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**SUBSTITUTE SENATE BILL 6070**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Roach, Fairley, Horn, T. Sheldon, Kline, McCaslin, Honeyford, Prentice, Jacobsen, Oke, Snyder, Franklin, Swecker, Zarelli, Rasmussen, McDonald, Sheahan, Johnson, West, Hale, Rossi, Regala, Deccio, Carlson, Hewitt, Gardner, McAuliffe, B. Sheldon, Haugen, Morton, Spanel, Shin, Benton, Stevens, Constantine, Costa, Hochstatter, Eide, Hargrove, Finkbeiner, Parlette and Winsley)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to incorporating effective economic development  
2 planning into growth management planning; amending RCW 36.70A.020,  
3 36.70A.030, 36.70A.070, 36.70A.130, and 36.70A.210; adding a new  
4 section to chapter 36.70A RCW; and providing an effective date.

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

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

8 The following goals are adopted to guide the development and  
9 adoption of comprehensive plans and development regulations of those  
10 counties and cities that are required or choose to plan under RCW  
11 36.70A.040. The following goals are not listed in order of priority  
12 and shall be used exclusively for the purpose of guiding the  
13 development of comprehensive plans and development regulations:

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

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

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

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

8 (5) Economic development. Encourage economic development  
9 throughout the state that is consistent with adopted comprehensive  
10 plans, promote economic opportunity for all citizens of this state,  
11 especially for unemployed and for disadvantaged persons, promote the  
12 retention and expansion of existing businesses and recruitment of new  
13 businesses, recognize regional differences impacting economic  
14 development opportunities, and encourage growth in areas experiencing  
15 insufficient economic growth, all within the capacities of the state's  
16 natural resources, public services, and public facilities.

17 (6) Property rights. Private property shall not be taken for  
18 public use without just compensation having been made. The property  
19 rights of landowners shall be protected from arbitrary and  
20 discriminatory actions.

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

24 (8) Natural resource industries. Maintain and enhance natural  
25 resource-based industries, including productive timber, agricultural,  
26 and fisheries industries. Encourage the conservation of productive  
27 forest lands and productive agricultural lands, and discourage  
28 incompatible uses.

29 (9) Open space and recreation. Encourage the retention of open  
30 space and development of recreational opportunities, conserve fish and  
31 wildlife habitat, increase access to natural resource lands and water,  
32 and develop parks.

33 (10) Environment. Protect the environment and enhance the state's  
34 high quality of life, including air and water quality, and the  
35 availability of water.

36 (11) Citizen participation and coordination. Encourage the  
37 involvement of citizens in the planning process and ensure coordination  
38 between communities and jurisdictions to reconcile conflicts.

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

6 (13) Historic preservation. Identify and encourage the  
7 preservation of lands, sites, and structures, that have historical or  
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read  
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in  
12 this section apply throughout this chapter.

13 (1) "Adopt a comprehensive land use plan" means to enact a new  
14 comprehensive land use plan or to update an existing comprehensive land  
15 use plan.

16 (2) "Agricultural land" means land primarily devoted to the  
17 commercial production of horticultural, viticultural, floricultural,  
18 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
19 straw, turf, seed, Christmas trees not subject to the excise tax  
20 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
21 hatcheries, or livestock, and that has long-term commercial  
22 significance for agricultural production.

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

24 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
25 means a generalized coordinated land use policy statement of the  
26 governing body of a county or city that is adopted pursuant to this  
27 chapter.

28 (5) "Critical areas" include the following areas and ecosystems:  
29 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
30 used for potable water; (c) fish and wildlife habitat conservation  
31 areas; (d) frequently flooded areas; and (e) geologically hazardous  
32 areas.

33 (6) "Department" means the department of community, trade, and  
34 economic development.

