
SENATE BILL 6434

State of Washington 53rd Legislature 1994 Regular Session

By Senators Skratek and Fraser

Read first time 01/24/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the water supply; amending RCW 36.70A.010,
2 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.070, 36.70A.110, and
3 36.70A.210; and adding a new section to chapter 43.62 RCW.

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

5 **Sec. 1.** RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1 are each
6 amended to read as follows:

7 The legislature finds that uncoordinated and unplanned growth with
8 its relentless demands on our finite water supplies leading to major
9 shortfalls in our water uses, together with a lack of common goals
10 expressing the public's interest in the conservation and the wise use
11 of our lands and waters, pose a threat to the environment, sustainable
12 economic development, and the health, safety, and high quality of life
13 enjoyed by residents of this state. It is in the public interest that
14 citizens, communities, local governments, and the private sector
15 cooperate and coordinate with one another in comprehensive land use
16 planning. Further, the legislature finds that it is in the public
17 interest that economic development programs be shared with communities
18 experiencing insufficient economic growth if those communities have
19 more than marginal water supplies.

1 **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
2 amended to read as follows:

3 The following goals are adopted to guide the development and
4 adoption of comprehensive plans and development regulations of those
5 counties and cities that are required or choose to plan under RCW
6 36.70A.040. The following goals are not listed in order of priority
7 and shall be used exclusively for the purpose of guiding the
8 development of comprehensive plans and development regulations:

9 (1) Urban growth. Encourage development in urban areas where
10 adequate public facilities and services exist or can be provided in an
11 efficient manner.

12 (2) Reduce sprawl. Reduce the inappropriate conversion of
13 undeveloped land into sprawling, low-density development.

14 (3) Transportation. Encourage efficient multimodal transportation
15 systems that are based on regional priorities and coordinated with
16 county and city comprehensive plans.

17 (4) Housing. Encourage the availability of affordable housing to
18 all economic segments of the population of this state, promote a
19 variety of residential densities and housing types, and encourage
20 preservation of existing housing stock.

21 (5) Economic development. Encourage economic development
22 throughout the state that is consistent with adopted comprehensive
23 plans, promote economic opportunity for all citizens of this state,
24 especially for unemployed and for disadvantaged persons, and encourage
25 growth in areas experiencing insufficient economic growth, all within
26 the capacities of the state's natural resources, public services, and
27 public facilities.

28 (6) Property rights. Private property shall not be taken for
29 public use without just compensation having been made. The property
30 rights of landowners shall be protected from arbitrary and
31 discriminatory actions.

32 (7) Permits. Applications for both state and local government
33 permits should be processed in a timely and fair manner to ensure
34 predictability.

35 (8) Natural resource industries. Maintain and enhance natural
36 resource-based industries, including productive timber, agricultural,
37 and fisheries industries. Encourage the conservation of productive
38 forest lands and productive agricultural lands, and discourage
39 incompatible uses.

1 (9) Open space and recreation. Encourage the retention of open
2 space and development of recreational opportunities, conserve fish and
3 wildlife habitat, increase access to natural resource lands and water,
4 and develop parks.

5 (10) Environment. Protect the environment and enhance the state's
6 high quality of life, including air and water quality, and the
7 availability of water.

8 (11) Citizen participation and coordination. Encourage the
9 involvement of citizens in the planning process and ensure coordination
10 between communities and jurisdictions to reconcile conflicts.

11 (12) Public facilities and services. Ensure that those public
12 facilities and services necessary to support development shall be
13 adequate to serve the development at the time the development is
14 available for occupancy and use without decreasing current service
15 levels below locally established minimum standards.

16 (13) Historic preservation. Identify and encourage the
17 preservation of lands, sites, and structures, that have historical or
18 archaeological significance.

19 (14) Water supplies. Ensure that growth within a common watershed
20 shall not adversely affect existing instream and out-of-stream water
21 uses.

22 **Sec. 3.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each
23 amended to read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adopt a comprehensive land use plan" means to enact a new
27 comprehensive land use plan or to update an existing comprehensive land
28 use plan.

29 (2) "Agricultural land" means land primarily devoted to the
30 commercial production of horticultural, viticultural, floricultural,
31 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
32 straw, turf, seed, Christmas trees not subject to the excise tax
33 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
34 long-term commercial significance for agricultural production.

35 (3) "City" means any city or town, including a code city.

36 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
37 means a generalized coordinated land use policy statement of the

1 governing body of a county or city that is adopted pursuant to this
2 chapter.

