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

7 "**Sec. 1.** RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each  
8 amended to read as follows:

9 (1) Each county that has both a population of fifty thousand or  
10 more and has had its population increase by more than ten percent in  
11 the previous ten years, and the cities located within such county, and  
12 any other county regardless of its population that has had its  
13 population increase by more than twenty percent in the previous ten  
14 years, and the cities located within such county, shall ~~((adopt~~  
15 ~~comprehensive land use plans and development regulations under))~~  
16 conform with all of the requirements of this chapter. However, the  
17 county legislative authority of such a county with a population of less  
18 than fifty thousand population may adopt a resolution removing the  
19 county, and the cities located within the county, from the requirements  
20 of adopting comprehensive land use plans and development regulations  
21 under this chapter if this resolution is adopted and filed with the  
22 department by December 31, 1990, for counties initially meeting this  
23 set of criteria, or within sixty days of the date the office of  
24 financial management certifies that a county meets this set of criteria  
25 under subsection (5) of this section.

26 Once a county meets either of these sets of criteria, the  
27 requirement to conform with ~~((RCW 36.70A.040 through 36.70A.160))~~ all  
28 of the requirements of this chapter remains in effect, even if the  
29 county no longer meets one of these sets of criteria.

30 (2) The county legislative authority of any county that does not  
31 meet ~~((the requirements of))~~ either of the sets of criteria established  
32 under subsection (1) of this section may adopt a resolution indicating  
33 its intention to have subsection (1) of this section apply to the  
34 county. Each city, located in a county that chooses to plan under this  
35 subsection, shall ~~((adopt a comprehensive land use plan in accordance~~  
36 ~~with))~~ conform with all of the requirements of this chapter. Once such

1 a resolution has been adopted, the county (~~cannot remove itself from~~)  
2 and the cities located within the county remain subject to all of the  
3 requirements of this chapter.

4 (3) Any county or city that is initially required to (~~adopt a~~  
5 ~~comprehensive land use plan~~) conform with all of the requirements of  
6 this chapter under subsection (1) of this section shall take actions  
7 under this chapter as follows: (a) The county legislative authority  
8 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
9 county and each city located within the county shall designate critical  
10 areas, agricultural lands, forest lands, and mineral resource lands,  
11 and adopt development regulations conserving these designated lands and  
12 protecting these designated critical areas, under RCW 36.70A.170 and  
13 36.70A.060; (c) the county shall designate and take other actions  
14 related to urban growth areas under RCW 36.70A.110; (d) if the county  
15 has a population of fifty thousand or more, the county and each city  
16 located within the county shall adopt (~~the~~) a comprehensive plan  
17 under this chapter and development regulations that are consistent with  
18 and implement the comprehensive plan on or before July 1, (~~1993~~)  
19 1994, and if the county has a population of less than fifty thousand,  
20 the county and each city located within the county shall adopt a  
21 comprehensive plan under this chapter and development regulations that  
22 are consistent with and implement the comprehensive plan by January 1,  
23 1995, but if the governor makes written findings that a county with a  
24 population of less than fifty thousand or a city located within such a  
25 county is not making reasonable progress toward adopting a  
26 comprehensive plan and development regulations the governor may reduce  
27 this deadline for such actions to be taken by no more than one hundred  
28 eighty days. Any county or city subject to this subsection may obtain  
29 an additional six months before it is required to have adopted its  
30 development regulations by submitting a letter notifying the department  
31 of community development of its need prior to the deadline for adopting  
32 both a comprehensive plan and development regulations.

