

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1761

53rd Legislature
1993 First Special Session

Passed by the House May 3, 1993
Yeas 89 Nays 3

**Speaker of the
House of Representatives**

Passed by the Senate April 30, 1993
Yeas 39 Nays 7

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1761** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1761

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Special Session

State of Washington

53rd Legislature

1993 Special Session

By House Committee on Local Government (originally sponsored by Representatives H. Myers, Edmondson, Bray, Pruitt, Appelwick, R. Fisher, Wineberry, Peery, Wood, Eide, Cothorn, Ogden, Jones, Ludwig, Riley, Ballard, Springer, Linville, Rayburn, Kessler, Brown, Long, Chandler, Foreman, Mastin, Johanson, Sehlin, L. Johnson, Morris, Karahalios, Lemmon, Hansen, Cooke and Forner)

Read first time 03/03/93.

1 AN ACT Relating to clarifying and extending dates established under
2 the growth management act by no more than two years; amending RCW
3 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding
4 a new section to chapter 36.70A RCW; providing an effective date; and
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

1 of adopting comprehensive land use plans and development regulations
2 under this chapter if this resolution is adopted and filed with the
3 department by December 31, 1990, for counties initially meeting this
4 set of criteria, or within sixty days of the date the office of
5 financial management certifies that a county meets this set of criteria
6 under subsection (5) of this section.

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

11 (2) The county legislative authority of any county that does not
12 meet ~~((the requirements of))~~ either of the sets of criteria established
13 under subsection (1) of this section may adopt a resolution indicating
14 its intention to have subsection (1) of this section apply to the
15 county. Each city, located in a county that chooses to plan under this
16 subsection, shall ~~((adopt a comprehensive land use plan in accordance~~
17 ~~with))~~ conform with all of the requirements of this chapter. Once such
18 a resolution has been adopted, the county ~~((cannot remove itself from))~~
19 and the cities located within the county remain subject to all of the
20 requirements of this chapter.

21 (3) Any county or city that is initially required to ~~((adopt a~~
22 ~~comprehensive land use plan))~~ conform with all of the requirements of
23 this chapter under subsection (1) of this section shall take actions
24 under this chapter as follows: (a) The county legislative authority
25 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
26 county and each city located within the county shall designate critical
27 areas, agricultural lands, forest lands, and mineral resource lands,
28 and adopt development regulations conserving these designated
29 agricultural lands, forest lands, and mineral resource lands and
30 protecting these designated critical areas, under RCW 36.70A.170 and
31 36.70A.060; (c) the county shall designate and take other actions
32 related to urban growth areas under RCW 36.70A.110; (d) if the county
33 has a population of fifty thousand or more, the county and each city
34 located within the county shall adopt ~~((the))~~ a comprehensive plan
35 under this chapter and development regulations that are consistent with
36 and implement the comprehensive plan on or before July 1, ~~((1993))~~
37 1994, and if the county has a population of less than fifty thousand,
38 the county and each city located within the county shall adopt a
39 comprehensive plan under this chapter and development regulations that

1 are consistent with and implement the comprehensive plan by January 1,
2 1995, but if the governor makes written findings that a county with a
3 population of less than fifty thousand or a city located within such a
4 county is not making reasonable progress toward adopting a
5 comprehensive plan and development regulations the governor may reduce
6 this deadline for such actions to be taken by no more than one hundred
7 eighty days. Any county or city subject to this subsection may obtain
8 an additional six months before it is required to have adopted its
9 development regulations by submitting a letter notifying the department
10 of community development of its need prior to the deadline for adopting
11 both a comprehensive plan and development regulations.

