



AGENDA

Legislative Committee Regular Meeting

11:00 AM - Wednesday, September 19, 2018

City Hall Executive Briefing Room - Plaza 111, Sammamish, WA

Page		Estimated Time
	CALL TO ORDER	11:00 am
	PUBLIC COMMENT	
	APPROVAL OF THE MINUTES	
3 - 5	1. April 20, 2018 Regular Meeting View Minutes	
	TOPICS	11:10 am
6 - 7	2. 2019 Legislative Priorities View 2018 Legislative Priorities View "Parked" Legislative Issues	
8 - 25	3. Proposed State Legislation on Minimum Density in Transit-Served Regions View Memo	
26	4. AWC City Action Days (February 13-14) View Details	
	FUTURE MEETING TOPICS	
	TBD	
	NEXT MEETING DATE(S)	
	TBD	
	ADJOURNMENT	12:00 pm

Public Comment Guidelines:

This is an opportunity for the public to address the Committee. Three (3) minutes are granted per person, or five (5) minutes if representing the official position of a recognized community organization.

If you are submitting written material, please supply a minimum of seven (7) copies (three (3) for the Committee; three (3) for Staff; one (1) for the record). If you would like to show a video or give a presentation, please contact Tammy Mueller (tmueller@sammamish.us; 425-295-0514) to determine whether the meeting room is equipped to accommodate your needs. Digital files must be submitted or emailed by 5:00pm the day prior to the meeting to Tammy Mueller.

Please be aware that all materials submitted will become part of the public record.

Meeting Accessibility:

Committee meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Assisted Listening Devices are also available upon request. Please call (425) 295-0500 at least 48-hours in advance to request assistance.

Draft



MINUTES

Legislative Committee Regular Meeting

1:00 PM - April 20, 2018

City Hall Executive Briefing Room - Plaza 111, Sammamish, WA

Committee Members Present: Mayor Christie Malchow
Councilmember Jason Ritchie
Councilmember Ramiro Valderrama

Committee Members Absent:

Staff Present: City Manager Lyman Howard
Deputy City Manager Jessi Bon
Administrative Assistant Tammy Mueller

CALL TO ORDER

Mayor Christie Malchow called the Legislative Committee meeting to order at 1:07 p.m.

ELECTION OF COMMITTEE CHAIRPERSON

MOTION: Councilmember Jason Ritchie moved to elect Councilmember Ramiro Valderrama to the position of Legislative Committee Chair. Mayor Christie Malchow seconded. Motion carried unanimously 3-0.

Councilmember Ramiro Valderrama was elected to the position of Legislative Committee Chair.

PUBLIC COMMENT

Paul Stickney, 504 228th Ave. SE, spoke about condominium legislation.

APPROVAL OF THE MINUTES

October 18, 2017 Regular Meeting

MOTION: Mayor Christie Malchow moved to approve the minutes as distributed. Councilmember Jason Ritchie seconded. Motion carried unanimously 3-0.

TOPICS

Lobbyist Discussion

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City Manager Howard provided the Committee with a brief history of previous Councilmembers' consideration to have a state and/or federal lobbyist to lobby on behalf of the City's interests. Of consideration is whether the current City Council would be interested in pursuing the utilization of a lobbyist in Olympia and, if so, whether Council would be interested in sharing one with the City of Issaquah, as Issaquah has proposed. The [Lobbyist Services Budgets-2017 table](#) from the packet material was utilized during discussion.

- The Committee indicated interest in the City utilizing a lobbyist at the state level in Olympia.
- The Committee discussed what priorities they would like a lobbyist to focus on, such as transportation/infrastructure, and whether sharing a lobbyist with Issaquah, whose interests may differ, would create a conflict of interest on certain topics.
- The Committee discussed what a reasonable rate would be to spend on lobbying.
- The Committee discussed including a section in an RFP for a lobbyist on return on investment specifying what the applicant has achieved previously for the cost.
- The Committee debated the pros and cons of having a general lobbyist versus a specialist for topics of interest (e.g. transportation, culverts).
- The Committee discussed a potential opportunity to lobby the legislature to go back to ST3 and request that they revisit formerly discarded plans to bring Rapid Bus Transit to Sammamish.
- The Committee discussed whether to use a general lobbyist or a specialist, or both. Staff suggested that they obtain information from both generalist and transportation-oriented lobbyists and present all information to the full City Council to best determine which they are more interested in. Staff will work to obtain contracts from other cities as examples to provide further input into the process.
- The Committee expressed a desire for a future lobbyist to be able to lobby for the City's interests to the King County Council as well.
- The Committee will open discussion on the topic with the full Council on May 1 under Committee Reports.
- A tentative timeline was discussed (dependent on full Council direction):
 - May: Draft RFP and begin accepting proposals
 - June: Close submissions and begin proposal reviews
 - July: Make a decision

Growth

The Committee suggested that a Growth Management Act (GMA) 101 training be provided to better inform the Council of what the City can do geographically and how the GMA could help or hurt the City. A lobbyist might be able to help address these questions.

