
ENGROSSED SUBSTITUTE HOUSE BILL 1025

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson; by request of Governor Gardner). Read first time March 11, 1991.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.010,
2 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110,
3 36.70A.130, 82.02.050, 82.02.090, 43.21C.031, 19.27.095, 58.17.033,
4 58.17.170, 58.17.040, 36.70A.140, 36.93.170, 36.93.180, 35.13.130,
5 82.46.010, 35.21.685, 36.32.415, 59.18.440, 36.70A.170, 36.70A.060,
6 36.70A.050, 36.70A.190, 43.155.070, 70.146.070, 43.88.110, 36.79.150,
7 47.26.080, 82.46.035, 66.08.190, 36.79.080, 36.81.121, 47.05.030,
8 47.26.084, 47.26.220, 35.58.2795, 35.58.2796, 36.57A.060, and
9 47.80.040; adding a new section to chapter 8.26 RCW; adding a new
10 section to chapter 19.85 RCW; adding a new section to chapter 35.02
11 RCW; adding new sections to chapter 35.13 RCW; adding new sections to
12 chapter 35A.14 RCW; adding new sections to chapter 36.70A RCW; adding
13 a new section to chapter 36.93 RCW; adding a new section to chapter
14 43.01 RCW; adding a new section to chapter 43.17 RCW; adding a new
15 section to chapter 43.31 RCW; adding a new section to chapter 43.63A
16 RCW; adding a new section to chapter 82.08 RCW; adding a new section to

1 chapter 82.14 RCW; adding a new chapter to Title 47 RCW; and creating
2 new sections.

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

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

6 LEGISLATIVE FINDINGS. The legislature finds that uncoordinated and
7 unplanned growth, together with a lack of common goals expressing the
8 public's interest in the conservation and the wise use of our lands,
9 pose a threat to the environment, sustainable economic development, and
10 the health, safety, and high quality of life enjoyed by residents of
11 this state. The legislature further finds that the lack of common
12 goals and the absence of effective methods and procedures to plan for
13 environmentally sound land use to accommodate new economic and
14 population growth at the local and regional level have contributed to
15 severe problems and conflicts. These have affected land use,
16 transportation, water quality and availability, air quality, the health
17 of sensitive lands, the maintenance of agricultural and forest lands,
18 the cost of housing, and economic vitality of local communities and
19 regions in the state. It is in the public interest that citizens,
20 communities, regions, state government, local governments, tribal
21 governments, and the private sector cooperate and coordinate with one
22 another in comprehensive land use planning. A new system of land use
23 planning and governance is needed to provide for the growth and
24 continued vitality of the state's diverse communities and regions. It
25 must be built upon and promote local accountability and initiative and
26 the active involvement of citizens. It must also provide effective
27 protection for the state's environmental heritage, conservation of its
28 natural beauty, maintenance of its forest and agricultural lands in a

1 productive and sustainable fashion, and the protection of its critical
2 areas and limited water resources. Further, the legislature finds that
3 it is in the public interest that economic development programs be
4 shared with communities experiencing insufficient economic growth.

5 It is the intent of the legislature to establish certain state-wide
6 requirements and to designate a state role regarding natural resources
7 of state-wide significance and where natural resources planning
8 involves multiple jurisdictions.

9 Where appropriate, counties and cities should consult with tribal
10 governments and special districts located within their boundaries when
11 developing comprehensive plans and development regulations.

12 **Sec. 2.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each
13 amended to read as follows:

14 DEFINITIONS. Unless the context clearly requires otherwise, the
15 definitions in this section apply throughout this chapter.

16 (1) "Adjacent jurisdictions" include counties and cities that are
17 located in the near vicinity of each other, and a county and the cities
18 located within the county.

19 (2) "Adopt a comprehensive land use plan" means to enact a new
20 comprehensive land use plan or to update an existing comprehensive land
21 use plan.

22 ~~((+2))~~ (3) "Affordable housing" means housing for income groups
23 who typically have difficulty renting or purchasing market rate
24 housing, and who have incomes that do not exceed eighty percent of the
25 median income for the area. In order for housing to be affordable,
26 total monthly housing costs must not exceed thirty percent of the
27 household's gross monthly income.

28 (4) "Agricultural land" means land or tidelands primarily devoted
29 to the commercial production of shellfish, horticultural, viticultural,

1 floricultural, dairy, apiary, vegetable, or animal products or of
2 berries, grain, hay, straw, turf, seed, Christmas trees not subject to
3 the excise tax imposed by RCW 84.33.100 through 84.33.140, or
4 livestock, and that has long-term commercial significance for
5 agricultural production.

6 ~~((+3+))~~ (5) "Benchmarks" means quantitative and qualitative
7 thresholds or targets that are used to measure the progress of a county
8 or city to reach the goals contained in its comprehensive plan.

9 (6) "Board" means the growth management hearings board established
10 to review plans and regulations established under this chapter.

11 (7) "City" means any city or town, including a code city.

12 ~~((+4+))~~ (8) "Comprehensive land use plan," "comprehensive plan," or
13 "plan" means a generalized coordinated land use policy statement of the
14 governing body of a county or city that is adopted pursuant to this
15 chapter.

16 ~~((+5+))~~ (9) "Critical areas" include the following areas and
17 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
18 on aquifers used for potable water; (c) critical fish and wildlife
19 habitat (~~conservation areas~~); (d) frequently flooded areas; and (e)
20 geologically hazardous areas.

21 ~~((+6+))~~ (10) "Department" means the department of community
22 development.

23 ~~((+7+))~~ (11) "Development regulations" means any controls placed on
24 development or land use activities by a county or city, including, but
25 not limited to, zoning ordinances, official controls, planned unit
26 development ordinances, subdivision ordinances, and binding site plan
27 ordinances.

28 ~~((+8+))~~ (12) "Fair share housing" means housing of various types
29 and densities, located within a city or county, that is affordable and

1 available to low-income persons and persons with special needs, in
2 proportion to the county or regional need.

3 (13) "Forest land" means land primarily useful for growing trees,
4 including Christmas trees subject to the excise tax imposed under RCW
5 84.33.100 through 84.33.140, for commercial purposes, and that has
6 long-term commercial significance for growing trees commercially.

7 ~~((+9))~~ (14) "Geologically hazardous areas" means areas that
8 because of their susceptibility to erosion, sliding, earthquake, or
9 other geological events, are not suited to the siting of commercial,
10 residential, or industrial development consistent with public health or
11 safety concerns.

12 ~~((+10))~~ (15) "Long-term commercial significance" includes the
13 growing capacity, productivity, and soil composition of the land for
14 long-term commercial production, in consideration with the land's
15 proximity to population areas, and the possibility of more intense uses
16 of the land.

17 ~~((+11))~~ (16) "Mineral~~((s))~~ resource lands" include those lands
18 identified and currently used or having potential for long-term
19 commercial extraction of gravel, sand, rock, and valuable metallic
20 substances.

21 (17) "Natural resources of state-wide significance" are natural
22 resources that possess outstanding natural, ecological, or scenic
23 values, and are of the highest quality and most significant of their
24 type. Because of their quality, they are of interest to all residents
25 of the state. They include but are not limited to: (a) Lands essential
26 for the protection, management, or public enjoyment of wildlife; (b)
27 rivers or segments of rivers with exceptional scenic or ecological
28 characteristics; (c) scenic landscapes of outstanding value; (d) high
29 quality, regionally important wetland communities; (e) unique or rare
30 ecological systems; (f) prime examples of native plant communities; (g)

1 unique geological features; (h) significant shorelines, estuaries, or
2 aquatic sites; (i) essential water resources; and (j) prime or
3 outstanding features of the Washington landscape.

4 (18) "New fully contained community" means a comprehensive
5 development providing for a mixture of land uses which includes the
6 following: (a) A mix of jobs, housing, and public facilities needed
7 for a self-contained community including a fair share of affordable
8 housing; (b) preservation of open spaces within and around the
9 community; (c) an internal and external transportation system
10 supportive of pedestrian access and public transit; (d) the new
11 infrastructure needed to serve the proposed community; and (e) the
12 mitigation of off-site impacts.

13 (19) "Open space" includes land areas, the protection of which
14 would: (a) Conserve and enhance scenic or viewshed resources; (b)
15 provide scenic amenities and community identity within and between
16 areas of urban development; (c) protect physical and/or visual buffers
17 within and between areas of urban and rural development, or along
18 transportation corridors; (d) protect lakes, rivers, streams,
19 watersheds, or water supply; (e) promote conservation of soils, tidal
20 marshes, beaches, or other shoreline areas; (f) enhance the value to
21 the public of abutting or neighboring parks, forests, wildlife habitat,
22 trails, or other open space; (g) enhance recreation opportunities,
23 including public access to shoreline areas; (h) protect natural areas
24 and environmental features with significant educational, scientific,
25 wildlife habitat, or historic value; or (i) retain and preserve natural
26 areas and wildlife habitat important to the quality of life which are
27 situated in an urban environment. Open space shall not include
28 setbacks, coverage requirements, restrictions on height, and related
29 conditions.

1 (~~(12)~~) (20) "Public facilities" include streets, roads, highways,
2 public transit facilities, sidewalks, trails, street and road lighting
3 systems, traffic signals, domestic water systems, storm and sanitary
4 sewer systems, parks and recreational facilities, and schools.