3 (5) "Contingency water" means supplemental fresh water that:

4 (a) Can be piped in from sources outside the county;

5 (b) Is developed through new research and technology; and

6 (c) Results from revisions to the domestic water availability based
7 on changes in population growth trends, modifications to water rights
8 and allocations, and new data regarding water resources capacities.

9 (6) "Critical areas" include the following areas and ecosystems:

10 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
11 used for potable water; (c) fish and wildlife habitat conservation
12 areas; (d) frequently flooded areas; and (e) geologically hazardous
13 areas.

14 (~~(+6)~~) (7) "Department" means the department of community, trade,
15 and economic development.

16 (~~(+7)~~) (8) "Development regulations" means any controls placed on
17 development or land use activities by a county or city, including, but
18 not limited to, zoning ordinances, official controls, planned unit
19 development ordinances, subdivision ordinances, and binding site plan
20 ordinances.

21 (~~(+8)~~) (9) "Domestic water availability" means that portion of a
22 county's total water supply available for household and home-site uses
23 after:

24 (a) Deducting its existing state-certified water rights and
25 allocations;

26 (b) Deducting its water requirements for both existing and planned
27 industrial, commercial, and parks and recreational uses;

28 (c) Adding a factor based on the county's water conservation
29 measures; and

30 (d) Adding fifty percent of its future contingency water supplies,
31 or more than fifty percent subject to the county's option.

32 (10) "Forest land" means land primarily useful for growing trees,
33 including Christmas trees subject to the excise tax imposed under RCW
34 84.33.100 through 84.33.140, for commercial purposes, and that has
35 long-term commercial significance for growing trees commercially.

36 (~~(+9)~~) (11) "Geologically hazardous areas" means areas that
37 because of their susceptibility to erosion, sliding, earthquake, or
38 other geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health or
2 safety concerns.

3 ~~((10))~~ (12) "Long-term commercial significance" includes the
4 growing capacity, productivity, and soil composition of the land for
5 long-term commercial production, in consideration with the land's
6 proximity to population areas, and the possibility of more intense uses
7 of the land.

8 ~~((11))~~ (13) "Minerals" include gravel, sand, and valuable
9 metallic substances.

10 ~~((12))~~ (14) "Public facilities" include streets, roads, highways,
11 sidewalks, street and road lighting systems, traffic signals, domestic
12 water systems, storm and sanitary sewer systems, parks and recreational
13 facilities, and schools.

14 ~~((13))~~ (15) "Public services" include fire protection and
15 suppression, law enforcement, public health, education, recreation,
16 environmental protection, and other governmental services.

17 ~~((14))~~ (16) "Urban growth" refers to growth that makes intensive
18 use of land for the location of buildings, structures, and impermeable
19 surfaces to such a degree as to be incompatible with the primary use of
20 such land for the production of food, other agricultural products, or
21 fiber, or the extraction of mineral resources. When allowed to spread
22 over wide areas, urban growth typically requires urban governmental
23 services. "Characterized by urban growth" refers to land having urban
24 growth located on it, or to land located in relationship to an area
25 with urban growth on it as to be appropriate for urban growth.

26 ~~((15))~~ (17) "Urban growth areas" means those areas designated by
27 a county pursuant to RCW 36.70A.110.

28 ~~((16))~~ (18) "Urban governmental services" include those
29 governmental services historically and typically delivered by cities,
30 and include storm and sanitary sewer systems, domestic water systems,
31 street cleaning services, fire and police protection services, public
32 transit services, and other public utilities associated with urban
33 areas and normally not associated with nonurban areas.

34 ~~((17))~~ (19) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or ground water at a frequency
36 and duration sufficient to support, and that under normal circumstances
37 do support, a prevalence of vegetation typically adapted for life in
38 saturated soil conditions. Wetlands generally include swamps, marshes,
39 bogs, and similar areas. Wetlands do not include those artificial

1 wetlands intentionally created from nonwetland sites, including, but
2 not limited to, irrigation and drainage ditches, grass-lined swales,
3 canals, detention facilities, wastewater treatment facilities, farm
4 ponds, and landscape amenities. However, wetlands may include those
5 artificial wetlands intentionally created from nonwetland areas created
6 to mitigate conversion of wetlands, if permitted by the county or city.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.62 RCW
8 to read as follows:

9 When planning the twenty year population projection under RCW
10 37.70A.110 the office of financial management shall utilize the
11 following information:

12 (1) The bureau of census data for the previous ten years trended
13 for the next twenty years on a straight line basis;

14 (2) The planning counties' designation of critical areas that shall
15 not accept any further population growth;

16 (3) The planning counties' designation of open space corridors that
17 shall not accept any further population growth; and

18 (4) The planning counties' designation of agricultural, forest, and
19 mineral resource lands that shall accept limited population growth
20 under the comprehensive plan.