35 (7) "Development regulations" or "regulation" means the controls  
36 placed on development or land use activities by a county or city,  
37 including, but not limited to, zoning ordinances, critical areas  
38 ordinances, shoreline master programs, official controls, planned unit

1 development ordinances, subdivision ordinances, and binding site plan  
2 ordinances together with any amendments thereto. A development  
3 regulation does not include a decision to approve a project permit  
4 application, as defined in RCW 36.70B.020, even though the decision may  
5 be expressed in a resolution or ordinance of the legislative body of  
6 the county or city.

7 (8) "Forest land" means land primarily devoted to growing trees for  
8 long-term commercial timber production on land that can be economically  
9 and practically managed for such production, including Christmas trees  
10 subject to the excise tax imposed under RCW 84.33.100 through  
11 84.33.140, and that has long-term commercial significance. In  
12 determining whether forest land is primarily devoted to growing trees  
13 for long-term commercial timber production on land that can be  
14 economically and practically managed for such production, the following  
15 factors shall be considered: (a) The proximity of the land to urban,  
16 suburban, and rural settlements; (b) surrounding parcel size and the  
17 compatibility and intensity of adjacent and nearby land uses; (c) long-  
18 term local economic conditions that affect the ability to manage for  
19 timber production; and (d) the availability of public facilities and  
20 services conducive to conversion of forest land to other uses.

21 (9) "Geologically hazardous areas" means areas that because of  
22 their susceptibility to erosion, sliding, earthquake, or other  
23 geological events, are not suited to the siting of commercial,  
24 residential, or industrial development consistent with public health or  
25 safety concerns.

26 (10) "Land suitable for development" means all vacant, partially  
27 used, and underutilized parcels that are: (a) Designated for  
28 commercial, industrial, or residential use; (b) not intended for public  
29 use; and (c) not constrained by critical areas in a way that limits  
30 development potential and makes new construction on a parcel  
31 unfeasible.

32 (11) "Long-term commercial significance" includes the growing  
33 capacity, productivity, and soil composition of the land for long-term  
34 commercial production, in consideration with the land's proximity to  
35 population areas, and the possibility of more intense uses of the land.

36 (~~(11)~~) (12) "Minerals" include gravel, sand, and valuable  
37 metallic substances.

38 (~~(12)~~) (13) "Performance measures" required under RCW  
39 36.70A.210(3) means a quantifiable measurement or index providing

1 consistent and reliable information over time to help gauge how a  
2 jurisdiction is achieving specified performance results.

3 (14) "Public facilities" include streets, roads, highways,  
4 sidewalks, street and road lighting systems, traffic signals, domestic  
5 water systems, storm and sanitary sewer systems, parks and recreational  
6 facilities, and schools.

7 ~~((13))~~ (15) "Public services" include fire protection and  
8 suppression, law enforcement, public health, education, recreation,  
9 environmental protection, and other governmental services.

10 ~~((14))~~ (16) "Rural character" refers to the patterns of land use  
11 and development established by a county in the rural element of its  
12 comprehensive plan:

13 (a) In which open space, the natural landscape, and vegetation  
14 predominate over the built environment;

15 (b) That foster traditional rural lifestyles, rural-based  
16 economies, and opportunities to both live and work in rural areas;

17 (c) That provide visual landscapes that are traditionally found in  
18 rural areas and communities;

19 (d) That are compatible with the use of the land by wildlife and  
20 for fish and wildlife habitat;

21 (e) That reduce the inappropriate conversion of undeveloped land  
22 into sprawling, low-density development;

23 (f) That generally do not require the extension of urban  
24 governmental services; and

25 (g) That are consistent with the protection of natural surface  
26 water flows and ground water and surface water recharge and discharge  
27 areas.

28 ~~((15))~~ (17) "Rural counties" has the same meaning as in RCW  
29 82.14.370(5).