5 (~~(13)~~) (21) "Public services" include fire protection and
6 suppression, law enforcement, public health, education, public transit
7 services, recreation, environmental protection, and other governmental
8 services.

9 (22) "Public utilities" means the facilities of a public service
10 company, or a radio communications service company, as those terms are
11 defined in RCW 80.04.010, and the facilities of a municipal
12 corporation, mutual association, or cooperative that are used to
13 provide the same kind of services as provided by a public service
14 company.

15 (23) "Region" means one or more counties and the cities within the
16 county or counties, including multicounty regions.

17 (24) "Special district" means every municipal and quasi-municipal
18 corporation other than a county or city. Special districts shall
19 include, but are not limited to: Water districts, sewer districts,
20 public transit districts, fire protection districts, port districts,
21 library districts, school districts, public utility districts, county
22 park and recreation service areas, flood control zone districts,
23 irrigation districts, diking districts, and drainage improvement
24 districts.

25 (25) "State agencies" means all departments, boards, commissions,
26 institutions of higher education, and offices of state government,
27 except those in the legislative or judicial branches, except to the
28 extent otherwise required by law.

29 (~~(14)~~) (26) "Urban growth" refers to growth that makes intensive
30 use of land for the location of buildings, structures, and impermeable

1 surfaces to such a degree as to be incompatible with the primary use of
2 such land for the production of food, other agricultural products, or
3 fiber, or the extraction of mineral resources. When allowed to spread
4 over wide areas, urban growth typically requires urban governmental
5 services. "Characterized by urban growth" refers to land having urban
6 growth located on it, or to land located in relationship to an area
7 with urban growth on it as to be appropriate for urban growth.

8 ~~((15))~~ (27) "Urban growth areas" means those areas designated by
9 a county pursuant to RCW 36.70A.110.

10 ~~((16))~~ (28) "Urban governmental services" include those
11 governmental services historically and typically delivered by cities,
12 and include storm and sanitary sewer systems, domestic water systems,
13 street cleaning services, fire and police protection services, public
14 transit services, and other public utilities associated with urban
15 areas and normally not associated with nonurban areas.

16 ~~((17))~~ (29) "Wetland" or "wetlands" means areas that are
17 inundated or saturated by surface water or ground water at a frequency
18 and duration sufficient to support, and that under normal circumstances
19 do support, a prevalence of vegetation typically adapted for life in
20 saturated soil conditions. Wetlands generally include swamps, marshes,
21 bogs, and similar areas. Wetlands do not include those artificial
22 wetlands intentionally created from nonwetland sites, including, but
23 not limited to, irrigation and drainage ditches, grass-lined swales,
24 canals, detention facilities, wastewater treatment facilities, farm
25 ponds, and landscape amenities. However, wetlands may include those
26 artificial wetlands intentionally created from nonwetland areas created
27 to mitigate conversion of wetlands, if permitted by the county or city.

28 PART I - PLANNING GOALS

1 **Sec. 3.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
2 amended to read as follows:

3 PLANNING GOALS. The plans, regulations, and actions, including
4 expenditures of state-appropriated funds, of state agencies, counties,
5 and cities that are required or choose to plan under RCW 36.70A.040,
6 and special districts located in counties that are required or choose
7 to plan under RCW 36.70A.040, shall conform to and support the
8 following goals ((are adopted to guide the development and adoption of
9 comprehensive plans and development regulations of those counties and
10 cities that are required or choose to plan under RCW 36.70A.040. The
11 following goals)) which are not listed in order of priority ((and shall
12 be used exclusively for the purpose of guiding the development of
13 comprehensive plans and development regulations))):

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

17 Urban growth areas should have concentrated employment centers,
18 separated by adequate open space and protection of critical areas, and
19 need not be uniformly urban in nature.

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

22 (3) Transportation. ((Encourage—efficient—multimodal
23 ~~transportation systems that are~~)) Link transportation systems and land
24 use to maintain acceptable levels of transportation service, coordinate
25 the development of transportation facilities between jurisdictions
26 based on regional priorities ((and coordinated with county and city
27 comprehensive plans)), and develop efficient multimodal transportation
28 systems that include alternatives to single automobile travel and
29 preserve the operational and structural integrity of the transportation
30 system.

1 (4) Housing. (~~Encourage the availability of affordable~~) Ensure
2 housing (~~to~~) for all economic segments of the population of this
3 state, participate in making available a fair share of affordable
4 housing, including affordable housing for people with special needs,
5 promote zoning classifications which allow a variety of residential
6 densities and housing types, (and) encourage preservation of existing
7 housing stock, and assure that housing complies with local, state, and
8 federal fair housing laws.

9 (5) Economic development. Encourage economic development
10 throughout the state that is consistent with adopted comprehensive
11 plans, promote economic opportunity for all citizens of this state,
12 especially for unemployed and for disadvantaged persons, build a
13 network of strong regional economies, including urban-rural linkages,
14 and encourage growth in areas experiencing insufficient economic
15 growth, all within the capacities of the state's natural resources,
16 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. Overlapping, duplicative, and conflicting regulations
24 shall be avoided.

25 (8) Natural resource industries. Maintain and enhance natural
26 resource-based industries, including productive timber, agricultural,
27 and fisheries industries. Secondary land uses on agricultural lands,
28 forest lands, and mineral resource lands shall be permitted that are
29 related to and are designed to support the primary use of such lands
30 for commercial agricultural, forest, or mineral resource purposes.

1 Limited secondary land uses on agricultural lands, forest lands, and
2 mineral resource lands may be permitted due to unique location factors
3 of such lands, such as locating radio communication facilities.
4 Encourage the conservation of productive forest lands and productive
5 agricultural lands, and discourage incompatible uses.

6 (9) Open space and recreation. Encourage the retention of open
7 space and development of recreational opportunities, conserve fish and
8 wildlife habitat, increase access to (~~natural resource lands and~~)
9 water, and develop parks. Open space networks should separate
10 neighboring cities and, where possible, be linked to regional and
11 state-wide open space networks.

12 (10) Environment. Protect the environment (~~and enhance the~~
13 ~~state's high quality of life~~), including critical areas, natural
14 resources of state-wide significance, and air and water quality(~~, and~~
15 ~~the availability of water~~). To the fullest extent possible, integrate
16 the requirements of RCW 43.21C.030 into the planning process and
17 identify in the comprehensive plan the significant adverse
18 environmental impacts and reasonable alternatives to mitigate
19 cumulative impacts on the environment.

20 (11) Citizen participation and coordination. (~~Encourage~~) Ensure
21 the involvement of citizens in the planning process and ensure
22 coordination between communities and jurisdictions to reconcile
23 conflicts.

24 (12) Public facilities and services. Ensure that those public
25 facilities and services necessary to support development shall be
26 adequate to serve the development at the time the development is
27 available for occupancy and use without decreasing current service
28 levels below locally established minimum standards. Public facilities
29 shall be sited in such a manner to utilize existing public
30 infrastructure including transportation facilities and services.

1 Ensure the siting of regional and state public facilities, so that each
2 county and city accepts its fair share of public facilities and no
3 community is overburdened.

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

7 (14) Water resources. Land use planning and all permit decisions
8 should both protect water quality and quantity and if there is a demand
9 for additional water resources, the demand must be compatible with
10 water resource plans. New growth must be related to water
11 availability. Each county and its cities must integrate water resource
12 planning for consumptive and nonconsumptive uses into its land use
13 plan.

14 (15) Air quality. Land use planning and permit decisions must
15 recognize their effect on air quality and mitigate these effects to the
16 extent possible.

17 (16) Public utilities. Provide for adequate public utilities by
18 assuring that land will be available for the location of public
19 utilities, including location within transportation corridors, so that
20 efficient, reliable, and cost-effective utility service can be
21 provided.

22 (17) Support of public institutions. Ensure that state trust lands
23 can be managed for the support of public institutions in accordance
24 with federal law and state law constitutional and statutory
25 requirements. Protect state trust lands from arbitrary or
26 discriminatory land use actions.

27 PART II - LOCAL PLANNING

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

3 WHO MUST PLAN. (1) (~~Each county that~~) The following counties,
4 and the cities located in whole or in part within such counties, shall
5 adopt comprehensive land use plans and development regulations in
6 accordance with this chapter: (a) The county has a population of one
7 hundred thousand or more; (b) the county has both a population of fifty
8 thousand or more and has had its population increase by more than ten
9 percent in the previous ten years(~~(, and the cities located within such~~
10 ~~county,))i and (c) any other county regardless of its population that~~
11 has had its population increase by more than twenty percent in the
12 previous ten years(~~(, and the cities located within such county, shall~~
13 ~~adopt comprehensive land use plans and development regulations under~~
14 ~~this chapter. However, the county legislative authority of such a~~
15 ~~county with a population of less than fifty thousand population may~~
16 ~~adopt a resolution removing the county, and the cities located within~~
17 ~~the county, from the requirements of adopting comprehensive land use~~
18 ~~plans and development regulations under this chapter if this resolution~~
19 ~~is adopted and filed with the department by December 31, 1990)). Once~~
20 a county meets (~~either~~) one of these criteria, the requirement to
21 conform with (~~RCW 36.70A.040 through 36.70A.160~~) this chapter remains
22 in effect, even if the county no longer meets one of these criteria.