12 (4) Any county or city that is required to ((adopt a comprehensive
13 land use plan)) conform with all the requirements of this chapter, as
14 a result of the county legislative authority adopting its resolution of
15 intention under subsection (2) of this section, shall take actions
16 under this chapter as follows: (a) The county legislative authority
17 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
18 county and each city that is located within the county shall adopt
19 development regulations conserving agricultural lands, forest lands,
20 and mineral resource lands it designated under RCW 36.70A.060 within
21 one year of the date the county legislative authority adopts its
22 resolution of intention; (c) the county shall designate and take other
23 actions related to urban growth areas under RCW 36.70A.110; and (d) the
24 county and each city that is located within the county shall adopt
25 ((the)) a comprehensive plan and development regulations that are
26 consistent with and implement the comprehensive plan not later than
27 ((three)) four years from the date the county legislative ((body takes
28 action as required by subsection (2) of this section)) authority adopts
29 its resolution of intention, but a county or city may obtain an
30 additional six months before it is required to have adopted its
31 development regulations by submitting a letter notifying the department
32 of community development of its need prior to the deadline for adopting
33 both a comprehensive plan and development regulations.

34 ((+4)) (5) If the office of financial management certifies that
35 the population of a county that previously had not been required to
36 plan under subsection (1) or (2) of this section has changed
37 sufficiently to meet either of the ((requirements of)) sets of criteria
38 specified under subsection (1) of this section, and where applicable,
39 the county legislative authority has not adopted a resolution removing

1 the county from these requirements as provided in subsection (1) of
2 this section, the county and each city within such county shall
3 ~~((adopt))~~ take actions under this chapter as follows: (a) The county
4 legislative authority shall adopt a county-wide planning policy under
5 RCW 36.70A.210; (b) the county and each city located within the county
6 shall adopt development regulations under RCW 36.70A.060 conserving
7 agricultural lands, forest lands, and mineral resource lands it
8 designated within one year of the certification by the office of
9 financial management; ~~((b))~~ (c) the county shall designate and take
10 other actions related to urban growth areas under RCW 36.70A.110; and
11 (d) the county and each city located within the county shall adopt a
12 comprehensive land use plan ~~((under this chapter))~~ and development
13 regulations that are consistent with and implement the comprehensive
14 plan within ~~((three))~~ four years of the certification by the office of
15 financial management~~((; and (c) development regulations pursuant to~~
16 this chapter within one year of having adopted its comprehensive land
17 use plan)), but a county or city may obtain an additional six months
18 before it is required to have adopted its development regulations by
19 submitting a letter notifying the department of community development
20 of its need prior to the deadline for adopting both a comprehensive
21 plan and development regulations.

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

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

26 (1) Each county that is required or chooses to ~~((adopt a~~
27 ~~comprehensive land use))~~ plan under RCW 36.70A.040 shall designate an
28 urban growth area or areas within which urban growth shall be
29 encouraged and outside of which growth can occur only if it is not
30 urban in nature. Each city that is located in such a county shall be
31 included within an urban growth area. An urban growth area may include
32 more than a single city. An urban growth area may include territory
33 that is located outside of a city only if such territory already is
34 characterized by urban growth or is adjacent to territory already
35 characterized by urban growth.

36 (2) Based upon the population growth management planning population
37 projection made for the county by the office of financial management,
38 the urban growth areas in the county shall include areas and densities

1 sufficient to permit the urban growth that is projected to occur in the
2 county for the succeeding twenty-year period. Each urban growth area
3 shall permit urban densities and shall include greenbelt and open space
4 areas. Within one year of July 1, 1990, each county (~~required to~~
5 ~~designate urban growth areas~~) that as of June 1, 1991, was required or
6 chose to plan under RCW 36.70A.040, shall begin consulting with each
7 city located within its boundaries and each city shall propose the
8 location of an urban growth area. Within sixty days of the date the
9 county legislative authority of a county adopts its resolution of
10 intention or of certification by the office of financial management,
11 all other counties that are required or choose to plan under RCW
12 36.70A.040 shall begin this consultation with each city located within
13 its boundaries. The county shall attempt to reach agreement with each
14 city on the location of an urban growth area within which the city is
15 located. If such an agreement is not reached with each city located
16 within the urban growth area, the county shall justify in writing why
17 it so designated the area an urban growth area. A city may object
18 formally with the department over the designation of the urban growth
19 area within which it is located. Where appropriate, the department
20 shall attempt to resolve the conflicts, including the use of mediation
21 services.