FUTURE MEETING TOPICS

2019 Legislative Priorities

GMA 101

Regional Watershed Coordination

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NEXT MEETING DATE(S)

TBD

ADJOURNMENT

MOTION: Councilmember Ramiro Valderrama moved to adjourn. Mayor Christie Malchow seconded. Motion carried unanimously 3-0.

The Legislative Committee meeting was adjourned at 1:41 p.m.

City of Sammamish

2018 Legislative Priorities

S

Salmon Passage Culvert Improvement Grants

Many culverts in the City and across the state were designed in a way that created barriers for fish passage. Extensive scientific research has confirmed that these culverts are harmful to fish and that significant benefits are realized when they are replaced using modern design standards and the latest construction techniques. The City requests \$5.5 million in grant funding for the following projects, both of which are identified in the current Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Four Year Work Plan:

George Davis Creek Culvert Improvements (\$3.5M)

Removal of two fish passage barriers, which will open up access to over 0.5 mile of newly accessible, undeveloped, ideal habitat for kokanee salmon.

Ebright Creek Culvert Improvements (\$2.0M)

Removal of a partial fish passage barrier. This creek is one of three remaining primary streams in which native Lake Sammamish Kokanee have been observed.

A

Annexation of Park District Areas - End Double Tax

There is no mechanism in State law allowing unincorporated properties annexed into a city to be removed from park district taxation, even though the municipality is then responsible for providing parks services. This results in double taxation to the homeowner. Ideally this should be treated similarly to annexations from a Fire District to a City. The operating property tax levy should shift to the city and any bonded debt should remain with the property until extinguished. The City strongly encourages the State Legislature to end the double taxation.

M

Metro Monopoly Lifted

Nearly 97% of Sammamish workers commute outside of the City for work. Limited public transportation options exist in the City, so most residents are forced to commute in personal cars, further adding to regional traffic issues. Alternative options are needed, but roadblocks limit the City's ability to partner with private sector providers to supplement Metro services. The City requests that the State Legislature take measures to lift the King County Metro/Sound Transit monopoly and amend State law so that public/private partnerships may be formed to provide shuttle services.

The City of Sammamish strongly encourages the State Legislature to also support the legislative priorities identified by the Association of Washington Cities (AWC) and the Sound Cities Association (SCA).

Legislative Issues for Future Consideration

The issues listed below will be “parked” for consideration during future legislative sessions.

Support Liquor Tax Restoration: *The City continues to support AWC efforts to ensure that suspension of liquor excise taxes going to local governments remains temporary (not permanent) and is not further reduced.*

Support Marijuana Tax Expansion: *State law currently prohibits the distribution of marijuana excise taxes to jurisdictions that prohibit the siting of marijuana businesses. Those jurisdictions, however, still share the burden of increased police enforcement and education resulting from the sale of marijuana. Therefore, the City supports expanding State law to allow for the distribution of marijuana taxes to jurisdictions that prohibit the siting of marijuana businesses.*

Support Legislation to Ensure Reliable Cost Recovery for Upfront SEPA Work: *The City supports legislation that would allow local governments to fully recover SEPA review costs for infill development and planned actions via a latecomer’s agreement or other mechanisms.*

Support for the Public Works Assistance Account (Trust Fund): *The PWTF has served as a recurring and integral source of funding infrastructure for cities. Funding for the Public Works Trust Fund has been systematically diverted by the State to fill their budget shortfalls. The diminished pool’s funding process and project ranking criteria set by the PWTF Committee should be used to set the project list for funding rather than an executive or legislative list. Adequate and sustainable funding should be allocated for this program or an alternate to support critical transportation infrastructure needs.*

Support the Marketplace Fairness Act: *The City supports the Marketplace Fairness Act to ensure that tax is collected on goods entering the state and that Washington-based businesses are protected from competitors using tax-free pricing.*

Reduce Unfunded Mandates: *As an example, the costs to ratepayers and taxpayers to comply with National Pollutant Discharge Elimination System (NPDES) requirements are substantial. Additionally, the City supports efforts to restore funding cuts previously made to Growth Management Act (GMA) planning grants.*

Support Transportation Funding Addressing City Transportation Needs: *This includes focused improvements to City transportation corridors, including SR-202, and continued support for regional improvements to I-90, SR-520 and I-405. Transportation is critical for our economic vitality and quality of life. Cities must have the resources to maintain and strengthen both local and state transportation systems.*

