

2 ESHB 1761 - S COMM AMD

3 By Committee on Government Operations

4

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.

5 (2) The legislative authority of a county that plans under RCW
6 36.70A.040 shall adopt a county-wide planning policy in cooperation
7 with the cities located in whole or in part within the county as
8 follows:

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

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

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

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

1 agreement, the governor may impose appropriate sanctions from those
2 specified under RCW 36.70A.340 on the county, city, or cities for
3 failure to reach an agreement as provided in this section. The
4 governor shall specify the reason or reasons for the imposition of any
5 sanction(~~(+and)~~).

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

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

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

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

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

23 (d) Policies for county-wide transportation facilities and
24 strategies;

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

28 (f) Policies for joint county and city planning within urban growth
29 areas;

30 (g) Policies for county-wide economic development and employment;
31 and

32 (h) An analysis of the fiscal impact.

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

37 (5) Failure to adopt a county-wide planning policy that meets the
38 requirements of this section may result in the imposition of a sanction
39 or sanctions on a county or city within the county, as specified in RCW

1 36.70A.340. In imposing a sanction or sanctions, the governor shall
2 specify the reasons for failure to adopt a county-wide planning policy
3 in order that any imposed sanction or sanctions are fairly and
4 equitably related to the failure to adopt a county-wide planning
5 policy.

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

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

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

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

29 Imposition of sanctions under this section shall be preceded by
30 written findings by the governor that the county or city is not
31 proceeding in good faith to meet the requirements of the act and that
32 adequate state funding has been provided to the county or city to
33 accomplish the goals of the act.

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

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

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

3 (b) To promote orderly growth and development by establishing
4 standards by which counties, cities, and towns may require, by
5 ordinance, that new growth and development pay a proportionate share of
6 the cost of new facilities needed to serve new growth and development;
7 and

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

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

17 (3) The impact fees:

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

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

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

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

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

38 (b) Additional demands placed on existing public facilities by new
39 development; and

1 (c) Additional public facility improvements required to serve new
2 development.

3 If the capital facilities plan of the county, city, or town is
4 complete other than for the inclusion of those elements which are the
5 responsibility of a special district, the county, city, or town may
6 impose impact fees to address those public facility needs for which the
7 county, city, or town is responsible.

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

12 **ESHB 1761** - S COMM AMD
13 By Committee on Government Operations

14

15 On page 1, line 2 of the title, after "years;" strike the remainder
16 of the title and insert "amending RCW 36.70A.040, 36.70A.110,
17 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter
18 36.70A RCW; providing an effective date; and declaring an emergency."

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