
ENGROSSED SUBSTITUTE HOUSE BILL 1761

State of Washington

53rd Legislature

1993 Regular 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.045, 36.70A.110, 36.70A.120, 36.70A.210, and
4 82.02.050; adding a new section to chapter 36.70A RCW; and declaring an
5 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 legislative authority and governing body of each city located
27 within the county shall designate critical areas, agricultural lands,
28 forest lands, and mineral resource lands, and adopt development
29 regulations conserving these designated lands and protecting these
30 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the
31 county legislative authority shall designate and take other actions
32 related to urban growth areas under RCW 36.70A.110; (d) the county
33 legislative authority and governing body of each city located within
34 the county shall adopt ((the)) a comprehensive plan under this chapter
35 on or before ((July 1, 1993)) a date from January 1, 1994, through
36 August 1, 1994, as specified by the department under RCW 36.70A.045;
37 and (e) the county legislative authority and each city governing body
38 shall adopt development regulations that are consistent with and
39 implement its comprehensive plan by the same date it is required to

1 adopt its comprehensive plan, but a county or city may obtain an
2 extension for this deadline by the shorter of an additional six months
3 or until December 31, 1994, by submitting a letter to the department of
4 community development prior to the deadline for adopting both a
5 comprehensive plan and development regulations stating its need for the
6 extension, detailing reasons for the needed extension, and proposing a
7 schedule of actions that will be taken leading to the adoption of the
8 development regulations.

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

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

1 the county legislative authority has not adopted a resolution removing
2 the county from these requirements as provided in subsection (1) of
3 this section, the county and each city within such county shall
4 ~~((adopt))~~ take actions under this chapter as follows: (a) The county
5 legislative authority shall adopt a county-wide planning policy under
6 RCW 36.70A.210; (b) the county legislative authority and each city
7 governing body shall adopt development regulations under RCW 36.70A.060
8 conserving agricultural lands, forest lands, and mineral resource lands
9 it designated within one year of the certification by the office of
10 financial management; ~~((b))~~ (c) the county legislative authority
11 shall designate and take other actions related to urban growth areas
12 under RCW 36.70A.110; and (d) the county legislative authority and each
13 city governing body shall adopt a comprehensive land use plan ~~((under~~
14 this chapter)) and development regulations that are consistent with and
15 implement the comprehensive plan within ~~((three))~~ four years one month
16 of the certification by the office of financial management~~((; and (e)~~
17 development regulations pursuant to this chapter within one year of
18 having adopted its comprehensive land use plan)), but a county or city
19 may obtain an additional six months before it is required to have
20 adopted its development regulations by submitting a letter to the
21 department of community development prior to the deadline for adopting
22 both a comprehensive plan and development regulations stating its need
23 for the extension, detailing reasons for the needed extension, and
24 proposing a schedule of actions that will be taken leading to the
25 adoption of the development regulations.

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

28 **Sec. 2.** RCW 36.70A.045 and 1991 sp.s. c 32 s 15 are each amended
29 to read as follows:

30 (1) By no later than June 1, 1993, the department ~~((may))~~ shall
31 adopt a schedule ~~((to permit))~~ phasing ~~((of))~~ the dates, from January
32 1, 1994, through July 31, 1994, on or before which each county
33 initially required to plan under all the requirements of this chapter
34 by RCW 36.70A.040(1), and each city located within the county, must
35 adopt a comprehensive plan ~~((submittal for counties and cities planning~~
36 under RCW 36.70A.040. This schedule shall not permit a comprehensive
37 plan to be submitted greater than one hundred eighty days past the date

1 ~~that the plan was required to be submitted and shall be used)) under~~
2 this chapter.

3 To facilitate expeditious review and interjurisdictional
4 coordination of comprehensive plans and development regulations, the
5 date designated on or before which a county must adopt a comprehensive
6 plan shall be the same date designated on or before which each city
7 located in that county must adopt its comprehensive plan. Where a city
8 is located in more than one of such counties that have differing
9 designated dates, the department shall designate which date applies to
10 that city.

11 (2) The following criteria shall be used by the department in
12 establishing this schedule: (a) How close the county and cities in the
13 county are to adopting their comprehensive plans; (b) the extent of a
14 consensus between the county and cities in the county over a date; (c)
15 the relative financial burdens on the county and the cities in the
16 county to prepare, consider, and adopt their comprehensive plans; and
17 (d) the sufficiency of opportunities the public has had to provide
18 input into the planning process in the county and the cities in the
19 county. This schedule does not have to evenly spread the deadlines for
20 counties over this period and may designate deadlines for all or most
21 of these counties at the end of this period.

22 **Sec. 3.** RCW 36.70A.110 and 1991 sp.s. c 32 s 29 are each amended
23 to read as follows:

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

34 (2) Based upon the population growth management planning population
35 projection made for the county by the office of financial management,
36 the urban growth areas in the county shall include areas and densities
37 sufficient to permit the urban growth that is projected to occur in the
38 county for the succeeding twenty-year period. Each urban growth area

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

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

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

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

3 **Sec. 4.** RCW 36.70A.120 and 1990 1st ex.s. c 17 s 12 are each
4 amended to read as follows:

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

13 **Sec. 5.** RCW 36.70A.210 and 1991 sp.s. c 32 s 2 are each amended to
14 read as follows:

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

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

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

1 after the date the county adopts its resolution of intention or was
2 certified by the office of financial management.

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

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

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

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

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

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

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

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

8 (d) Policies for county-wide transportation facilities and
9 strategies;

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

13 (f) Policies for joint county and city planning within urban growth
14 areas;

15 (g) Policies for county-wide economic development and employment;
16 and

17 (h) An analysis of the fiscal impact.

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

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

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

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

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW
2 to read as follows:

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

15 Prior to imposing a sanction or sanctions on a county or city, the
16 governor shall make a written finding that the county or city has not
17 proceeded in good faith or has unreasonably delayed taking required
18 action by the date such action was required to have been taken.

19 **Sec. 7.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
20 amended to read as follows:

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

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

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

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

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

38 (3) The impact fees:

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

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

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

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

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

21 (b) Additional demands placed on existing public facilities by new
22 development; and

23 (c) Additional public facility improvements required to serve new
24 development.

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

30 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and shall take
33 effect immediately.

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