30 (18) "Rural development" refers to development outside the urban  
31 growth area and outside agricultural, forest, and mineral resource  
32 lands designated pursuant to RCW 36.70A.170. Rural development can  
33 consist of a variety of uses and residential densities, including  
34 clustered residential development, at levels that are consistent with  
35 the preservation of rural character and the requirements of the rural  
36 element. Rural development does not refer to agriculture or forestry  
37 activities that may be conducted in rural areas.

38 ~~((16))~~ (19) "Rural governmental services" or "rural services"  
39 include those public services and public facilities historically and

1 typically delivered at an intensity usually found in rural areas, and  
2 may include domestic water systems, fire and police protection  
3 services, transportation and public transit services, and other public  
4 utilities associated with rural development and normally not associated  
5 with urban areas. Rural services do not include storm or sanitary  
6 sewers, except as otherwise authorized by RCW 36.70A.110(4).

7 ~~((17))~~ (20) "Urban growth" refers to growth that makes intensive  
8 use of land for the location of buildings, structures, and impermeable  
9 surfaces to such a degree as to be incompatible with the primary use of  
10 land for the production of food, other agricultural products, or fiber,  
11 or the extraction of mineral resources, rural uses, rural development,  
12 and natural resource lands designated pursuant to RCW 36.70A.170. A  
13 pattern of more intensive rural development, as provided in RCW  
14 36.70A.070(5)(d), is not urban growth. When allowed to spread over  
15 wide areas, urban growth typically requires urban governmental  
16 services. "Characterized by urban growth" refers to land having urban  
17 growth located on it, or to land located in relationship to an area  
18 with urban growth on it as to be appropriate for urban growth.

19 ~~((18))~~ (21) "Urban growth areas" means those areas designated by  
20 a county pursuant to RCW 36.70A.110.

21 ~~((19))~~ (22) "Urban governmental services" or "urban services"  
22 include those public services and public facilities at an intensity  
23 historically and typically provided in cities, specifically including  
24 storm and sanitary sewer systems, domestic water systems, street  
25 cleaning services, fire and police protection services, public transit  
26 services, and other public utilities associated with urban areas and  
27 normally not associated with rural areas.

28 ~~((20))~~ (23) "Wetland" or "wetlands" means areas that are  
29 inundated or saturated by surface water or ground water at a frequency  
30 and duration sufficient to support, and that under normal circumstances  
31 do support, a prevalence of vegetation typically adapted for life in  
32 saturated soil conditions. Wetlands generally include swamps, marshes,  
33 bogs, and similar areas. Wetlands do not include those artificial  
34 wetlands intentionally created from nonwetland sites, including, but  
35 not limited to, irrigation and drainage ditches, grass-lined swales,  
36 canals, detention facilities, wastewater treatment facilities, farm  
37 ponds, and landscape amenities, or those wetlands created after July 1,  
38 1990, that were unintentionally created as a result of the construction  
39 of a road, street, or highway. Wetlands may include those artificial

1 wetlands intentionally created from nonwetland areas created to  
2 mitigate conversion of wetlands.

3 **Sec. 3.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read  
4 as follows:

5 The comprehensive plan of a county or city that is required or  
6 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
7 and descriptive text covering objectives, principles, and standards  
8 used to develop the comprehensive plan. The plan shall be an  
9 internally consistent document and all elements shall be consistent  
10 with the future land use map. A comprehensive plan shall be adopted  
11 and amended with public participation as provided in RCW 36.70A.140.

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

14 (1) A land use element designating the proposed general  
15 distribution and general location and extent of the uses of land, where  
16 appropriate, for agriculture, timber production, housing, commerce,  
17 industry, recreation, open spaces, general aviation airports, public  
18 utilities, public facilities, and other land uses. The land use  
19 element shall include population densities, building intensities, and  
20 estimates of future population growth. The land use element shall  
21 provide for protection of the quality and quantity of ground water used  
22 for public water supplies. Where applicable, the land use element  
23 shall review drainage, flooding, and storm water run-off in the area  
24 and nearby jurisdictions and provide guidance for corrective actions to  
25 mitigate or cleanse those discharges that pollute waters of the state,  
26 including Puget Sound or waters entering Puget Sound.