22 (3) Urban growth should be located first in areas already
23 characterized by urban growth that have existing public facility and
24 service capacities to serve such development, and second in areas
25 already characterized by urban growth that will be served by a
26 combination of both existing public facilities and services and any
27 additional needed public facilities and services that are provided by
28 either public or private sources. Further, it is appropriate that
29 urban government services be provided by cities, and urban government
30 services should not be provided in rural areas.

31 (4) On or before October 1, 1993, each county that was initially
32 required to plan under RCW 36.70A.040(1) shall adopt development
33 regulations designating interim urban growth areas under this chapter.
34 Within three years and three months of the date the county legislative
35 authority of a county adopts its resolution of intention or of
36 certification by the office of financial management, all other counties
37 that are required or choose to plan under RCW 36.70A.040 shall adopt
38 development regulations designating interim urban growth areas under
39 this chapter. Adoption of the interim urban growth areas may only

1 occur after public notice; public hearing; and compliance with the
2 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
3 Such action may be appealed to the appropriate growth planning hearings
4 board under RCW 36.70A.280. Final urban growth areas shall be adopted
5 at the time of comprehensive plan adoption under this chapter.

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

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

10 ~~((Within one year of the adoption of its comprehensive plan, each~~
11 ~~county and city that is required or chooses to plan under RCW~~
12 ~~36.70A.040 shall enact development regulations that are consistent with~~
13 ~~and implement the comprehensive plan. These counties and cities)) Each~~
14 county and city that is required or chooses to plan under RCW
15 36.70A.040 shall perform ((their)) its activities and make capital
16 budget decisions in conformity with ((their)) its comprehensive
17 plan((s)).

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

20 (1) The legislature recognizes that counties are regional
21 governments within their boundaries, and cities are primary providers
22 of urban governmental services within urban growth areas. For the
23 purposes of this section, a "county-wide planning policy" is a written
24 policy statement or statements used solely for establishing a county-
25 wide framework from which county and city comprehensive plans are
26 developed and adopted pursuant to this chapter. This framework shall
27 ensure that city and county comprehensive plans are consistent as
28 required in RCW 36.70A.100. Nothing in this section shall be construed
29 to alter the land-use powers of cities.

30 (2) The legislative authority of a county that plans under RCW
31 36.70A.040 shall adopt a county-wide planning policy in cooperation
32 with the cities located in whole or in part within the county as
33 follows:

34 (a) No later than sixty calendar days from July 16, 1991, the
35 legislative authority of ((the)) each county that as of June 1, 1991,
36 was required or chose to plan under RCW 36.70A.040 shall convene a
37 meeting with representatives of each city located within the county for

1 the purpose of establishing a collaborative process that will provide
2 a framework for the adoption of a county-wide planning policy((~~+~~)). In
3 other counties that are required or choose to plan under RCW
4 36.70A.040, this meeting shall be convened no later than sixty days
5 after the date the county adopts its resolution of intention or was
6 certified by the office of financial management.

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

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

17 (d) If there is no agreement by October 1, 1991, in a county that
18 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
19 or if there is no agreement within one hundred twenty days of the date
20 the county adopted its resolution of intention or was certified by the
21 office of financial management in any other county that is required or
22 chooses to plan under RCW 36.70A.040, the governor shall first inquire
23 of the jurisdictions as to the reason or reasons for failure to reach
24 an agreement. If the governor deems it appropriate, the governor may
25 immediately request the assistance of the department of community
26 development to mediate any disputes that preclude agreement. If
27 mediation is unsuccessful in resolving all disputes that will lead to
28 agreement, the governor may impose appropriate sanctions from those
29 specified under RCW 36.70A.340 on the county, city, or cities for
30 failure to reach an agreement as provided in this section. The
31 governor shall specify the reason or reasons for the imposition of any
32 sanction((~~+~~and))).

