
ENGROSSED SUBSTITUTE SENATE BILL 5230

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke)

Read first time 03/03/93.

1 AN ACT Relating to growth management deadlines; amending RCW
2 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.210, and 82.02.050; adding
3 a new section to chapter 36.70A RCW; providing an effective date; and
4 declaring an emergency.

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

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

8 (1) Each county that has both a population of fifty thousand or
9 more and has had its population increase by more than ten percent in
10 the previous ten years, and the cities located within such county, and
11 any other county regardless of its population that has had its
12 population increase by more than twenty percent in the previous ten
13 years, and the cities located within such county, shall ((adopt
14 ~~comprehensive land use plans and development regulations under~~)
15 conform with all of the requirements of this chapter. However, the
16 county legislative authority of such a county with a population of less
17 than fifty thousand population may adopt a resolution removing the
18 county, and the cities located within the county, from the requirements
19 of adopting comprehensive land use plans and development regulations

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

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

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

20 (3) Any county or city that is initially required to ~~((adopt a~~
21 ~~comprehensive land use plan))~~ conform with all of the requirements of
22 this chapter under subsection (1) of this section shall take actions
23 under this chapter as follows: (a) The county legislative authority
24 shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the
25 county legislative authority and governing body of each city located
26 within the county shall designate critical areas, agricultural lands,
27 forest lands, and mineral resource lands, and adopt development
28 regulations conserving these designated lands and protecting these
29 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the
30 county legislative authority shall designate and take other actions
31 related to urban growth areas under RCW 36.70A.110; (d) the county
32 legislative authority and governing body of each city located within
33 the county shall adopt ((the)) a comprehensive plan under this chapter
34 and development regulations that are consistent with and implement the
35 comprehensive plan on or before July 1, ((1993)) 1994, but a county or
36 city may obtain an additional six months before it is required to have
37 adopted its development regulations by submitting a letter notifying
38 the department of community development of its need prior to the

1 deadline for adopting both a comprehensive plan and development
2 regulations.

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

27 ((+4)) (5) If the office of financial management certifies that
28 the population of a county that previously had not been required to
29 plan under subsection (1) or (2) of this section has changed
30 sufficiently to meet either of the ((requirements of)) sets of criteria
31 specified under subsection (1) of this section, and where applicable,
32 the county legislative authority has not adopted a resolution removing
33 the county from these requirements as provided in subsection (1) of
34 this section, the county and each city within such county shall
35 ((adopt)) take actions under this chapter as follows: (a) The county
36 legislative authority shall adopt a county-wide planning policy under
37 RCW 36.70A.210; (b) the county legislative authority and each city
38 governing body shall adopt development regulations under RCW 36.70A.060
39 conserving agricultural lands, forest lands, and mineral resource lands

1 it designated within one year of the certification by the office of
2 financial management; ~~((b))~~ (c) the county legislative authority
3 shall designate and take other actions related to urban growth areas
4 under RCW 36.70A.110; and (d) the county legislative authority and each
5 city governing body shall adopt a comprehensive land use plan ~~((under~~
6 this chapter)) and development regulations that are consistent with and
7 implement the comprehensive plan within ~~((three))~~ four years of the
8 certification by the office of financial management ~~((; and (e)~~
9 development regulations pursuant to this chapter within one year of
10 having adopted its comprehensive land use plan)), but a county or city
11 may obtain an additional six months before it is required to have
12 adopted its development regulations by submitting a letter notifying
13 the department of community development of its need prior to the
14 deadline for adopting both a comprehensive plan and development
15 regulations.

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

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

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

30 (2) Based upon the population growth management planning population
31 projection made for the county by the office of financial management,
32 the urban growth areas in the county shall include areas and densities
33 sufficient to permit the urban growth that is projected to occur in the
34 county for the succeeding twenty-year period. Each urban growth area
35 shall permit urban densities and shall include greenbelt and open space
36 areas. Within one year of July 1, 1990, each county ~~((required to~~
37 ~~designate urban growth areas))~~ that as of June 1, 1991, was required or
38 chose to plan under RCW 36.70A.040, shall begin consulting with each

1 city located within its boundaries and each city shall propose the
2 location of an urban growth area. Within sixty days of the date the
3 county legislative authority of a county adopts its resolution of
4 intention or of certification by the office of financial management,
5 all other counties that are required or choose to plan under RCW
6 36.70A.040 shall begin this consultation with each city located within
7 its boundaries. The county shall attempt to reach agreement with each
8 city on the location of an urban growth area within which the city is
9 located. If such an agreement is not reached with each city located
10 within the urban growth area, the county shall justify in writing why
11 it so designated the area an urban growth area. A city may object
12 formally with the department over the designation of the urban growth
13 area within which it is located. Where appropriate, the department
14 shall attempt to resolve the conflicts, including the use of mediation
15 services.

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

25 (4) On or before October 1, 1993, each county that was initially
26 required to plan under RCW 36.70A.040(1) shall designate urban growth
27 areas under this chapter. Within three years and three months of the
28 date the county legislative authority of a county adopts its resolution
29 of intention or of certification by the office of financial management,
30 all other counties that are required or choose to plan under RCW
31 36.70A.040 shall designate urban growth areas under this chapter. A
32 permit or other authorization allowing land use activities not already
33 vested shall not be issued or approved by a county or city after the
34 county designates its urban growth areas if the permit or other
35 authorization is inconsistent with these designations.