23 (2) The county legislative authority of any county that does not
24 meet the requirements of subsection (1) of this section may adopt a
25 resolution indicating its intention to have subsection (1) of this
26 section apply to the county. Each city, located in whole or in part
27 within a county that chooses to plan under this subsection, shall adopt
28 a comprehensive land use plan in accordance with this chapter. Once
29 such a resolution has been adopted, the county cannot remove itself
30 from the requirements of this chapter.

1 (3) Any county or city that is required to adopt a comprehensive
2 land use plan under subsection (1) of this section shall adopt the plan
3 and submit a copy of the plan to the department on or before July 1,
4 1993. Any county or city that is required to adopt a comprehensive
5 land use plan as a result of the actions taken under subsection (2) of
6 this section shall adopt ((the)): (a) Development regulations under
7 RCW 36.70A.060 within one year from the date the county legislative
8 authority adopts the resolution under subsection (2) of this section;
9 (b) a comprehensive plan not later than three years from the date the
10 county legislative body takes action as required by subsection (2) of
11 this section; and (c) development regulations implementing the
12 comprehensive plan within one year of the date its comprehensive plan
13 is adopted.

14 (4) If after January 1, 1991, the office of financial management
15 certifies that ~~((the population of a county has changed sufficiently to~~
16 ~~meet the requirements of subsection (1) of this section, and the county~~
17 ~~legislative authority has not adopted a resolution removing the county~~
18 ~~from these requirements as provided in subsection (1) of this section))~~
19 a county, that previously had not been required to plan under this
20 chapter as specified under subsection (1) or (2) of this section, meets
21 the requirements of subsection (1) of this section to become required
22 to plan under this chapter, the county and each city within such county
23 shall adopt: (a) Development regulations under RCW 36.70A.060 within
24 one year of the certification by the office of financial management;
25 (b) a comprehensive land use plan under this chapter within three years
26 of the certification by the office of financial management; and (c)
27 development regulations pursuant to this chapter within one year of
28 having adopted its comprehensive land use plan.

29 (5) Local governments that are required or choose to plan shall
30 develop an orderly and consistent process that enables them to evaluate

1 whether proposed regulatory or administrative actions may result in a
2 taking of private property. This process shall be consistent with the
3 guidelines and requirements of section 67 of this act. It is not the
4 purpose of this subsection to expand or reduce the scope of private
5 property protections provided in the state and federal Constitutions.

6 **Sec. 5.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
7 amended to read as follows:

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

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

18 (1) A land use element designating the proposed general
19 distribution and general location and extent of the uses of land, where
20 appropriate, for agriculture, timber production, housing, commerce,
21 industry, recreation, open spaces, public utilities, public facilities,
22 and other land uses. The land use element shall include population
23 densities, building intensities, and estimates of future population
24 growth. The land use element shall include designation of agricultural
25 lands, forest lands, mineral resource lands, critical areas, natural
26 resources of state-wide significance, and lands for open space as
27 provided in section 40 of this act. Each county shall include urban
28 growth areas as established in RCW 36.70A.110 in its comprehensive land
29 use plan. The land use element shall provide for protection of the

1 quality and quantity of ground water and surface bodies of water used
2 for public water supplies and shall recognize that water availability
3 and quality are key factors in determining the extent, location,
4 distribution, and intensity of land uses. Where applicable, the land
5 use element shall review drainage, flooding, and storm water run-off in
6 the area and nearby jurisdictions and provide guidance for corrective
7 actions to mitigate or cleanse those discharges that pollute waters of
8 the state, including Puget Sound or waters entering Puget Sound.

9 The element shall incorporate noise exposure standards as defined
10 by the department of ecology, identification of sources, including
11 those from transportation facilities, and noise mitigation measures.

12 The land use element shall provide for the protection of air
13 quality by limiting or conditioning development so that the development
14 will not cause either direct or indirect degradation of air quality
15 below acceptable standards.

16 (2)(a) A housing element recognizing the vitality and character of
17 established residential neighborhoods that: ~~((a))~~ (i) Includes an
18 inventory and analysis of existing and projected housing needs; ~~((b))~~
19 (ii) includes a statement of goals, policies, and objectives for the
20 preservation, improvement, and development of housing and for meeting
21 fair share affordable housing goals within the city or county; ~~((c))~~
22 and (iii) identifies and accommodates sufficient developable land for
23 a range of housing types, including, but not limited to, government-
24 assisted housing, housing for people with special needs, housing for
25 low-income families, manufactured housing, multifamily housing, and
26 group homes and foster care facilities~~((; and (d) makes adequate~~
27 ~~provisions for existing and projected needs of all economic segments of~~
28 ~~the community))~~.

29 (b) All counties with a population of one hundred twenty-five
30 thousand or more, and cities with a population of twenty thousand or

1 more located within those counties, are also required to include within
2 the housing element: (i) As part of the analysis of existing and
3 projected housing needs, a jobs-housing balance consisting of at least
4 a comparison between the supply of housing and the number of jobs
5 projected in the next ten years in the city or county. The jobs-
6 housing balance must include an assessment of affordable housing; (ii)
7 identification of sufficient densities for a range of housing types;
8 (iii) identification of zoning restrictions that unduly limit density
9 or which unreasonably increase housing development costs; (iv) at least
10 a ten to twenty-year plan for the preservation and development of
11 affordable housing and for meeting the jurisdiction's fair share
12 affordable housing goals. The plan must realistically project the
13 amount of low-income housing units that will be needed in the
14 jurisdiction in the next ten to twenty years, and alternative public
15 and private financing sources; and (v) identification of ways to
16 minimize the displacement of residents from housing.

17 (c) The department shall develop rules for exempting cities that
18 are already developed near capacity and consist primarily of single-
19 family homes from any of the provisions of (b) of this subsection.

20 (d) In furtherance of affordable housing objectives, for land use
21 and zoning purposes, manufactured housing that meets the definition of
22 a designated manufactured home, as provided in RCW 35.63.160, shall be
23 permitted as single-family housing in undeveloped parts of the urban
24 growth area. Cities and counties are also encouraged to facilitate the
25 siting of mobile home parks in furtherance of affordable housing
26 objectives by decreasing lot size and setback requirements, and by
27 allowing mobile home parks to be sited the same as other residential
28 subdivisions.

29 (3) A capital facilities plan element consisting of: (a) An
30 inventory of existing capital facilities owned by public entities,

1 showing the locations and capacities of the capital facilities; (b) a
2 forecast of the future needs for such capital facilities; (c) the
3 proposed locations and capacities of expanded or new capital
4 facilities; (d) at least a six-year plan that will finance such capital
5 facilities within projected funding capacities and clearly identifies
6 sources of public money for such purposes; (~~and~~) (e) an evaluation of
7 methods of meeting demands for capital facilities that are alternatives
8 to construction, such as conservation or demand management; and (f) a
9 requirement to reassess the land use element if probable funding falls
10 short of meeting existing needs and to ensure that the land use
11 element, capital facilities plan element, and financing plan within the
12 capital 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) Counties shall include a rural element including lands that
18 are not designated for urban growth, agriculture, forest, or mineral
19 resources. The rural element shall permit land uses that are
20 compatible with the rural character of such lands and provide for a
21 variety of rural densities and do not foster urban growth.

22 (6) A transportation element that implements, and is consistent
23 with, the land use element. The transportation element shall include
24 the following subelements:

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

26 (b) Facilities and services needs, including:

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

1 (ii) Level of service standards for all arterials and transit
2 routes to serve as a gauge to judge performance of the system. These
3 standards ~~((should))~~ shall, when practicable, address mode split and
4 vehicle occupancy goals and also be regionally coordinated;

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

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

12 (v) Identification of transportation system management and system
13 expansion needs ~~((and transportation system management needs))~~ to meet
14 current and future demands, including system management or facilities
15 needed for regional or state-wide purposes;

16 (vi) Identification of noise mitigation measures needed for
17 existing or planned transportation facilities as identified in the land
18 use element;

19 (c) Finance, including:

20 (i) An analysis of funding capability to judge needs against
21 probable funding resources;

22 (ii) A multiyear financing plan based on the needs identified in
23 the comprehensive plan, the appropriate parts of which shall serve as
24 the basis for the six-year street, road, or transit program required by
25 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
26 35.58.2795 for public transportation systems;

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

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

4 (e) Strategies for reducing the impact of transportation on air
5 quality in conformity with the state implementation plan on air
6 quality;

7 (f) Demand-management strategies.

8 After adoption of the comprehensive plan by ~~((jurisdictions))~~
9 counties and cities required to plan or who choose to plan under RCW
10 36.70A.040, ~~((local jurisdictions))~~ such counties and cities must adopt
11 and enforce ordinances which prohibit development approval if the
12 development causes the level of service on a transportation facility to
13 decline below the standards adopted in the transportation element of
14 the comprehensive plan, unless transportation improvements or
15 strategies to accommodate the impacts of development are made
16 concurrent with the development. ~~((These strategies))~~ Counties and
17 cities may exempt limited high-density areas from the level of service
18 standards requirement provided that the level of service for nonsingle
19 occupant vehicles is improved through strategies which may include
20 increased public ~~((transportation))~~ transit service, ride sharing
21 programs, demand management, and other transportation systems
22 management strategies. The purpose of the exemption is to permit
23 higher density development in certain areas which is conducive to
24 alternatives to the single-occupant vehicle, including public transit.
25 For the purposes of this subsection (6) "concurrent with the
26 development" shall mean that improvements or strategies are in place at
27 the time of development, or that a financial commitment is in place to
28 complete the improvements or strategies within six years.

