
SUBSTITUTE SENATE BILL 6433

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Winsley, Spanel, Haugen, Johnson, Snyder and Sutherland)

Read first time 02/02/96.

1 AN ACT Relating to the integration of water resources and growth
2 management; amending RCW 36.70A.020 and 36.70A.210; reenacting and
3 amending RCW 36.70A.070; and adding a new section to chapter 36.70A
4 RCW.

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

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

8 The following goals are adopted to guide the development and
9 adoption of comprehensive plans and development regulations of those
10 counties and cities that are required or choose to plan under RCW
11 36.70A.040. The following goals are not listed in order of priority
12 and shall be used exclusively for the purpose of guiding the
13 development of comprehensive plans and development regulations:

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

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

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

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

8 (5) Economic development. Encourage economic development
9 throughout the state that is consistent with adopted comprehensive
10 plans, promote economic opportunity for all citizens of this state,
11 especially for unemployed and for disadvantaged persons, and encourage
12 growth in areas experiencing insufficient economic growth, all within
13 the capacities of the state's natural resources, public services, and
14 public facilities.

15 (6) Property rights. Private property shall not be taken for
16 public use without just compensation having been made. The property
17 rights of landowners shall be protected from arbitrary and
18 discriminatory actions.

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

22 (8) Natural resource industries. Maintain and enhance natural
23 resource-based industries, including productive timber, agricultural,
24 and fisheries industries. Encourage the conservation of productive
25 forest lands and productive agricultural lands, and discourage
26 incompatible uses.

27 (9) Open space and recreation. Encourage the retention of open
28 space and development of recreational opportunities, conserve fish and
29 wildlife habitat, increase access to natural resource lands and water,
30 and develop parks.

31 (10) Environment. Protect the environment and enhance the state's
32 high quality of life, including air and water quality(~~(, and the~~
33 ~~availability of water)~~). Ensure that new land uses are served by
34 adequate water supplies obtained where possible through water
35 conservation, and that growth be managed to avoid adverse effects on
36 existing instream and out-of-stream water uses and on existing ground
37 water sources.

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

4 (12) Public facilities and services. Ensure that those public
5 facilities and services necessary to support development shall be
6 adequate to serve the development at the time the development is
7 available for occupancy and use without decreasing current service
8 levels below locally established minimum standards.

9 (13) Historic preservation. Identify and encourage the
10 preservation of lands, sites, and structures, that have historical or
11 archaeological significance.

12 **Sec. 2.** RCW 36.70A.070 and 1995 c 400 s 3 and 1995 c 377 s 1 are
13 each reenacted and amended to read as follows:

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

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

23 (1)(a) A land use element designating the proposed general
24 distribution and general location and extent of the uses of land, where
25 appropriate, for agriculture, timber production, housing, commerce,
26 industry, recreation, open spaces, public utilities, public facilities,
27 and other land uses. The land use element shall include population
28 densities, building intensities, and estimates of future population
29 growth.

30 (b) The land use element shall provide for protection of the
31 quality and quantity of surface water and ground water used for public
32 water supplies. Where applicable, the land use element shall review
33 drainage, flooding, and storm water run-off in the area and nearby
34 jurisdictions and provide guidance for corrective actions to mitigate
35 or cleanse those discharges that pollute waters of the state, including
36 Puget Sound or waters entering Puget Sound. The land use element may
37 address water uses needed by the land uses proposed and the proposed
38 sources of supply for such uses, including conservation, transfers from

1 existing uses, or new sources. The water supply portion of the land
2 use element may adopt or incorporate all or applicable portions of a
3 regional water resources management plan adopted under chapter 90.54
4 RCW. A city or county may adopt the water supply portion of the land
5 use element according to the amendment provisions of RCW 36.70A.130.

6 (2) A housing element ensuring the vitality and character of
7 established residential neighborhoods that: (a) Includes an inventory
8 and analysis of existing and projected housing needs; (b) includes a
9 statement of goals, policies, objectives, and mandatory provisions for
10 the preservation, improvement, and development of housing, including
11 single-family residences; (c) identifies sufficient land for housing,
12 including, but not limited to, government-assisted housing, housing for
13 low-income families, manufactured housing, multifamily housing, and
14 group homes and foster care facilities; and (d) makes adequate
15 provisions for existing and projected needs of all economic segments of
16 the community.