27 (2) A housing element ensuring the vitality and character of  
28 established residential neighborhoods that: (a) Includes an inventory  
29 and analysis of existing and projected housing needs that identifies  
30 the number of housing units necessary to accommodate projected growth;  
31 (b) includes a statement of goals, policies, objectives, and mandatory  
32 provisions for the preservation, improvement, and development of  
33 housing, including single-family residences; (c) identifies sufficient  
34 land for housing, including, but not limited to, government-assisted  
35 housing, housing for low-income families, manufactured housing,  
36 multifamily housing, and group homes and foster care facilities; and  
37 (d) makes adequate provisions for existing and projected needs of all  
38 economic segments of the community.

1 (3) A capital facilities plan element consisting of: (a) An  
2 inventory of existing capital facilities owned by public entities,  
3 showing the locations and capacities of the capital facilities; (b) a  
4 forecast of the future needs for such capital facilities; (c) the  
5 proposed locations and capacities of expanded or new capital  
6 facilities; (d) at least a six-year plan that will finance such capital  
7 facilities within projected funding capacities and clearly identifies  
8 sources of public money for such purposes; and (e) a requirement to  
9 reassess the land use element if probable funding falls short of  
10 meeting existing needs and to ensure that the land use element, capital  
11 facilities plan element, and financing plan within the capital  
12 facilities plan element are coordinated and consistent.

13 (4) A utilities element consisting of the general location,  
14 proposed location, and capacity of all existing and proposed utilities,  
15 including, but not limited to, electrical lines, telecommunication  
16 lines, and natural gas lines.

17 (5) Rural element. Counties shall include a rural element  
18 including lands that are not designated for urban growth, agriculture,  
19 forest, or mineral resources. The following provisions shall apply to  
20 the rural element:

21 (a) Growth management act goals and local circumstances. Because  
22 circumstances vary from county to county, in establishing patterns of  
23 rural densities and uses, a county may consider local circumstances,  
24 but shall develop a written record explaining how the rural element  
25 harmonizes the planning goals in RCW 36.70A.020 and meets the  
26 requirements of this chapter.

27 (b) Rural development. The rural element shall permit rural  
28 development, forestry, and agriculture in rural areas. The rural  
29 element shall provide for a variety of rural densities, uses, essential  
30 public facilities, and rural governmental services needed to serve the  
31 permitted densities and uses. In order to achieve a variety of rural  
32 densities and uses, counties may provide for clustering, density  
33 transfer, design guidelines, conservation easements, and other  
34 innovative techniques that will accommodate appropriate rural densities  
35 and uses that are not characterized by urban growth and that are  
36 consistent with rural character.

37 (c) Measures governing rural development. The rural element shall  
38 include measures that apply to rural development and protect the rural  
39 character of the area, as established by the county, by:

1 (i) Containing or otherwise controlling rural development;

2 (ii) Assuring visual compatibility of rural development with the  
3 surrounding rural area;

4 (iii) Reducing the inappropriate conversion of undeveloped land  
5 into sprawling, low-density development in the rural area;

6 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
7 surface water and ground water resources; and

8 (v) Protecting against conflicts with the use of agricultural,  
9 forest, and mineral resource lands designated under RCW 36.70A.170.

