
HOUSE BILL 1728

State of Washington

54th Legislature

1995 Regular Session

By Representatives Cooke, Chandler, Boldt, Dellwo, Chappell, Clements, Jacobsen, Robertson and Mastin

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1 AN ACT Relating to linking growth management with water
2 inventories; amending RCW 36.70A.010, 36.70A.020, 36.70A.040,
3 36.70A.070, 36.70A.110, and 36.70A.210; reenacting and amending RCW
4 36.70A.030; adding a new section to chapter 36.70A RCW; and creating a
5 new section.

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

7 **Sec. 1.** RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1 are each
8 amended to read as follows:

9 The legislature finds that uncoordinated and unplanned growth with
10 its relentless demands on our finite water supplies leading to major
11 shortfalls in our water uses, together with a lack of common goals
12 expressing the public's interest in the conservation and the wise use
13 of our lands and waters, pose a threat to the environment, sustainable
14 economic development, and the health, safety, and high quality of life
15 enjoyed by residents of this state. It is in the public interest that
16 citizens, communities, local governments, and the private sector
17 cooperate and coordinate with one another in comprehensive land use
18 planning. Further, the legislature finds that it is in the public
19 interest that economic development programs be shared with communities

1 experiencing insufficient economic growth provided prospective growth
2 is coordinated with each community's obtainable water inventories.

3 **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
4 amended to read as follows:

5 The following goals are adopted to guide the development and
6 adoption of comprehensive plans and development regulations of those
7 counties and cities that are required or choose to plan under RCW
8 36.70A.040. The following goals are not listed in order of priority
9 and shall be used exclusively for the purpose of guiding the
10 development of comprehensive plans and development regulations:

11 (1) Urban growth. Encourage development in urban areas where
12 adequate public facilities and services exist or can be provided in an
13 efficient manner.

14 (2) Reduce sprawl. Reduce the inappropriate conversion of
15 undeveloped land into sprawling, low-density development.

16 (3) Transportation. Encourage efficient multimodal transportation
17 systems that are based on regional priorities and coordinated with
18 county and city comprehensive plans.

19 (4) Housing. Encourage the availability of affordable housing to
20 all economic segments of the population of this state, promote a
21 variety of residential densities and housing types, and encourage
22 preservation of existing housing stock.

23 (5) Economic development. Encourage economic development
24 throughout the state that is consistent with adopted comprehensive
25 plans, promote economic opportunity for all citizens of this state,
26 especially for unemployed and for disadvantaged persons, and encourage
27 growth in areas experiencing insufficient economic growth, all within
28 the capacities of the state's natural resources, public services, and
29 public facilities.

30 (6) Property rights. Private property shall not be taken for
31 public use without just compensation having been made. The property
32 rights of landowners shall be protected from arbitrary and
33 discriminatory actions.

34 (7) Permits. Applications for both state and local government
35 permits should be processed in a timely and fair manner to ensure
36 predictability.

37 (8) Natural resource industries. Maintain and enhance natural
38 resource-based industries, including productive timber, agricultural,

1 and fisheries industries. Encourage the conservation of productive
2 forest lands and productive agricultural lands, and discourage
3 incompatible uses.

4 (9) Open space and recreation. Encourage the retention of open
5 space and development of recreational opportunities, conserve fish and
6 wildlife habitat, increase access to natural resource lands and water,
7 and develop parks.

8 (10) Environment. Protect the environment and enhance the state's
9 high quality of life, including air and water quality, and the
10 availability of water.

11 (11) Citizen participation and coordination. Encourage the
12 involvement of citizens in the planning process and ensure coordination
13 between communities and jurisdictions to reconcile conflicts.

14 (12) Public facilities and services. Ensure that those public
15 facilities and services necessary to support development shall be
16 adequate to serve the development at the time the development is
17 available for occupancy and use without decreasing current service
18 levels below locally established minimum standards.