Support Condominium Liability Reform: *The current regulatory environment for condominium construction in Washington state places significant liability on builders, making it prohibitively costly to bring condominiums to market at an affordable price point. The City supports condominium liability reform to remove obstacles for constructing this affordable housing type.*

Support Increased Access to a Variety of Transportation Options: *The City supports increased and equitable access to a variety of transportation types and technologies and encourages consideration of unique solutions from the public, private and non-profit sectors.*



Memorandum

801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

Date: September 17, 2018
To: Legislative Committee
From: Mike Sugg, Management Analyst
Re: Proposed State Legislation on Minimum Density in Transit-Served Regions

Introduction

On September 14, 2018, the City received an email from the Association of Washington Cities (AWC) requesting feedback on proposed legislation (Exhibit 1) mandating minimum density in areas served by transit. This legislation seeks to address the housing and homelessness crisis by creating more affordable housing opportunities near transit.

AWC would like to hear specific concerns from its member cities about how this legislation would create unintended consequences or have other adverse impacts. They are also looking for suggestions regarding language that would create a viable, voluntary approach to addressing affordable housing. *AWC is requesting feedback by Wednesday, September 26.*

Bill Overview

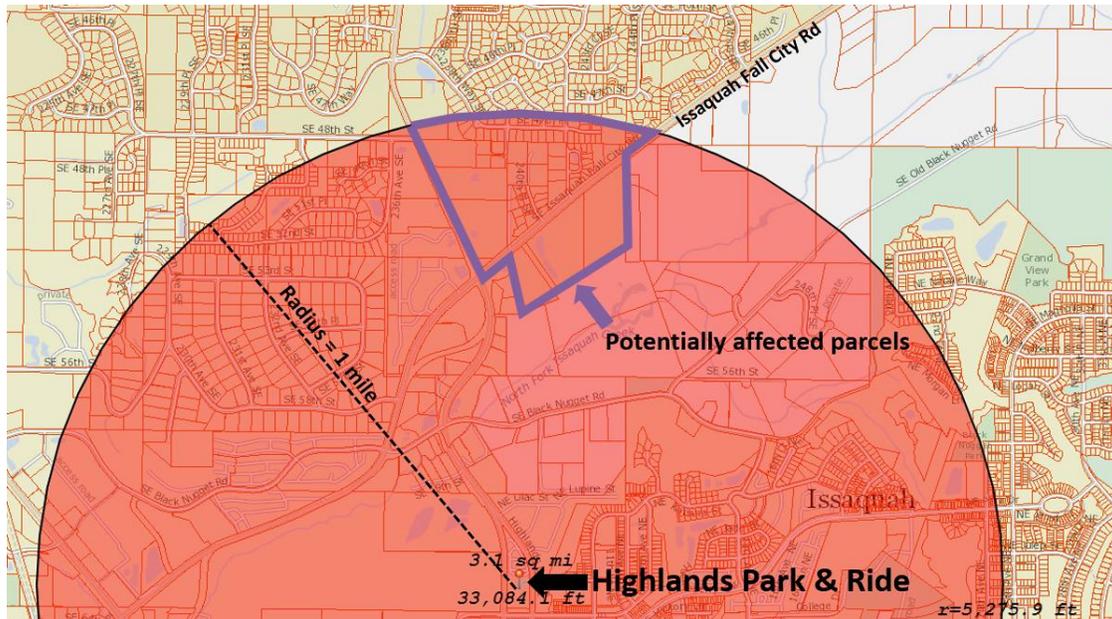
Applicability

As drafted, the bill's provisions would apply to cities that:

1. have more than 20% cost burdened households (based on HUD data); and
2. have residentially zoned areas located within a rapid transit region (defined under Sec. 1 (1)(h)).

According to the 2011-2015 [HUD data](#) for Sammamish, approximately 23.5% of households were cost burdened. And based on definitions provided, staff has estimated that a small number of parcels on the southern tip of Klahanie (currently zoned R-1, R-4 & R-6; see image below) would be located within a "rapid transit region" and therefore be affected by the bill's requirements.

Please note that if Sammamish receives an increased level of transit service in the future, other areas of the City could fall within a rapid transit region. For example, if bus service becomes available at least four times per hour, ten hours per day along 228th Ave, any parcels located within one mile of that service would be subject to R-14 zoning.



The following subsections outline some of the key changes in the draft legislation. These changes would apply to the area mapped above.

