

2 SSB 6070 - S AMD 169

3 By Senators Patterson, Haugen, Roach and McCaslin

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5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

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

27 (5) Economic development. Encourage economic development  
28 throughout the state that is consistent with adopted comprehensive  
29 plans, promote economic opportunity for all citizens of this state,  
30 especially for unemployed and for disadvantaged persons, promote the  
31 retention and expansion of existing businesses and recruitment of new  
32 businesses, recognize regional differences impacting economic  
33 development opportunities, and encourage growth in areas experiencing  
34 insufficient economic growth, all within the capacities of the state's  
35 natural resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for  
2 public use without just compensation having been made. The property  
3 rights of landowners shall be protected from arbitrary and  
4 discriminatory actions.

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

8 (8) Natural resource industries. Maintain and enhance natural  
9 resource-based industries, including productive timber, agricultural,  
10 and fisheries industries. Encourage the conservation of productive  
11 forest lands and productive agricultural lands, and discourage  
12 incompatible uses.

13 (9) Open space and recreation. Encourage the retention of open  
14 space and development of recreational opportunities, conserve fish and  
15 wildlife habitat, increase access to natural resource lands and water,  
16 and develop parks.

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

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

23 (12) Public facilities and services. Ensure that those public  
24 facilities and services necessary to support development shall be  
25 adequate to serve the development at the time the development is  
26 available for occupancy and use without decreasing current service  
27 levels below locally established minimum standards.

28 (13) Historic preservation. Identify and encourage the  
29 preservation of lands, sites, and structures, that have historical or  
30 archaeological significance.

31 **Sec. 2.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read  
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35 (1) "Adopt a comprehensive land use plan" means to enact a new  
36 comprehensive land use plan or to update an existing comprehensive land  
37 use plan.

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

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

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

13 (5) "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) "Department" means the department of community, trade, and  
19 economic development.

20 (7) "Development regulations" or "regulation" means the controls  
21 placed on development or land use activities by a county or city,  
22 including, but not limited to, zoning ordinances, critical areas  
23 ordinances, shoreline master programs, official controls, planned unit  
24 development ordinances, subdivision ordinances, and binding site plan  
25 ordinances together with any amendments thereto. A development  
26 regulation does not include a decision to approve a project permit  
27 application, as defined in RCW 36.70B.020, even though the decision may  
28 be expressed in a resolution or ordinance of the legislative body of  
29 the county or city.

30 (8) "Forest land" means land primarily devoted to growing trees for  
31 long-term commercial timber production on land that can be economically  
32 and practically managed for such production, including Christmas trees  
33 subject to the excise tax imposed under RCW 84.33.100 through  
34 84.33.140, and that has long-term commercial significance. In  
35 determining whether forest land is primarily devoted to growing trees  
36 for long-term commercial timber production on land that can be  
37 economically and practically managed for such production, the following  
38 factors shall be considered: (a) The proximity of the land to urban,  
39 suburban, and rural settlements; (b) surrounding parcel size and the

1 compatibility and intensity of adjacent and nearby land uses; (c) long-  
2 term local economic conditions that affect the ability to manage for  
3 timber production; and (d) the availability of public facilities and  
4 services conducive to conversion of forest land to other uses.

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

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

14 (11) "Minerals" include gravel, sand, and valuable metallic  
15 substances.

16 (12) "Performance measures" required under RCW 36.70A.210(3) means  
17 a quantifiable measurement or index providing consistent and reliable  
18 information over time to help gauge how a jurisdiction is achieving  
19 specified performance results.

20 (13) "Public facilities" include streets, roads, highways,  
21 sidewalks, street and road lighting systems, traffic signals, domestic  
22 water systems, storm and sanitary sewer systems, parks and recreational  
23 facilities, and schools.

24 (~~(13)~~) (14) "Public services" include fire protection and  
25 suppression, law enforcement, public health, education, recreation,  
26 environmental protection, and other governmental services.