19 (13) Historic preservation. Identify and encourage the
20 preservation of lands, sites, and structures, that have historical or
21 archaeological significance.

22 (14) Water supplies. Ensure that growth within a common watershed
23 shall not interfere with existing instream and out-of-stream water
24 uses, nor with present ground water uses.

25 **Sec. 3.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are
26 each reenacted and amended to read as follows:

27 Unless the context clearly requires otherwise, the definitions in
28 this section apply throughout this chapter.

29 (1) "Adopt a comprehensive land use plan" means to enact a new
30 comprehensive land use plan or to update an existing comprehensive land
31 use plan.

32 (2) "Agricultural land" means land primarily devoted to the
33 commercial production of horticultural, viticultural, floricultural,
34 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
35 straw, turf, seed, Christmas trees not subject to the excise tax
36 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
37 hatcheries, or livestock, and that has long-term commercial
38 significance for agricultural production.

1 (3) "City" means any city or town, including a code city.

2 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
3 means a generalized coordinated land use policy statement of the
4 governing body of a county or city that is adopted pursuant to this
5 chapter.

6 (5) "Conditional water" means supplies of fresh water that might:

7 (a) Be piped in from sources outside the county;

8 (b) Be developed from research or updated engineering methods;

9 (c) Result from modifications in existing water rights or
10 allocation programs, by adjudication or other means, or from newly
11 issued water rights or new data on water inventories or obtainability.
12 Such modifications may result in increased or decreased amounts.

13 (6) "Critical areas" include the following areas and ecosystems:

14 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
15 used for potable water; (c) fish and wildlife habitat conservation
16 areas; (d) frequently flooded areas; and (e) geologically hazardous
17 areas.

18 ((+6)) (7) "Department" means the department of community, trade,
19 and economic development.

20 ((+7)) (8) For purposes of RCW 36.70A.065 and 36.70A.440,
21 "development permit application" means any application for a
22 development proposal for a use that could be permitted under a plan
23 adopted pursuant to this chapter and is consistent with the underlying
24 land use and zoning, including but not limited to building permits,
25 subdivisions, binding site plans, planned unit developments,
26 conditional uses or other applications pertaining to land uses, but
27 shall not include rezones, proposed amendments to comprehensive plans
28 or the adoption or amendment of development regulations.

29 ((+8)) (9) "Development regulations" means any controls placed on
30 development or land use activities by a county or city, including, but
31 not limited to, zoning ordinances, official controls, planned unit
32 development ordinances, subdivision ordinances, and binding site plan
33 ordinances.

34 ((+9)) (10) "Forest land" means land primarily devoted to growing
35 trees for long-term commercial timber production on land that can be
36 economically and practically managed for such production, including
37 Christmas trees subject to the excise tax imposed under RCW 84.33.100
38 through 84.33.140, and that has long-term commercial significance. In
39 determining whether forest land is primarily devoted to growing trees

1 for long-term commercial timber production on land that can be
2 economically and practically managed for such production, the following
3 factors shall be considered: (a) The proximity of the land to urban,
4 suburban, and rural settlements; (b) surrounding parcel size and the
5 compatibility and intensity of adjacent and nearby land uses; (c) long-
6 term local economic conditions that affect the ability to manage for
7 timber production; and (d) the availability of public facilities and
8 services conducive to conversion of forest land to other uses.

9 ~~((10))~~ (11) "Geologically hazardous areas" means areas that
10 because of their susceptibility to erosion, sliding, earthquake, or
11 other geological events, are not suited to the siting of commercial,
12 residential, or industrial development consistent with public health or
13 safety concerns.

14 ~~((11))~~ (12) "Growth water" is the amount of total water a county
15 has obtainable beyond its existing economic, population, and municipal
16 water requirements, with which to plan, implement, and sustain growth,
17 as determined through the growth water availability formula under RCW
18 36.70A.070(1).