29 The transportation element described in this subsection, and the
30 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for

1 counties, and RCW 35.58.2795 for public transportation systems, must be
2 consistent.

3 (7) An environmental management element that ensures that
4 cumulative impacts and standards are considered and mitigation efforts
5 are incorporated into land use, economic development, and
6 infrastructure to protect, and when appropriate, to enhance
7 environmental quality. Plans should minimize development and growth
8 impacts on the environment so as not to degrade air, water, and natural
9 resources below acceptable standards. Plans should specify service
10 standards for public facilities and services and mitigation polices to
11 provide better certainty in the development process. Before new
12 development is approved, adequate solid waste facilities and
13 opportunities for recycling and source reduction should be provided.

14 (8) An open space element that provides for local and regional
15 parks, outdoor recreation facilities, trails, resource conservation
16 areas, natural vistas, and greenbelts within and between designated
17 urban growth areas. To the extent possible, open spaces should be
18 linked in a coordinated regional and state-wide network and should be
19 designated permanent open space only if funds or other compensatory
20 techniques are available for acquisition consistent with section 45 of
21 this act.

22 (9) A fair share element for siting state and regional public
23 facilities for: (a) Holding or housing persons who have been arrested
24 or convicted of crimes; and (b) the reduction, recycling, or disposal
25 of solid waste.

26 (10) An historic sites and buildings element that includes but is
27 not limited to, sites listed in or eligible for the Washington state
28 register of historic places, the national register of historic places,
29 or for designation under a local historic preservation ordinance.

1 (11) An economic development element that includes an economic
2 profile of the county or city addressing the economic patterns,
3 potentials, strengths, and weaknesses, and which may include:

4 (a) Methods to strengthen the economic base of the county or city;

5 (b) Identification of an adequate supply of sites of suitable
6 sizes, types, locations, and service levels for industrial and
7 commercial uses;

8 (c) Compatible uses on or near sites that are zoned for industrial
9 or commercial activity; and

10 (d) A description that details how the land use and capital
11 facilities elements of the comprehensive plan carry out the goals and
12 objectives of the economic development element.

13 (12) Each county with a population of four hundred fifty thousand
14 or more, and the cities with a population of twenty thousand or more
15 located within such counties, shall include a design element, which at
16 a minimum, addresses bulk and scale of new buildings in or adjacent to
17 developed areas.

18 (13) For cities required to include in their comprehensive plans
19 the entire housing element under subsection (2) of this section, a
20 density element that (a) includes a description of plans for increasing
21 housing density within urban growth areas, and (b) requires that
22 development regulations within urban growth areas encourage increased
23 density, and that, at a minimum, they allow: (i) Accessory apartment
24 units, with standards, in all single family districts; (ii)
25 subdivisions with small lot sizes; (iii) reduced or no yard setback and
26 increased lot coverage for multifamily housing; and (iv) the use by
27 multifamily housing facilities of innovative methods for providing
28 parking, including tandem layouts, off-site lots, one space per unit,
29 and credit for on-street availability.

1 **Sec. 6.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each
2 amended to read as follows:

3 COMPREHENSIVE PLANS--OPTIONAL ELEMENTS. (1) A comprehensive plan
4 may include additional elements, items, or studies dealing with other
5 subjects relating to the physical development within its jurisdiction,
6 including, but not limited to:

7 (a) Conservation;

8 (b) Solar energy; ~~((and))~~

9 (c) ~~((Recreation))~~ Human resource development;

10 (d) Cultural resources; and

11 (e) A design element that enables communities to harmoniously fit
12 new development with planned or existing community character and
13 vision.

14 (2) A comprehensive plan may include, where appropriate, subarea
15 plans, each of which is consistent with the comprehensive plan.

16 **Sec. 7.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each
17 amended to read as follows:

18 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is
19 required or chooses to ~~((adopt a comprehensive land use))~~ plan under
20 RCW 36.70A.040 shall designate an urban growth area or areas in its
21 comprehensive plan within which urban growth shall be encouraged and
22 outside of which growth can occur only if it is not urban in nature.
23 Each city that is located in such a county shall be included within an
24 urban growth area. An urban growth area may include more than a single
25 city. An urban growth area may include territory that is located
26 outside of a city only if such territory already is characterized by
27 urban growth ~~((or))~~, is adjacent to territory already characterized by
28 urban growth, or meets the conditions for establishing new fully
29 contained communities under section 11 of this act.

1 (2) Based upon the population forecast made for the county by the
2 office of financial management, the urban growth areas in the county
3 shall include areas and densities sufficient to permit the urban growth
4 that is projected to occur in the county for the succeeding (~~twenty-~~
5 ~~year~~) ten-year period. Development densities should be sufficient to:
6 (a) Protect open space, natural features and parks, agricultural lands,
7 forest lands, mineral resource lands, and critical areas within and
8 outside of urban growth areas; (b) promote affordable housing; and (c)
9 promote alternatives to single-occupancy vehicle travel. Additionally,
10 the county shall include a second-tier area to accommodate urban growth
11 that is projected to occur in the county for a twenty-year period. The
12 ten-year tier must be developed substantially before suburban or urban
13 development is permitted beyond the ten-year tier. The ten-year and
14 twenty-year urban growth area tiers in a county shall be established in
15 such a manner as to not permit a significantly greater extent of urban
16 growth than is projected to occur in the county within those time
17 periods. Each urban growth area shall permit urban densities and shall
18 include greenbelt and open space areas. Within one year of July 1,
19 1990, each county required to designate urban growth areas shall begin
20 consulting with each city located within its boundaries and each city
21 shall propose the location of an urban growth area. The county and
22 cities located within the county shall attempt to reach agreement
23 (~~with each city~~) on the location of (~~an~~) urban growth areas
24 (~~within which the city is located~~) within the county. If such an
25 agreement is not reached (~~with each city located within the urban~~
26 ~~growth area~~), the county shall justify in writing why it so designated
27 the area or areas an urban growth area or urban growth areas. A city
28 may object formally (~~with~~) to the department over the designation of
29 the urban growth area within which it is located. Where appropriate,

1 the department shall attempt to resolve the conflicts, including the
2 use of mediation services.

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

12 (4) New development should be designed to respect the planned and
13 existing character of neighborhoods and to mitigate the effect on the
14 environment, including air quality.

15 (5) Areas for potential annexation or potential incorporation shall
16 be designated in portions of urban growth areas outside of cities.
17 These areas shall relate the potential annexation or incorporation
18 areas with local development patterns, address density, and identify
19 the needed service providers without proliferating special purpose
20 districts, and may include possible sequences or timing for the
21 potential annexations or incorporations.

22 (6) Open space and lands with significant natural limitations shall
23 be excluded in computing urban area density.

24 (7) At its option, a county may refer to any or all of the urban
25 growth areas that it establishes as urban service areas.

26 NEW SECTION. Sec. 8. INTERIM URBAN GROWTH AREAS. (1) A city
27 shall not annex territory located beyond an interim urban growth area
28 established by a county planning under RCW 36.70A.040. A city shall

1 not incorporate territory located beyond an interim urban growth area
2 established by a county planning under RCW 36.70A.040.

3 (2) Counties that designate interim urban growth areas shall do so
4 based on urban growth areas already established as of the effective
5 date of this act or pursuant to the provisions contained in RCW
6 36.70A.110(1). Urban growth shall not be allowed outside of the
7 interim urban growth areas. The provisions of RCW 36.70A.110 (2)
8 through (7) shall not apply to the designation of interim urban growth
9 areas.

10 **Sec. 9.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each
11 amended to read as follows:

12 URBAN GROWTH AREA REVIEW. (1) Each comprehensive land use plan and
13 development regulations shall be subject to continuing evaluation and
14 review by the county or city that adopted them.

15 Any amendment or revision to a comprehensive land use plan shall
16 conform to this chapter, and any change to development regulations
17 shall be consistent with and implement the comprehensive plan.

18 (2) Each county and city shall establish procedures whereby
19 proposed amendments or revisions of the comprehensive plan are
20 considered by the governing body of the county or city no more
21 frequently than once every year. All proposals shall be considered by
22 the governing body concurrently so the cumulative effect of the various
23 proposals can be ascertained. However, a county or city may adopt
24 amendments or revisions to its comprehensive plan that conform with
25 this chapter whenever an emergency exists.

26 (3) Each county that designates urban growth areas under RCW
27 36.70A.110 shall review, at least every ten years, its designated urban
28 growth area or areas, and the densities permitted within both the
29 incorporated and unincorporated portions of each urban growth area.

1 However, each county with a population of four hundred fifty thousand
2 or more shall review its urban growth area or areas at least every five
3 years. In conjunction with this review by the county, each city
4 located within an urban growth area shall review the densities
5 permitted within its boundaries, and the extent to which the urban
6 growth occurring within the county has located within each city and the
7 unincorporated portions of the urban growth areas. The county
8 comprehensive plan designating urban growth areas, and the densities
9 permitted in the urban growth areas by the comprehensive plans of the
10 county and each city located within the urban growth areas, shall be
11 revised to accommodate the urban growth projected to occur in the
12 county for the succeeding twenty-year period.

13 NEW SECTION. Sec. 10. A new section is added to chapter 35.02 RCW
14 to read as follows:

15 NO INCORPORATION BEYOND URBAN GROWTH BOUNDARIES. In a county in
16 which urban growth areas have been designated under RCW 36.70A.110, no
17 city may be incorporated beyond an urban growth area boundary.