Minimum density requirements (Sec. 1)

- Defines “Rapid Transit Region” to include:
 - Parcels located within 1/4 or 1/2 mile of a fixed high capacity transit line, including light rail; or
 - Parcels located within 1 mile of transit service that has a scheduled frequency of at least four times per hour, ten hours a day.
- Areas located within a Rapid Transit Region in a city where 20% of the households are cost burdened must:
 - Increase minimum density to 14, 45, or 150 units per acre, depending on the type of Rapid Transit Region (parcels in image above would increase to R-14);
 - Review impact fees and general facilities charges and revise as necessary;
 - Comply with development requirements based on type of housing:
 - No conditional use requirement for ADUs, courtyard apartments, duplexes, single-room occupancy, triplexes, fourplexes.
 - Off street parking requirement is reduced for all but manufactured homes.
 - ADUs: Max height increase to "at least 24ft"; up to 800 sqft allowed; property owner does not need to reside on site.
 - Duplexes: Only one connection to sewer main allowed.
 - Manufactured homes: No minimum size; ADU standards apply if proposed as ADU.
 - Townhouses: No limit on units; side yard setbacks can be 5 feet or less.

New Grant Program (Sec. 2)

- \$10 million per biennium will be collected from a new document recording fee at county auditor that goes toward local planning costs associated with meeting the requirements of the act.

Plan Updates (Sec. 5)

- Cities subject to this act must update their comprehensive plan housing elements and zoning maps to be consistent with the act by the end of 2020.

Appeal Safe Harbor (Sec. 5)

- Changes resulting from the act are not subject to review under GMA until next required update.
- Changes resulting from the act not subject to SEPA appeal.

Exhibits

1. Draft Minimum Density Legislation

Exhibit 1

AN ACT Relating to establishing minimum density standards and a local planning grant program; amending RCW 36.70A.130; adding a new section to chapter 36.22 RCW; adding new sections to chapter 36.70A RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows: (1) For the purposes of this section:

(a) "Accessory dwelling unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for living, sleeping, cooking, and sanitation;

(b) "Cost-burdened household" means a household with monthly housing costs, including utilities, exceeding thirty percent of its household
1 income;

(c) "Courtyard apartment" means five to twelve attached apartment
2 units arranged on two or three sides of a central courtyard or lawn
3 area;
4

(d) "Fourplex" means one building containing four single-family
5 dwelling units totally separated from each other by a one-hour fire wall
6 or floor;
7

(e) "Household" means all people living in a dwelling unit. Members
8 of a household can be related or unrelated;
9

(f) "Household income" means the income of all members of the
10 household at the time of the survey, adjusted for inflation to reflect
11 the most recent year of the data release;
12

(g) "Manufactured home" means a single-family residence constructed
13 after June 15, 1976, in accordance with state and federal requirements
14 for manufactured homes, installed in accordance with the department of
15 housing and urban development requirements for manufactured housing,
16 and bearing the appropriate insignia indicating such compliance;
17

(h) "Rapid transit region" means the following:
18
19

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Exhibit 1

1 (i) Parcels of land that are located within one quarter of a mile
2 of a fixed high capacity transit line, including light rail;

3 (ii) Parcels of land that are located within a half mile of a fixed
4 high capacity transit line, including light rail; and

5 (iii) Parcels of land that are located within one mile of transit
6 service that has a scheduled frequency of at least four times per hour,
7 ten hours a day;

8 (i) "Single-room occupancy" means a housing type consisting of one
9 room with shared bathroom facilities, and cooking facilities that are
10 either in the room or shared; and

11 (j) "Triplex" means one building containing three single-family
12 dwelling units totally separated from each other by a one-hour fire wall
13 or floor.

14 (2) According to comprehensive housing affordability strategy data
15 from the department of housing and urban development, if the percentage
16 of cost-burdened households in a city is more than twenty percent, then,
17 the city must implement the following requirements in areas that are
18 designated as residential and located within a rapid transit region:

19 (a) For all areas designated as residential and located within a
20 rapid transit region, the city must:

21 (i) Review impact fee levels and revise as necessary to reflect the
22 different impacts of the various sizes of types of single-family
23 housing; and

24 (ii) Review general facilities charges and revise as necessary to
25 reflect the different impacts on general facilities from townhouses,
26 duplexes, cottage housing, and the various sizes of types of single-
27 family housing;

28 (b) For areas designated as residential and located within a rapid
29 transit region as defined in subsection (1)(h)(i) of this section, the
30 city must establish a minimum urban density of no less than one hundred
31 and fifty dwelling units per acre;

32 (c) For areas designated as residential and located within a rapid
33 transit region as defined in subsection (1)(h)(ii) of this section, the
34

Exhibit 1

1 city must establish a minimum urban density of no less than forty-five
2 dwelling units per acre;

3 (d) For areas designated as residential and located within a rapid
4 transit region as defined in subsection (1)(h)(iii) of this section,
5 the city must establish a minimum urban density of no less than fourteen
6 dwelling units per acre;

7 (e) If an area designated as residential is located in more than
8 one rapid transit region as defined in subsections (1)(h)(i) through
9 (1)(h)(iii) of this section, then the city must implement the highest
10 applicable minimum urban density requirement as provided in subsections
11 (2)(b) through (2)(d) of this subsection;

