after "years;" strike the remainder
34 of the title and insert "amending RCW 36.70A.040, 36.70A.110,

1 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter
2 36.70A RCW; providing an effective date; and declaring an emergency."

--- **END** ---