18 NEW SECTION. Sec. 11. NEW FULLY CONTAINED COMMUNITIES. A county
19 required or choosing to plan under RCW 36.70A.040 may establish a
20 process as part of its urban growth areas, that are designated under
21 RCW 36.70A.110, for reviewing proposals to authorize new fully
22 contained communities located outside of the initially designated urban
23 growth areas. Whenever this process is included, the urban growth
24 areas in the county shall be restricted in anticipation of a new fully
25 contained community or communities being approved in the future. When
26 a new fully contained community is approved, the comprehensive plan
27 shall be amended to designate the new fully contained community as an
28 isolated urban growth area. The process contemplates holding in

1 reserve portions of what eventually will become isolated urban growth
2 areas within a county. Whenever the process to allow new fully
3 contained communities is included as part of the urban growth areas
4 within a county, the county shall demonstrate and justify how it
5 restricted its urban growth areas in anticipation of approving a new
6 fully contained community or communities as part of the urban growth
7 areas within the county.

8 The process for reviewing proposed new fully contained communities
9 shall include broad public participation. The applicant for the
10 proposed new fully contained community shall prepare a proposed subarea
11 plan for the area within which the new fully contained community is
12 proposed to be located that demonstrates how growth-inducing impacts
13 and urban and suburban growth will be precluded from occurring in the
14 vicinity of the new fully contained community. A new fully contained
15 community shall be surrounded by open space corridors and greenbelt
16 areas. The process by which a new fully contained community is
17 approved shall permit the transfer of development rights from property
18 in the near vicinity of the proposed new fully contained community to
19 the proposed new fully contained community. A new fully contained
20 community shall not be located in a critical area or on natural
21 resource lands. New fully contained communities shall be consistent
22 with the requirements of this chapter. In addition, a new fully
23 contained community may be approved only if the following criteria are
24 met:

25 (1) New infrastructure and off-site impacts are fully considered
26 and fully mitigated;

27 (2) Transit-oriented site planning and traffic demand management
28 efforts are implemented;

29 (3) Buffers are provided between the new community and urban growth
30 areas;

1 (4) Provisions are made for a balance of jobs and housing;

2 (5) Sufficient affordable housing is provided within the new fully
3 contained community;

4 (6) Environmental protections have been adequately addressed and
5 provided;

6 (7) Sufficient protection is provided to ensure the new fully
7 contained community is self-contained and will not stimulate or
8 accelerate urban or suburban growth in adjacent areas;

9 (8) Provision is made to minimize impacts on designated
10 agricultural lands, forest lands, or mineral resource lands; and

11 (9) The plan for the new fully contained community is consistent
12 with the development regulations established for the protection of
13 critical areas.

14 NEW SECTION. **Sec. 12.** MASTER PLANNED RESORTS. Counties that are
15 required or choose to plan under RCW 36.70A.040 may permit master
16 planned resorts outside of urban growth areas as limited by this
17 section. A master planned resort means a self-contained and fully
18 integrated planned unit development with a primary and dominant focus
19 on overnight accommodations and related visitor accommodations
20 associated with on-site recreational activities, that primarily is
21 retained under common ownership. A master planned resort may include
22 limited subdivision or short subdivision of land within its boundaries,
23 but only if such divisions are a minor part of the dominant resort
24 focus that is retained under common ownership.

25 A master planned resort may be authorized by a county only if the
26 county: (1) Specifically identifies policies to guide the development
27 of such uses in its comprehensive plan; (2) includes a finding as a
28 part of the approval process that the land is better suited, and has
29 more long-term importance, for the master planned resort than for the

1 commercial harvesting of timber, if located on land that otherwise
2 would be designated as forest land; (3) is not located on or in the
3 near vicinity of agricultural lands; (4) includes a finding as part of
4 the approval process that the development will not adversely affect
5 critical areas, and includes adequate binding restrictions to ensure
6 that the development will not adversely affect critical areas; (5) does
7 not permit or encourage other urban or suburban land uses that are not
8 associated directly with the master planned resort; and (6) includes
9 adequate binding restrictions to ensure that the development will not
10 permit or encourage such land uses.

11 NEW SECTION. **Sec. 13.** PLANS AND REGULATIONS--SPECIAL DISTRICTS
12 MUST CONFORM. (1) All special districts shall perform all of their
13 activities which affect land use in conformity with the land use plans
14 and zoning ordinances of the county or city having jurisdiction in the
15 area where the activities occur.

16 (2) Not later than one and one-half years after the adoption of
17 development regulations by a county or city pursuant to RCW 36.70A.120,
18 each special district that provides one or more of the public
19 facilities or public services listed in this subsection, and is located
20 within such a county or city, shall adopt or amend a capital facilities
21 plan for its facilities that is consistent with the comprehensive plan
22 and development regulations and indicates the existing and projected
23 capital facilities that are necessary to serve the projected growth for
24 the area that is served by the special district. These public
25 facilities or public services are: (a) Sanitary sewers; (b) potable
26 water facilities; (c) park and recreation facilities; (d) fire
27 suppression; (e) emergency medical services; (f) libraries; (g)
28 hospitals; (h) schools; and (i) transportation facilities or services,
29 including public transit.

1 **Sec. 14.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
2 amended to read as follows:

3 HOUSING REPLACEMENT FEE. (1) It is the intent of the legislature:

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

6 (b) To promote orderly growth and development by establishing
7 standards by which counties, cities, and towns may require, by
8 ordinance, that new growth and development pay a proportionate share of
9 the cost of new facilities needed to serve new growth and development
10 and that new development reducing the supply of low-income housing
11 contribute to the cost to the community of the development of
12 replacement low-income housing; and

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

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

22 (3) The impact fees:

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

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

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

29 (4) Impact fees may be collected and spent only for the public
30 facilities defined in RCW 82.02.090 which are addressed by a capital

1 facilities plan element of a comprehensive land use plan adopted
2 pursuant to the provisions of RCW 36.70A.070 or the provisions for
3 comprehensive plan adoption contained in chapter 36.70, 35.63, or
4 35A.63 RCW, or the inherent authority of a charter county or charter
5 city derived from its charter, or for replacement housing. After July
6 1, 1993, continued authorization to collect and expend impact fees
7 shall be contingent on the county, city, or town adopting or revising
8 a comprehensive plan in compliance with RCW 36.70A.070, and on the
9 capital facilities plan identifying:

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

13 (b) Additional demands placed on existing public facilities by new
14 development; ~~((and))~~

15 (c) Additional public facility improvements required to serve new
16 development; and

17 (d) Cumulative significant adverse environmental impacts.

18 If the capital facilities plan of the county, city, or town is
19 complete other than for the inclusion of those elements which are the
20 responsibility of a special district, the county, city, or town may
21 impose impact fees to address those public facility needs for which the
22 county, city, or town is responsible.

23 (5) Any county, city, or town authorized to impose impact fees
24 under this section may also impose a housing replacement fee on any
25 development activity that involves the demolition of a structure
26 previously used as low-income housing or the conversion of any such
27 structure to use other than low-income housing. The housing
28 replacement fee may not exceed the estimated cost to the jurisdiction
29 of offsetting the impact of the development activity on the supply of
30 low-income housing in the area in which the development is located.

1 Any housing replacement fee shall be calculated by the jurisdiction in
2 accordance with standards adopted by ordinance or regulation. All
3 replacement housing fees shall be used to provide or finance low-income
4 housing in the manner authorized by RCW 35.21.685 or 36.32.415.

5 After July 1, 1993, continued authorization to collect housing
6 replacement fees shall be contingent on the jurisdiction adopting or
7 revising a comprehensive plan in compliance with RCW 36.70A.070, and in
8 compliance with the local jurisdiction's fair share affordable housing
9 goal pursuant to chapter 36.70A RCW.

10 **Sec. 15.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
11 amended to read as follows:

12 IMPACT FEES--DEFINITIONS. Unless the context clearly requires
13 otherwise, the following definitions shall apply in RCW 82.02.050
14 through 82.02.090:

15 (1) "Development activity" means any construction or expansion of
16 a building, structure, or use, any change in use of a building or
17 structure, or any changes in the use of land, that creates additional
18 demand and need for public facilities.

19 (2) "Development approval" means any written authorization from a
20 county, city, or town which authorizes the commencement of development
21 activity.

22 (3) "Impact fee" means a payment of money imposed upon development
23 as a condition of development approval to pay for public facilities
24 needed to serve new growth and development, and that is reasonably
25 related to the new development that creates additional demand and need
26 for public facilities, that is a proportionate share of the cost of the
27 public facilities, and that is used for facilities that reasonably
28 benefit the new development. "Impact fee" does not include a
29 reasonable permit or application fee.

1 (4) "Owner" means the owner of record of real property, although
2 when real property is being purchased under a real estate contract, the
3 purchaser shall be considered the owner of the real property if the
4 contract is recorded.

5 (5) "Proportionate share" means that portion of the cost of public
6 facility improvements that are reasonably related to the service
7 demands and needs of new development.

8 (6) "Project improvements" mean site improvements and facilities
9 that are planned and designed to provide service for a particular
10 development project and that are necessary for the use and convenience
11 of the occupants or users of the project, and are not system
12 improvements. No improvement or facility included in a capital
13 facilities plan approved by the governing body of the county, city, or
14 town shall be considered a project improvement.