12 (f) For the following specific types of housing within all areas
13 designated as residential and located within a rapid transit region,
14 the city is subject to the following requirements:

15 (i) For accessory dwelling units:

16 (A) Allow accessory dwelling units to be built as a permitted use,
17 without any conditional use designation;

18 (B) Increase the maximum height for accessory structures to at least
19 twenty-four feet;

20 (C) Allow any unit to be up to eight hundred square feet in size,
21 regardless of primary house size;

22 (D) Remove any requirement that the property owner live on site;
23 and

24 (E) Require no additional off-street parking. If a garage is
25 converted to an accessory dwelling unit, and the garage had provided
26 the second parking space for the primary residence, allow any
27 requirement for a second off-street parking space to be waived with
28 consideration of on-street parking availability;

29 (ii) For courtyard apartments:

30 (A) Allow courtyard apartments to be built as a permitted use,
31 without any conditional use designation;

32 (B) Apply infill residential design standards; and

33 (C) Require no more than one off-street parking space per unit, or
34 one and a half spaces, if on-street parking is not available;

Exhibit 1

1 (iii) For duplexes:

2 (A) Allow duplexes to be built as a permitted use, without any
3 conditional use designation;

4 (B) Allow one connection to the sewer main; and

5 (C) Require no more than one off-street parking space per unit, or
6 one and a half spaces, if on-street parking is not available;

7 (iv) For manufactured homes:

8 (A) Remove any minimum home size requirements; and

9 (B) When proposed as an accessory dwelling unit, apply accessory
10 dwelling unit design standards;

11 (v) For single-room occupancies:

12 (A) Add single-room occupancies as a permitted use, without any
13 conditional use designation;

14 (B) Apply infill residential design standards; and

15 (C) Require no more than one off-street parking space for every four
16 units;

17 (vi) For townhouses:

18 (A) Remove any limit on dwelling units per townhouse structure;

19 (B) Remove any side yard setback requirement that is more than five
20 feet; and

21 (C) Require no more than one off-street parking space per unit, or
22 one and a half spaces, if on-street parking is not available;

23 (vii) For triplexes and fourplexes:

24 (A) Allow triplexes and fourplexes to be built as a permitted use,
25 without any conditional use designation; and

26 (B) Require no more than one off-street parking space per unit, or
27 one and a half spaces, if on-street parking is not available.

28

29 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
30 to read as follows: (1) A state grant program is established for local
31 planning costs associated with meeting the requirements of this act and
32 other state land use and planning requirements.

33 (2) The program must be developed and administered by the department
34 and the department may develop rules to administer the program.

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Exhibit 1

1 (3) Cities and counties may apply to the department for a grant that
 2 goes towards local planning costs associated with meeting the
 3 requirements of this act and other state land use and planning
 4 requirements, to be paid from the local land use and development planning
 5 account in section 3 of this act, including costs associated with:

6 (a) Implementing the requirements of section one of this act;

7 (b) Implementing changes to the review and evaluation program under
 8 RCW 36.70A.215 as required by chapter 16, Laws of 2017;

9 (c) The production of annual growth monitoring reports by planning
 10 counties under chapter 36.70A RCW as required by section 6 of this act;

11 (d) Administrative approval of final plats as referenced in chapter
 12 58.17 RCW;

13 (e) State environmental policy act threshold increases under chapter
 14 43.21C RCW;

15 (f) Short plat threshold increases as referenced in chapter 58.17
 16 RCW;

17 (g) Streamlining and modernizing of permit processes;

18 (h) Updates to use matrices that add residential zones or eliminate
 19 processes that may be unnecessary, such as conditional use permits;

20 (i) Codes that implement lot size averaging; and

21 (j) Codes that implement cottage housing.

22 (4)(a) The department must prioritize grant awards for costs
 23 associated with subsection (3)(a) or subsection (3)(b) of this section.

24 (b) Only after awarding grants for costs associated with subsection
 25 (3)(a) or (3)(b) of this section may the department award grants for
 26 costs associated with subsections (3)(c) through (3)(j) of this section.

27 (5) Grant funding under this section is limited to ten million
 28 dollars per fiscal biennium. If requests for funding under this section
 29 exceed the balance of the account or the limit imposed by this
 30 subsection, then the department must reduce the amount of funding paid
 31 in a manner prescribed by rule.

32

33 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW
 34 to read as follows: The local land use and development planning account

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Exhibit 1

1 is created in the custody of the state treasurer. The state's portion
 2 of the surcharge established in section 4 of this act must be deposited
 3 in the account. Expenditures from the account may only be used for the
 4 grant program established in section 2 of this act. Only the director
 5 of the department or the director's designee may authorize expenditures
 6 from the account. The account is subject to allotment procedures under
 7 chapter 43.88 RCW, but an appropriation is not required for
 8 expenditures.