21 **Sec. 5.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
22 read as follows:

23 (1) Each county that has both a population of fifty thousand or
24 more and has had its population increase by more than ten percent in
25 the previous ten years, and the cities located within such county, and
26 any other county regardless of its population that has had its
27 population increase by more than twenty percent in the previous ten
28 years, and the cities located within such county, shall conform with
29 all of the requirements of this chapter. However, the county
30 legislative authority of such a county with a population of less than
31 fifty thousand population may adopt a resolution removing the county,
32 and the cities located within the county, from the requirements of
33 adopting comprehensive land use plans and development regulations under
34 this chapter if this resolution is adopted and filed with the
35 department by December 31, 1990, for counties initially meeting this
36 set of criteria, or within sixty days of the date the office of

1 financial management certifies that a county meets this set of criteria
2 under subsection (5) of this section.

3 Once a county meets either of these sets of criteria, the
4 requirement to conform with all of the requirements of this chapter
5 remains in effect, even if the county no longer meets one of these sets
6 of criteria.

7 (2) The county legislative authority of any county that does not
8 meet either of the sets of criteria established under subsection (1) of
9 this section may adopt a resolution indicating its intention to have
10 subsection (1) of this section apply to the county. Each city, located
11 in a county that chooses to plan under this subsection, shall conform
12 with all of the requirements of this chapter. Once such a resolution
13 has been adopted, the county and the cities located within the county
14 remain subject to all of the requirements of this chapter.

15 (3) Any county or city that is initially required to conform with
16 all of the requirements of this chapter under subsection (1) of this
17 section shall take actions under this chapter as follows: (a) The
18 county legislative authority shall adopt a county-wide planning policy
19 under RCW 36.70A.210; (b) the county and each city located within the
20 county shall designate critical areas, agricultural lands, forest
21 lands, and mineral resource lands, and adopt development regulations
22 conserving these designated agricultural lands, forest lands, and
23 mineral resource lands and protecting these designated critical areas,
24 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
25 take other actions related to urban growth areas under RCW 36.70A.110;
26 (d) if the county has a population of fifty thousand or more, the
27 county and each city located within the county shall adopt a
28 comprehensive plan under this chapter and development regulations that
29 are consistent with and implement the comprehensive plan on or before
30 July 1, 1994, and if the county has a population of less than fifty
31 thousand, the county and each city located within the county shall
32 adopt a comprehensive plan under this chapter and development
33 regulations that are consistent with and implement the comprehensive
34 plan by January 1, 1995, but if the governor makes written findings
35 that a county with a population of less than fifty thousand or a city
36 located within such a county is not making reasonable progress toward
37 adopting a comprehensive plan and development regulations the governor
38 may reduce this deadline for such actions to be taken by no more than
39 one hundred eighty days. Any county or city subject to this subsection

1 may obtain an additional six months before it is required to have
2 adopted its development regulations by submitting a letter notifying
3 the department of community, trade, and economic development of its
4 need prior to the deadline for adopting both a comprehensive plan and
5 development regulations.

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

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

1 the office of financial management; (c) the county shall designate and
2 take other actions related to urban growth areas under RCW 36.70A.110;
3 and (d) the county and each city located within the county shall adopt
4 a comprehensive land use plan and development regulations that are
5 consistent with and implement the comprehensive plan within four years
6 of the certification by the office of financial management, but a
7 county or city may obtain an additional six months before it is
8 required to have adopted its development regulations by submitting a
9 letter notifying the department of community, trade, and economic
10 development of its need prior to the deadline for adopting both a
11 comprehensive plan and development regulations.

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

14 **Sec. 6.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
15 amended to read as follows:

16 The comprehensive plan of a county or city that is required or
17 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
18 and descriptive text covering objectives, principles, and standards
19 used to develop the comprehensive plan. The plan shall be an
20 internally consistent document and all elements shall be consistent
21 with the future land use map. A comprehensive plan shall be adopted
22 and amended with public participation as provided in RCW 36.70A.140.

