

2 **ESSB 5230** - H COMM AMD
3 By Committee on Local Government

4

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) the county and
15 each city located within the county shall adopt (~~the~~) a comprehensive
16 plan under this chapter on or before (~~July 1, 1993~~) a date from
17 January 1, 1994, through August 1, 1994, as specified by the department
18 under RCW 36.70A.045; and (e) the county and each city located within
19 the county shall adopt development regulations that are consistent with
20 and implement its comprehensive plan by the same date it is required to
21 adopt its comprehensive plan, but a county or city may obtain an
22 extension for this deadline by the shorter of an additional six months
23 or until December 31, 1994, by submitting a letter to the department of
24 community development prior to the deadline for adopting both a
25 comprehensive plan and development regulations stating its need for the
26 extension, detailing reasons for the needed extension, and proposing a
27 schedule of actions that will be taken leading to the adoption of the
28 development regulations.

29 (4) Any county or city that is required to (~~adopt a comprehensive~~
30 ~~land use plan~~) conform with all the requirements of this chapter, as
31 a result of the county legislative authority adopting its resolution of
32 intention under subsection (2) of this section, shall take actions
33 under this chapter as follows: (a) The county legislative authority
34 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
35 county and each city that is located within the county shall adopt
36 development regulations conserving agricultural lands, forest lands,
37 and mineral resource lands it designated under RCW 36.70A.060 within
38 one year of the date the county legislative authority adopts its
39 resolution of intention; (c) the county shall designate and take other

1 actions related to urban growth areas under RCW 36.70A.110; and (d) the
2 county and each city that is located within the county shall adopt
3 ((the)) a comprehensive plan and development regulations that are
4 consistent with and implement the comprehensive plan not later than
5 ((three)) four years one month from the date the county legislative
6 ((body takes action as required by subsection (2) of this section))
7 authority adopts its resolution of intention, but a county or city may
8 obtain an additional six months before it is required to have adopted
9 its development regulations by submitting a letter to the department of
10 community development prior to the deadline for adopting both a
11 comprehensive plan and development regulations stating its need for the
12 extension, detailing reasons for the needed extension, and proposing a
13 schedule of actions that will be taken leading to the adoption of the
14 development regulations.

15 ((+4)) (5) If the office of financial management certifies that
16 the population of a county that previously had not been required to
17 plan under subsection (1) or (2) of this section has changed
18 sufficiently to meet either of the ((requirements of)) sets of criteria
19 specified under subsection (1) of this section, and where applicable,
20 the county legislative authority has not adopted a resolution removing
21 the county from these requirements as provided in subsection (1) of
22 this section, the county and each city within such county shall
23 ((adopt)) take actions under this chapter as follows: (a) The county
24 legislative authority shall adopt a county-wide planning policy under
25 RCW 36.70A.210; (b) the county and each city located within the county
26 shall adopt development regulations under RCW 36.70A.060 conserving
27 agricultural lands, forest lands, and mineral resource lands it
28 designated within one year of the certification by the office of
29 financial management; ((+b)) (c) the county shall designate and take
30 other actions related to urban growth areas under RCW 36.70A.110; and
31 (d) the county and each city located within the county shall adopt a
32 comprehensive land use plan ((under this chapter)) and development
33 regulations that are consistent with and implement the comprehensive
34 plan within ((three)) four years one month of the certification by the
35 office of financial management((; and (c) development regulations
36 pursuant to this chapter within one year of having adopted its
37 comprehensive land use plan)), but a county or city may obtain an
38 additional six months before it is required to have adopted its
39 development regulations by submitting a letter to the department of

1 community development prior to the deadline for adopting both a
2 comprehensive plan and development regulations stating its need for the
3 extension, detailing reasons for the needed extension, and proposing a
4 schedule of actions that will be taken leading to the adoption of the
5 development regulations.

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

8 **Sec. 2.** RCW 36.70A.045 and 1991 sp.s. c 32 s 15 are each amended
9 to read as follows:

10 (1) By no later than June 1, 1993, the department ((may)) shall
11 adopt a schedule ((to permit)) phasing ((of)) the dates, from January
12 1, 1994, through July 31, 1994, on or before which each county
13 initially required to plan under all the requirements of this chapter
14 by RCW 36.70A.040(1), and each city located within the county, must
15 adopt a comprehensive plan ((submittal for counties and cities planning
16 under RCW 36.70A.040. This schedule shall not permit a comprehensive
17 plan to be submitted greater than one hundred eighty days past the date
18 that the plan was required to be submitted and shall be used)) under
19 this chapter.

20 To facilitate expeditious review and interjurisdictional
21 coordination of comprehensive plans and development regulations, the
22 date designated on or before which a county must adopt a comprehensive
23 plan shall be the same date designated on or before which each city
24 located in that county must adopt its comprehensive plan. Where a city
25 is located in more than one of such counties that have differing
26 designated dates, the department shall designate which date applies to
27 that city.