27 (~~(14)~~) (15) "Rural character" refers to the patterns of land use  
28 and development established by a county in the rural element of its  
29 comprehensive plan:

30 (a) In which open space, the natural landscape, and vegetation  
31 predominate over the built environment;

32 (b) That foster traditional rural lifestyles, rural-based  
33 economies, and opportunities to both live and work in rural areas;

34 (c) That provide visual landscapes that are traditionally found in  
35 rural areas and communities;

36 (d) That are compatible with the use of the land by wildlife and  
37 for fish and wildlife habitat;

38 (e) That reduce the inappropriate conversion of undeveloped land  
39 into sprawling, low-density development;

1 (f) That generally do not require the extension of urban  
2 governmental services; and

3 (g) That are consistent with the protection of natural surface  
4 water flows and ground water and surface water recharge and discharge  
5 areas.

6 (~~(15)~~) (16) "Rural development" refers to development outside the  
7 urban growth area and outside agricultural, forest, and mineral  
8 resource lands designated pursuant to RCW 36.70A.170. Rural  
9 development can consist of a variety of uses and residential densities,  
10 including clustered residential development, at levels that are  
11 consistent with the preservation of rural character and the  
12 requirements of the rural element. Rural development does not refer to  
13 agriculture or forestry activities that may be conducted in rural  
14 areas.

15 (~~(16)~~) (17) "Rural governmental services" or "rural services"  
16 include those public services and public facilities historically and  
17 typically delivered at an intensity usually found in rural areas, and  
18 may include domestic water systems, fire and police protection  
19 services, transportation and public transit services, and other public  
20 utilities associated with rural development and normally not associated  
21 with urban areas. Rural services do not include storm or sanitary  
22 sewers, except as otherwise authorized by RCW 36.70A.110(4).

23 (~~(17)~~) (18) "Urban growth" refers to growth that makes intensive  
24 use of land for the location of buildings, structures, and impermeable  
25 surfaces to such a degree as to be incompatible with the primary use of  
26 land for the production of food, other agricultural products, or fiber,  
27 or the extraction of mineral resources, rural uses, rural development,  
28 and natural resource lands designated pursuant to RCW 36.70A.170. A  
29 pattern of more intensive rural development, as provided in RCW  
30 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
31 wide areas, urban growth typically requires urban governmental  
32 services. "Characterized by urban growth" refers to land having urban  
33 growth located on it, or to land located in relationship to an area  
34 with urban growth on it as to be appropriate for urban growth.

35 (~~(18)~~) (19) "Urban growth areas" means those areas designated by  
36 a county pursuant to RCW 36.70A.110.

37 (~~(19)~~) (20) "Urban governmental services" or "urban services"  
38 include those public services and public facilities at an intensity  
39 historically and typically provided in cities, specifically including

1 storm and sanitary sewer systems, domestic water systems, street  
2 cleaning services, fire and police protection services, public transit  
3 services, and other public utilities associated with urban areas and  
4 normally not associated with rural areas.

5 ~~((20))~~ (21) "Wetland" or "wetlands" means areas that are  
6 inundated or saturated by surface water or ground water at a frequency  
7 and duration sufficient to support, and that under normal circumstances  
8 do support, a prevalence of vegetation typically adapted for life in  
9 saturated soil conditions. Wetlands generally include swamps, marshes,  
10 bogs, and similar areas. Wetlands do not include those artificial  
11 wetlands intentionally created from nonwetland sites, including, but  
12 not limited to, irrigation and drainage ditches, grass-lined swales,  
13 canals, detention facilities, wastewater treatment facilities, farm  
14 ponds, and landscape amenities, or those wetlands created after July 1,  
15 1990, that were unintentionally created as a result of the construction  
16 of a road, street, or highway. Wetlands may include those artificial  
17 wetlands intentionally created from nonwetland areas created to  
18 mitigate conversion of wetlands.