23 Each comprehensive plan shall include a plan, scheme, or design for
24 each of the following:

25 (1) A land use element designating the proposed general
26 distribution and general location and extent of the uses of land, where
27 appropriate, for agriculture, timber production, housing, commerce,
28 industry, recreation, open spaces, public utilities, public facilities,
29 and other land uses. The land use element shall include population
30 densities, building intensities, and estimates of future population
31 growth known domestic water availability as determined by the
32 department of ecology through application of the domestic water
33 availability formula under RCW 36.70A.030(9).

34 The land use element shall provide for protection of the quality
35 and quantity of ground water used for public water supplies. Where
36 applicable, the land use element shall review drainage, flooding, and
37 storm water run-off in the area and nearby jurisdictions and provide
38 guidance for corrective actions to mitigate or cleanse those discharges

1 that pollute waters of the state, including Puget Sound or waters
2 entering Puget Sound.

3 (2) A housing element recognizing the vitality and character of
4 established residential neighborhoods that: (a) Includes an inventory
5 and analysis of existing and projected housing needs; (b) includes a
6 statement of goals, policies, and objectives for the preservation,
7 improvement, and development of housing; (c) identifies sufficient land
8 for housing, including, but not limited to, government-assisted
9 housing, housing for low-income families, manufactured housing,
10 multifamily housing, and group homes and foster care facilities; and
11 (d) makes adequate provisions for existing and projected needs of all
12 economic segments of the community.

13 (3) A capital facilities plan element consisting of: (a) An
14 inventory of existing capital facilities owned by public entities,
15 showing the locations and capacities of the capital facilities; (b) a
16 forecast of the future needs for such capital facilities; (c) the
17 proposed locations and capacities of expanded or new capital
18 facilities; (d) at least a six-year plan that will finance such capital
19 facilities within projected funding capacities and clearly identifies
20 sources of public money for such purposes; and (e) a requirement to
21 reassess the land use element if probable funding falls short of
22 meeting existing needs and to ensure that the land use element, capital
23 facilities plan element, and financing plan within the capital
24 facilities plan element are coordinated and consistent.

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed utilities,
27 including, but not limited to, electrical lines, telecommunication
28 lines, and natural gas lines.

29 (5) Counties shall include a rural element including lands that are
30 not designated for urban growth, agriculture, forest, or mineral
31 resources. The rural element shall permit land uses that are
32 compatible with the rural character of such lands and provide for a
33 variety of rural densities.

34 (6) A transportation element that implements, and is consistent
35 with, the land use element. The transportation element shall include
36 the following subelements:

37 (a) Land use assumptions used in estimating travel;

38 (b) Facilities and services needs, including:

1 (i) An inventory of air, water, and land transportation facilities
2 and services, including transit alignments, to define existing capital
3 facilities and travel levels as a basis for future planning;

4 (ii) Level of service standards for all arterials and transit
5 routes to serve as a gauge to judge performance of the system. These
6 standards should be regionally coordinated;

7 (iii) Specific actions and requirements for bringing into
8 compliance any facilities or services that are below an established
9 level of service standard;

10 (iv) Forecasts of traffic for at least ten years based on the
11 adopted land use plan to provide information on the location, timing,
12 and capacity needs of future growth;

13 (v) Identification of system expansion needs and transportation
14 system management needs to meet current and future demands;

15 (c) Finance, including:

16 (i) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (ii) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required by
21 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems;

23 (iii) If probable funding falls short of meeting identified needs,
24 a discussion of how additional funding will be raised, or how land use
25 assumptions will be reassessed to ensure that level of service
26 standards will be met;

27 (d) Intergovernmental coordination efforts, including an assessment
28 of the impacts of the transportation plan and land use assumptions on
29 the transportation systems of adjacent jurisdictions;

30 (e) Demand-management strategies.

31 After adoption of the comprehensive plan by jurisdictions required
32 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
33 must adopt and enforce ordinances which prohibit development approval
34 if the development causes the level of service on a transportation
35 facility to decline below the standards adopted in the transportation
36 element of the comprehensive plan, unless transportation improvements
37 or strategies to accommodate the impacts of development are made
38 concurrent with the development. These strategies may include
39 increased public transportation service, ride sharing programs, demand

1 management, and other transportation systems management strategies.
2 For the purposes of this subsection (6) "concurrent with the
3 development" shall mean that improvements or strategies are in place at
4 the time of development, or that a financial commitment is in place to
5 complete the improvements or strategies within six years.

6 The transportation element described in this subsection, and the
7 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
8 counties, and RCW 35.58.2795 for public transportation systems, must be
9 consistent.