33 (4) Any county or city that is required to (~~adopt a comprehensive~~  
34 ~~land use plan~~) conform with all the requirements of this chapter, as  
35 a result of the county legislative authority adopting its resolution of  
36 intention under subsection (2) of this section, shall take actions  
37 under this chapter as follows: (a) The county legislative authority  
38 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
39 county and each city that is located within the county shall adopt

1 development regulations conserving agricultural lands, forest lands,  
2 and mineral resource lands it designated under RCW 36.70A.060 within  
3 one year of the date the county legislative authority adopts its  
4 resolution of intention; (c) the county shall designate and take other  
5 actions related to urban growth areas under RCW 36.70A.110; and (d) the  
6 county and each city that is located within the county shall adopt  
7 ((the)) a comprehensive plan and development regulations that are  
8 consistent with and implement the comprehensive plan not later than  
9 ((three)) four years from the date the county legislative ((body takes  
10 action as required by subsection (2) of this section)) authority adopts  
11 its resolution of intention, but a county or city may obtain an  
12 additional six months before it is required to have adopted its  
13 development regulations by submitting a letter notifying the department  
14 of community development of its need prior to the deadline for adopting  
15 both a comprehensive plan and development regulations.

16 ((+4)) (5) If the office of financial management certifies that  
17 the population of a county that previously had not been required to  
18 plan under subsection (1) or (2) of this section has changed  
19 sufficiently to meet either of the ((requirements of)) sets of criteria  
20 specified under subsection (1) of this section, and where applicable,  
21 the county legislative authority has not adopted a resolution removing  
22 the county from these requirements as provided in subsection (1) of  
23 this section, the county and each city within such county shall  
24 ((adopt)) take actions under this chapter as follows: (a) The county  
25 legislative authority shall adopt a county-wide planning policy under  
26 RCW 36.70A.210; (b) the county and each city located within the county  
27 shall adopt development regulations under RCW 36.70A.060 conserving  
28 agricultural lands, forest lands, and mineral resource lands it  
29 designated within one year of the certification by the office of  
30 financial management; ((+b)) (c) the county shall designate and take  
31 other actions related to urban growth areas under RCW 36.70A.110; and  
32 (d) the county and each city located within the county shall adopt a  
33 comprehensive land use plan ((under this chapter)) and development  
34 regulations that are consistent with and implement the comprehensive  
35 plan within ((three)) four years of the certification by the office of  
36 financial management((; and (c) development regulations pursuant to  
37 this chapter within one year of having adopted its comprehensive land  
38 use plan)), but a county or city may obtain an additional six months  
39 before it is required to have adopted its development regulations by

1 submitting a letter notifying the department of community development  
2 of its need prior to the deadline for adopting both a comprehensive  
3 plan and development regulations.

4 (6) A copy of each document that is required under this section  
5 shall be submitted to the department at the time of its adoption.

6 **Sec. 2.** RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended  
7 to read as follows:

8 (1) Each county that is required or chooses to (~~adopt a~~  
9 ~~comprehensive land use~~) plan under RCW 36.70A.040 shall designate an  
10 urban growth area or areas within which urban growth shall be  
11 encouraged and outside of which growth can occur only if it is not  
12 urban in nature. Each city that is located in such a county shall be  
13 included within an urban growth area. An urban growth area may include  
14 more than a single city. An urban growth area may include territory  
15 that is located outside of a city only if such territory already is  
16 characterized by urban growth or is adjacent to territory already  
17 characterized by urban growth.

18 (2) Based upon the population growth management planning population  
19 projection made for the county by the office of financial management,  
20 the urban growth areas in the county shall include areas and densities  
21 sufficient to permit the urban growth that is projected to occur in the  
22 county for the succeeding twenty-year period. Each urban growth area  
23 shall permit urban densities and shall include greenbelt and open space  
24 areas. Within one year of July 1, 1990, each county (~~required to~~  
25 ~~designate urban growth areas~~) that as of June 1, 1991, was required or  
26 chose to plan under RCW 36.70A.040, shall begin consulting with each  
27 city located within its boundaries and each city shall propose the  
28 location of an urban growth area. Within sixty days of the date the  
29 county legislative authority of a county adopts its resolution of  
30 intention or of certification by the office of financial management,  
31 all other counties that are required or choose to plan under RCW  
32 36.70A.040 shall begin this consultation with each city located within  
33 its boundaries. The county shall attempt to reach agreement with each  
34 city on the location of an urban growth area within which the city is  
35 located. If such an agreement is not reached with each city located  
36 within the urban growth area, the county shall justify in writing why  
37 it so designated the area an urban growth area. A city may object  
38 formally with the department over the designation of the urban growth

1 area within which it is located. Where appropriate, the department  
2 shall attempt to resolve the conflicts, including the use of mediation  
3 services.