19 **Sec. 3.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read  
20 as follows:

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

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

30 (1) A land use element designating the proposed general  
31 distribution and general location and extent of the uses of land, where  
32 appropriate, for agriculture, timber production, housing, commerce,  
33 industry, recreation, open spaces, general aviation airports, public  
34 utilities, public facilities, and other land uses. The land use  
35 element shall include population densities, building intensities, and  
36 estimates of future population growth. The land use element shall  
37 provide for protection of the quality and quantity of ground water used  
38 for public water supplies. Where applicable, the land use element

1 shall review drainage, flooding, and storm water run-off in the area  
2 and nearby jurisdictions and provide guidance for corrective actions to  
3 mitigate or cleanse those discharges that pollute waters of the state,  
4 including Puget Sound or waters entering Puget Sound.

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

29 (4) A utilities element consisting of the general location,  
30 proposed location, and capacity of all existing and proposed utilities,  
31 including, but not limited to, electrical lines, telecommunication  
32 lines, and natural gas lines.

33 (5) Rural element. Counties shall include a rural element  
34 including lands that are not designated for urban growth, agriculture,  
35 forest, or mineral resources. The following provisions shall apply to  
36 the rural element:

37 (a) Growth management act goals and local circumstances. Because  
38 circumstances vary from county to county, in establishing patterns of  
39 rural densities and uses, a county may consider local circumstances,

1 but shall develop a written record explaining how the rural element  
2 harmonizes the planning goals in RCW 36.70A.020 and meets the  
3 requirements of this chapter.

4 (b) Rural development. The rural element shall permit rural  
5 development, forestry, and agriculture in rural areas. The rural  
6 element shall provide for a variety of rural densities, uses, essential  
7 public facilities, and rural governmental services needed to serve the  
8 permitted densities and uses. In order to achieve a variety of rural  
9 densities and uses, counties may provide for clustering, density  
10 transfer, design guidelines, conservation easements, and other  
11 innovative techniques that will accommodate appropriate rural densities  
12 and uses that are not characterized by urban growth and that are  
13 consistent with rural character.

14 (c) Measures governing rural development. The rural element shall  
15 include measures that apply to rural development and protect the rural  
16 character of the area, as established by the county, by:

17 (i) Containing or otherwise controlling rural development;

18 (ii) Assuring visual compatibility of rural development with the  
19 surrounding rural area;

20 (iii) Reducing the inappropriate conversion of undeveloped land  
21 into sprawling, low-density development in the rural area;

22 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
23 surface water and ground water resources; and

24 (v) Protecting against conflicts with the use of agricultural,  
25 forest, and mineral resource lands designated under RCW 36.70A.170.

26 (d) Limited areas of more intensive rural development. Subject to  
27 the requirements of this subsection and except as otherwise  
28 specifically provided in this subsection (5)(d), the rural element may  
29 allow for limited areas of more intensive rural development, including  
30 necessary public facilities and public services to serve the limited  
31 area as follows:

32 (i) Rural development consisting of the infill, development, or  
33 redevelopment of existing commercial, industrial, residential, or  
34 mixed-use areas, whether characterized as shoreline development,  
35 villages, hamlets, rural activity centers, or crossroads developments.  
36 A commercial, industrial, residential, shoreline, or mixed-use area  
37 shall be subject to the requirements of (d)(iv) of this subsection, but  
38 shall not be subject to the requirements of (c)(ii) and (iii) of this

1 subsection. An industrial area is not required to be principally  
2 designed to serve the existing and projected rural population;

3 (ii) The intensification of development on lots containing, or new  
4 development of, small-scale recreational or tourist uses, including  
5 commercial facilities to serve those recreational or tourist uses, that  
6 rely on a rural location and setting, but that do not include new  
7 residential development. A small-scale recreation or tourist use is  
8 not required to be principally designed to serve the existing and  
9 projected rural population. Public services and public facilities  
10 shall be limited to those necessary to serve the recreation or tourist  
11 use and shall be provided in a manner that does not permit low-density  
12 sprawl;

