**2023-S.E AMS LGOV S2476.1 - NOT FOR FLOOR USE**

**ESHB 2023** - S COMM AMD

By Committee on Local Government

**ADOPTED AS AMENDED 04/12/2017**

Strike everything after the enacting clause and insert the following:

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

The initial effective date of an action that amends the locally adopted critical areas ordinance, amends a locally adopted shoreline master program, adds the designation of agricultural, forest, or mineral lands designated under RCW 36.70A.170, reduces a limited area of more intensive rural development designated under RCW 36.70A.070(5), reduces density or increases minimum lot size requirements, or could result in uncompensated taking of private property or significant economic impacts as identified through the analysis conducted under section 2 of this act, is after the latest of the following dates:

(1) Sixty days after the date of publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation; or

(2) If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.

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

(1) PRIVATE PROPERTY TAKING IMPACT ANALYSIS. To the fullest extent possible, the policies, rules, and public laws interpreting the growth management act shall be interpreted and administered by local governments in accordance with the policies under this chapter. All state and local agencies shall complete a private property taking impact analysis before issuing or adopting any rule, policy, regulation, or related agency action which is likely to result in a taking of private property.

(a) A private property taking impact analysis is a written statement that includes:

(i) The specific purpose of the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(ii) An assessment of the likelihood that a taking of private property will occur under the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action;

(iii) An evaluation of whether the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action is likely to require compensation to private property owners;

(iv) Alternatives to the rule, policy, regulation, proposal, recommendation, or related agency action that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur;

(v) An estimate of the potential liability of the agency, if the agency is required to compensate a private property owner; and

(vi) Whether enforcement of the rule, ordinance, policy, regulation, proposal, recommendation, or related agency action could reasonably be construed to require an uncompensated taking of private property as defined by this chapter.

(b) Each agency shall provide an analysis as part of any proposed rule, ordinance, policy, regulation, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, regulation, proposal, recommendation, or related action prior to adoption.

(2) ECONOMIC IMPACT ANALYSIS. All local governments shall complete an economic impact analysis before issuing or adopting any policy, rule, resolution, ordinance, or related department action pursuant to section 1 of this act which may economically impact the citizens of that jurisdiction.

(a) An economic impact analysis is a written statement that includes:

(i) The specific purpose of the rule, policy, regulation, legislative bill, proposal, recommendation, or related agency action;

(ii) An assessment of the economic impacts likely to occur as a result of the rule, policy, regulation, proposal, resolution, ordinance, recommendation, or related agency action. The economic assessment shall consider impacts to individual property owners and impacts to the affected jurisdictions economy; and

(iii) Alternatives to the rule, policy, resolution, ordinance, proposal, recommendation, or related agency action that would achieve the intended purpose and lessen the economic impacts that are likely to occur.

(b) Each agency shall provide an analysis as part of any proposed rule, policy, resolution, ordinance, proposal, recommendation, or related agency action and submit the analysis to the board of county commissioners, in affected jurisdictions, in conjunction with a proposed rule, policy, resolution, ordinance, proposal, recommendation, or related agency action prior to adoption.

(3) An agency shall make each private property taking impact analysis, economic impact analysis, or both, available to the public."

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On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "and adding new sections to chapter 36.70A RCW."

EFFECT: Provides that additional actions are subject to the effective date timeline, including actions that reduce density or increase lot size requirements and actions that could result in uncompensated taking of private property or significant economic impacts. Eliminates the provision that allows a comprehensive plan to be amended to comply with water resource protection requirements and have an immediate effective date. Requires state and local agencies to complete a private property taking impact analysis before taking an action likely to result in a taking of private property. Requires that local governments complete an economic impact analysis before taking an action that may economically impact citizens. Requires the private property taking impact analysis and the economic impact analysis to be submitted to the board of county commissioners and available to members of the public.