9

10 NEW SECTION. Sec. 4. A new section is added to chapter 36.22 RCW
 11 to read as follows:

12 (1) A surcharge in the amount determined under subsection (2) of
 13 this section must be charged by the county auditor for each document
 14 recorded, which will be in addition to any other charge allowed by law.
 15 The auditor may retain up to two percent for collection of the fee, and
 16 must remit the remainder to the state to be deposited into the local
 17 land use and development planning account established in section 3 of
 18 this act.

19 (2) The surcharge imposed by subsection (1) of this section must be
 20 sufficient to provide ten million dollars of deposits to the local land
 21 use and development planning account each fiscal biennium. The office
 22 of financial management must establish, and periodically adjust, the
 23 surcharge at an amount no higher than necessary to meet this requirement.
 24

25 NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW
 26 to read as follows: (1) The comprehensive plan, as referenced in RCW
 27 36.70A.070, of a city subject to the requirements of section 1 of this
 28 act must be consistent with this act.

29 (2) Cities that are subject to the requirements of section 1 of this
 30 act must implement the requirements in the housing element of their
 31 comprehensive plans and in their local zoning maps before December 31,
 32 2020.

33 (3) Any plans, development regulations, or amendments adopted by a
 34 city pursuant to section 1 of this act are not subject to review under

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Exhibit 1

1 RCW 36.70A.280 until the next periodic update as required under RCW
2 36.70A.130.

3 (4) Any state environmental policy act decision, as referenced in
4 chapter 43.21C RCW, that arises from implementing the requirements of
5 subsection (2) of this section is not subject to appeal under RCW
6 43.21C.075.

7

8 NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW
9 to read as follows:

10 (1) (a) A county planning under RCW 36.70A.040 must produce an
11 annual growth monitoring report within two months of the close of
12 its fiscal year. The report must include, but not be limited to, the
13 following data for each planning county:

- 14 (i) Population growth trends;
- 15 (ii) Employment growth trends;
- 16 (iii) Annexation trends; and
- 17 (iv) Residential development trends.

18 (b) At least one public hearing must be held on the results of
19 the annual growth monitoring report.

20 (2) (a) If, in the fourth year following either the adoption of a
21 comprehensive plan under RCW 36.70A.040 or the periodic review and
22 evaluation of a comprehensive plan required under RCW 36.70A.130,
23 the annual growth monitoring report finds that the population of any
24 subarea is at sixty-five percent or more of its planned growth for
25 the planning period as set forth in the comprehensive plan of the
26 planning county, with the unplanned fifteen percent or more equal to
27 at least one thousand people, the legislative authority of the
28 planning county must amend its county budget and the housing
29 element, the capital facilities plan element, and the transportation
30 element of its comprehensive plan; any regional transportation
31 planning organization as referred to in chapter 47.80 RCW that
32 serves the subarea must amend its regional transportation plan and
33 budget; and any transit authority as defined in RCW 9.91.025 that
34 serves the subarea must amend its service plan to accommodate the

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Exhibit 1

1 unplanned growth. At least one public hearing must be held on any
2 proposed amendments under this subsection.

3 (b) Amendments to a comprehensive plan under this subsection may be
4 considered immediately.

5

6 **Sec. 7.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
7 read as follows:

8 (1) (a) Each comprehensive land use plan and development
9 regulations shall be subject to continuing review and evaluation by
10 the county or city that adopted them. Except as otherwise provided,
11 a county or city shall take legislative action to review and, if
12 needed, revise its comprehensive land use plan and development
13 regulations to ensure the plan and regulations comply with the
14 requirements of this chapter according to the deadlines in
15 subsections (4) and (5) of this section.

16 (b) Except as otherwise provided, a county or city not planning
17 under RCW 36.70A.040 shall take action to review and, if needed,
18 revise its policies and development regulations regarding critical
19 areas and natural resource lands adopted according to this chapter
20 to ensure these policies and regulations comply with the
21 requirements of this chapter according to the deadlines in
22 subsections (4) and (5) of this section. Legislative action means
23 the adoption of a resolution or ordinance following notice and a
24 public hearing indicating at a minimum, a finding that a review and
25 evaluation has occurred and identifying the revisions made, or that
26 a revision was not needed and the reasons therefor.

27 (c) The review and evaluation required by this subsection shall
28 include, but is not limited to, consideration of critical area
29 ordinances and, if planning under RCW 36.70A.040, an analysis of the
30 population allocated to a city or county from the most recent ten-
31 year population forecast by the office of financial management.

32 (d) Any amendment of or revision to a comprehensive land use
33 plan shall conform to this chapter. Any amendment of or revision to
34

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Exhibit 1

1 development regulations shall be consistent with and implement the
2 comprehensive plan.