13 (iii) The intensification of development on lots containing  
14 isolated nonresidential uses or new development of isolated cottage  
15 industries and isolated small-scale businesses that are not principally  
16 designed to serve the existing and projected rural population and  
17 nonresidential uses, but do provide job opportunities for rural  
18 residents. Public services and public facilities shall be limited to  
19 those necessary to serve the isolated nonresidential use and shall be  
20 provided in a manner that does not permit low-density sprawl;

21 (iv) A county shall adopt measures to minimize and contain the  
22 existing areas or uses of more intensive rural development, as  
23 appropriate, authorized under this subsection. Lands included in such  
24 existing areas or uses shall not extend beyond the logical outer  
25 boundary of the existing area or use, thereby allowing a new pattern of  
26 low-density sprawl. Existing areas are those that are clearly  
27 identifiable and contained and where there is a logical boundary  
28 delineated predominately by the built environment, but that may also  
29 include undeveloped lands if limited as provided in this subsection.  
30 The county shall establish the logical outer boundary of an area of  
31 more intensive rural development. In establishing the logical outer  
32 boundary the county shall address (A) the need to preserve the  
33 character of existing natural neighborhoods and communities, (B)  
34 physical boundaries such as bodies of water, streets and highways, and  
35 land forms and contours, (C) the prevention of abnormally irregular  
36 boundaries, and (D) the ability to provide public facilities and public  
37 services in a manner that does not permit low-density sprawl;

38 (v) For purposes of (d) of this subsection, an existing area or  
39 existing use is one that was in existence:

1 (A) On July 1, 1990, in a county that was initially required to  
2 plan under all of the provisions of this chapter;

3 (B) On the date the county adopted a resolution under RCW  
4 36.70A.040(2), in a county that is planning under all of the provisions  
5 of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the  
7 county's population as provided in RCW 36.70A.040(5), in a county that  
8 is planning under all of the provisions of this chapter pursuant to RCW  
9 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit  
11 in the rural area a major industrial development or a master planned  
12 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
13 36.70A.365.

14 (6) A transportation element that implements, and is consistent  
15 with, the land use element.

16 (a) The transportation element shall include the following  
17 subelements:

18 (i) Land use assumptions used in estimating travel;

19 (ii) Estimated traffic impacts to state-owned transportation  
20 facilities resulting from land use assumptions to assist the department  
21 of transportation in monitoring the performance of state facilities, to  
22 plan improvements for the facilities, and to assess the impact of land-  
23 use decisions on state-owned transportation facilities;

24 (iii) Facilities and services needs, including:

25 (A) An inventory of air, water, and ground transportation  
26 facilities and services, including transit alignments and general  
27 aviation airport facilities, to define existing capital facilities and  
28 travel levels as a basis for future planning. This inventory must  
29 include state-owned transportation facilities within the city or  
30 county's jurisdiction boundaries;

31 (B) Level of service standards for all locally owned arterials and  
32 transit routes to serve as a gauge to judge performance of the system.  
33 These standards should be regionally coordinated;

34 (C) For state-owned transportation facilities, level of service  
35 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
36 to gauge the performance of the system. The purposes of reflecting  
37 level of service standards for state highways in the local  
38 comprehensive plan are to monitor the performance of the system, to  
39 evaluate improvement strategies, and to facilitate coordination between

1 the county's or city's six-year street, road, or transit program and  
2 the department of transportation's six-year investment program. The  
3 concurrency requirements of (b) of this subsection do not apply to  
4 transportation facilities and services of statewide significance except  
5 for counties consisting of islands whose only connection to the  
6 mainland are state highways or ferry routes. In these island counties,  
7 state highways and ferry route capacity must be a factor in meeting the  
8 concurrency requirements in (b) of this subsection;

9 (D) Specific actions and requirements for bringing into compliance  
10 locally owned transportation facilities or services that are below an  
11 established level of service standard;

12 (E) Forecasts of traffic for at least ten years based on the  
13 adopted land use plan to provide information on the location, timing,  
14 and capacity needs of future growth;

15 (F) Identification of state and local system needs to meet current  
16 and future demands. Identified needs on state-owned transportation  
17 facilities must be consistent with the statewide multimodal  
18 transportation plan required under chapter 47.06 RCW;

