
SENATE BILL 6070

State of Washington

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By Senators Patterson, Roach, Fairley, Horn, T. Sheldon, Kline, McCaslin, Honeyford, Prentice, Jacobsen, Oke, Snyder, Franklin, Swecker, Zarelli, Rasmussen, McDonald, Sheahan, Johnson, West, Hale, Rossi, Regala, Deccio, Carlson, Hewitt, Gardner, McAuliffe, B. Sheldon, Haugen, Morton, Spanel, Shin, Benton, Stevens, Constantine, Costa, Hochstatter, Eide, Hargrove, Finkbeiner, Parlette and Winsley

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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) "Small-scale business" means any business entity,
10 including a sole proprietorship, corporation, partnership, or other
11 legal entity, that is owned and operated independently from all other
12 businesses, and that is of a size and scale that is: (a) Compatible
13 with adjacent land uses and existing or planned infrastructure; and (b)
14 if in a rural area, is consistent with the rural character of the area
15 as defined by the local government according to RCW 36.70A.030(14); or
16 (c) if outside a rural area, is consistent with the neighborhood
17 character, as may be established by the local government in which it is
18 located.

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

31 (~~(18)~~) (22) "Urban growth areas" means those areas designated by
32 a county pursuant to RCW 36.70A.110.

33 (~~(19)~~) (23) "Urban governmental services" or "urban services"
34 include those public services and public facilities at an intensity
35 historically and typically provided in cities, specifically including
36 storm and sanitary sewer systems, domestic water systems, street
37 cleaning services, fire and police protection services, public transit
38 services, and other public utilities associated with urban areas and
39 normally not associated with rural areas.

1 (~~(20)~~) (24) "Wetland" or "wetlands" means areas that are
2 inundated or saturated by surface water or ground water at a frequency
3 and duration sufficient to support, and that under normal circumstances
4 do support, a prevalence of vegetation typically adapted for life in
5 saturated soil conditions. Wetlands generally include swamps, marshes,
6 bogs, and similar areas. Wetlands do not include those artificial
7 wetlands intentionally created from nonwetland sites, including, but
8 not limited to, irrigation and drainage ditches, grass-lined swales,
9 canals, detention facilities, wastewater treatment facilities, farm
10 ponds, and landscape amenities, or those wetlands created after July 1,
11 1990, that were unintentionally created as a result of the construction
12 of a road, street, or highway. Wetlands may include those artificial
13 wetlands intentionally created from nonwetland areas created to
14 mitigate conversion of wetlands.

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

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

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

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

1 (2) A housing element ensuring the vitality and character of
2 established residential neighborhoods that: (a) Includes an inventory
3 and analysis of existing and projected housing needs that identifies
4 the number of housing units necessary to accommodate projected growth;
5 (b) includes a statement of goals, policies, objectives, and mandatory
6 provisions for the preservation, improvement, and development of
7 housing, including single-family residences; (c) identifies sufficient
8 land 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.

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed utilities,
27 including, but not limited to, electrical lines, telecommunication
28 lines, and natural gas lines.

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

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

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

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

14 (i) Containing or otherwise controlling rural development;

15 (ii) Assuring visual compatibility of rural development with the
16 surrounding rural area;

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

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

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

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

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

38 (ii) The intensification of development on lots containing, or new
39 development of, small-scale recreational or tourist uses, including

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

9 (iii) The intensification of development on lots containing
10 isolated nonresidential uses or new development of isolated cottage
11 industries and isolated small-scale businesses that are not principally
12 designed to serve the existing and projected rural population and
13 nonresidential uses, but do provide job opportunities for rural
14 residents. Rural counties may allow the expansion of small-scale
15 businesses as long as those small-scale businesses conform with the
16 rural character of the area, as defined by the local government
17 according to RCW 36.70A.030(14). Rural counties may also allow new
18 small-scale businesses to utilize a site previously occupied by an
19 existing business as long as the new small-scale business conforms to
20 the rural character of the area as defined by the local government
21 according to RCW 36.70A.030(14). Public services and public facilities
22 shall be limited to those necessary to serve the isolated
23 nonresidential use and shall be provided in a manner that does not
24 permit low-density sprawl;

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

1 boundaries, and (D) the ability to provide public facilities and public
2 services in a manner that does not permit low-density sprawl;

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

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

7 (B) On the date the county adopted a resolution under RCW
8 36.70A.040(2), in a county that is planning under all of the provisions
9 of this chapter under RCW 36.70A.040(2); or

10 (C) On the date the office of financial management certifies the
11 county's population as provided in RCW 36.70A.040(5), in a county that
12 is planning under all of the provisions of this chapter pursuant to RCW
13 36.70A.040(5).

14 (e) Exception. This subsection shall not be interpreted to permit
15 in the rural area a major industrial development or a master planned
16 resort unless otherwise specifically permitted under RCW 36.70A.360 and
17 36.70A.365.