19 (13) "Long-term commercial significance" includes the growing
20 capacity, productivity, and soil composition of the land for long-term
21 commercial production, in consideration with the land's proximity to
22 population areas, and the possibility of more intense uses of the land.

23 ~~((12))~~ (14) "Minerals" include gravel, sand, and valuable
24 metallic substances.

25 ~~((13))~~ (15) "Public facilities" include streets, roads, highways,
26 sidewalks, street and road lighting systems, traffic signals, domestic
27 water systems, storm and sanitary sewer systems, parks and recreational
28 facilities, and schools.

29 ~~((14))~~ (16) "Public services" include fire protection and
30 suppression, law enforcement, public health, education, recreation,
31 environmental protection, and other governmental services.

32 ~~((15))~~ (17) "Urban growth" refers to growth that makes intensive
33 use of land for the location of buildings, structures, and impermeable
34 surfaces to such a degree as to be incompatible with the primary use of
35 such land for the production of food, other agricultural products, or
36 fiber, or the extraction of mineral resources. When allowed to spread
37 over wide areas, urban growth typically requires urban governmental
38 services. "Characterized by urban growth" refers to land having urban

1 growth located on it, or to land located in relationship to an area
2 with urban growth on it as to be appropriate for urban growth.

3 ~~((+16+))~~ (18) "Urban growth areas" means those areas designated by
4 a county pursuant to RCW 36.70A.110.

5 ~~((+17+))~~ (19) "Urban governmental services" include those
6 governmental services historically and typically delivered by cities,
7 and include storm and sanitary sewer systems, domestic water systems,
8 street cleaning services, fire and police protection services, public
9 transit services, and other public utilities associated with urban
10 areas and normally not associated with nonurban areas.

11 ~~((+18+))~~ (20) "Wetland" or "wetlands" means areas that are
12 inundated or saturated by surface water or ground water at a frequency
13 and duration sufficient to support, and that under normal circumstances
14 do support, a prevalence of vegetation typically adapted for life in
15 saturated soil conditions. Wetlands generally include swamps, marshes,
16 bogs, and similar areas. Wetlands do not include those artificial
17 wetlands intentionally created from nonwetland sites, including, but
18 not limited to, irrigation and drainage ditches, grass-lined swales,
19 canals, detention facilities, wastewater treatment facilities, farm
20 ponds, and landscape amenities. However, wetlands may include those
21 artificial wetlands intentionally created from nonwetland areas created
22 to mitigate conversion of wetlands, if permitted by the county or city.

23 **Sec. 4.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
24 read as follows:

25 (1) Each county that has both a population of fifty thousand or
26 more and has had its population increase by more than ten percent in
27 the previous ten years, and the cities located within such county, and
28 any other county regardless of its population that has had its
29 population increase by more than twenty percent in the previous ten
30 years, and the cities located within such county, shall conform with
31 all of the requirements of this chapter. However, the county
32 legislative authority of such a county with a population of less than
33 fifty thousand population may adopt a resolution removing the county,
34 and the cities located within the county, from the requirements of
35 adopting comprehensive land use plans and development regulations under
36 this chapter if this resolution is adopted and filed with the
37 department by December 31, 1990, for counties initially meeting this
38 set of criteria, or within sixty days of the date the office of

1 financial management certifies that a county meets this set of criteria
2 under subsection (5) of this section.

3 Once a county meets either of these sets of criteria, the
4 requirement to conform with all of the requirements of this chapter
5 remains in effect, even if the county no longer meets one of these sets
6 of criteria.

7 (2) The county legislative authority of any county that does not
8 meet either of the sets of criteria established under subsection (1) of
9 this section may adopt a resolution indicating its intention to have
10 subsection (1) of this section apply to the county. Each city, located
11 in a county that chooses to plan under this subsection, shall conform
12 with all of the requirements of this chapter. Once such a resolution
13 has been adopted, the county and the cities located within the county
14 remain subject to all of the requirements of this chapter.