33 (e) No later than July 1, 1992, the legislative authority of
34 ((~~the~~)) each county that was required or chose to plan under RCW
35 36.70A.040 as of June 1, 1991, or no later than fourteen months after
36 the date the county adopted its resolution of intention or was
37 certified by the office of financial management the county legislative
38 authority of any other county that is required or chooses to plan under
39 RCW 36.70A.040, shall adopt a county-wide planning policy according to

1 the process provided under this section and that is consistent with the
2 agreement pursuant to (b) of this subsection, and after holding a
3 public hearing or hearings on the proposed county-wide planning policy.

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

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

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

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

11 (d) Policies for county-wide transportation facilities and
12 strategies;

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

16 (f) Policies for joint county and city planning within urban growth
17 areas;

18 (g) Policies for county-wide economic development and employment;
19 and

20 (h) An analysis of the fiscal impact.

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

25 (5) Failure to adopt a county-wide planning policy that meets the
26 requirements of this section may result in the imposition of a sanction
27 or sanctions on a county or city within the county, as specified in RCW
28 36.70A.340. In imposing a sanction or sanctions, the governor shall
29 specify the reasons for failure to adopt a county-wide planning policy
30 in order that any imposed sanction or sanctions are fairly and
31 equitably related to the failure to adopt a county-wide planning
32 policy.

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

36 (7) Multicounty planning policies shall be adopted by two or more
37 counties, each with a population of four hundred fifty thousand or
38 more, with contiguous urban areas and may be adopted by other counties,
39 according to the process established under this section or other

1 processes agreed to among the counties and cities within the affected
2 counties throughout the multicounty region.

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

5 The governor may impose a sanction or sanctions specified under RCW
6 36.70A.340 on: (1) A county or city that fails to designate critical
7 areas, agricultural lands, forest lands, or mineral resource lands
8 under RCW 36.70A.170 by the date such action was required to have been
9 taken; (2) a county or city that fails to adopt development regulations
10 under RCW 36.70A.060 protecting critical areas or conserving
11 agricultural lands, forest lands, or mineral resource lands by the date
12 such action was required to have been taken; (3) a county that fails to
13 designate urban growth areas under RCW 36.70A.110 by the date such
14 action was required to have been taken; and (4) a county or city that
15 fails to adopt its comprehensive plan or development regulations when
16 such actions are required to be taken.

17 Imposition of a sanction or sanctions under this section shall be
18 preceded by written findings by the governor, that either the county or
19 city is not proceeding in good faith to meet the requirements of the
20 act; or that the county or city has unreasonably delayed taking the
21 required action. The governor shall consult with and communicate his
22 or her findings to the appropriate growth planning hearings board prior
23 to imposing the sanction or sanctions. For those counties or cities
24 that are not required to plan or have not opted in, the governor in
25 imposing sanctions shall consider the size of the jurisdiction relative
26 to the requirements of this chapter and the degree of technical and
27 financial assistance provided.

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

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

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

33 (b) To promote orderly growth and development by establishing
34 standards by which counties, cities, and towns may require, by
35 ordinance, that new growth and development pay a proportionate share of
36 the cost of new facilities needed to serve new growth and development;
37 and

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

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

10 (3) The impact fees:

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

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

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

17 (4) Impact fees may be collected and spent only for the public
18 facilities defined in RCW 82.02.090 which are addressed by a capital
19 facilities plan element of a comprehensive land use plan adopted
20 pursuant to the provisions of RCW 36.70A.070 or the provisions for
21 comprehensive plan adoption contained in chapter 36.70, 35.63, or
22 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is
23 required to adopt its comprehensive plan and development regulations
24 under chapter 36.70A RCW, continued authorization to collect and expend
25 impact fees shall be contingent on the county, city, or town adopting
26 or revising a comprehensive plan in compliance with RCW 36.70A.070, and
27 on the capital facilities plan identifying:

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

31 (b) Additional demands placed on existing public facilities by new
32 development; and

33 (c) Additional public facility improvements required to serve new
34 development.

35 If the capital facilities plan of the county, city, or town is
36 complete other than for the inclusion of those elements which are the
37 responsibility of a special district, the county, city, or town may
38 impose impact fees to address those public facility needs for which the
39 county, city, or town is responsible.

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

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