17 (3) A capital facilities plan element consisting of: (a) An
18 inventory of existing capital facilities owned by public entities,
19 showing the locations and capacities of the capital facilities; (b) a
20 forecast of the future needs for such capital facilities; (c) the
21 proposed locations and capacities of expanded or new capital
22 facilities; (d) at least a six-year plan that will finance such capital
23 facilities within projected funding capacities and clearly identifies
24 sources of public money for such purposes; and (e) a requirement to
25 reassess the land use element if probable funding falls short of
26 meeting existing needs and to ensure that the land use element, capital
27 facilities plan element, and financing plan within the capital
28 facilities plan element are coordinated and consistent. The inventory
29 required by (a) of this subsection may include existing capital
30 facilities for water supply owned by private entities, including exempt
31 and nonexempt wells, and the forecasts and plan element required under
32 this subsection may consider projected water supply provision by
33 existing, new, or expanded private water supply purveyors. A city or
34 county may adopt the water supply portion of the capital facilities
35 element according to the amendment provisions of RCW 36.70A.130.

36 (4) A utilities element consisting of the general location,
37 proposed location, and capacity of all existing and proposed utilities,
38 including, but not limited to, electrical lines, telecommunication
39 lines, and natural gas lines.

1 (5) Counties shall include a rural element including lands that are
2 not designated for urban growth, agriculture, forest, or mineral
3 resources. The rural element shall permit appropriate land uses that
4 are compatible with the rural character of such lands and provide for
5 a variety of rural densities and uses and may also provide for
6 clustering, density transfer, design guidelines, conservation
7 easements, and other innovative techniques that will accommodate
8 appropriate rural uses not characterized by urban growth.

9 (6) A transportation element that implements, and is consistent
10 with, the land use element. The transportation element shall include
11 the following subelements:

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

13 (b) Facilities and services needs, including:

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

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

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

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

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

28 (c) Finance, including:

29 (i) An analysis of funding capability to judge needs against
30 probable funding resources;

31 (ii) A multiyear financing plan based on the needs identified in
32 the comprehensive plan, the appropriate parts of which shall serve as
33 the basis for the six-year street, road, or transit program required by
34 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
35 35.58.2795 for public transportation systems;

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

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

4 (e) Demand-management strategies.

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

19 The transportation element described in this subsection, and the
20 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
21 counties, and RCW 35.58.2795 for public transportation systems, must be
22 consistent.

23 **Sec. 3.** RCW 36.70A.210 and 1994 c 249 s 28 are each amended to
24 read as follows:

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

35 (2) The legislative authority of a county that plans under RCW
36 36.70A.040 shall adopt a county-wide planning policy in cooperation
37 with the cities located in whole or in part within the county as
38 follows:

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

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

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

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

37 (e) No later than July 1, 1992, the legislative authority of each
38 county that was required or chose to plan under RCW 36.70A.040 as of
39 June 1, 1991, or no later than fourteen months after the date the

1 county adopted its resolution of intention or was certified by the
2 office of financial management the county legislative authority of any
3 other county that is required or chooses to plan under RCW 36.70A.040,
4 shall adopt a county-wide planning policy according to the process
5 provided under this section and that is consistent with the agreement
6 pursuant to (b) of this subsection, and after holding a public hearing
7 or hearings on the proposed county-wide planning policy.

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

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

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

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

15 (d) Policies for county-wide transportation facilities and
16 strategies;

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

20 (f) Policies for joint county and city planning within urban growth
21 areas;

22 (g) Policies for county-wide economic development and employment;
23 ((and))

24 (h) Policies to achieve water resource management within
25 hydrological units and to provide coordinated policies and programs
26 among jurisdictions within such units; and

27 (i) An analysis of the fiscal impact.

28 (4) Federal agencies and Indian tribes may participate in and
29 cooperate with the county-wide planning policy adoption process.
30 Adopted county-wide planning policies shall be adhered to by state
31 agencies.

32 (5) Failure to adopt a county-wide planning policy that meets the
33 requirements of this section may result in the imposition of a sanction
34 or sanctions on a county or city within the county, as specified in RCW
35 36.70A.340. In imposing a sanction or sanctions, the governor shall
36 specify the reasons for failure to adopt a county-wide planning policy
37 in order that any imposed sanction or sanctions are fairly and
38 equitably related to the failure to adopt a county-wide planning
39 policy.

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

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

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70A RCW
11 to read as follows:

12 In making the population forecasts required under this chapter, the
13 office of financial management shall consider existing water supply
14 availability and projected demand, commencing no later than January 1,
15 1998. The office may consult with the departments of health and
16 ecology for information on existing and projected water uses, the
17 condition and quantities of water from ground water and surface water
18 sources, reasonable water use levels for differing types of uses,
19 considering conservation measures, and other water resource
20 information.

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