15 (3) Any county or city that is initially required to conform with
16 all of the requirements of this chapter under subsection (1) of this
17 section shall take actions under this chapter as follows: (a) The
18 county legislative authority shall adopt a county-wide planning policy
19 under RCW 36.70A.210; (b) the county and each city located within the
20 county shall designate critical areas, agricultural lands, forest
21 lands, and mineral resource lands, and adopt development regulations
22 conserving these designated agricultural lands, forest lands, and
23 mineral resource lands and protecting these designated critical areas,
24 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
25 take other actions related to urban growth areas under RCW 36.70A.110;
26 (d) if the county has a population of fifty thousand or more, the
27 county and each city located within the county shall adopt a
28 comprehensive plan under this chapter and development regulations that
29 are consistent with and implement the comprehensive plan on or before
30 July 1, 1994, and if the county has a population of less than fifty
31 thousand, the county and each city located within the county shall
32 adopt a comprehensive plan under this chapter and development
33 regulations that are consistent with and implement the comprehensive
34 plan by January 1, 1995, but if the governor makes written findings
35 that a county with a population of less than fifty thousand or a city
36 located within such a county is not making reasonable progress toward
37 adopting a comprehensive plan and development regulations the governor
38 may reduce this deadline for such actions to be taken by no more than
39 one hundred eighty days. Any county or city subject to this subsection

1 may obtain an additional six months before it is required to have
2 adopted its development regulations by submitting a letter notifying
3 the department of community, trade, and economic development of its
4 need prior to the deadline for adopting both a comprehensive plan and
5 development regulations.

6 (4) Any county or city that is required to conform with all the
7 requirements of this chapter, as a result of the county legislative
8 authority adopting its resolution of intention under subsection (2) of
9 this section, shall take actions under this chapter as follows: (a)
10 The county legislative authority shall adopt a county-wide planning
11 policy under RCW 36.70A.210; (b) the county and each city that is
12 located within the county shall adopt development regulations
13 conserving agricultural lands, forest lands, and mineral resource lands
14 it designated under RCW 36.70A.060 within one year of the date the
15 county legislative authority adopts its resolution of intention; (c)
16 the county shall designate and take other actions related to urban
17 growth areas under RCW 36.70A.110; and (d) the county and each city
18 that is located within the county shall adopt a comprehensive plan and
19 development regulations that are consistent with and implement the
20 comprehensive plan not later than four years from the date the county
21 legislative authority adopts its resolution of intention, but a county
22 or city may obtain an additional six months before it is required to
23 have adopted its development regulations by submitting a letter
24 notifying the department of community, trade, and economic development
25 of its need prior to the deadline for adopting both a comprehensive
26 plan and development regulations.

27 (5) If the office of financial management certifies that the
28 population of a county that previously had not been required to plan
29 under subsection (1) or (2) of this section has changed sufficiently to
30 meet either of the sets of criteria specified under subsection (1) of
31 this section, and where applicable, the county legislative authority
32 has not adopted a resolution removing the county from these
33 requirements as provided in subsection (1) of this section, the county
34 and each city within such county shall take actions under this chapter
35 as follows: (a) The county legislative authority shall adopt a county-
36 wide planning policy under RCW 36.70A.210; (b) the county and each city
37 located within the county shall adopt development regulations under RCW
38 36.70A.060 conserving agricultural lands, forest lands, and mineral
39 resource lands it designated within one year of the certification by

1 the office of financial management; (c) the county shall designate and
2 take other actions related to urban growth areas under RCW 36.70A.110;
3 and (d) the county and each city located within the county shall adopt
4 a comprehensive land use plan and development regulations that are
5 consistent with and implement the comprehensive plan within four years
6 of the certification by the office of financial management, but a
7 county or city may obtain an additional six months before it is
8 required to have adopted its development regulations by submitting a
9 letter notifying the department of community, trade, and economic
10 development of its need prior to the deadline for adopting both a
11 comprehensive plan and development regulations.

