

2 **ESHB 1761** - S AMD 001031

3 By Senators Haugen, Hargrove, Loveland, Winsley and von Reichbauer
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
37 a resolution has been adopted, the county ~~((cannot remove itself from))~~

1 and the cities located within the county remain subject to all of the
2 requirements of this chapter.

3 (3) Any county or city that is initially required to ((adopt a
4 comprehensive land use plan)) conform with all of the requirements of
5 this chapter under subsection (1) of this section shall take actions
6 under this chapter as follows: (a) The county legislative authority
7 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
8 county and each city located within the county shall designate critical
9 areas, agricultural lands, forest lands, and mineral resource lands,
10 and adopt development regulations conserving these designated
11 agricultural lands, forest lands, and mineral resource 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 adopt development
15 regulations designating interim urban growth areas under this chapter.
16 Within three years and three months of the date the county legislative
17 authority of a county adopts its resolution of intention or of
18 certification by the office of financial management, all other counties
19 that are required or choose to plan under RCW 36.70A.040 shall adopt
20 development regulations designating interim urban growth areas under
21 this chapter. Adoption of the interim urban growth areas may only
22 occur after public notice; public hearing; and compliance with the
23 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
24 Such action may be appealed to the appropriate growth planning hearings
25 board under RCW 36.70A.280. Final urban growth areas shall be adopted
26 at the time of comprehensive plan adoption under this chapter.

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

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

31 ~~((Within one year of the adoption of its comprehensive plan, each~~
32 ~~county and city that is required or chooses to plan under RCW~~
33 ~~36.70A.040 shall enact development regulations that are consistent with~~
34 ~~and implement the comprehensive plan. These counties and cities)) Each~~

35 county and city that is required or chooses to plan under RCW
36 36.70A.040 shall perform ((their)) its activities and make capital
37 budget decisions in conformity with ((their)) its comprehensive
38 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** - S AMD

26 By Senators Haugen, Hargrove, Loveland, Winsley and von Reichbauer

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 ---