10 (d) Limited areas of more intensive rural development. Subject to  
11 the requirements of this subsection and except as otherwise  
12 specifically provided in this subsection (5)(d), the rural element may  
13 allow for limited areas of more intensive rural development, including  
14 necessary public facilities and public services to serve the limited  
15 area as follows:

16 (i) Rural development consisting of the infill, development, or  
17 redevelopment of existing commercial, industrial, residential, or  
18 mixed-use areas, whether characterized as shoreline development,  
19 villages, hamlets, rural activity centers, or crossroads developments.  
20 A commercial, industrial, residential, shoreline, or mixed-use area  
21 shall be subject to the requirements of (d)(iv) of this subsection, but  
22 shall not be subject to the requirements of (c)(ii) and (iii) of this  
23 subsection. An industrial area is not required to be principally  
24 designed to serve the existing and projected rural population;

25 (ii) The intensification of development on lots containing, or new  
26 development of, small-scale recreational or tourist uses, including  
27 commercial facilities to serve those recreational or tourist uses, that  
28 rely on a rural location and setting, but that do not include new  
29 residential development. A small-scale recreation or tourist use is  
30 not required to be principally designed to serve the existing and  
31 projected rural population. Public services and public facilities  
32 shall be limited to those necessary to serve the recreation or tourist  
33 use and shall be provided in a manner that does not permit low-density  
34 sprawl;

35 (iii) The intensification of development on lots containing  
36 isolated nonresidential uses or new development of isolated cottage  
37 industries and isolated small-scale businesses that are not principally  
38 designed to serve the existing and projected rural population and  
39 nonresidential uses, but do provide job opportunities for rural

1 residents. Counties may allow the expansion of small-scale businesses  
2 in rural areas if such businesses are compatible in size and scale with  
3 the patterns of land use and development established by a county in the  
4 rural element of its comprehensive plan. Counties may also allow new  
5 small-scale businesses to utilize a site previously occupied by an  
6 existing business if such businesses are compatible in size and scale  
7 with the patterns of land use and development established by a county  
8 in the rural element of its comprehensive plan. Public services and  
9 public facilities shall be limited to those necessary to serve the  
10 isolated nonresidential use and shall be provided in a manner that does  
11 not permit low-density sprawl;

12 (iv) A county shall adopt measures to minimize and contain the  
13 existing areas or uses of more intensive rural development, as  
14 appropriate, authorized under this subsection. Lands included in such  
15 existing areas or uses shall not extend beyond the logical outer  
16 boundary of the existing area or use, thereby allowing a new pattern of  
17 low-density sprawl. Existing areas are those that are clearly  
18 identifiable and contained and where there is a logical boundary  
19 delineated predominately by the built environment, but that may also  
20 include undeveloped lands if limited as provided in this subsection.  
21 The county shall establish the logical outer boundary of an area of  
22 more intensive rural development. In establishing the logical outer  
23 boundary the county shall address (A) the need to preserve the  
24 character of existing natural neighborhoods and communities, (B)  
25 physical boundaries such as bodies of water, streets and highways, and  
26 land forms and contours, (C) the prevention of abnormally irregular  
27 boundaries, and (D) the ability to provide public facilities and public  
28 services in a manner that does not permit low-density sprawl;

29 (v) For purposes of (d) of this subsection, an existing area or  
30 existing use is one that was in existence:

31 (A) On July 1, 1990, in a county that was initially required to  
32 plan under all of the provisions of this chapter;

33 (B) On the date the county adopted a resolution under RCW  
34 36.70A.040(2), in a county that is planning under all of the provisions  
35 of this chapter under RCW 36.70A.040(2); or

36 (C) On the date the office of financial management certifies the  
37 county's population as provided in RCW 36.70A.040(5), in a county that  
38 is planning under all of the provisions of this chapter pursuant to RCW  
39 36.70A.040(5).

1 (e) Exception. This subsection shall not be interpreted to permit  
2 in the rural area a major industrial development or a master planned  
3 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
4 36.70A.365.

5 (6) A transportation element that implements, and is consistent  
6 with, the land use element.