28 (2) The following criteria shall be used by the department in
29 establishing this schedule: (a) How close the county and cities in the
30 county are to adopting their comprehensive plans; (b) the extent of a
31 consensus between the county and cities in the county over a date; (c)
32 the relative financial burdens on the county and the cities in the
33 county to prepare, consider, and adopt their comprehensive plans; and
34 (d) the sufficiency of opportunities the public has had to provide
35 input into the planning process in the county and the cities in the
36 county. This schedule does not have to evenly spread the deadlines for
37 counties over this period and may designate deadlines for all or most
38 of these counties at the end of this period.

1 **Sec. 3.** RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended
2 to read as follows:

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

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

37 (3) Urban growth should be located first in areas already
38 characterized by urban growth that have existing public facility and
39 service capacities to serve such development, and second in areas

1 already characterized by urban growth that will be served by a
2 combination of both existing public facilities and services and any
3 additional needed public facilities and services that are provided by
4 either public or private sources. Further, it is appropriate that
5 urban government services be provided by cities, and urban government
6 services should not be provided in rural areas.

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

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

22 **Sec. 4.** RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each
23 amended to read as follows:

24 ~~((Within one year of the adoption of its comprehensive plan, each~~
25 ~~county and city that is required or chooses to plan under RCW~~
26 ~~36.70A.040 shall enact development regulations that are consistent with~~
27 ~~and implement the comprehensive plan. These counties and cities)) Each~~
28 county and city that is required or chooses to plan under RCW
29 36.70A.040 shall perform ((their)) its activities and make capital
30 budget decisions in conformity with ((their)) its comprehensive
31 plan((s)).

32 **Sec. 5.** RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to
33 read as follows:

34 (1) The legislature recognizes that counties are regional
35 governments within their boundaries, and cities are primary providers
36 of urban governmental services within urban growth areas. For the
37 purposes of this section, a "county-wide planning policy" is a written

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

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

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

21 (b) The process and framework for adoption of a county-wide
22 planning policy specified in (a) of this subsection shall determine the
23 manner 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 development to mediate any disputes that preclude agreement. If
2 mediation is unsuccessful in resolving all disputes that will lead to
3 agreement, the governor may impose appropriate sanctions from those
4 specified under RCW 36.70A.340 on the county, city, or cities for
5 failure to reach an agreement as provided in this section. The
6 governor shall specify the reason or reasons for the imposition of any
7 sanction(~~(+and)~~).

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

18 (3) A county-wide 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 county-wide
24 or state-wide nature;

25 (d) Policies for county-wide transportation facilities and
26 strategies;

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

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

32 (g) Policies for county-wide economic development and employment;
33 and

34 (h) An analysis of the fiscal impact.

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

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

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

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

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW
19 to read as follows:

20 The governor may impose a sanction or sanctions specified under RCW
21 36.70A.340 on: (1) A county or city that fails to designate critical
22 areas, agricultural lands, forest lands, or mineral resource lands
23 under RCW 36.70A.170 by the date such action was required to have been
24 taken; (2) a county or city that fails to adopt development regulations
25 under RCW 36.70A.060 protecting critical areas or conserving
26 agricultural lands, forest lands, or mineral resource lands by the date
27 such action was required to have been taken; (3) a county that fails to
28 designate urban growth areas under RCW 36.70A.110 by the date such
29 action was required to have been taken; and (4) a county or city that
30 fails to adopt its comprehensive plan or development regulations when
31 such actions are required to be taken.

32 Prior to imposing a sanction or sanctions on a county or city, the
33 governor shall make a written finding that the county or city has not
34 proceeded in good faith or has unreasonably delayed taking required
35 action by the date such action was required to have been taken. A
36 delay caused by an initiative or referendum on subjects covered in this
37 act is not an unreasonable delay.

1 **Sec. 7.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
2 amended to read as follows:

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

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

6 (b) To promote orderly growth and development by establishing
7 standards by which counties, cities, and towns may require, by
8 ordinance, that new growth and development pay a proportionate share of
9 the cost of new facilities needed to serve new growth and development;
10 and

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

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

20 (3) The impact fees:

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

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

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

27 (4) Impact fees may be collected and spent only for the public
28 facilities defined in RCW 82.02.090 which are addressed by a capital
29 facilities plan element of a comprehensive land use plan adopted
30 pursuant to the provisions of RCW 36.70A.070 or the provisions for
31 comprehensive plan adoption contained in chapter 36.70, 35.63, or
32 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is
33 required to adopt its comprehensive plan and development regulations
34 under chapter 36.70A RCW, continued authorization to collect and expend
35 impact fees shall be contingent on the county, city, or town adopting
36 or revising a comprehensive plan in compliance with RCW 36.70A.070, and
37 on the capital facilities plan identifying:

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

4 (b) Additional demands placed on existing public facilities by new
5 development; and

6 (c) Additional public facility improvements required to serve new
7 development.

8 If the capital facilities plan of the county, city, or town is
9 complete other than for the inclusion of those elements which are the
10 responsibility of a special district, the county, city, or town may
11 impose impact fees to address those public facility needs for which the
12 county, city, or town is responsible.

13 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately."

--- END ---