

ESHB 2023 - S COMM AMD

By Committee on Local Government

ADOPTED AS AMENDED 04/12/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 The initial effective date of an action that amends the locally
6 adopted critical areas ordinance, amends a locally adopted shoreline
7 master program, adds the designation of agricultural, forest, or
8 mineral lands designated under RCW 36.70A.170, reduces a limited area
9 of more intensive rural development designated under RCW
10 36.70A.070(5), reduces density or increases minimum lot size
11 requirements, or could result in uncompensated taking of private
12 property or significant economic impacts as identified through the
13 analysis conducted under section 2 of this act, is after the latest
14 of the following dates:

15 (1) Sixty days after the date of publication of notice of
16 adoption of the comprehensive plan, development regulation, or
17 amendment to the plan or regulation; or

18 (2) If a petition for review to the growth management hearings
19 board is timely filed, upon issuance of the board's final order.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A
21 RCW to read as follows:

22 (1) PRIVATE PROPERTY TAKING IMPACT ANALYSIS. To the fullest
23 extent possible, the policies, rules, and public laws interpreting
24 the growth management act shall be interpreted and administered by
25 local governments in accordance with the policies under this chapter.
26 All state and local agencies shall complete a private property taking
27 impact analysis before issuing or adopting any rule, policy,
28 regulation, or related agency action which is likely to result in a
29 taking of private property.

30 (a) A private property taking impact analysis is a written
31 statement that includes:

1 (i) The specific purpose of the rule, ordinance, policy,
2 regulation, proposal, recommendation, or related agency action;

3 (ii) An assessment of the likelihood that a taking of private
4 property will occur under the rule, ordinance, policy, regulation,
5 proposal, recommendation, or related agency action;

6 (iii) An evaluation of whether the rule, ordinance, policy,
7 regulation, proposal, recommendation, or related agency action is
8 likely to require compensation to private property owners;

9 (iv) Alternatives to the rule, policy, regulation, proposal,
10 recommendation, or related agency action that would achieve the
11 intended purposes of the agency action and lessen the likelihood that
12 a taking of private property will occur;

13 (v) An estimate of the potential liability of the agency, if the
14 agency is required to compensate a private property owner; and

15 (vi) Whether enforcement of the rule, ordinance, policy,
16 regulation, proposal, recommendation, or related agency action could
17 reasonably be construed to require an uncompensated taking of private
18 property as defined by this chapter.

19 (b) Each agency shall provide an analysis as part of any proposed
20 rule, ordinance, policy, regulation, proposal, recommendation, or
21 related agency action and submit the analysis to the board of county
22 commissioners, in affected jurisdictions, in conjunction with a
23 proposed rule, policy, regulation, proposal, recommendation, or
24 related action prior to adoption.

25 (2) ECONOMIC IMPACT ANALYSIS. All local governments shall
26 complete an economic impact analysis before issuing or adopting any
27 policy, rule, resolution, ordinance, or related department action
28 pursuant to section 1 of this act which may economically impact the
29 citizens of that jurisdiction.

30 (a) An economic impact analysis is a written statement that
31 includes:

32 (i) The specific purpose of the rule, policy, regulation,
33 legislative bill, proposal, recommendation, or related agency action;

34 (ii) An assessment of the economic impacts likely to occur as a
35 result of the rule, policy, regulation, proposal, resolution,
36 ordinance, recommendation, or related agency action. The economic
37 assessment shall consider impacts to individual property owners and
38 impacts to the affected jurisdictions economy; and

39 (iii) Alternatives to the rule, policy, resolution, ordinance,
40 proposal, recommendation, or related agency action that would achieve

1 the intended purpose and lessen the economic impacts that are likely
2 to occur.

3 (b) Each agency shall provide an analysis as part of any proposed
4 rule, policy, resolution, ordinance, proposal, recommendation, or
5 related agency action and submit the analysis to the board of county
6 commissioners, in affected jurisdictions, in conjunction with a
7 proposed rule, policy, resolution, ordinance, proposal,
8 recommendation, or related agency action prior to adoption.

9 (3) An agency shall make each private property taking impact
10 analysis, economic impact analysis, or both, available to the
11 public."

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12 On page 1, line 2 of the title, after "act;" strike the remainder
13 of the title and insert "and adding new sections to chapter 36.70A
14 RCW."

EFFECT: Provides that additional actions are subject to the effective date timeline, including actions that reduce density or increase lot size requirements and actions that could result in uncompensated taking of private property or significant economic impacts. Eliminates the provision that allows a comprehensive plan to be amended to comply with water resource protection requirements and have an immediate effective date. Requires state and local agencies to complete a private property taking impact analysis before taking an action likely to result in a taking of private property. Requires that local governments complete an economic impact analysis before taking an action that may economically impact citizens. Requires the private property taking impact analysis and the economic impact analysis to be submitted to the board of county commissioners and available to members of the public.

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