
HOUSE BILL 2056

State of Washington

57th Legislature

2001 Regular Session

By Representatives Mulliken, Dunshee, Mielke, O'Brien, Edmonds, Edwards, Dunn, Jarrett, Woods, Boldt, Roach, Pearson, Grant, Quall, Linville, Hatfield, Crouse, Anderson, DeBolt, Clements, Lantz, Simpson, Schindler, Benson, Lambert, G. Chandler, Buck, Rockefeller, Fromhold, Keiser, Cooper, Barlean, McMorris, McIntire, Schoesler, Ahern, Ericksen, D. Schmidt, Talcott, Miloscia, Ogden, Marine, Carrell, Eickmeyer, Campbell, Van Luven, Sump, Kessler, Berkey, Jackley, Lisk, Bush, Esser, B. Chandler, Conway, Cox, Morell, Delvin, Kenney, Skinner, Pflug, Morris, Lovick, Kagi, Alexander and Haigh

Read first time 02/13/2001. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to incorporating effective economic development
2 planning into growth management planning; amending RCW 36.70A.020,
3 36.70A.030, 36.70A.070, 36.70A.210, and 36.70A.215; and providing an
4 effective date.

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, promote the
12 retention and/or expansion of existing businesses, recognize regional
13 differences impacting economic development opportunities, and encourage
14 growth in areas experiencing insufficient economic growth, all within
15 the capacities of the state's natural resources, public services, and
16 public facilities.

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

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

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

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

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

36 (11) Citizen participation and coordination. Encourage the
37 involvement of citizens in the planning process and ensure coordination
38 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.030 and 1997 c 429 s 3 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Adopt a comprehensive land use plan" means to enact a new
14 comprehensive land use plan or to update an existing comprehensive land
15 use plan.

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

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

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

28 (5) "Critical areas" include the following areas and ecosystems:
29 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
30 used for potable water; (c) fish and wildlife habitat conservation
31 areas; (d) frequently flooded areas; and (e) geologically hazardous
32 areas.

33 (6) "Department" means the department of community, trade, and
34 economic development.

35 (7) "Development regulations" or "regulation" means the controls
36 placed on development or land use activities by a county or city,
37 including, but not limited to, zoning ordinances, critical areas
38 ordinances, shoreline master programs, official controls, planned unit

1 development ordinances, subdivision ordinances, and binding site plan
2 ordinances together with any amendments thereto. A development
3 regulation does not include a decision to approve a project permit
4 application, as defined in RCW 36.70B.020, even though the decision may
5 be expressed in a resolution or ordinance of the legislative body of
6 the county or city.

7 (8) "Forest land" means land primarily devoted to growing trees for
8 long-term commercial timber production on land that can be economically
9 and practically managed for such production, including Christmas trees
10 subject to the excise tax imposed under RCW 84.33.100 through
11 84.33.140, and that has long-term commercial significance. In
12 determining whether forest land is primarily devoted to growing trees
13 for long-term commercial timber production on land that can be
14 economically and practically managed for such production, the following
15 factors shall be considered: (a) The proximity of the land to urban,
16 suburban, and rural settlements; (b) surrounding parcel size and the
17 compatibility and intensity of adjacent and nearby land uses; (c) long-
18 term local economic conditions that affect the ability to manage for
19 timber production; and (d) the availability of public facilities and
20 services conducive to conversion of forest land to other uses.

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

26 (10) "Land suitable for development" means all vacant, partially
27 used, and underutilized parcels that are: (a) Designated for
28 commercial, industrial, or residential use; (b) not intended for public
29 use; and (c) not constrained by critical areas in a way that limits
30 development potential and makes new construction on a parcel
31 unfeasible.

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

36 (~~(11)~~) (12) "Minerals" include gravel, sand, and valuable
37 metallic substances.

38 (~~(12)~~) (13) "Performance measures" required under RCW
39 36.70A.210(3) means an indicator providing consistent and reliable

1 information over time to help gauge how a jurisdiction is achieving
2 specified performance results. For purposes of this subsection,
3 "indicator" means a quantifiable measurement or index.

4 (14) "Public facilities" include streets, roads, highways,
5 sidewalks, street and road lighting systems, traffic signals, domestic
6 water systems, storm and sanitary sewer systems, parks and recreational
7 facilities, and schools.

8 ((+13)) (15) "Public services" include fire protection and
9 suppression, law enforcement, public health, education, recreation,
10 environmental protection, and other governmental services.