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

14 **Sec. 5.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
15 amended to read as follows:

16 The comprehensive plan of a county or city that is required or
17 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
18 and descriptive text covering objectives, principles, and standards
19 used to develop the comprehensive plan. The plan shall be an
20 internally consistent document and all elements shall be consistent
21 with the future land use map. A comprehensive plan shall be adopted
22 and amended with public participation as provided in RCW 36.70A.140.

23 Each comprehensive plan shall include a plan, scheme, or design for
24 each of the following:

25 (1) A land use element designating the proposed general
26 distribution and general location and extent of the uses of land, where
27 appropriate, for agriculture, timber production, housing, commerce,
28 industry, recreation, open spaces, public utilities, public facilities,
29 and other land uses. The land use element shall include population
30 densities, building intensities, and ~~((estimates of future population~~
31 ~~growth))~~ the coordination of economic, population, and municipal
32 growths with a growth water availability formula whereby:

33 (a) The department of ecology or its successor agency computes the
34 surface and ground water inventory presently obtainable year-round from
35 the watershed or watersheds of the county and, where a water resource
36 traverses or services more than one county, the department or its
37 successor agency apportions reasonably those inventories between those
38 counties;

1 (b) The county acting only in liaison and moderator capacities,
2 oversees its cities, water districts, and other water purveyors in
3 mutually deducting from this inventory all existing certified water
4 rights and allocation programs, and all exempt and nonexempt well
5 withdrawal rates and other official use requirements including
6 municipal needs, all adjusted for applicable conservation factors;

7 (c) The cities, water districts, and other water purveyors mutually
8 allocate between themselves the unappropriated remainder of this
9 inventory and, if none, all growth is postponed until conditional water
10 becomes operative;

11 (d) From these allocations, each jurisdiction independently plans
12 its own patterns and rates of economic and population growths, and any
13 expanded municipal needs, all calculated based on its customary water
14 usage experiences for each growth segment; each segment to be adjusted
15 for applicable conservation factors;

16 (e) Any conditional water that might over time accrue to a city or
17 a water purveyor pursuant to RCW 36.70A.030(5) is to be designated to
18 or between the entity or entities in proportion to the degree of
19 participation in the event.

20 The land use element shall provide for protection of the quality
21 and quantity of the surface water and ground water used for public
22 water supplies. Where applicable, the land use element shall review
23 drainage, flooding, and storm water run-off in the area and nearby
24 jurisdictions and provide guidance for corrective actions to mitigate
25 or cleanse those discharges that pollute waters of the state, including
26 Puget Sound or waters entering Puget Sound.

27 (2) A housing element recognizing the vitality and character of
28 established residential neighborhoods that: (a) Includes an inventory
29 and analysis of existing and projected housing needs; (b) includes a
30 statement of goals, policies, and objectives for the preservation,
31 improvement, and development of housing; (c) identifies sufficient land
32 for housing, including, but not limited to, government-assisted
33 housing, housing for low-income families, manufactured housing,
34 multifamily housing, and group homes and foster care facilities; and
35 (d) makes adequate provisions for existing and projected needs of all
36 economic segments of the community.

37 (3) A capital facilities plan element consisting of: (a) An
38 inventory of existing capital facilities owned by public entities,
39 showing the locations and capacities of the capital facilities; (b) a

1 forecast of the future needs for such capital facilities; (c) the
2 proposed locations and capacities of expanded or new capital
3 facilities; (d) at least a six-year plan that will finance such capital
4 facilities within projected funding capacities and clearly identifies
5 sources of public money for such purposes; and (e) a requirement to
6 reassess the land use element if probable funding falls short of
7 meeting existing needs and to ensure that the land use element, capital
8 facilities plan element, and financing plan within the capital
9 facilities plan element are coordinated and consistent.

10 (4) A utilities element consisting of the general location,
11 proposed location, and capacity of all existing and proposed utilities,
12 including, but not limited to, electrical lines, telecommunication
13 lines, and natural gas lines.