19 (iv) Finance, including:

20 (A) An analysis of funding capability to judge needs against  
21 probable funding resources;

22 (B) A multiyear financing plan based on the needs identified in the  
23 comprehensive plan, the appropriate parts of which shall serve as the  
24 basis for the six-year street, road, or transit program required by RCW  
25 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
26 for public transportation systems. The multiyear financing plan should  
27 be coordinated with the six-year improvement program developed by the  
28 department of transportation as required by RCW 47.05.030;

29 (C) If probable funding falls short of meeting identified needs, a  
30 discussion of how additional funding will be raised, or how land use  
31 assumptions will be reassessed to ensure that level of service  
32 standards will be met;

33 (v) Intergovernmental coordination efforts, including an assessment  
34 of the impacts of the transportation plan and land use assumptions on  
35 the transportation systems of adjacent jurisdictions;

36 (vi) Demand-management strategies.

37 (b) After adoption of the comprehensive plan by jurisdictions  
38 required to plan or who choose to plan under RCW 36.70A.040, local  
39 jurisdictions must adopt and enforce ordinances which prohibit

1 development approval if the development causes the level of service on  
2 a locally owned transportation facility to decline below the standards  
3 adopted in the transportation element of the comprehensive plan, unless  
4 transportation improvements or strategies to accommodate the impacts of  
5 development are made concurrent with the development. These strategies  
6 may include increased public transportation service, ride sharing  
7 programs, demand management, and other transportation systems  
8 management strategies. For the purposes of this subsection (6)  
9 "concurrent with the development" shall mean that improvements or  
10 strategies are in place at the time of development, or that a financial  
11 commitment is in place to complete the improvements or strategies  
12 within six years.

13 (c) The transportation element described in this subsection (6),  
14 and the six-year plans required by RCW 35.77.010 for cities, RCW  
15 36.81.121 for counties, RCW 35.58.2795 for public transportation  
16 systems, and RCW 47.05.030 for the state, must be consistent.

17 (7) If state funding for this subsection is provided for a county  
18 and its cities for the two years preceding required review and  
19 revision, an economic development element establishing local goals,  
20 policies, objectives, and provisions for economic growth, vitality, and  
21 quality of life. The element shall include: (a) An assessment of the  
22 economic contributions made by existing commercial and industrial  
23 sectors to the community or region; (b) an assessment of opportunities  
24 for business retention, expansion, recruitment, and economic benefits  
25 of natural amenities; and (c) an assessment of future needs, including  
26 for capital facilities, land use, and housing, to manage projected  
27 growth and foster economic vitality.

28 **Sec. 4.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to  
29 read as follows:

30 (1) Each comprehensive land use plan and development regulations  
31 shall be subject to continuing review and evaluation by the county or  
32 city that adopted them. Not later than September 1, 2002, and at least  
33 every five years thereafter, a county or city shall take action to  
34 formally review and, if needed, revise its policies and regulations  
35 regarding critical areas and natural resource lands to ensure that  
36 these policies and regulations comply with this chapter.

37 (2) A county or city planning under RCW 36.70A.040 shall take  
38 action to formally review and, if needed, revise its comprehensive land

1 use plan and development regulations according to the following  
2 schedule to ensure that the plan and regulations (~~(are complying)~~)  
3 comply with the requirements of this chapter:

4 (a) Not later than September 1, 2004, and every five years  
5 thereafter, for a county or city subject to the requirements of RCW  
6 36.70A.215;

7 (b) Not later than September 1, 2006, and every ten years  
8 thereafter, for a county or city not subject to the requirements of RCW  
9 36.70A.215 that adopted its comprehensive plan according to this  
10 chapter between January 1, 1992, and January 1, 1997; and

11 (c) Not later than September 1, 2008, and every ten years  
12 thereafter, for a county or city not subject to the requirements of RCW  
13 36.70A.215 that adopted its comprehensive plan according to this  
14 chapter after January 1, 1997.