3 (2) (a) Each county and city shall establish and broadly
4 disseminate to the public a public participation program consistent
5 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
6 schedules whereby updates, proposed amendments, or revisions of the
7 comprehensive plan are considered by the governing body of the
8 county or city no more frequently than once every year, except that,
9 until December 31, 2015, the program shall provide for consideration
10 of amendments of an urban growth area in accordance with *RCW
11 36.70A.1301 once every year. "Updates" means to review and revise,
12 if needed, according to subsection (1) of this section, and the
13 deadlines in subsections (4) and (5) of this section or in
14 accordance with the provisions of subsection (6) of this section.
15 Amendments may be considered more frequently than once per year
16 under the following circumstances:

17 (i) The initial adoption of a subarea plan. Subarea plans
18 adopted under this subsection (2) (a) (i) must clarify, supplement, or
19 implement jurisdiction-wide comprehensive plan policies, and may
20 only be adopted if the cumulative impacts of the proposed plan are
21 addressed by appropriate environmental review under chapter 43.21C
22 RCW;

23 (ii) The development of an initial subarea plan for economic
24 development located outside of the one hundred year floodplain in a
25 county that has completed a state-funded pilot project that is based
26 on watershed characterization and local habitat assessment;

27 (iii) The adoption or amendment of a shoreline master program
28 under the procedures set forth in chapter 90.58 RCW;

29 (iv) The amendment of the capital facilities element of a
30 comprehensive plan that occurs concurrently with the adoption or
31 amendment of a county or city budget; (~~(e)~~)

32 (v) The adoption of comprehensive plan amendments necessary to
33 enact a planned action under **RCW 43.21C.031(2), provided that
34 amendments are considered in accordance with the public

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Exhibit 1

1 participation program established by the county or city under this
2 subsection (2) (a) and all persons who have requested notice of a
3 comprehensive plan update are given notice of the amendments and an
4 opportunity to comment; or

5 (vi) The adoption of comprehensive plan amendments necessary to
6 meet the requirements of section 1 or 6 of this act.

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

15 (3) (a) Each county that designates urban growth areas under RCW
16 36.70A.110 shall review, according to the schedules established in
17 subsection (5) of this section, its designated urban growth area or
18 areas, and the densities permitted within both the incorporated and
19 unincorporated portions of each urban growth area. In conjunction
20 with this review by the county, each city located within an urban
21 growth area shall review the densities permitted within its
22 boundaries, and the extent to which the urban growth occurring
23 within the county has located within each city and the
24 unincorporated portions of the urban growth areas.

25 (b) The county comprehensive plan designating urban growth
26 areas, and the densities permitted in the urban growth areas by the
27 comprehensive plans of the county and each city located within the
28 urban growth areas, shall be revised to accommodate the urban growth
29 projected to occur in the county for the succeeding twenty-year
30 period. The review required by this subsection may be combined with
31 the review and evaluation required by RCW 36.70A.215.

32 (4) Except as provided in subsection (6) of this section,
33 counties and cities shall take action to review and, if needed,
34 revise their comprehensive plans and development regulations to

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Exhibit 1

1 ensure the plan and regulations comply with the requirements of this
2 chapter as follows:

3 (a) On or before December 1, 2004, for Clallam, Clark,
4 Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom
5 counties and the cities within those counties;

6 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
7 Mason, San Juan, Skagit, and Skamania counties and the cities within
8 those counties;

9 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
10 Grant, Kittitas, Spokane, and Yakima counties and the cities within
11 those counties; and

12 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,
13 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln,
14 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla,
15 and Whitman counties and the cities within those counties.

16 (5) Except as otherwise provided in subsections (6) and (8) of
17 this section, following the review of comprehensive plans and
18 development regulations required by subsection (4) of this section,
19 counties and cities shall take action to review and, if needed,
20 revise their comprehensive plans and development regulations to
21 ensure the plan and regulations comply with the requirements of this
22 chapter as follows:

23 (a) On or before June 30, 2015, and every eight years
24 thereafter, for King, Pierce, and Snohomish counties and the cities
25 within those counties;

26 (b) On or before June 30, 2016, and every eight years
27 thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason,
28 San Juan, Skagit, Thurston, and Whatcom counties and the cities
29 within those counties;

30 (c) On or before June 30, 2017, and every eight years
31 thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis,
32 Skamania, Spokane, and Yakima counties and the cities within those
33 counties; and

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1 (d) On or before June 30, 2018, and every eight years
2 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
3 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
4 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
5 the cities within those counties.

6 (6) (a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the deadlines established in subsections (4) and (5) of this
9 section. Counties and cities may begin this process early and may be
10 eligible for grants from the department, subject to available
11 funding, if they elect to do so.