10 **Sec. 7.** RCW 36.70A.110 and 1993 sp.s. c 6 s 2 are each amended to
11 read as follows:

12 (1) Each county that is required or chooses to plan under RCW
13 36.70A.040 shall designate an urban growth area or areas within which
14 urban growth shall be encouraged and outside of which growth can occur
15 only if it is not urban in nature. Each city that is located in such
16 a county shall be included within an urban growth area. An urban
17 growth area may include more than a single city. An urban growth area
18 may include territory that is located outside of a city only if such
19 territory already is characterized by urban growth or is adjacent to
20 territory already characterized by urban growth.

21 (2) Based upon the (~~population growth management planning~~
22 ~~population projection made for the county by the office of financial~~
23 ~~management~~) known domestic water availability as determined by the
24 department of ecology through application of the domestic water
25 availability formula under RCW 36.70A.030(9), the urban growth areas in
26 the county shall include areas and densities sufficient to permit the
27 urban growth that is projected to occur in the county for the
28 succeeding twenty-year period. Each urban growth area shall permit
29 urban densities and shall include greenbelt and open space areas.
30 Within one year of July 1, 1990, each county that as of June 1, 1991,
31 was required or chose to plan under RCW 36.70A.040, shall begin
32 consulting with each city located within its boundaries and each city
33 shall propose the location of an urban growth area. Within sixty days
34 of the date the county legislative authority of a county adopts its
35 resolution of intention or of certification by the office of financial
36 management, all other counties that are required or choose to plan
37 under RCW 36.70A.040 shall begin this consultation with each city
38 located within its boundaries. The county shall attempt to reach

1 agreement with each city on the location of an urban growth area within
2 which the city is located. If such an agreement is not reached with
3 each city located within the urban growth area, the county shall
4 justify in writing why it so designated the area an urban growth area.
5 A city may object formally with the department over the designation of
6 the urban growth area within which it is located. Where appropriate,
7 the department shall attempt to resolve the conflicts, including the
8 use of mediation services.

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

18 (4) On or before October 1, 1993, each county that was initially
19 required to plan under RCW 36.70A.040(1) shall adopt development
20 regulations designating interim urban growth areas under this chapter.
21 Within three years and three months of the date the county legislative
22 authority of a county adopts its resolution of intention or of
23 certification by the office of financial management, all other counties
24 that are required or choose to plan under RCW 36.70A.040 shall adopt
25 development regulations designating interim urban growth areas under
26 this chapter. Adoption of the interim urban growth areas may only
27 occur after public notice; public hearing; and compliance with the
28 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
29 Such action may be appealed to the appropriate growth planning hearings
30 board under RCW 36.70A.280. Final urban growth areas shall be adopted
31 at the time of comprehensive plan adoption under this chapter.

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

34 **Sec. 8.** RCW 36.70A.210 and 1993 sp.s. c 6 s 4 are each amended to
35 read as follows:

36 (1) The legislature recognizes that counties are regional
37 governments within their boundaries, and cities are primary providers
38 of urban governmental services within urban growth areas. For the

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

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

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

22 (b) The process and framework for adoption of a county-wide
23 planning policy specified in (a) of this subsection shall determine the
24 manner in which the county and the cities agree to all procedures and
25 provisions including but not limited to desired planning policies,
26 deadlines, ratification of final agreements and demonstration thereof,
27 and financing, if any, of all activities associated therewith.

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

32 (d) If there is no agreement by October 1, 1991, in a county that
33 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
34 or if there is no agreement within one hundred twenty days of the date
35 the county adopted its resolution of intention or was certified by the
36 office of financial management in any other county that is required or
37 chooses to plan under RCW 36.70A.040, the governor shall first inquire
38 of the jurisdictions as to the reason or reasons for failure to reach
39 an agreement. If the governor deems it appropriate, the governor may

1 immediately request the assistance of the department of community,
2 trade, and economic development to mediate any disputes that preclude
3 agreement. If mediation is unsuccessful in resolving all disputes that
4 will lead to agreement, the governor may impose appropriate sanctions
5 from those specified under RCW 36.70A.340 on the county, city, or
6 cities for failure to reach an agreement as provided in this section.
7 The governor shall specify the reason or reasons for the imposition of
8 any sanction.

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

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

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

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

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

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

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

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

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

35 (h) An analysis of the fiscal impact; and

36 (i) Policies for implementing the water availability formula as
37 provided by the department of ecology, if applicable.

38 (4) Federal agencies and Indian tribes may participate in and
39 cooperate with the county-wide planning policy adoption process.

1 Adopted county-wide planning policies shall be adhered to by state
2 agencies.

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

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

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

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