15 (3) A county or city that becomes required or chooses to plan under  
16 RCW 36.70A.040 after July 1, 2001, shall take action to formally review  
17 and, if needed, revise its comprehensive plan and development  
18 regulations no later than:

19 (a) According to the schedule in subsection (2)(a) of this section  
20 for a county or city subject to the requirements of RCW 36.70A.215; or

21 (b) Ten years after the date it was required to adopt its initial  
22 comprehensive plan and development regulations according to this  
23 chapter for a county or city not subject to RCW 36.70A.215 and every  
24 ten years thereafter.

25 (4) The formal review and evaluation required by ((this))  
26 subsection (2) of this section may be combined with the review required  
27 by subsection ((+3)) (8) of this section.

28 (5) Any amendment or revision to a comprehensive land use plan  
29 shall conform to this chapter, and any change to development  
30 regulations shall be consistent with and implement the comprehensive  
31 plan.

32 ((+2)) (6) For purposes of this section, "take action to review"  
33 includes the submittal by a county or city of an evaluation to the  
34 department, no later than one year before the date specified for the  
35 county or city in the schedule specified in subsection (2) of this  
36 section, describing its review and evaluation process and a schedule  
37 for considering amendments as needed to ensure compliance with this  
38 chapter.

1        (7)(a) Each county and city shall establish and broadly disseminate  
2 to the public a public participation program identifying procedures  
3 whereby proposed amendments or revisions of the comprehensive plan are  
4 considered by the governing body of the county or city no more  
5 frequently than once every year except that amendments may be  
6 considered more frequently under the following circumstances:

7        (i) The initial adoption of a subarea plan;

8        (ii) The adoption or amendment of a shoreline master program under  
9 the procedures set forth in chapter 90.58 RCW; and

10       (iii) The amendment of the capital facilities element of a  
11 comprehensive plan that occurs concurrently with the adoption or  
12 amendment of a county or city budget.

13       (b) Except as otherwise provided in (a) of this subsection, all  
14 proposals shall be considered by the governing body concurrently so the  
15 cumulative effect of the various proposals can be ascertained.  
16 However, after appropriate public participation a county or city may  
17 adopt amendments or revisions to its comprehensive plan that conform  
18 with this chapter whenever an emergency exists or to resolve an appeal  
19 of a comprehensive plan filed with a growth management hearings board  
20 or with the court.

21       (~~((3))~~) (8) Each county that designates urban growth areas under  
22 RCW 36.70A.110 shall review, at least every ten years, its designated  
23 urban growth area or areas, and the densities permitted within both the  
24 incorporated and unincorporated portions of each urban growth area. In  
25 conjunction with this review by the county, each city located within an  
26 urban growth area shall review the densities permitted within its  
27 boundaries, and the extent to which the urban growth occurring within  
28 the county has located within each city and the unincorporated portions  
29 of the urban growth areas. The county comprehensive plan designating  
30 urban growth areas, and the densities permitted in the urban growth  
31 areas by the comprehensive plans of the county and each city located  
32 within the urban growth areas, shall be revised to accommodate the  
33 urban growth projected to occur in the county for the succeeding  
34 twenty-year period. The review required by this subsection may be  
35 combined with the review and evaluation required by RCW 36.70A.215.

36       **Sec. 5.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read  
37 as follows:

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

11       (2) If state funding for this subsection and subsection (3) of this  
12 section is provided for the two years preceding an initial countywide  
13 policy or for the two years preceding required review and revision in  
14 a county and its cities, the legislative authority of a county that  
15 plans under RCW 36.70A.040 shall adopt a countywide planning policy in  
16 cooperation with the cities located in whole or in part within the  
17 county as follows:

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

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

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

38       (d) If there is no agreement by October 1, 1991, in a county that  
39 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 countywide 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 countywide planning policy.