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

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

3 (~~Within one year of the adoption of its comprehensive plan, each~~
4 ~~county and city that is required or chooses to plan under RCW~~
5 ~~36.70A.040 shall enact development regulations that are consistent with~~
6 ~~and implement the comprehensive plan. These counties and cities)) Each
7 county and city that is required or chooses to plan under RCW
8 36.70A.040 shall perform ((their)) its activities and make capital
9 budget decisions in conformity with ((their)) its comprehensive
10 plan((s)).~~

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

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

23 (2) The legislative authority of a county that plans under RCW
24 36.70A.040 shall adopt a county-wide planning policy in cooperation
25 with the cities located in whole or in part within the county as
26 follows:

27 (a) No later than sixty calendar days from July 16, 1991, the
28 legislative authority of ((the)) each county that as of June 1, 1991,
29 was required or chose to plan under RCW 36.70A.040 shall convene a
30 meeting with representatives of each city located within the county for
31 the purpose of establishing a collaborative process that will provide
32 a framework for the adoption of a county-wide planning policy((r)). In
33 other counties that are required or choose to plan under RCW
34 36.70A.040, this meeting shall be convened no later than sixty days
35 after the date the county adopts its resolution of intention or was
36 certified by the office of financial management.

37 (b) The process and framework for adoption of a county-wide
38 planning policy specified in (a) of this subsection shall determine the

1 manner in which the county and the cities agree to all procedures and
2 provisions including but not limited to desired planning policies,
3 deadlines, ratification of final agreements and demonstration thereof,
4 and financing, if any, of all activities associated therewith((+)).

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

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

25 (e) No later than July 1, 1992, the legislative authority of
26 ((the)) each county that was required or chose to plan under RCW
27 36.70A.040 as of June 1, 1991, or no later than fourteen months after
28 the date the county adopted its resolution of intention or was
29 certified by the office of financial management the county legislative
30 authority of any other county that is required or chooses to plan under
31 RCW 36.70A.040, shall adopt a county-wide planning policy according to
32 the process provided under this section and that is consistent with the
33 agreement pursuant to (b) of this subsection, and after holding a
34 public hearing or hearings on the proposed county-wide planning policy.

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

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

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

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

3 (d) Policies for county-wide transportation facilities and
4 strategies;

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

8 (f) Policies for joint county and city planning within urban growth
9 areas;

10 (g) Policies for county-wide economic development and employment;
11 and

12 (h) An analysis of the fiscal impact.

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

17 (5) Failure to adopt a county-wide planning policy that meets the
18 requirements of this section may result in the imposition of a sanction
19 or sanctions on a county or city within the county, as specified in RCW
20 36.70A.340. In imposing a sanction or sanctions, the governor shall
21 specify the reasons for failure to adopt a county-wide planning policy
22 in order that any imposed sanction or sanctions are fairly and
23 equitably related to the failure to adopt a county-wide planning
24 policy.

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

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

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

36 The governor may impose upon any county that is required or that
37 chooses to plan under RCW 35.70A.040 a sanction or sanctions specified
38 under RCW 36.70A.340 on: (1) A county or city that fails to designate

1 critical areas, agricultural lands, forest lands, or mineral resource
2 lands under RCW 36.70A.170 by the date such action was required to have
3 been taken; (2) a county or city that fails to adopt development
4 regulations under RCW 36.70A.060 protecting critical areas or
5 conserving agricultural lands; (3) a county that fails to designate
6 urban growth areas under RCW 36.70A.110 by the date such action was
7 required to have been taken; and (4) a county or city that fails to
8 adopt its comprehensive plan or development regulations when such
9 actions are required to be taken.

10 Imposition of sanctions under this section shall be preceded by
11 written findings by the governor that the county or city is not
12 proceeding in good faith to meet the requirements of the act and that
13 adequate state funding has been provided to the county or city to
14 accomplish the goals of the act.

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

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

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

20 (b) To promote orderly growth and development by establishing
21 standards by which counties, cities, and towns may require, by
22 ordinance, that new growth and development pay a proportionate share of
23 the cost of new facilities needed to serve new growth and development;
24 and

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

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

34 (3) The impact fees:

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

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

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

3 (4) Impact fees may be collected and spent only for the public
4 facilities defined in RCW 82.02.090 which are addressed by a capital
5 facilities plan element of a comprehensive land use plan adopted
6 pursuant to the provisions of RCW 36.70A.070 or the provisions for
7 comprehensive plan adoption contained in chapter 36.70, 35.63, or
8 35A.63 RCW. After ~~((July 1, 1993))~~ the date a county, city, or town is
9 required to adopt its comprehensive plan and development regulations
10 under chapter 36.70A RCW, continued authorization to collect and expend
11 impact fees shall be contingent on the county, city, or town adopting
12 or revising a comprehensive plan in compliance with RCW 36.70A.070, and
13 on the capital facilities plan identifying:

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

17 (b) Additional demands placed on existing public facilities by new
18 development; and

19 (c) Additional public facility improvements required to serve new
20 development.

21 If the capital facilities plan of the county, city, or town is
22 complete other than for the inclusion of those elements which are the
23 responsibility of a special district, the county, city, or town may
24 impose impact fees to address those public facility needs for which the
25 county, city, or town is responsible.

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

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