15 (7) "Public facilities" means the following capital facilities
16 owned or operated by government entities: (a) Public streets and
17 roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned
18 parks, open space, and recreation facilities; (c) school facilities;
19 (~~and~~) (d) low-income housing; (e) fire protection facilities in
20 jurisdictions that are not part of a fire district; and (f) high-
21 capacity transit systems and alternative transportation accommodations.

22 (8) "Service area" means a geographic area defined by a county,
23 city, town, or intergovernmental agreement in which a defined set of
24 public facilities provide service to development within the area.
25 Service areas shall be designated on the basis of sound planning or
26 engineering principles.

27 (9) "System improvements" mean public facilities that are included
28 in the capital facilities plan and are designed to provide service to
29 service areas within the community at large, in contrast to project
30 improvements.

1 **Sec. 16.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to
2 read as follows:

3 ENVIRONMENTAL IMPACT STATEMENTS. (1) An environmental impact
4 statement (the detailed statement required by RCW 43.21C.030(2)(c))
5 shall be prepared on proposals for legislation and other major actions
6 having a probable significant, adverse environmental impact. Actions
7 categorically exempt under RCW 43.21C.110(1)(a) do not require
8 environmental review or the preparation of an environmental impact
9 statement under this chapter.

10 (2)(a) Except as provided in (b) of this subsection, an
11 environmental impact statement is required to analyze only those
12 probable adverse environmental impacts which are significant.
13 Beneficial environmental impacts may be discussed. The responsible
14 official shall consult with agencies and the public to identify such
15 impacts and limit the scope of an environmental impact statement.

16 (b) An environmental impact statement for a comprehensive plan and
17 development regulations considered for adoption under RCW 36.70A.040
18 shall analyze the significant adverse environmental impacts of the
19 proposed plan and regulations.

20 (3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated
21 as separate sections of an environmental impact statement. Discussions
22 of significant short-term and long-term environmental impacts,
23 significant irrevocable commitments of natural resources, significant
24 alternatives including mitigation measures, and significant
25 environmental impacts which cannot be mitigated should be consolidated
26 or included, as applicable, in those sections of an environmental
27 impact statement where the responsible official decides they logically
28 belong.

1 NEW SECTION. **Sec. 17.** ENVIRONMENTAL PLANNING PILOT PROJECTS. (1)

2 The legislature intends to determine whether the environmental review
3 process mandated under chapter 43.21C RCW may be enhanced and
4 simplified, and coordination improved, when applied to comprehensive
5 plans mandated by this chapter. The department of ecology shall
6 undertake pilot projects on environmental review to determine if the
7 review process can be improved by fostering more coordination and
8 eliminating duplicative environmental reviews through enhancing the
9 nonproject environmental analysis which is made to assist decision
10 makers approving comprehensive plans pursuant to this chapter. Such
11 pilot projects should be designed and scoped to consider cumulative
12 impacts resulting from plan decisions, plan impacts on environmental
13 quality, impacts on adjacent jurisdictions, and similar factors in
14 sufficient depth to simplify the analysis of subsequent specific
15 projects being carried out pursuant to the approved plan.

16 (2) The legislature hereby authorizes the department of ecology to
17 establish, in cooperation with at least four counties or cities, pilot
18 projects on enhanced nonproject environmental analysis of comprehensive
19 plans for geographic subparts of such plans, prepared pursuant to this
20 chapter, for the purposes outlined in subsection (1) of this section.
21 The department of ecology may select appropriate subregions within a
22 comprehensive plan if that will best serve the purposes of this section
23 and meet the requirements of chapter 43.21C RCW.

24 (3) An enhanced draft and final nonproject environmental analysis
25 prepared pursuant to this section shall follow the rules adopted
26 pursuant to chapter 43.21C RCW.

27 (4) Not later than December 31, 1993, the department shall evaluate
28 the overall effectiveness of the pilot projects under this section
29 regarding preparing enhanced nonproject environmental analysis for the
30 approval process of comprehensive plans and shall:

1 (a) Provide a report of its findings to the legislature and the
2 department of community development with such recommendations as may be
3 appropriate, including the need, if any, for further legislation;

4 (b) Consider promulgation of any further regulations or guidelines
5 as may be appropriate to assist counties and cities in meeting
6 requirements of chapter 43.21C RCW when considering comprehensive
7 plans; and

8 (c) Prepare and circulate to counties and cities such instructional
9 manuals or other information derived from the pilot projects as will
10 assist all counties and cities in meeting the requirements and
11 objectives of chapter 43.21C RCW in the most expeditious and efficient
12 manner in the process of considering comprehensive plans pursuant to
13 this chapter.

14 **Sec. 18.** RCW 19.27.095 and 1987 c 104 s 1 are each amended to read
15 as follows:

16 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY
17 LOCAL ORDINANCE. (1) A valid and fully complete building permit
18 application for a structure, that is permitted under the zoning or
19 other land use control ordinances in effect on the date of the
20 application shall be considered under the building permit ordinance in
21 effect at the time of application, and the zoning or other land use
22 control ordinances in effect on the date of application.

23 (2) The requirements for a fully completed application shall (~~be~~
24 ~~defined by local ordinance~~) include those items required for an
25 application by the state building code and those items required by
26 local ordinance, provided such local ordinance is in effect at the time
27 of the building permit application.

1 Supplemental information required by the county, city, or town
2 after acceptance of a complete application under this subsection shall
3 not affect the time of vesting under this section for such application.

4 (3) The limitations imposed by this section shall not restrict
5 conditions imposed under chapter 43.21C RCW.

6 **Sec. 19.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read
7 as follows:

8 PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE.

9 (1) A proposed division of land, as defined in RCW 58.17.020, shall be
10 considered under the subdivision or short subdivision ordinance, and
11 zoning or other land use control ordinances, in effect on the land at
12 the time a fully completed application for preliminary plat approval of
13 the subdivision, or short plat approval of the short subdivision, has
14 been submitted to the appropriate county, city, or town official.

15 (2) The requirements for a fully completed application shall be
16 defined by local ordinance. If no ordinance is adopted at the time of
17 application, then an application is complete if it contains the
18 following:

19 (a) For all subdivisions: A complete preliminary plat drawing; a
20 complete state environmental policy act checklist; road profiles;
21 preliminary water, sewer, and storm drainage plans; evidence of
22 compliance with the comprehensive plan and zoning ordinance;
23 certificates of sewer and water availability from the appropriate
24 districts attesting to the adequacy of the proposed water supply and
25 sewage disposal; and proof that the subject lot or lots are recognized
26 as separate lots pursuant to applicable state law.

27 (b) At the option of the county, city, or town, the following may
28 be required: Site survey; topography map; storm calculations;

1 transportation analysis; soils analysis; wetlands analysis; a clearing
2 plan; and a preliminary landscape plan.

3 Supplemental information required by the county, city, or town
4 after acceptance of a complete application under this subsection shall
5 not affect the time of vesting under this section for such application.

6 (3) The limitations imposed by this section shall not restrict
7 conditions imposed under chapter 43.21C RCW.

8 **Sec. 20.** RCW 58.17.170 and 1981 c 293 s 10 are each amended to
9 read as follows:

10 SUBDIVISION, ZONING CONTROLS. When the legislative body of the
11 city, town or county finds that the subdivision proposed for final plat
12 approval conforms to all terms of the preliminary plat approval, and
13 that said subdivision meets the requirements of this chapter, other
14 applicable state laws, and any local ordinances adopted under this
15 chapter which were in effect at the time of preliminary plat approval,
16 it shall suitably inscribe and execute its written approval on the face
17 of the plat. The original of said final plat shall be filed for record
18 with the county auditor. One reproducible copy shall be furnished to
19 the city, town or county engineer. One paper copy shall be filed with
20 the county assessor. Paper copies shall be provided to such other
21 agencies as may be required by ordinance. Any lots in a final plat
22 filed for record shall be a valid land use notwithstanding any change
23 in zoning laws for a period of five years from the date of filing, but
24 during this five-year period are subject to any changed conditions on
25 the valid land use contained in the current zoning or other land use
26 control ordinances as long as the valid land use remains possible.
27 These conditions include, but are not limited to, setback requirements
28 and height limitations. A subdivision shall be governed by the terms
29 of approval of the final plat, and the statutes, ordinances, and

1 regulations in effect at the time of approval under RCW 58.17.150 (1)
2 and (3) for a period of five years after final plat approval unless the
3 legislative body finds that a change in conditions creates a serious
4 threat to the public health or safety in the subdivision.