11 ((+14)) (16) "Rural character" refers to the patterns of land use
12 and development established by a county in the rural element of its
13 comprehensive plan:

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

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

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

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

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

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

26 (g) That are consistent with the protection of natural surface
27 water flows and ground water and surface water recharge and discharge
28 areas.

29 ((+15)) (17) "Rural counties" has the same meaning as in RCW
30 82.14.370(5).

31 (18) "Rural development" refers to development outside the urban
32 growth area and outside agricultural, forest, and mineral resource
33 lands designated pursuant to RCW 36.70A.170. Rural development can
34 consist of a variety of uses and residential densities, including
35 clustered residential development, at levels that are consistent with
36 the preservation of rural character and the requirements of the rural
37 element. Rural development does not refer to agriculture or forestry
38 activities that may be conducted in rural areas.

1 (~~(16)~~) (19) "Rural governmental services" or "rural services"
2 include those public services and public facilities historically and
3 typically delivered at an intensity usually found in rural areas, and
4 may include domestic water systems, fire and police protection
5 services, transportation and public transit services, and other public
6 utilities associated with rural development and normally not associated
7 with urban areas. Rural services do not include storm or sanitary
8 sewers, except as otherwise authorized by RCW 36.70A.110(4).

9 (~~(17)~~) (20) "Urban growth" refers to growth that makes intensive
10 use of land for the location of buildings, structures, and impermeable
11 surfaces to such a degree as to be incompatible with the primary use of
12 land for the production of food, other agricultural products, or fiber,
13 or the extraction of mineral resources, rural uses, rural development,
14 and natural resource lands designated pursuant to RCW 36.70A.170. A
15 pattern of more intensive rural development, as provided in RCW
16 36.70A.070(5)(d), is not urban growth. When allowed to spread over
17 wide areas, urban growth typically requires urban governmental
18 services. "Characterized by urban growth" refers to land having urban
19 growth located on it, or to land located in relationship to an area
20 with urban growth on it as to be appropriate for urban growth.

21 (~~(18)~~) (21) "Urban growth areas" means those areas designated by
22 a county pursuant to RCW 36.70A.110.

23 (~~(19)~~) (22) "Urban governmental services" or "urban services"
24 include those public services and public facilities at an intensity
25 historically and typically provided in cities, specifically including
26 storm and sanitary sewer systems, domestic water systems, street
27 cleaning services, fire and police protection services, public transit
28 services, and other public utilities associated with urban areas and
29 normally not associated with rural areas.

30 (~~(20)~~) (23) "Wetland" or "wetlands" means areas that are
31 inundated or saturated by surface water or ground water at a frequency
32 and duration sufficient to support, and that under normal circumstances
33 do support, a prevalence of vegetation typically adapted for life in
34 saturated soil conditions. Wetlands generally include swamps, marshes,
35 bogs, and similar areas. Wetlands do not include those artificial
36 wetlands intentionally created from nonwetland sites, including, but
37 not limited to, irrigation and drainage ditches, grass-lined swales,
38 canals, detention facilities, wastewater treatment facilities, farm
39 ponds, and landscape amenities, or those wetlands created after July 1,

1 1990, that were unintentionally created as a result of the construction
2 of a road, street, or highway. Wetlands may include those artificial
3 wetlands intentionally created from nonwetland areas created to
4 mitigate conversion of wetlands.

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

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

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

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, general aviation airports, public
20 utilities, public facilities, and other land uses. The land use
21 element shall include population densities, building intensities, and
22 estimates of future population growth. The land use element shall
23 provide for protection of the quality and quantity of ground water used
24 for public water supplies. Where applicable, the land use element
25 shall review drainage, flooding, and storm water run-off in the area
26 and nearby jurisdictions and provide guidance for corrective actions to
27 mitigate or cleanse those discharges that pollute waters of the state,
28 including Puget Sound or waters entering Puget Sound.

29 (2) A housing element ensuring the vitality and character of
30 established residential neighborhoods that: (a) Includes an inventory
31 and analysis of existing and projected housing needs that identifies
32 the number of housing units necessary to accommodate projected growth;
33 (b) includes a statement of goals, policies, objectives, and mandatory
34 provisions for the preservation, improvement, and development of
35 housing, including single-family residences; (c) identifies sufficient
36 land for housing, including, but not limited to, government-assisted
37 housing, housing for low-income families, manufactured housing,
38 multifamily housing, and group homes and foster care facilities; and

1 (d) makes adequate provisions for existing and projected needs of all
2 economic segments of the community.