25 (3) A countywide planning policy shall at a minimum, address the  
26 following:

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

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

30 (c) Policies for siting public capital facilities of a countywide  
31 or statewide nature, including transportation facilities of statewide  
32 significance as defined in RCW 47.06.140;

33 (d) Policies for countywide transportation facilities and  
34 strategies;

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

38 (f) Policies for joint county and city planning within urban growth  
39 areas;

1 (g) Policies for countywide economic development and employment;  
2 ((and))

3 (h) Policies for allocating, among the jurisdictions within the  
4 county, future employment opportunities and future housing development,  
5 by number of residential units, required to manage projected urban and  
6 rural population growth;

7 (i) Performance measures to review progress towards accommodating  
8 the twenty-year population growth projections established in the  
9 countywide planning policies;

10 (j) Policies that do not prohibit housing needed to manage the  
11 projected population growth; and

12 (k) An analysis of the fiscal impact.

13 (4) Federal agencies and Indian tribes may participate in and  
14 cooperate with the countywide planning policy adoption process.  
15 Adopted countywide planning policies shall be adhered to by state  
16 agencies.

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

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

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

33 **Sec. 6.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
34 amended to read as follows:

35 Unless the context clearly requires otherwise, the following  
36 definitions shall apply in RCW 82.02.050 through 82.02.090:

37 (1) "Development activity" means any construction or expansion of  
38 a building, structure, or use, any change in use of a building or

1 structure, or any changes in the use of land, that creates additional  
2 demand and need for public facilities.

3 (2) "Development approval" means any written authorization from a  
4 county, city, or town which authorizes the commencement of development  
5 activity.

6 (3) "Impact fee" means a payment of money imposed upon development  
7 as a condition of development approval to pay for public facilities  
8 needed to serve new growth and development, and that is reasonably  
9 related to the new development that creates additional demand and need  
10 for public facilities, that is a proportionate share of the cost of the  
11 public facilities, and that is used for facilities that reasonably  
12 benefit the new development. "Impact fee" does not include a  
13 reasonable permit or application fee.

14 (4) "Owner" means the owner of record of real property, although  
15 when real property is being purchased under a real estate contract, the  
16 purchaser shall be considered the owner of the real property if the  
17 contract is recorded.

18 (5) "Proportionate share" means that portion of the cost of public  
19 facility improvements that are reasonably related to the service  
20 demands and needs of new development.

21 (6) "Project improvements" mean site improvements and facilities  
22 that are planned and designed to provide service for a particular  
23 development project and that are necessary for the use and convenience  
24 of the occupants or users of the project, and are not system  
25 improvements. No improvement or facility included in a capital  
26 facilities plan approved by the governing body of the county, city, or  
27 town shall be considered a project improvement.

28 (7) "Public facilities" means the following capital facilities  
29 owned or operated by government entities: (a) Public streets and  
30 roads; (b) publicly owned parks, open space, and recreation facilities;  
31 (c) school facilities; and (d) fire protection facilities in  
32 jurisdictions that are not part of a fire district other than that  
33 portion of a fire district within an urban growth area if such urban  
34 growth area is not contiguous to the boundary of any city or town.

35 (8) "Service area" means a geographic area defined by a county,  
36 city, town, or intergovernmental agreement in which a defined set of  
37 public facilities provide service to development within the area.  
38 Service areas shall be designated on the basis of sound planning or  
39 engineering principles.

1       (~~(9) "System improvements" mean public facilities that are~~  
2 ~~included in the capital facilities plan and are designed to provide~~  
3 ~~service to service areas within the community at large, in contrast to~~  
4 ~~project improvements.))~~

5       NEW SECTION.   **Sec. 7.** Sections 1 through 3 and 5 of this act take  
6 effect July 1, 2003."

7   **SSB 6070** - S AMD 169

8       By Senators Patterson, Haugen, Roach and McCaslin

9

10       On page 1, line 2 of the title, after "planning;" strike the  
11 remainder of the title and insert "amending RCW 36.70A.020, 36.70A.030,  
12 36.70A.070, 36.70A.130, 36.70A.210, and 82.02.090; and providing an  
13 effective date."

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