
SENATE BILL 5776

State of Washington

54th Legislature

1995 Regular Session

By Senator Fraser

Read first time 02/06/95. Referred to Committee on Government Operations.

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

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

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

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

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

16 (2) Reduce sprawl. Reduce the inappropriate conversion of
17 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.

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

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

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
10 amended to read as follows:

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

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

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

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

1 portions of a regional water resources management plan adopted under
2 chapter 90.54 RCW.

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

13 (3) A capital facilities plan element consisting of: (a) An
14 inventory of existing capital facilities owned by public entities,
15 showing the locations and capacities of the capital facilities; (b) a
16 forecast of the future needs for such capital facilities; (c) the
17 proposed locations and capacities of expanded or new capital
18 facilities; (d) at least a six-year plan that will finance such capital
19 facilities within projected funding capacities and clearly identifies
20 sources of public money for such purposes; and (e) a requirement to
21 reassess the land use element if probable funding falls short of
22 meeting existing needs and to ensure that the land use element, capital
23 facilities plan element, and financing plan within the capital
24 facilities plan element are coordinated and consistent. The inventory
25 required by (a) of this subsection shall include existing capital
26 facilities for water supply owned by private entities, and the
27 forecasts and plan element required under this subsection shall
28 consider projected water supply provision by existing, new, or expanded
29 private water supply purveyors.

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

34 (5) Counties shall include a rural element including lands that are
35 not designated for urban growth, agriculture, forest, or mineral
36 resources. The rural element shall permit land uses that are
37 compatible with the rural character of such lands and provide for a
38 variety of rural densities.

1 (6) A transportation element that implements, and is consistent
2 with, the land use element. The transportation element shall include
3 the following subelements:

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

5 (b) Facilities and services needs, including:

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

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

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

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

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

20 (c) Finance, including:

21 (i) An analysis of funding capability to judge needs against
22 probable funding resources;

23 (ii) A multiyear financing plan based on the needs identified in
24 the comprehensive plan, the appropriate parts of which shall serve as
25 the basis for the six-year street, road, or transit program required by
26 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
27 35.58.2795 for public transportation systems;

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

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

35 (e) Demand-management strategies.

36 After adoption of the comprehensive plan by jurisdictions required
37 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
38 must adopt and enforce ordinances which prohibit development approval
39 if the development causes the level of service on a transportation

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

11 The transportation element described in this subsection, and the
12 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
13 counties, and RCW 35.58.2795 for public transportation systems, must be
14 consistent.

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

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

27 (2) The legislative authority of a county that plans under RCW
28 36.70A.040 shall adopt a county-wide planning policy in cooperation
29 with the cities located in whole or in part within the county as
30 follows:

31 (a) No later than sixty calendar days from July 16, 1991, the
32 legislative authority of each county that as of June 1, 1991, was
33 required or chose to plan under RCW 36.70A.040 shall convene a meeting
34 with representatives of each city located within the county for the
35 purpose of establishing a collaborative process that will provide a
36 framework for the adoption of a county-wide planning policy. In other
37 counties that are required or choose to plan under RCW 36.70A.040, this
38 meeting shall be convened no later than sixty days after the date the

1 county adopts its resolution of intention or was certified by the
2 office of financial management.

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

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

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

29 (e) No later than July 1, 1992, the legislative authority of each
30 county that was required or chose to plan under RCW 36.70A.040 as of
31 June 1, 1991, or no later than fourteen months after the date the
32 county adopted its resolution of intention or was certified by the
33 office of financial management the county legislative authority of any
34 other county that is required or chooses to plan under RCW 36.70A.040,
35 shall adopt a county-wide planning policy according to the process
36 provided under this section and that is consistent with the agreement
37 pursuant to (b) of this subsection, and after holding a public hearing
38 or hearings on the proposed county-wide planning policy.

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

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

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

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

8 (d) Policies for county-wide transportation facilities and
9 strategies;

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

13 (f) Policies for joint county and city planning within urban growth
14 areas;

15 (g) Policies for county-wide economic development and employment;
16 ((and))

17 (h) Policies to achieve water resource management within
18 hydrological units and to provide coordinated policies and programs
19 among jurisdictions within such units; and

20 (i) An analysis of the fiscal impact.

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

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

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

36 (7) Multicounty planning policies shall be adopted by two or more
37 counties, each with a population of four hundred fifty thousand or
38 more, with contiguous urban areas and may be adopted by other counties,
39 according to the process established under this section or other

1 processes agreed to among the counties and cities within the affected
2 counties throughout the multicounty region.

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

5 In making the population projects required under this chapter, the
6 office of financial management shall consider water supply availability
7 and demand. The office may consult with the departments of health and
8 ecology for information on existing and projected water uses, the
9 condition and quantities of water from ground water and surface water
10 sources, reasonable water use levels for differing types of uses,
11 considering conservation measures, and other water resource
12 information.

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