3 (3) A capital facilities plan element consisting of: (a) An
4 inventory of existing capital facilities owned by public entities,
5 showing the locations and capacities of the capital facilities; (b) a
6 forecast of the future needs for such capital facilities; (c) the
7 proposed locations and capacities of expanded or new capital
8 facilities; (d) at least a six-year plan that will finance such capital
9 facilities within projected funding capacities and clearly identifies
10 sources of public money for such purposes; and (e) a requirement to
11 reassess the land use element if probable funding falls short of
12 meeting existing needs and to ensure that the land use element, capital
13 facilities plan element, and financing plan within the capital
14 facilities plan element are coordinated and consistent.

15 (4) A utilities element consisting of the general location,
16 proposed location, and capacity of all existing and proposed utilities,
17 including, but not limited to, electrical lines, telecommunication
18 lines, and natural gas lines.

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

23 (a) Growth management act goals and local circumstances. Because
24 circumstances vary from county to county, in establishing patterns of
25 rural densities and uses, a county may consider local circumstances,
26 but shall develop a written record explaining how the rural element
27 harmonizes the planning goals in RCW 36.70A.020 and meets the
28 requirements of this chapter.

29 (b) Rural development. The rural element shall permit rural
30 development, forestry, and agriculture in rural areas. The rural
31 element shall provide for a variety of rural densities, uses, essential
32 public facilities, and rural governmental services needed to serve the
33 permitted densities and uses. In order to achieve a variety of rural
34 densities and uses, counties may provide for clustering, density
35 transfer, design guidelines, conservation easements, and other
36 innovative techniques that will accommodate appropriate rural densities
37 and uses that are not characterized by urban growth and that are
38 consistent with rural character.

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

13 (d) Limited areas of more intensive rural development. Subject to
14 the requirements of this subsection and except as otherwise
15 specifically provided in this subsection (5)(d), the rural element may
16 allow for limited areas of more intensive rural development, including
17 necessary public facilities and public services to serve the limited
18 area as follows:

19 (i) Rural development consisting of the infill, development, or
20 redevelopment of existing commercial, industrial, residential, or
21 mixed-use areas, whether characterized as shoreline development,
22 villages, hamlets, rural activity centers, or crossroads developments.
23 A commercial, industrial, residential, shoreline, or mixed-use area
24 shall be subject to the requirements of (d)(iv) of this subsection, but
25 shall not be subject to the requirements of (c)(ii) and (iii) of this
26 subsection. An industrial area is not required to be principally
27 designed to serve the existing and projected rural population;

28 (ii) The intensification of development on lots containing, or new
29 development of, small-scale recreational or tourist uses, including
30 commercial facilities to serve those recreational or tourist uses, that
31 rely on a rural location and setting, but that do not include new
32 residential development. A small-scale recreation or tourist use is
33 not required to be principally designed to serve the existing and
34 projected rural population. Public services and public facilities
35 shall be limited to those necessary to serve the recreation or tourist
36 use and shall be provided in a manner that does not permit low-density
37 sprawl;

38 (iii) The intensification of development on lots containing
39 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not principally
2 designed to serve the existing and projected rural population and
3 nonresidential uses, but do provide job opportunities for rural
4 residents. Rural counties may allow the expansion of small-scale
5 businesses in rural areas if such businesses are compatible in size and
6 scale with the patterns of land use and development established by a
7 county in the rural element of its comprehensive plan. Rural counties
8 may also allow new small-scale businesses to utilize a site previously
9 occupied by an existing business if such businesses are compatible in
10 size and scale with the patterns of land use and development
11 established by a county in the rural element of its comprehensive plan.
12 Public services and public facilities shall be limited to those
13 necessary to serve the isolated nonresidential use and shall be
14 provided in a manner that does not permit low-density sprawl;

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

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

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

36 (B) On the date the county adopted a resolution under RCW
37 36.70A.040(2), in a county that is planning under all of the provisions
38 of this chapter under RCW 36.70A.040(2); or

1 (C) On the date the office of financial management certifies the
2 county's population as provided in RCW 36.70A.040(5), in a county that
3 is planning under all of the provisions of this chapter pursuant to RCW
4 36.70A.040(5).

5 (e) Exception. This subsection shall not be interpreted to permit
6 in the rural area a major industrial development or a master planned
7 resort unless otherwise specifically permitted under RCW 36.70A.360 and
8 36.70A.365.