7 (a) The transportation element shall include the following  
8 subelements:

9 (i) Land use assumptions used in estimating travel;

10 (ii) Estimated traffic impacts to state-owned transportation  
11 facilities resulting from land use assumptions to assist the department  
12 of transportation in monitoring the performance of state facilities, to  
13 plan improvements for the facilities, and to assess the impact of land-  
14 use decisions on state-owned transportation facilities;

15 (iii) Facilities and services needs, including:

16 (A) An inventory of air, water, and ground transportation  
17 facilities and services, including transit alignments and general  
18 aviation airport facilities, to define existing capital facilities and  
19 travel levels as a basis for future planning. This inventory must  
20 include state-owned transportation facilities within the city or  
21 county's jurisdiction boundaries;

22 (B) Level of service standards for all locally owned arterials and  
23 transit routes to serve as a gauge to judge performance of the system.  
24 These standards should be regionally coordinated;

25 (C) For state-owned transportation facilities, level of service  
26 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
27 to gauge the performance of the system. The purposes of reflecting  
28 level of service standards for state highways in the local  
29 comprehensive plan are to monitor the performance of the system, to  
30 evaluate improvement strategies, and to facilitate coordination between  
31 the county's or city's six-year street, road, or transit program and  
32 the department of transportation's six-year investment program. The  
33 concurrency requirements of (b) of this subsection do not apply to  
34 transportation facilities and services of statewide significance except  
35 for counties consisting of islands whose only connection to the  
36 mainland are state highways or ferry routes. In these island counties,  
37 state highways and ferry route capacity must be a factor in meeting the  
38 concurrency requirements in (b) of this subsection;

1 (D) Specific actions and requirements for bringing into compliance  
2 locally owned transportation facilities or services that are below an  
3 established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the  
5 adopted land use plan to provide information on the location, timing,  
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet current  
8 and future demands. Identified needs on state-owned transportation  
9 facilities must be consistent with the statewide multimodal  
10 transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against  
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in the  
15 comprehensive plan, the appropriate parts of which shall serve as the  
16 basis for the six-year street, road, or transit program required by RCW  
17 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
18 for public transportation systems. The multiyear financing plan should  
19 be coordinated with the six-year improvement program developed by the  
20 department of transportation as required by RCW 47.05.030;

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

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

28 (vi) Demand-management strategies.

29 (b) After adoption of the comprehensive plan by jurisdictions  
30 required to plan or who choose to plan under RCW 36.70A.040, local  
31 jurisdictions must adopt and enforce ordinances which prohibit  
32 development approval if the development causes the level of service on  
33 a locally owned transportation facility to decline below the standards  
34 adopted in the transportation element of the comprehensive plan, unless  
35 transportation improvements or strategies to accommodate the impacts of  
36 development are made concurrent with the development. These strategies  
37 may include increased public transportation service, ride sharing  
38 programs, demand management, and other transportation systems  
39 management strategies. For the purposes of this subsection (6)

1 "concurrent with the development" shall mean that improvements or  
2 strategies are in place at the time of development, or that a financial  
3 commitment is in place to complete the improvements or strategies  
4 within six years.

5 (c) The transportation element described in this subsection (6),  
6 and the six-year plans required by RCW 35.77.010 for cities, RCW  
7 36.81.121 for counties, RCW 35.58.2795 for public transportation  
8 systems, and RCW 47.05.030 for the state, must be consistent.

9 (7) An economic development element establishing local goals,  
10 policies, objectives, and provisions for economic growth and vitality.  
11 The element shall include: (a) An assessment of the economic  
12 contributions made by existing commercial and industrial sectors to the  
13 community or region; (b) an assessment of opportunities for business  
14 retention, expansion, and recruitment; and (c) an assessment of future  
15 needs, including for capital facilities, land use, and housing, to  
16 accommodate projected growth and foster economic vitality.