4 (3) Urban growth should be located first in areas already  
5 characterized by urban growth that have existing public facility and  
6 service capacities to serve such development, and second in areas  
7 already characterized by urban growth that will be served by a  
8 combination of both existing public facilities and services and any  
9 additional needed public facilities and services that are provided by  
10 either public or private sources. Further, it is appropriate that  
11 urban government services be provided by cities, and urban government  
12 services should not be provided in rural areas.

13 (4) On or before October 1, 1993, each county that was initially  
14 required to plan under RCW 36.70A.040(1) shall designate temporary  
15 urban growth areas under this chapter. Within three years and three  
16 months of the date the county legislative authority of a county adopts  
17 its resolution of intention or of certification by the office of  
18 financial management, all other counties that are required or choose to  
19 plan under RCW 36.70A.040 shall designate temporary urban growth areas  
20 under this chapter. A permit or other authorization allowing land use  
21 activities not already vested shall not be issued or approved by a  
22 county or city after the county designates its temporary urban growth  
23 areas if the permit or other authorization is inconsistent with these  
24 designations. Final urban growth areas shall be adopted at the time of  
25 comprehensive plan adoption under this chapter.

26 (5) Each county shall include designations of urban growth areas in  
27 its comprehensive plan.

28 **Sec. 3.** RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each  
29 amended to read as follows:

30 ~~((Within one year of the adoption of its comprehensive plan, each~~  
31 ~~county and city that is required or chooses to plan under RCW~~  
32 ~~36.70A.040 shall enact development regulations that are consistent with~~  
33 ~~and implement the comprehensive plan. These counties and cities)) Each~~  
34 county and city that is required or chooses to plan under RCW  
35 36.70A.040 shall perform ((their)) its activities and make capital  
36 budget decisions in conformity with ((their)) its comprehensive  
37 plan((s)).

1       **Sec. 4.** RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to  
2 read as follows:

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

13       (2) The legislative authority of a county that plans under RCW  
14 36.70A.040 shall adopt a county-wide planning policy in cooperation  
15 with the cities located in whole or in part within the county as  
16 follows:

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

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

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

37       (d) If there is no agreement by October 1, 1991, in a county that  
38 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,  
39 or if there is no agreement within one hundred twenty days of the date

1 the county adopted its resolution of intention or was certified by the  
2 office of financial management in any other county that is required or  
3 chooses to plan under RCW 36.70A.040, the governor shall first inquire  
4 of the jurisdictions as to the reason or reasons for failure to reach  
5 an agreement. If the governor deems it appropriate, the governor may  
6 immediately request the assistance of the department of community  
7 development to mediate any disputes that preclude agreement. If  
8 mediation is unsuccessful in resolving all disputes that will lead to  
9 agreement, the governor may impose appropriate sanctions from those  
10 specified under RCW 36.70A.340 on the county, city, or cities for  
11 failure to reach an agreement as provided in this section. The  
12 governor shall specify the reason or reasons for the imposition of any  
13 sanction(~~(+and)~~).

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

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

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

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

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

31 (d) Policies for county-wide transportation facilities and  
32 strategies;

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

36 (f) Policies for joint county and city planning within urban growth  
37 areas;

38 (g) Policies for county-wide economic development and employment;  
39 and

1 (h) An analysis of the fiscal impact.

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

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

14 (6) Cities and the governor may appeal an adopted county-wide  
15 planning policy to the growth planning hearings board within sixty days  
16 of the adoption of the county-wide planning policy.

