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**SUBSTITUTE HOUSE BILL 3163**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Simpson, Schindler, Chase and Upthegrove)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to the role of fire protection districts and water-  
2 sewer districts in growth management planning; and amending RCW  
3 36.70A.150 and 36.70A.210.

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

5 **Sec. 1.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to  
6 read as follows:

7 Each county and city that is required or chooses to prepare a  
8 comprehensive land use plan under RCW 36.70A.040 shall identify lands  
9 useful for public purposes such as utility corridors, transportation  
10 corridors, landfills, sewage treatment facilities, storm water  
11 management facilities, recreation, schools, and other public uses. The  
12 county shall work with the state (~~and the~~), cities, and fire  
13 districts and water-sewer districts within its borders to identify  
14 areas of shared need for public facilities. The jurisdictions within  
15 the county shall prepare a prioritized list of lands necessary for the  
16 identified public uses including an estimated date by which the  
17 acquisition will be needed.

18 The respective capital acquisition budgets for each jurisdiction  
19 shall reflect the jointly agreed upon priorities and time schedule.

1       **Sec. 2.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read  
2 as follows:

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

13       (2) The legislative authority of a county that plans under RCW  
14 36.70A.040 shall adopt a county-wide planning policy in cooperation  
15 with the cities located in whole or in part within the county as  
16 follows:

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

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

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

37       (d) If there is no agreement by October 1, 1991, in a county that  
38 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,

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

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

25 (f) A county adopting or amending a county-wide planning policy  
26 after August 1, 2006, must invite fire districts and water-sewer  
27 districts within the county to participate in discussions pertaining to  
28 service provision issues or policies of these districts that are  
29 included in any proposed or amended county-wide planning policies.

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

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

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

35 (c) Policies for siting public capital facilities of a county-wide  
36 or statewide nature, including transportation facilities of statewide  
37 significance as defined in RCW 47.06.140;

1 (d) Policies for county-wide transportation facilities and  
2 strategies;

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

6 (f) Policies for joint county and city planning within urban growth  
7 areas;

8 (g) Policies for county-wide economic development and employment;  
9 and

10 (h) An analysis of the fiscal impact.

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

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

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

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

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