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

20 (a) The transportation element shall include the following
21 subelements:

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

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

28 (iii) Facilities and services needs, including:

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

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

38 (C) For state-owned transportation facilities, level of service
39 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,

1 to gauge the performance of the system. The purposes of reflecting
2 level of service standards for state highways in the local
3 comprehensive plan are to monitor the performance of the system, to
4 evaluate improvement strategies, and to facilitate coordination between
5 the county's or city's six-year street, road, or transit program and
6 the department of transportation's six-year investment program. The
7 concurrency requirements of (b) of this subsection do not apply to
8 transportation facilities and services of statewide significance except
9 for counties consisting of islands whose only connection to the
10 mainland are state highways or ferry routes. In these island counties,
11 state highways and ferry route capacity must be a factor in meeting the
12 concurrency requirements in (b) of this subsection;

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

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

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

23 (iv) Finance, including:

24 (A) An analysis of funding capability to judge needs against
25 probable funding resources;

26 (B) A multiyear financing plan based on the needs identified in the
27 comprehensive plan, the appropriate parts of which shall serve as the
28 basis for the six-year street, road, or transit program required by RCW
29 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
30 for public transportation systems. The multiyear financing plan should
31 be coordinated with the six-year improvement program developed by the
32 department of transportation as required by RCW 47.05.030;

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

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

1 (vi) Demand-management strategies.

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

17 (c) The transportation element described in this subsection (6),
18 and the six-year plans required by RCW 35.77.010 for cities, RCW
19 36.81.121 for counties, RCW 35.58.2795 for public transportation
20 systems, and RCW 47.05.030 for the state, must be consistent.

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

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

36 (1) The legislature recognizes that counties are regional
37 governments within their boundaries, and cities are primary providers
38 of urban governmental services within urban growth areas. For the

1 purposes of this section, a "countywide planning policy" is a written
2 policy statement or statements used solely for establishing a
3 countywide framework from which county and city comprehensive plans are
4 developed and adopted pursuant to this chapter. This framework shall
5 ensure that city and county comprehensive plans are consistent as
6 required in RCW 36.70A.100. Nothing in this section shall be construed
7 to alter the land-use powers of cities.

8 (2) The legislative authority of a county that plans under RCW
9 36.70A.040 shall adopt a countywide planning policy in cooperation with
10 the cities located in whole or in part within the county as follows:

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

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

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

31 (d) If there is no agreement by October 1, 1991, in a county that
32 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
33 or if there is no agreement within one hundred twenty days of the date
34 the county adopted its resolution of intention or was certified by the
35 office of financial management in any other county that is required or
36 chooses to plan under RCW 36.70A.040, the governor shall first inquire
37 of the jurisdictions as to the reason or reasons for failure to reach
38 an agreement. If the governor deems it appropriate, the governor may
39 immediately request the assistance of the department of community,

1 trade, and economic development to mediate any disputes that preclude
2 agreement. If mediation is unsuccessful in resolving all disputes that
3 will lead to agreement, the governor may impose appropriate sanctions
4 from those specified under RCW 36.70A.340 on the county, city, or
5 cities for failure to reach an agreement as provided in this section.
6 The governor shall specify the reason or reasons for the imposition of
7 any sanction.

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

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

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

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

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

26 (d) Policies for countywide transportation facilities and
27 strategies;

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

31 (f) Policies for joint county and city planning within urban growth
32 areas;

33 (g) Policies for countywide economic development and employment;
34 ((and))

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

38 (i) Policies establishing appropriate densities for urban and rural
39 areas;

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

4 (k) Policies that plan for and achieve a balance between jobs and
5 housing; and

6 (l) An analysis of the fiscal impact.

7 (4) Federal agencies and Indian tribes may participate in and
8 cooperate with the countywide planning policy adoption process.
9 Adopted countywide planning policies shall be adhered to by state
10 agencies.

11 (5) Failure to adopt a countywide planning policy that meets the
12 requirements of this section may result in the imposition of a sanction
13 or sanctions on a county or city within the county, as specified in RCW
14 36.70A.340. In imposing a sanction or sanctions, the governor shall
15 specify the reasons for failure to adopt a countywide planning policy
16 in order that any imposed sanction or sanctions are fairly and
17 equitably related to the failure to adopt a countywide planning policy.

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

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

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

29 (1) Subject to the limitations in subsection (~~((7))~~) (8) of this
30 section, a county shall adopt, in consultation with its cities,
31 countywide planning policies to establish a review and evaluation
32 program. This program shall be in addition to the requirements of RCW
33 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing
34 the review and evaluation program required by this section, the county
35 and its cities shall consider information from other appropriate
36 jurisdictions and sources. The purpose of the review and evaluation
37 program shall be to:

1 (a) Determine whether a county and its cities are achieving urban
2 densities within urban growth areas by comparing growth and development
3 assumptions, targets, and objectives contained in the countywide
4 planning policies and the county and city comprehensive plans with
5 actual growth and development that has occurred in the county and its
6 cities; and

7 (b) Identify and adopt reasonable measures, other than adjusting
8 urban growth areas, that will be taken to comply with the requirements
9 of this chapter, which are sufficient to accommodate residential and
10 nonresidential growth.