17 **Sec. 4.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to  
18 read as follows:

19 (1) Each comprehensive land use plan and development regulations  
20 shall be subject to continuing review and evaluation by the county or  
21 city that adopted them to ensure appropriate measures are taken to  
22 accommodate growth and comply with this chapter. ((Not later than  
23 September 1, 2002, and at least every five years thereafter,))

24 (2) A county or city shall take action to formally review and, if  
25 needed, revise its comprehensive land use plan and development  
26 regulations, including its policies and regulations to accommodate  
27 growth and designate critical areas and natural resource lands,  
28 according to the following schedule to ensure that the plan and  
29 regulations ((are complying)) comply with the requirements of this  
30 chapter:

31 (a) By September 1, 2004, and every five years thereafter, for a  
32 county or city subject to the requirements of RCW 36.70A.215;

33 (b) By September 1, 2005, and every five years thereafter, for a  
34 nonrural county, and its cities, not subject to the requirements of RCW  
35 36.70A.215; and

36 (c) By September 1, 2006, and every ten years thereafter, for:

37 (i) A rural county and its cities; and

1 (ii) A county or city that does not plan under RCW 36.70A.040 with  
2 regard to its policies and regulations regarding critical areas and  
3 natural resource lands.

4 (3) A county or city that becomes required or chooses to plan under  
5 RCW 36.70A.040 after July 1, 2001, shall take action to formally review  
6 and, if needed, revise its comprehensive plan and development  
7 regulations according to the schedule in subsection (2) of this  
8 section.

9 (4) The formal review and evaluation required by ((this))  
10 subsection (2) of this section may be combined with the review required  
11 by subsection ((+3+)) (8) of this section.

12 (5) Any amendment or revision to a comprehensive land use plan  
13 shall conform to this chapter, and any change to development  
14 regulations shall be consistent with and implement the comprehensive  
15 plan.

16 ((+2+)) (6) For purposes of this section, "take action to review"  
17 includes the submittal by a county or city of an evaluation to the  
18 department, by one year before the date specified for the county or  
19 city in the schedule specified in subsection (2) of this section,  
20 describing its review and evaluation process and a schedule for  
21 considering amendments as needed to ensure compliance with this  
22 chapter. The decision of a county or city not to revise its  
23 comprehensive land use plan and development regulations after formal  
24 review may be appealed.

25 (7)(a) Each county and city shall establish and broadly disseminate  
26 to the public a public participation program identifying procedures  
27 whereby proposed amendments or revisions of the comprehensive plan are  
28 considered by the governing body of the county or city no more  
29 frequently than once every year except that amendments may be  
30 considered more frequently under the following circumstances:

31 (i) The initial adoption of a subarea plan;

32 (ii) The adoption or amendment of a shoreline master program under  
33 the procedures set forth in chapter 90.58 RCW; ((and))

34 (iii) The amendment of the capital facilities element of a  
35 comprehensive plan that occurs concurrently with the adoption or  
36 amendment of a county or city budget; and

37 (iv) The amendment of the land use element to ensure no net loss of  
38 land capacity necessary to accommodate projected growth.

1 (b) Except as otherwise provided in (a) of this subsection, all  
2 proposals shall be considered by the governing body concurrently so the  
3 cumulative effect of the various proposals can be ascertained.  
4 However, after appropriate public participation a county or city may  
5 adopt amendments or revisions to its comprehensive plan that conform  
6 with this chapter whenever an emergency exists or to resolve an appeal  
7 of a comprehensive plan filed with a growth management hearings board  
8 or with the court.

9 ~~((+3))~~ (8) Each county that designates urban growth areas under  
10 RCW 36.70A.110 shall review, at least every ten years, its designated  
11 urban growth area or areas, and the densities permitted within both the  
12 incorporated and unincorporated portions of each urban growth area. In  
13 conjunction with this review by the county, each city located within an  
14 urban growth area shall review the densities permitted within its  
15 boundaries, and the extent to which the urban growth occurring within  
16 the county has located within each city and the unincorporated portions  
17 of the urban growth areas. The county comprehensive plan designating  
18 urban growth areas, and the densities permitted in the urban growth  
19 areas by the comprehensive plans of the county and each city located  
20 within the urban growth areas, shall be revised to accommodate the  
21 urban growth projected to occur in the county for the succeeding  
22 twenty-year period. The review required by this subsection may be  
23 combined with the review and evaluation required by RCW 36.70A.215.