12 (b) A county that is subject to a deadline established in
13 subsection (4) (b) through (d) of this section and meets the
14 following criteria may comply with the requirements of this section
15 at any time within the thirty-six months following the deadline
16 established in subsection (4) of this section: The county has a
17 population of less than fifty thousand and has had its population
18 increase by no more than seventeen percent in the ten years
19 preceding the deadline established in subsection (4) of this section
20 as of that date.

21 (c) A city that is subject to a deadline established in
22 subsection (4) (b) through (d) of this section and meets the
23 following criteria may comply with the requirements of this section
24 at any time within the thirty-six months following the deadline
25 established in subsection (4) of this section: The city has a
26 population of no more than five thousand and has had its population
27 increase by the greater of either no more than one hundred persons
28 or no more than seventeen percent in the ten years preceding the
29 deadline established in subsection (4) of this section as of that
30 date.

31 (d) A county or city that is subject to a deadline established
32 in subsection (4) (d) of this section and that meets the criteria
33 established in (b) or (c) of this subsection may comply with the
34 requirements of subsection (4) (d) of this section at any time within

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1 the thirty-six months after the extension provided in (b) or (c) of
2 this subsection.

3 (e) A county that is subject to a deadline established in
4 subsection (5)(b) through (d) of this section and meets the
5 following criteria may comply with the requirements of this section
6 at any time within the twenty-four months following the deadline
7 established in subsection (5) of this section: The county has a
8 population of less than fifty thousand and has had its population
9 increase by no more than seventeen percent in the ten years
10 preceding the deadline established in subsection (5) of this section
11 as of that date.

12 (f) A city that is subject to a deadline established in
13 subsection (5)(b) through (d) of this section and meets the
14 following criteria may comply with the requirements of this section
15 at any time within the twenty-four months following the deadline
16 established in subsection (5) of this section: The city has a
17 population of no more than five thousand and has had its population
18 increase by the greater of either no more than one hundred persons
19 or no more than seventeen percent in the ten years preceding the
20 deadline established in subsection (5) of this section as of that
21 date.

22 (g) State agencies are encouraged to provide technical
23 assistance to the counties and cities in the review of critical area
24 ordinances, comprehensive plans, and development regulations.

25 (7) (a) The requirements imposed on counties and cities under
26 this section shall be considered "requirements of this chapter"
27 under the terms of RCW 36.70A.040(1). Only those counties and cities
28 that meet the following criteria may receive grants, loans, pledges,
29 or financial guarantees under chapter 43.155 or 70.146 RCW:

30 (i) Complying with the deadlines in this section;

31 (ii) Demonstrating substantial progress towards compliance with
32 the schedules in this section for development regulations that
33 protect critical areas; or

34

Exhibit 1

1 (iii) Complying with the extension provisions of subsection
2 (6)(b), (c), or (d) of this section.

3 (b) A county or city that is fewer than twelve months out of
4 compliance with the schedules in this section for development
5 regulations that protect critical areas is making substantial
6 progress towards compliance. Only those counties and cities in
7 compliance with the schedules in this section may receive preference
8 for grants or loans subject to the provisions of RCW 43.17.250.

9 (8)(a) Except as otherwise provided in (c) of this subsection,
10 if a participating watershed is achieving benchmarks and goals for
11 the protection of critical areas functions and values, the county is
12 not required to update development regulations to protect critical
13 areas as they specifically apply to agricultural activities in that
14 watershed.

15 (b) A county that has made the election under RCW 36.70A.710(1)
16 may only adopt or amend development regulations to protect critical
17 areas as they specifically apply to agricultural activities in a
18 participating watershed if:

19 (i) A work plan has been approved for that watershed in
20 accordance with RCW 36.70A.725;

21 (ii) The local watershed group for that watershed has requested
22 the county to adopt or amend development regulations as part of a
23 work plan developed under RCW 36.70A.720;

24 (iii) The adoption or amendment of the development regulations
25 is necessary to enable the county to respond to an order of the
26 growth management hearings board or court;

27 (iv) The adoption or amendment of development regulations is
28 necessary to address a threat to human health or safety; or

29 (v) Three or more years have elapsed since the receipt of
30 funding.

31 (c) Beginning ten years from the date of receipt of funding, a
32 county that has made the election under RCW 36.70A.710(1) must
33 review and, if necessary, revise development regulations to protect
34 critical areas as they specifically apply to agricultural activities

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Exhibit 1

1 in a participating watershed in accordance with the review and
2 revision requirements and timeline in subsection (5) of this
3 section. This subsection (8)(c) does not apply to a participating
4 watershed that has determined under RCW 36.70A.720(2)(c)(ii) that
5 the watershed's goals and benchmarks for protection have been met.

6

7 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 2019.

--- END ---

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