14 (5) Counties shall include a rural element including lands that are
15 not designated for urban growth, agriculture, forest, or mineral
16 resources. The rural element shall permit land uses that are
17 compatible with the rural character of such lands and provide for a
18 variety of rural densities.

19 (6) A transportation element that implements, and is consistent
20 with, the land use element. The transportation element shall include
21 the following subelements:

22 (a) Land use assumptions used in estimating travel;

23 (b) Facilities and services needs, including:

24 (i) An inventory of air, water, and land transportation facilities
25 and services, including transit alignments, to define existing capital
26 facilities and travel levels as a basis for future planning;

27 (ii) Level of service standards for all arterials and transit
28 routes to serve as a gauge to judge performance of the system. These
29 standards should be regionally coordinated;

30 (iii) Specific actions and requirements for bringing into
31 compliance any facilities or services that are below an established
32 level of service standard;

33 (iv) Forecasts of traffic for at least ten years based on the
34 adopted land use plan to provide information on the location, timing,
35 and capacity needs of future growth;

36 (v) Identification of system expansion needs and transportation
37 system management needs to meet current and future demands;

38 (c) Finance, including:

1 (i) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (ii) A multiyear financing plan based on the needs identified in
4 the comprehensive plan, the appropriate parts of which shall serve as
5 the basis for the six-year street, road, or transit program required by
6 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
7 35.58.2795 for public transportation systems;

8 (iii) If probable funding falls short of meeting identified needs,
9 a discussion of how additional funding will be raised, or how land use
10 assumptions will be reassessed to ensure that level of service
11 standards will be met;

12 (d) Intergovernmental coordination efforts, including an assessment
13 of the impacts of the transportation plan and land use assumptions on
14 the transportation systems of adjacent jurisdictions;

15 (e) Demand-management strategies.

16 After adoption of the comprehensive plan by jurisdictions required
17 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
18 must adopt and enforce ordinances which prohibit development approval
19 if the development causes the level of service on a transportation
20 facility to decline below the standards adopted in the transportation
21 element of the comprehensive plan, unless transportation improvements
22 or strategies to accommodate the impacts of development are made
23 concurrent with the development. These strategies may include
24 increased public transportation service, ride sharing programs, demand
25 management, and other transportation systems management strategies.
26 For the purposes of this subsection (6) "concurrent with the
27 development" shall mean that improvements or strategies are in place at
28 the time of development, or that a financial commitment is in place to
29 complete the improvements or strategies within six years.

30 The transportation element described in this subsection, and the
31 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
32 counties, and RCW 35.58.2795 for public transportation systems, must be
33 consistent.

34 **Sec. 6.** RCW 36.70A.110 and 1994 c 249 s 27 are each amended to
35 read as follows:

36 (1) Each county that is required or chooses to plan under RCW
37 36.70A.040 shall designate an urban growth area or areas within which
38 urban growth shall be encouraged and outside of which growth can occur

1 only if it is not urban in nature. Each city that is located in such
2 a county shall be included within an urban growth area. An urban
3 growth area may include more than a single city. An urban growth area
4 may include territory that is located outside of a city only if such
5 territory already is characterized by urban growth or is adjacent to
6 territory already characterized by urban growth.