5 **Sec. 21.** RCW 58.17.040 and 1989 c 43 s 4-123 are each amended to
6 read as follows:

7 EXEMPTIONS FROM SUBDIVISION LAWS. The provisions of this chapter
8 shall not apply to:

9 (1) Cemeteries and other burial plots while used for that purpose;

10 (2) Divisions of land into lots or tracts each of which is one-one
11 hundred twenty-eighth of a section of land or larger, or five acres or
12 larger if the land is not capable of description as a fraction of a
13 section of land, unless the governing authority of the city, town, or
14 county in which the land is situated shall have adopted a subdivision
15 ordinance requiring plat approval of such divisions: PROVIDED, That
16 for purposes of computing the size of any lot under this item which
17 borders on a street or road, the lot size shall be expanded to include
18 that area which would be bounded by the center line of the road or
19 street and the side lot lines of the lot running perpendicular to such
20 center line;

21 ~~(3) ((Divisions made by testamentary provisions, or the laws of~~
22 ~~deseent;~~

23 ~~(4))~~ Divisions of land into lots or tracts classified for
24 industrial or commercial use when the city, town, or county has
25 approved a binding site plan for the use of the land in accordance with
26 local regulations;

27 ~~((+5))~~ (4) A division for the purpose of lease when no residential
28 structure other than mobile homes or travel trailers are permitted to
29 be placed upon the land when the city, town, or county has approved a

1 binding site plan for the use of the land in accordance with local
2 regulations;

3 ~~((6))~~ (5) A division made for the purpose of alteration by
4 adjusting boundary lines, between platted or unplatted lots or both,
5 which does not create any additional lot, tract, parcel, site, or
6 division nor create any lot, tract, parcel, site, or division which
7 contains insufficient area and dimension to meet minimum requirements
8 for width and area for a building site; and

9 ~~((7))~~ (6) Divisions of land into lots or tracts if: (a) The
10 improvements constructed or to be constructed thereon will be included
11 in one or more condominiums or owned by an association or other legal
12 entity in which the owners of units therein or their owners'
13 associations have a membership or other legal or beneficial interest;
14 (b) a city, town, or county has approved a binding site plan for all
15 such land; and (c) the binding site plan contains thereon the following
16 statement: "All development of the land described herein shall be in
17 accordance with the binding site plan, as it may be amended. Upon
18 completion, the improvements on the land shall be included in one or
19 more condominiums or owned by an association or other legal entity in
20 which the owners of units therein or their owners' associations have a
21 membership or other legal or beneficial interest."

22 **Sec. 22.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each
23 amended to read as follows:

24 NEIGHBORHOOD PARTICIPATION. Each county and city that is required
25 or chooses to plan under RCW 36.70A.040 shall establish procedures
26 providing for early and continuous public participation in the
27 development and amendment of comprehensive land use plans and
28 development regulations implementing such plans. The procedures shall
29 provide for broad dissemination of proposals and alternatives,

1 opportunity for written comments, public meetings after effective
2 notice, provision for open discussion, communication programs,
3 information services, and consideration of and response to public
4 comments. Errors in exact compliance with the established procedures
5 shall not render the comprehensive land use plan or development
6 regulations invalid if the spirit of the procedures is observed.

7 Every city with a population of twenty thousand or more that plans
8 under RCW 36.70A.040 shall establish a neighborhood inclusion process.
9 The process shall allow neighborhood groups an opportunity to develop
10 a neighborhood plan that addresses how their neighborhood can help the
11 city meet its overall goals and requirements for growth management.
12 The neighborhood plan must be consistent with the goals, requirements,
13 and priorities of the city, and shall be given substantial
14 consideration by the city council. The city shall: (1) Provide
15 neighborhood groups with a listing of what the city is required to do
16 in order to comply with growth management provisions; (2) assist
17 neighborhood groups with the development of the neighborhood plan when
18 possible; (3) establish timelines for when the neighborhood plans must
19 be submitted to the city for review; and (4) help in the development of
20 impact mitigation measures for the neighborhood when a neighborhood
21 increases its density, or when state or regional public facilities are
22 sited in the neighborhood. If the neighborhood plan does not proceed
23 in a timely manner, the city may assume control over the process and
24 complete the plan.

25 Every city with a population of twenty thousand or more shall
26 establish citizen advisory councils to assist in the development of the
27 comprehensive land use plans and development regulations. Counties and
28 cities may establish citizen advisory councils. The councils shall be
29 consulted on the development of methods to meet fair share housing
30 goals, and be consulted at key planning milestones.

1 Nothing in this section shall require a city to establish a
2 neighborhood inclusion process or a citizen advisory council if the
3 city already has a similar neighborhood inclusion process or a citizen
4 advisory council already established.

5 **Sec. 23.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read
6 as follows:

7 FACTORS FOR BOUNDARY REVIEW BOARD TO CONSIDER. In reaching a
8 decision on a proposal or an alternative, the board shall consider the
9 factors affecting such proposal, which shall include, but not be
10 limited to the following:

11 (1) Population and territory; population density; land area and
12 land uses; comprehensive plans and zoning, as adopted under chapter
13 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography,
14 natural boundaries and drainage basins, proximity to other populated
15 areas; the existence and preservation of prime agricultural soils and
16 productive agricultural uses; the likelihood of significant growth in
17 the area and in adjacent incorporated and unincorporated areas during
18 the next ten years; location and most desirable future location of
19 community facilities;

20 (2) Municipal services; need for municipal services; effect of
21 ordinances, governmental codes, regulations and resolutions on existing
22 uses; present cost and adequacy of governmental services and controls
23 in area; prospects of governmental services from other sources;
24 probable future needs for such services and controls; probable effect
25 of proposal or alternative on cost and adequacy of services and
26 controls in area and adjacent area; the effect on the finances, debt
27 structure, and contractual obligations and rights of all affected
28 governmental units; the added net costs for a city, town, or special

1 district to provide services and facilities in an area that it proposes
2 to annex; and

3 (3) The effect of the proposal or alternative on adjacent areas, on
4 mutual economic and social interests, and on the local governmental
5 structure of the county.

6 The provisions of chapter 43.21C RCW, State Environmental Policy,
7 shall not apply to incorporation proceedings covered by chapter 35.02
8 RCW.

9 **Sec. 24.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
10 as follows:

11 OBJECTIVES OF BOUNDARY REVIEW BOARD. The decisions of the boundary
12 review board shall attempt to achieve the following objectives:

- 13 (1) Preservation of natural neighborhoods and communities;
- 14 (2) Use of physical boundaries, including but not limited to bodies
15 of water, highways, and land contours;
- 16 (3) Creation and preservation of logical service areas;
- 17 (4) Prevention of abnormally irregular boundaries;
- 18 (5) Discouragement of multiple incorporations of small cities and
19 encouragement of incorporation of cities in excess of ten thousand
20 population in heavily populated urban areas;
- 21 (6) Dissolution of inactive special purpose districts;
- 22 (7) Adjustment of impractical boundaries;
- 23 (8) Incorporation as cities or towns or annexation to cities or
24 towns of unincorporated areas which are urban in character; (~~and~~)
- 25 (9) Protection of agricultural and rural lands which are designated
26 for long term productive agricultural and resource use by a
27 comprehensive plan adopted by the county legislative authority; and
- 28 (10) Evaluation of whether the proposed annexation by a city or
29 town, or proposed incorporation of a city or town, in a county that is

1 required or chooses to plan under RCW 36.70A.040, is located within an
2 urban growth area and is consistent with the annexation and
3 incorporation portions of the urban growth area. Cities and towns
4 located in a county that is required or chooses to plan under RCW
5 36.70A.040 shall not annex areas outside of an urban growth area. A
6 city or town shall not be incorporated outside of an urban growth area
7 in any county that is required or chooses to plan under RCW 36.70A.040.

8 NEW SECTION. Sec. 25. A new section is added to chapter 36.93 RCW
9 to read as follows:

10 POWER TO DISBAND BOUNDARY REVIEW BOARD. When a county has adopted
11 a comprehensive plan and consistent development regulations pursuant to
12 the provisions of chapter 36.70A RCW and this act, the county may at
13 the discretion of the county legislative authority, disband the
14 boundary review board in that county.

15 **Sec. 26.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to
16 read as follows:

17 PETITION METHOD--PETITION--SIGNERS--CONTENT. A petition for
18 annexation of an area contiguous to a city or town may be made in
19 writing addressed to and filed with the legislative body of the
20 municipality to which annexation is desired. Except where all the
21 property sought to be annexed is property of a school district, and the
22 school directors thereof file the petition for annexation as in RCW
23 28A.335.110 authorized, the petition must be signed by the owners of
24 not less than seventy-five percent in value according to the assessed
25 valuation for general taxation of the property for which annexation is
26 petitioned, except the petition for a city or town that is located in
27 a county planning under RCW 36.70A.040, to annex property located in
28 such a county, must be signed by the owners of not less than sixty

1 percent in value according to the assessed valuation for general
2 taxation of the property for which annexation is petitioned: PROVIDED,
3 That in cities and towns with populations greater than one hundred
4 sixty thousand located east of the Cascade mountains, the owner of tax
5 exempt property may sign an annexation petition and have the tax exempt
6 property annexed into the city or town, but the value of the tax exempt
7 property shall not be used in calculating the sufficiency of the
8 required property owner signatures unless only tax exempt property is
9 proposed to be annexed into the city or town. The petition shall set
10 forth a description of the property according to government legal
11 subdivisions or legal plats which is in compliance with RCW 35.02.170,
12 and shall be accompanied by a plat which outlines the boundaries of the
13 property sought to be annexed. If the legislative body has required
14 the assumption of all or of any portion of city or town indebtedness by
15 the area annexed, and/or the adoption of a comprehensive plan for the
16 area to be annexed, these facts, together with a quotation of the
17 minute entry of such requirement or requirements shall be set forth in
18 the petition.

