
SENATE BILL 5230

State of Washington

53rd Legislature

1993 Regular Session

By Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke

Read first time 01/18/93. Referred to Committee on Government Operations.

1 AN ACT Relating to growth management deadlines; amending RCW
2 36.70A.040 and 82.02.050; and declaring an emergency.

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

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

6 (1) Each county that has both a population of fifty thousand or
7 more and has had its population increase by more than ten percent in
8 the previous ten years, and the cities located within such county, and
9 any other county regardless of its population that has had its
10 population increase by more than twenty percent in the previous ten
11 years, and the cities located within such county, shall adopt
12 comprehensive land use plans and development regulations under this
13 chapter. However, the county legislative authority of such a county
14 with a population of less than fifty thousand population may adopt a
15 resolution removing the county, and the cities located within the
16 county, from the requirements of adopting comprehensive land use plans
17 and development regulations under this chapter if this resolution is
18 adopted and filed with the department by December 31, 1990. Once a
19 county meets either of these criteria, the requirement to conform with

1 RCW 36.70A.040 through 36.70A.160 remains in effect, even if the county
2 no longer meets one of these criteria.

3 (2) The county legislative authority of any county that does not
4 meet the requirements of subsection (1) of this section may adopt a
5 resolution indicating its intention to have subsection (1) of this
6 section apply to the county. Each city, located in a county that
7 chooses to plan under this subsection, shall adopt a comprehensive land
8 use plan in accordance with this chapter. Once such a resolution has
9 been adopted, the county cannot remove itself from the requirements of
10 this chapter.

11 (3) Any county or city that is required to adopt a comprehensive
12 land use plan under subsection (1) of this section shall adopt the plan
13 on or before July 1, (~~1993~~) 1996. Any county or city that is
14 required to adopt a comprehensive land use plan under subsection (2) of
15 this section shall adopt the plan not later than three years from the
16 date the county legislative body takes action as required by subsection
17 (2) of this section.

18 (4) If the office of financial management certifies that the
19 population of a county has changed sufficiently to meet the
20 requirements of subsection (1) of this section, and the county
21 legislative authority has not adopted a resolution removing the county
22 from these requirements as provided in subsection (1) of this section,
23 the county and each city within such county shall adopt: (a)
24 Development regulations under RCW 36.70A.060 within one year of the
25 certification by the office of financial management; (b) a
26 comprehensive land use plan under this chapter within three years of
27 the certification by the office of financial management; and (c)
28 development regulations pursuant to this chapter within one year of
29 having adopted its comprehensive land use plan.

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

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

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

35 (b) To promote orderly growth and development by establishing
36 standards by which counties, cities, and towns may require, by
37 ordinance, that new growth and development pay a proportionate share of

1 the cost of new facilities needed to serve new growth and development;
2 and

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

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

12 (3) The impact fees:

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

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

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

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

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

33 (b) Additional demands placed on existing public facilities by new
34 development; and

35 (c) Additional public facility improvements required to serve new
36 development.

37 If the capital facilities plan of the county, city, or town is
38 complete other than for the inclusion of those elements which are the
39 responsibility of a special district, the county, city, or town may

1 impose impact fees to address those public facility needs for which the
2 county, city, or town is responsible.

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

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