7 (2) (~~Based upon the population growth management planning~~
8 ~~population projection made for the county by the office of financial~~
9 ~~management, the urban growth areas in the county shall include areas~~
10 ~~and densities sufficient to permit the urban growth that is projected~~
11 ~~to occur in the county for the succeeding twenty year period.)) The
12 growth within the urban growth areas in the county, and growth outside
13 the urban growth area boundaries shall be coordinated with the growth
14 water availability formula under RCW 36.70A.070(1). Each urban growth
15 area shall permit urban densities and shall include greenbelt and open
16 space areas. Within one year of July 1, 1990, each county that as of
17 June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall
18 begin consulting with each city located within its boundaries and each
19 city shall propose the location of an urban growth area. Within sixty
20 days of the date the county legislative authority of a county adopts
21 its resolution of intention or of certification by the office of
22 financial management, all other counties that are required or choose to
23 plan under RCW 36.70A.040 shall begin this consultation with each city
24 located within its boundaries. The county shall attempt to reach
25 agreement with each city on the location of an urban growth area within
26 which the city is located. If such an agreement is not reached with
27 each city located within the urban growth area, the county shall
28 justify in writing why it so designated the area an urban growth area.
29 A city may object formally with the department over the designation of
30 the urban growth area within which it is located. Where appropriate,
31 the department shall attempt to resolve the conflicts, including the
32 use of mediation services.~~

33 (3) Urban growth should be located first in areas already
34 characterized by urban growth that have existing public facility and
35 service capacities to serve such development, and second in areas
36 already characterized by urban growth that will be served by a
37 combination of both existing public facilities and services and any
38 additional needed public facilities and services that are provided by
39 either public or private sources. Further, it is appropriate that

1 urban government services be provided by cities, and urban government
2 services should not be provided in rural areas.

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

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

19 **Sec. 7.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
20 read as follows:

21 (1) The legislature recognizes that counties are regional
22 governments within their boundaries, and cities are primary providers
23 of urban governmental services within urban growth areas. For the
24 purposes of this section, a "county-wide planning policy" is a written
25 policy statement or statements used solely for establishing a county-
26 wide framework from which county and city comprehensive plans are
27 developed and adopted pursuant to this chapter. This framework shall
28 ensure that city and county comprehensive plans are consistent as
29 required in RCW 36.70A.100. Nothing in this section shall be construed
30 to alter the land-use powers of cities.

31 (2) The legislative authority of a county that plans under RCW
32 36.70A.040 shall adopt a county-wide planning policy in cooperation
33 with the cities located in whole or in part within the county as
34 follows:

35 (a) No later than sixty calendar days from July 16, 1991, the
36 legislative authority of each county that as of June 1, 1991, was
37 required or chose to plan under RCW 36.70A.040 shall convene a meeting
38 with representatives of each city located within the county for the

1 purpose of establishing a collaborative process that will provide a
2 framework for the adoption of a county-wide planning policy. In other
3 counties that are required or choose to plan under RCW 36.70A.040, this
4 meeting shall be convened no later than sixty days after the date the
5 county adopts its resolution of intention or was certified by the
6 office of financial management.

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

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

17 (d) If there is no agreement by October 1, 1991, in a county that
18 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
19 or if there is no agreement within one hundred twenty days of the date
20 the county adopted its resolution of intention or was certified by the
21 office of financial management in any other county that is required or
22 chooses to plan under RCW 36.70A.040, the governor shall first inquire
23 of the jurisdictions as to the reason or reasons for failure to reach
24 an agreement. If the governor deems it appropriate, the governor may
25 immediately request the assistance of the department of community,
26 trade, and economic development to mediate any disputes that preclude
27 agreement. If mediation is unsuccessful in resolving all disputes that
28 will lead to agreement, the governor may impose appropriate sanctions
29 from those specified under RCW 36.70A.340 on the county, city, or
30 cities for failure to reach an agreement as provided in this section.
31 The governor shall specify the reason or reasons for the imposition of
32 any sanction.

33 (e) No later than July 1, 1992, the legislative authority of each
34 county that was required or chose to plan under RCW 36.70A.040 as of
35 June 1, 1991, or no later than fourteen months after the date the
36 county adopted its resolution of intention or was certified by the
37 office of financial management the county legislative authority of any
38 other county that is required or chooses to plan under RCW 36.70A.040,
39 shall adopt a county-wide planning policy according to the process

1 provided under this section and that is consistent with the agreement
2 pursuant to (b) of this subsection, and after holding a public hearing
3 or hearings on the proposed county-wide planning policy.