24 **Sec. 5.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read  
25 as follows:

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

36 (2) The legislative authority of a county that plans under RCW  
37 36.70A.040 shall adopt a countywide planning policy in cooperation with  
38 the cities located in whole or in part within the county as follows:

1 (a) No later than sixty calendar days from July 16, 1991, the  
2 legislative authority of each county that as of June 1, 1991, was  
3 required or chose to plan under RCW 36.70A.040 shall convene a meeting  
4 with representatives of each city located within the county for the  
5 purpose of establishing a collaborative process that will provide a  
6 framework for the adoption of a countywide planning policy. In other  
7 counties that are required or choose to plan under RCW 36.70A.040, this  
8 meeting shall be convened no later than sixty days after the date the  
9 county adopts its resolution of intention or was certified by the  
10 office of financial management.

11 (b) The process and framework for adoption of a countywide planning  
12 policy specified in (a) of this subsection shall determine the manner  
13 in which the county and the cities agree to all procedures and  
14 provisions including but not limited to desired planning policies,  
15 deadlines, ratification of final agreements and demonstration thereof,  
16 and financing, if any, of all activities associated therewith.

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

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

37 (e) No later than July 1, 1992, the legislative authority of each  
38 county that was required or chose to plan under RCW 36.70A.040 as of  
39 June 1, 1991, or no later than fourteen months after the date the

1 county adopted its resolution of intention or was certified by the  
2 office of financial management the county legislative authority of any  
3 other county that is required or chooses to plan under RCW 36.70A.040,  
4 shall adopt a countywide planning policy according to the process  
5 provided under this section and that is consistent with the agreement  
6 pursuant to (b) of this subsection, and after holding a public hearing  
7 or hearings on the proposed countywide planning policy.

8 (3) A countywide planning policy shall at a minimum, address the  
9 following:

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

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

13 (c) Policies for siting public capital facilities of a countywide  
14 or statewide nature, including transportation facilities of statewide  
15 significance as defined in RCW 47.06.140;

16 (d) Policies for countywide transportation facilities and  
17 strategies;

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

21 (f) Policies for joint county and city planning within urban growth  
22 areas;

23 (g) Policies for countywide economic development and employment;  
24 ((and))

25 (h) Policies for allocating, among the jurisdictions within the  
26 county, future employment opportunities and future housing development,  
27 by number of residential units, required to accommodate urban and rural  
28 population growth;

29 (i) Policies establishing appropriate densities for urban and rural  
30 areas;

31 (j) Performance measures to review progress towards accommodating  
32 the twenty-year population and employment growth projections  
33 established in the countywide planning policies;

34 (k) Policies that do not prohibit employment or housing needed to  
35 accommodate the projected population and employment growth; and

36 (l) An analysis of the fiscal impact.

37 (4) Federal agencies and Indian tribes may participate in and  
38 cooperate with the countywide planning policy adoption process.

1 Adopted countywide planning policies shall be adhered to by state  
2 agencies.

3 (5) Failure to adopt a countywide 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 countywide planning policy  
8 in order that any imposed sanction or sanctions are fairly and  
9 equitably related to the failure to adopt a countywide planning policy.

10 (6) Cities and the governor may appeal an adopted countywide  
11 planning policy to the growth management hearings board within sixty  
12 days of the adoption of the countywide planning policy.

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

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

21 A county or city is not required to implement chapter . . . , Laws  
22 of 2001 (this act) if the county or city does not receive specific  
23 funding to implement chapter . . . , Laws of 2001 (this act) during the  
24 biennium corresponding to the schedules specified in RCW 36.70A.130.

25 NEW SECTION. **Sec. 7.** Except for section 4 of this act, this act  
26 takes effect July 1, 2003.

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