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

11 (a) The transportation element shall include the following
12 subelements:

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

14 (ii) Estimated traffic impacts to state-owned transportation
15 facilities resulting from land use assumptions to assist the department
16 of transportation in monitoring the performance of state facilities, to
17 plan improvements for the facilities, and to assess the impact of land-
18 use decisions on state-owned transportation facilities;

19 (iii) Facilities and services needs, including:

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

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

29 (C) For state-owned transportation facilities, level of service
30 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
31 to gauge the performance of the system. The purposes of reflecting
32 level of service standards for state highways in the local
33 comprehensive plan are to monitor the performance of the system, to
34 evaluate improvement strategies, and to facilitate coordination between
35 the county's or city's six-year street, road, or transit program and
36 the department of transportation's six-year investment program. The
37 concurrency requirements of (b) of this subsection do not apply to
38 transportation facilities and services of statewide significance except
39 for counties consisting of islands whose only connection to the

1 mainland are state highways or ferry routes. In these island counties,
2 state highways and ferry route capacity must be a factor in meeting the
3 concurrency requirements in (b) of this subsection;

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

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

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

14 (iv) Finance, including:

15 (A) An analysis of funding capability to judge needs against
16 probable funding resources;

17 (B) A multiyear financing plan based on the needs identified in the
18 comprehensive plan, the appropriate parts of which shall serve as the
19 basis for the six-year street, road, or transit program required by RCW
20 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
21 for public transportation systems. The multiyear financing plan should
22 be coordinated with the six-year improvement program developed by the
23 department of transportation as required by RCW 47.05.030;

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

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

31 (vi) Demand-management strategies.

32 (b) After adoption of the comprehensive plan by jurisdictions
33 required to plan or who choose to plan under RCW 36.70A.040, local
34 jurisdictions must adopt and enforce ordinances which prohibit
35 development approval if the development causes the level of service on
36 a locally owned transportation facility to decline below the standards
37 adopted in the transportation element of the comprehensive plan, unless
38 transportation improvements or strategies to accommodate the impacts of
39 development are made concurrent with the development. These strategies

1 may include increased public transportation service, ride sharing
2 programs, demand management, and other transportation systems
3 management strategies. For the purposes of this subsection (6)
4 "concurrent with the development" shall mean that improvements or
5 strategies are in place at the time of development, or that a financial
6 commitment is in place to complete the improvements or strategies
7 within six years.

8 (c) The transportation element described in this subsection (6),
9 and the six-year plans required by RCW 35.77.010 for cities, RCW
10 36.81.121 for counties, RCW 35.58.2795 for public transportation
11 systems, and RCW 47.05.030 for the state, must be consistent.

12 (7) An economic development element establishing a plan for
13 economic growth and promoting economic development opportunities that
14 includes: (a) An inventory of existing businesses, including the
15 number, location, size, and type or classification of businesses; (b)
16 an analysis of the economic impact of existing businesses operating
17 within the county, considering factors including but not limited to the
18 number of employees, business activity, historical growth patterns, and
19 projected new employment capabilities; (c) a statement of goals,
20 policies, objectives, and mandatory provisions to promote the retention
21 and expansion of existing businesses and the recruitment of new
22 businesses; and (d) identification of future needs, including capital
23 facilities, infrastructure, and work force training, to foster economic
24 development opportunities.

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

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

1 (2) The legislative authority of a county that plans under RCW
2 36.70A.040 shall adopt a countywide planning policy in cooperation with
3 the cities located in whole or in part within the county as follows:

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

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

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

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

1 (e) No later than July 1, 1992, the legislative authority of each
2 county that was required or chose to plan under RCW 36.70A.040 as of
3 June 1, 1991, or no later than fourteen months after the date the
4 county adopted its resolution of intention or was certified by the
5 office of financial management the county legislative authority of any
6 other county that is required or chooses to plan under RCW 36.70A.040,
7 shall adopt a countywide planning policy according to the process
8 provided under this section and that is consistent with the agreement
9 pursuant to (b) of this subsection, and after holding a public hearing
10 or hearings on the proposed countywide planning policy.

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

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

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

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

19 (d) Policies for countywide transportation facilities and
20 strategies;

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

24 (f) Policies for joint county and city planning within urban growth
25 areas;

26 (g) Policies for countywide economic development and employment;
27 ((and))

28 (h) Policies for the allocation of projected population and
29 employment growth, and the number of residential units necessary to
30 accommodate growth in the urban and rural areas by jurisdiction;

31 (i) Policies establishing appropriate densities for urban and rural
32 areas;

33 (j) Performance measures to annually review progress towards
34 accommodating the twenty-year population and employment growth
35 projections established in the countywide planning policies;

36 (k) Policies that accommodate both jobs and housing; and

37 (l) An analysis of the fiscal impact.