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

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A RCW  
24 to read as follows:

25 The governor may impose a sanction or sanctions specified under RCW  
26 36.70A.340 on: (1) A county or city that fails to designate critical  
27 areas, agricultural lands, forest lands, or mineral resource lands  
28 under RCW 36.70A.170 by the date such action was required to have been  
29 taken; (2) a county or city that fails to adopt development regulations  
30 under RCW 36.70A.060 protecting critical areas or conserving  
31 agricultural lands, forest lands, or mineral resource lands by the date  
32 such action was required to have been taken; (3) a county that fails to  
33 designate urban growth areas under RCW 36.70A.110 by the date such  
34 action was required to have been taken; and (4) a county or city that  
35 fails to adopt its comprehensive plan or development regulations when  
36 such actions are required to be taken.

37 Imposition of a sanction or sanctions under this section shall be  
38 preceded by written findings by the governor, that either the county or



1 city is not proceeding in good faith to meet the requirements of the  
2 act; or that the county or city has unreasonably delayed taking the  
3 required action. The governor shall consult with and communicate his  
4 or her findings to the appropriate growth planning hearings board prior  
5 to imposing the sanction or sanctions. For those counties or cities  
6 that are not required to plan or have not opted in, the governor in  
7 imposing sanctions shall consider the size of the jurisdiction relative  
8 to the requirements of this chapter and the degree of technical and  
9 financial assistance provided.

10 **Sec. 6.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
11 amended to read as follows:

12 (1) It is the intent of the legislature:

13 (a) To ensure that adequate facilities are available to serve new  
14 growth and development;

15 (b) To promote orderly growth and development by establishing  
16 standards by which counties, cities, and towns may require, by  
17 ordinance, that new growth and development pay a proportionate share of  
18 the cost of new facilities needed to serve new growth and development;  
19 and

20 (c) To ensure that impact fees are imposed through established  
21 procedures and criteria so that specific developments do not pay  
22 arbitrary fees or duplicative fees for the same impact.

23 (2) Counties, cities, and towns that are required or choose to plan  
24 under RCW 36.70A.040 are authorized to impose impact fees on  
25 development activity as part of the financing for public facilities,  
26 provided that the financing for system improvements to serve new  
27 development must provide for a balance between impact fees and other  
28 sources of public funds and cannot rely solely on impact fees.

29 (3) The impact fees:

30 (a) Shall only be imposed for system improvements that are  
31 reasonably related to the new development;

32 (b) Shall not exceed a proportionate share of the costs of system  
33 improvements that are reasonably related to the new development; and

34 (c) Shall be used for system improvements that will reasonably  
35 benefit the new development.

36 (4) Impact fees may be collected and spent only for the public  
37 facilities defined in RCW 82.02.090 which are addressed by a capital  
38 facilities plan element of a comprehensive land use plan adopted

1 pursuant to the provisions of RCW 36.70A.070 or the provisions for  
2 comprehensive plan adoption contained in chapter 36.70, 35.63, or  
3 35A.63 RCW. After ((July 1, 1993)) the date a county, city, or town is  
4 required to adopt its comprehensive plan and development regulations  
5 under chapter 36.70A RCW, continued authorization to collect and expend  
6 impact fees shall be contingent on the county, city, or town adopting  
7 or revising a comprehensive plan in compliance with RCW 36.70A.070, and  
8 on the capital facilities plan identifying:

9 (a) Deficiencies in public facilities serving existing development  
10 and the means by which existing deficiencies will be eliminated within  
11 a reasonable period of time;

12 (b) Additional demands placed on existing public facilities by new  
13 development; and

14 (c) Additional public facility improvements required to serve new  
15 development.

16 If the capital facilities plan of the county, city, or town is  
17 complete other than for the inclusion of those elements which are the  
18 responsibility of a special district, the county, city, or town may  
19 impose impact fees to address those public facility needs for which the  
20 county, city, or town is responsible.

21 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and shall take  
24 effect June 1, 1993."

25 **ESHB 1761** - CONF REPT - S3444.4  
26 By Conference Committee

27

28 On page 1, line 2 of the title, after "years;" strike the remainder  
29 of the title and insert "amending RCW 36.70A.040, 36.70A.110,  
30 36.70A.120, 36.70A.210, and 82.02.050; adding a new section to chapter  
31 36.70A RCW; providing an effective date; and declaring an emergency."

--- END ---