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

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

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

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

11 (d) Policies for county-wide transportation facilities and
12 strategies;

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

16 (f) Policies for joint county and city planning within urban growth
17 areas;

18 (g) Policies for county-wide economic development and employment;
19 (~~and~~)

20 (h) An analysis of the fiscal impact; and

21 (i) Policies for implementing the growth water availability formula
22 under RCW 36.70A.070(1).

23 (4) Federal agencies and Indian tribes may participate in and
24 cooperate with the county-wide planning policy adoption process.
25 Adopted county-wide planning policies shall be adhered to by state
26 agencies.

27 (5) Failure to adopt a county-wide planning policy that meets the
28 requirements of this section may result in the imposition of a sanction
29 or sanctions on a county or city within the county, as specified in RCW
30 36.70A.340. In imposing a sanction or sanctions, the governor shall
31 specify the reasons for failure to adopt a county-wide planning policy
32 in order that any imposed sanction or sanctions are fairly and
33 equitably related to the failure to adopt a county-wide planning
34 policy.

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

38 (7) Multicounty planning policies shall be adopted by two or more
39 counties, each with a population of four hundred fifty thousand or

1 more, with contiguous urban areas and may be adopted by other counties,
2 according to the process established under this section or other
3 processes agreed to among the counties and cities within the affected
4 counties throughout the multicounty region.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A RCW
6 to read as follows:

7 (1) The department of ecology or its successor agency, in addition
8 to computing the surface and ground water inventory presently
9 obtainable year-round from the watershed or watersheds of the county,
10 shall:

11 (a) Promptly provide the county with the applicable inventory
12 figure and a summary of its computations;

13 (b) Promptly process and decide on water right applications
14 submitted by the county for its cities, water purveyors, and others,
15 and notify the county of its decision. The department or its successor
16 agency shall process only those applications submitted officially
17 through the county, and all other applications, including those
18 submitted but not processed prior to the effective date of this act
19 must be resubmitted through the county and shall be acted on pursuant
20 to a first-come first-serve basis;

21 (c) Evaluate and track the report required annually of the county
22 which summarizes both its annual water usage and the current position
23 of its growth water availability and, if necessary, notify the
24 appropriate parties where corrective action is required;

25 (d) When requested by the county or any of its water-related
26 entities, consult and give guidance on all matters pertaining to water
27 use, including evaluations and decisions on matters of conditional
28 water; and

29 (e) In conjunction with the county, the cities within the county,
30 and water purveyors within the county, develop and implement an ongoing
31 orderly search program for new ground water sources within the county
32 and its watersheds.

33 (2) The county shall:

34 (a) Furnish information to the department of ecology or its
35 successor agency, if requested, on matters related to the water
36 inventory procedures for that county;

1 (b) Promptly communicate to its cities and water purveyors all
2 water inventory figures and information received from the department of
3 ecology or its successor agency;

4 (c) Promptly transmit to the department or its successor agency all
5 water right applications received from its cities, water purveyors, and
6 others and, in turn, relay the department's or its successor's
7 decisions to the originators;

8 (d) Act only in liaison and as moderator with its cities and water
9 purveyors on matters of water inventories, and only as clearinghouse
10 and in liaison with the department or its successor agency on matters
11 of water right applications, unless requested additionally by any of
12 its cities, water purveyors, or others regarding water matters;

13 (e) Submit to the department or its successor agency an annual
14 report of its annual water usage and the current position of its growth
15 water availability; and

16 (f) At its option, request the department or its successor agency
17 for its evaluations and guidance on all water-use matters, including
18 evaluations and decisions on appropriate matters of conditional water.

19 NEW SECTION. **Sec. 9.** The department of ecology or its successor
20 agency shall begin implementing this act within ninety days of the
21 effective date of this act, concentrating at first on the two or three
22 most water-critical counties, and then working progressively with the
23 remaining counties.

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