38 (4) Federal agencies and Indian tribes may participate in and
39 cooperate with the countywide planning policy adoption process.

1 Adopted countywide planning policies shall be adhered to by state
2 agencies.

3 (5) Failure to adopt a countywide planning policy that meets the
4 requirements of this section may result in the imposition of a sanction
5 or sanctions on a county or city within the county, as specified in RCW
6 36.70A.340. In imposing a sanction or sanctions, the governor shall
7 specify the reasons for failure to adopt a countywide planning policy
8 in order that any imposed sanction or sanctions are fairly and
9 equitably related to the failure to adopt a countywide planning policy.

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

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

19 **Sec. 5.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to
20 read as follows:

21 (1) Subject to the limitations in subsection (~~((7))~~) (8) of this
22 section, a county shall adopt, in consultation with its cities,
23 countywide planning policies to establish a review and evaluation
24 program. This program shall be in addition to the requirements of RCW
25 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing
26 the review and evaluation program required by this section, the county
27 and its cities shall consider information from other appropriate
28 jurisdictions and sources. The purpose of the review and evaluation
29 program shall be to:

30 (a) Determine whether a county and its cities are achieving urban
31 densities within urban growth areas by comparing growth and development
32 assumptions, targets, and objectives contained in the countywide
33 planning policies and the county and city comprehensive plans with
34 actual growth and development that has occurred in the county and its
35 cities; and

36 (b) Identify and adopt reasonable measures, other than adjusting
37 urban growth areas, that will be taken to comply with the requirements

1 of this chapter, which are sufficient to accommodate residential and
2 nonresidential growth.

3 (2) The review and evaluation program shall:

4 (a) Encompass land uses and activities both within and outside of
5 urban growth areas and provide for annual collection and reporting of
6 data to the county on urban and rural land uses, development, critical
7 areas, and capital facilities to the extent necessary to determine the
8 quantity and type of land suitable for development, both for
9 residential and employment-based activities;

10 (b) Provide for evaluation of the data collected under (a) of this
11 subsection every five years as provided in subsection (3) of this
12 section. The first evaluation shall be completed not later than
13 September 1, 2002. The county and its cities may establish in the
14 countywide planning policies indicators, benchmarks, and other similar
15 criteria to use in conducting the evaluation;

16 (c) Provide for methods to resolve disputes among jurisdictions
17 relating to the countywide planning policies required by this section
18 and procedures to resolve inconsistencies in collection and analysis of
19 data; and

20 (d) Provide for the amendment of the countywide policies and county
21 and city comprehensive plans and development regulations as needed to
22 remedy an inconsistency identified through the evaluation required by
23 this section, or to bring these policies into compliance with the
24 requirements of this chapter.

25 (3) At a minimum, the evaluation component of the program required
26 by subsection (1) of this section shall:

27 (a) Require a joint report from each county and its cities
28 regarding regional growth patterns, trends, comparing employment,
29 housing growth, and market conditions; and compiling data on new
30 development. The report shall:

31 (i) Evaluate whether or not the zoning and development regulations
32 allow development at the densities sufficient to accommodate the
33 adopted population and employment projections;

34 (ii) Highlight the reasons for the difference between the planned
35 outcomes and actual performance, such as market and other factors
36 affecting the achievement of planned outcomes; and

37 (iii) Indicate reasonable and appropriate actions adopted to
38 encourage growth to occur sufficient to accommodate residential and
39 nonresidential needs;

1 (b) Determine whether there is sufficient land suitable ((land))
2 for development to accommodate the countywide population projection
3 established for the county pursuant to RCW 43.62.035 and the subsequent
4 population allocations within the county and between the county and its
5 cities and the requirements of RCW 36.70A.110;

6 ~~((b))~~ (c) Determine the net number and types of new residential
7 dwelling units; the actual density of housing that has been constructed
8 ((and)); the square footage of new nonresidential development
9 permitted; the actual amount of land developed for commercial and
10 industrial uses; the estimated net number of new jobs created
11 countywide; and the amount of known environmentally sensitive land and
12 lands that cannot be built upon within the urban growth area since the
13 adoption of a comprehensive plan under this chapter or since the last
14 periodic evaluation as required by subsection (1) of this section; and

15 ~~((e))~~ (d) Based on the actual density of development as
16 determined under ~~((b))~~ (c) of this subsection, review commercial,
17 industrial, and housing needs by type and density range to determine
18 the amount of land needed for commercial, industrial, and housing for
19 the remaining portion of the twenty-year planning period used in the
20 most recently adopted comprehensive plan.