11 (2) The review and evaluation program shall:

12 (a) Encompass land uses and activities both within and outside of
13 urban growth areas and provide for annual collection and reporting of
14 data to the county on urban and rural land uses, development, critical
15 areas, and capital facilities to the extent necessary to determine the
16 quantity and type of land suitable for development, both for
17 residential and employment-based activities;

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

24 (c) Provide for methods to resolve disputes among jurisdictions
25 relating to the countywide planning policies required by this section
26 and procedures to resolve inconsistencies in collection and analysis of
27 data; and

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

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

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

1 (i) Evaluate whether or not the zoning and development regulations
2 allow development at the densities sufficient to accommodate the
3 adopted population and employment projections;

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

7 (iii) Indicate reasonable and appropriate actions adopted to
8 encourage growth to occur sufficient to accommodate residential and
9 nonresidential needs;

10 (b) Determine whether there is sufficient land suitable ((land))
11 for development to accommodate the countywide population projection
12 established for the county pursuant to RCW 43.62.035 and the subsequent
13 population allocations within the county and between the county and its
14 cities and the requirements of RCW 36.70A.110;

15 ~~((b))~~ (c) Determine the net number and types of new residential
16 dwelling units; the actual density of housing that has been constructed
17 ((and)); the square footage of new nonresidential development
18 permitted; the actual amount of land developed for commercial and
19 industrial uses; the estimated net number of new jobs created
20 countywide; and the amount of known environmentally sensitive land and
21 lands that cannot be built upon within the urban growth area since the
22 adoption of a comprehensive plan under this chapter or since the last
23 periodic evaluation as required by subsection (1) of this section; and

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

30 (4) If the evaluation required by subsection (3) of this section
31 demonstrates an inconsistency between what has occurred since the
32 adoption of the countywide planning policies and the county and city
33 comprehensive plans and development regulations and what was envisioned
34 in those policies and plans and the planning goals and the requirements
35 of this chapter, as the inconsistency relates to the evaluation factors
36 specified in subsection (3) of this section(~~(, the county and its~~
37 ~~cities)); or demonstrates that the county or any city is not achieving~~
38 the land use designations and densities planned for the jurisdiction in
39 its comprehensive plan based on the evaluation factors specified in

1 subsection (3) of this section, the county or city shall identify and
2 adopt reasonable measures in order to accommodate the demand for
3 residential units and nonresidential growth during the subsequent five-
4 year period.

5 (a) If actions to achieve consistency are necessary, the county or
6 city shall revise its comprehensive land use plan and development or
7 other regulations, or take other actions necessary to increase
8 consistency, and ensure sufficient land suitable for development with
9 applicable development regulations to accommodate projected residential
10 units necessary for population growth, and achieved densities projected
11 for the jurisdiction in the countywide planning policy and its
12 comprehensive plan. The county or city shall adopt and implement
13 appropriate measures within one year of conducting the evaluation under
14 this section that are reasonably likely to increase consistency during
15 the subsequent five-year period. If necessary, a county, in
16 consultation with its cities as required by RCW 36.70A.210, shall adopt
17 amendments to countywide planning policies to increase consistency.
18 The county and its cities shall annually monitor the measures adopted
19 under this subsection to determine their effect and may revise or
20 rescind them as appropriate.

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

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

28 (i) Incentives to encourage new development consistent with the
29 local plan;

30 (ii) Funding of infrastructure and amenities to attract
31 development;

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

36 (iv) Outreach programs to encourage developers to build the type of
37 development sought in the jurisdiction's plan or development
38 regulations; and

1 (v) Improved procedures to reduce the time it takes the
2 jurisdiction to issue permits.

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

6 (6)(a) Not later than July 1, 1998, the department shall prepare a
7 list of methods used by counties and cities in carrying out the types
8 of activities required by this section. The department shall provide
9 this information and appropriate technical assistance to counties and
10 cities required to or choosing to comply with the provisions of this
11 section.

12 (b) By December 31, ~~((2007))~~ 2003 and 2008, the department shall
13 submit to the appropriate committees of the legislature a report
14 analyzing the effectiveness of the activities described and measures
15 taken by the counties and cities in this section in achieving the goals
16 envisioned by the countywide planning policies and the comprehensive
17 plans and development regulations of the counties and cities.

18 ~~((+6+))~~ (7) From funds appropriated by the legislature for this
19 purpose, the department shall provide grants to counties, cities, and
20 regional planning organizations required under subsection ~~((+7+))~~ (8)
21 of this section to conduct the review and perform the evaluation
22 required by this section.

23 ~~((+7+))~~ (8) The provisions of this section shall apply to counties,
24 and the cities within those counties, that were greater than one
25 hundred fifty thousand in population in 1995 as determined by office of
26 financial management population estimates and that are located west of
27 the crest of the Cascade mountain range. Any other county planning
28 under RCW 36.70A.040 may carry out the review, evaluation, and
29 amendment programs and procedures as provided in this section.

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

31 NEW SECTION. Sec. 7. If specific funding for the purposes of this
32 act, referencing this act by bill or chapter number, is not provided by
33 June 30, 2002, in the omnibus appropriations act, this act is null and
34 void.

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