21 (4) If the evaluation required by subsection (3) of this section
22 demonstrates an inconsistency between what has occurred since the
23 adoption of the countywide planning policies and the county and city
24 comprehensive plans and development regulations and what was envisioned
25 in those policies and plans and the planning goals and the requirements
26 of this chapter, as the inconsistency relates to the evaluation factors
27 specified in subsection (3) of this section(~~(, the county and its~~
28 ~~cities))~~); or demonstrates that the county or any city is not achieving
29 the land use designations and densities planned for the jurisdiction in
30 its comprehensive plan based on the evaluation factors specified in
31 subsection (3) of this section, the county or city shall identify and
32 adopt reasonable measures in order to accommodate the demand for
33 residential units and nonresidential growth during the subsequent five-
34 year period.

35 (a) If actions to achieve consistency are necessary, the county or
36 city shall revise its comprehensive land use plan and development or
37 other regulations, or take other actions necessary to increase
38 consistency, and ensure sufficient land suitable for development with
39 applicable development regulations to accommodate projected residential

1 units necessary for population growth, and achieved densities projected
2 for the jurisdiction in the countywide planning policy and its
3 comprehensive plan. The county or city shall adopt and implement
4 appropriate measures within one year of conducting the evaluation under
5 this section that are reasonably likely to increase consistency during
6 the subsequent five-year period. If necessary, a county, in
7 consultation with its cities as required by RCW 36.70A.210, shall adopt
8 amendments to countywide planning policies to increase consistency.
9 The county and its cities shall annually monitor the measures adopted
10 under this subsection to determine their effect and may revise or
11 rescind them as appropriate.

12 (b) A county or city adopting actions shall, at a minimum,
13 demonstrate that it has considered whether the urban land designated
14 for residential and nonresidential uses is zoned at density ranges with
15 applicable development regulations that are reasonably likely to be
16 achieved by the market.

17 (c) Actions to increase consistency in planned and achieved growth
18 may include, but are not limited to, the following:

19 (i) Incentives to encourage new development consistent with the
20 local plan;

21 (ii) Funding of infrastructure and amenities to attract
22 development;

23 (iii) Changes in land use regulations and zoning designations for
24 land within the boundaries of the jurisdiction in a manner that
25 encourages development to occur at densities sufficient to accommodate
26 projected residential and nonresidential growth;

27 (iv) Outreach programs to encourage developers to build the type of
28 development sought in the jurisdiction's plan or development
29 regulations; and

30 (v) Improved procedures to reduce the time it takes the
31 jurisdiction to issue permits.

32 (5) Countywide planning policies may include additional incentive
33 provisions and enforcement measures to accommodate growth and achieve
34 goals.

35 (6)(a) Not later than July 1, 1998, the department shall prepare a
36 list of methods used by counties and cities in carrying out the types
37 of activities required by this section. The department shall provide
38 this information and appropriate technical assistance to counties and

1 cities required to or choosing to comply with the provisions of this
2 section.

3 (b) By December 31, (~~(2007)~~) 2003 and 2008, the department shall
4 submit to the appropriate committees of the legislature a report
5 analyzing the effectiveness of the activities described and measures
6 taken by the counties and cities in this section in achieving the goals
7 envisioned by the countywide planning policies and the comprehensive
8 plans and development regulations of the counties and cities.

9 (~~(6)~~) (7) From funds appropriated by the legislature for this
10 purpose, the department shall provide grants to counties, cities, and
11 regional planning organizations required under subsection (~~(7)~~) (8)
12 of this section to conduct the review and perform the evaluation
13 required by this section.

14 (~~(7)~~) (8) The provisions of this section shall apply to counties,
15 and the cities within those counties, that were greater than one
16 hundred fifty thousand in population in 1995 as determined by office of
17 financial management population estimates and that are located west of
18 the crest of the Cascade mountain range. Any other county planning
19 under RCW 36.70A.040 may carry out the review, evaluation, and
20 amendment programs and procedures as provided in this section.

21 NEW SECTION. **Sec. 6.** This act takes effect September 1, 2002.

22 NEW SECTION. **Sec. 7.** If specific funding for the purposes of this
23 act, referencing this act by bill or chapter number, is not provided by
24 June 30, 2002, in the omnibus appropriations act, this act is null and
25 void.

--- END ---