19 NEW SECTION. Sec. 27. A new section is added to chapter 35.13 RCW
20 to read as follows:

21 CITY ANNEXATIONS. Each unincorporated area that as of January 1,
22 1991, lies wholly within the boundaries of a city or town shall become
23 part of the city or town within whose boundaries the unincorporated
24 area lies, as of the effective date of an ordinance adopted by the city
25 or town governing body providing for the annexation of the area, after
26 the governing body holds a public hearing on the proposed annexation of
27 the area. Land which is owned by a county and used for the purposes of
28 an agricultural fair under chapter 15.76 or 36.37 RCW, or a county
29 park, shall not be annexed under this section without the consent of a

1 majority of the members of the county legislative authority of the
2 county that owns the land. For purposes of this section, an
3 unincorporated area that is bounded completely by both a state
4 boundary, or a body or bodies of navigable water, and a city or town
5 shall not be construed to lie wholly within the boundaries of a city or
6 town. Annexations under this section shall not be reviewed by a
7 boundary review board or other annexation review board.

8 NEW SECTION. **Sec. 28.** A new section is added to chapter 35.13 RCW
9 to read as follows:

10 CITY ANNEXATIONS. (1) A city or town shall not annex territory
11 under any method where, after the proposed annexation has occurred, any
12 closed plane figure of unincorporated area could be drawn that includes
13 a portion of the boundary of the newly annexed area so that eighty
14 percent or more of the figure's perimeter is conterminous with any of
15 the annexing city's or town's boundaries. In addition, a city or town
16 shall not annex unincorporated territory under any method of annexation
17 if, as a result of the annexation, an area would become entirely
18 surrounded by a body or bodies of navigable water and the annexing city
19 or town, unless the annexation reduced the size of an area that prior
20 to the annexation was entirely surrounded by a body or bodies of
21 navigable water and the annexing city or town.

22 (2) However, a city or town may annex territory that lies within a
23 corridor of unincorporated territory which existed before the effective
24 date of this act where, after the annexation has occurred, a closed
25 plane figure could be drawn that is prohibited under subsection (1) of
26 this section, if, after the proposed annexation has occurred, another
27 closed plane figure cannot be drawn within the corridor so that a
28 greater percentage of the perimeter is conterminous with a portion of

1 the boundaries of the city or town than was the case with the perimeter
2 of the original figure.

3 NEW SECTION. **Sec. 29.** A new section is added to chapter 35A.14
4 RCW to read as follows:

5 CITY ANNEXATIONS. Each unincorporated area that as of January 1,
6 1991, lies wholly within the boundaries of a code city shall become
7 part of the city within whose boundaries the unincorporated area lies,
8 as of the effective date of an ordinance adopted by the city governing
9 body providing for the annexation of the area, after the governing body
10 holds a public hearing on the proposed annexation of the area. Land
11 which is owned by a county and used for the purposes of an agricultural
12 fair under chapter 15.76 or 36.37 RCW, or a county park, shall not be
13 annexed under this section without the consent of a majority of the
14 members of the county legislative authority of the county that owns the
15 land. For purposes of this section, an unincorporated area that is
16 bounded completely by both a state boundary, or a body or bodies of
17 navigable water, and a city shall not be construed to lie wholly within
18 the boundaries of a city. Annexations under this section shall not be
19 reviewed by a boundary review board or other annexation review board.

20 NEW SECTION. **Sec. 30.** A new section is added to chapter 35A.14
21 RCW to read as follows:

22 CITY ANNEXATIONS. (1) A code city shall not annex territory under
23 any method where, after the proposed annexation has occurred, any
24 closed plane figure of unincorporated area could be drawn that includes
25 a portion of the boundary of the newly annexed area so that eighty
26 percent or more of the figure's perimeter is coterminous with any of
27 the annexing city's boundaries. In addition, a code city shall not
28 annex unincorporated territory under any method of annexation if, as a

1 result of the annexation, an area would become entirely surrounded by
2 a body or bodies of navigable water and the annexing city, unless the
3 annexation reduced the size of an area that prior to the annexation was
4 entirely surrounded by a body or bodies of navigable water and the
5 annexing city.

6 (2) However, a code city may annex territory that lies within a
7 corridor of unincorporated territory which existed before the effective
8 date of this act where, after the annexation has occurred, a closed
9 plane figure could be drawn that is prohibited under subsection (1) of
10 this section, if, after the proposed annexation has occurred, another
11 closed plane figure cannot be drawn within the corridor so that a
12 greater percentage of the perimeter is coterminous with a portion of
13 the boundaries of the city than was the case with the perimeter of the
14 original figure.

15 PART III - HOUSING

16 **Sec. 31.** RCW 82.46.010 and 1990 1st ex.s. c 17 s 36 are each
17 amended to read as follows:

18 REAL ESTATE EXCISE TAX--HOUSING PROJECTS. (1) The governing body
19 of any county or any city may impose an excise tax on each sale of real
20 property in the unincorporated areas of the county for the county tax
21 and in the corporate limits of the city for the city tax at a rate not
22 exceeding one-quarter of one percent of the selling price. The
23 revenues from this tax shall be used by the respective jurisdictions
24 for local capital improvements, including those listed in RCW
25 35.43.040.

26 After July 1, 1990, revenues generated from the tax imposed under
27 this subsection in counties and cities that are required or choose to
28 plan under RCW 36.70A.040 shall be used primarily for financing capital

1 projects specified in a capital facilities plan element of a
2 comprehensive plan, housing projects, and housing relocation assistance
3 under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by
4 such counties and cities to debt retirement prior to July 1, 1990, may
5 continue to be used for that purpose until all outstanding debt is
6 retired, or (b) committed prior to July 1, 1990, by such counties or
7 cities to a capital project may continue to be used for that purpose
8 until the project is completed.

9 (2) In lieu of imposing the tax authorized in RCW 82.14.030(2), the
10 governing body of any county or any city may impose an additional
11 excise tax on each sale of real property in the unincorporated areas of
12 the county for the county tax and in the corporate limits of the city
13 for the city tax at a rate not exceeding one-half of one percent of the
14 selling price.

15 (3) Taxes imposed under this section shall be collected from
16 persons who are taxable by the state under chapter 82.45 RCW upon the
17 occurrence of any taxable event within the unincorporated areas of the
18 county or within the corporate limits of the city, as the case may be.

19 (4) Taxes imposed under this section shall comply with all
20 applicable rules, regulations, laws, and court decisions regarding real
21 estate excise taxes as imposed by the state under chapter 82.45 RCW.

22 (5) As used in this section, "city" means any city or town; and
23 "housing project" includes the construction, reconstruction,
24 acquisition, or rehabilitation of housing to serve low-income persons
25 by the city or county, or as provided in RCW 35.21.685 and 36.32.415.

26 NEW SECTION. **Sec. 32.** FAIR SHARE HOUSING. (1) Each county and
27 city that is required or chooses to plan under RCW 36.70A.040 shall
28 determine its fair share affordable housing goal pursuant to the
29 regional policy plan process established in section 51 of this act.

1 The process shall utilize county-wide data provided by the office of
2 financial management to establish the fair share affordable housing
3 goals, except that data from more than one county may be aggregated
4 when it is appropriate.

5 (2) The department shall require each city and county to submit a
6 report every five years that describes the progress that is being made
7 to meet its fair share affordable housing goal. Jurisdictions that
8 meet their fair share affordable housing goals shall receive preference
9 points in applications for grants or loans under the public works
10 assistance account and the housing trust fund. A jurisdiction can
11 demonstrate progress at meeting its fair share affordable housing goals
12 by indicating efforts in reducing minimum lot and frontage sizes, the
13 amount of local effort compared to the tax capacity, the submission of
14 any bond and levy measures to the voters for affordable housing, the
15 identification and elimination of restrictive zoning or regulations
16 that unreasonably impact affordable housing, the enactment of density
17 bonuses and land use techniques such as cluster housing and planned
18 unit developments, the siting of affordable higher density mobile home
19 parks, the adoption of a current use classification for assessing low-
20 income housing, and efforts to preserve federally assisted housing
21 developments.

22 NEW SECTION. **Sec. 33.** A new section is added to chapter 8.26 RCW
23 to read as follows:

24 REPLACEMENT HOUSING. Whenever the state or a local public agency
25 demolishes or otherwise eliminates low-income housing as defined in RCW
26 36.32.415 for a public works project, it shall deposit moneys in a
27 local jurisdiction housing replacement fund in an amount equal to the
28 cost of providing an equal number of new low-income rental housing
29 units in the same location. The moneys may only be used for acquiring,

1 constructing, or rehabilitating low-income housing stock. Nothing in
2 this section shall require a state or local public agency to pay an
3 impact fee for demolishing housing that constitutes a nuisance or a
4 health or safety hazard to the community.

5 **Sec. 34.** RCW 35.21.685 and 1986 c 248 s 1 are each amended to read
6 as follows:

7 LOW-INCOME HOUSING. A city or town may assist in the development
8 or preservation of publicly or privately owned housing for persons of
9 low income by providing loans or grants (~~(of general municipal funds)~~)
10 to the owners or developers of the housing. The loans or grants shall
11 be pursuant to a plan or program authorized by the legislative
12 authority of the city or town(~~(. They may be made)~~) to finance all or
13 a portion of the cost of construction, reconstruction, acquisition, or
14 rehabilitation of housing that will be occupied by ((a)) one or more
15 persons or ((family)) families of low income or relocation assistance
16 for such persons or families. As used in this section, "low income"
17 means income that does not exceed eighty percent of the median income
18 for the county or, if applicable, the standard metropolitan statistical
19 area in which the city or town is located. For the purpose of this
20 section, "owner" includes a lessee under a ground lease or a master
21 lease. Housing constructed or rehabilitated with loans or grants made
22 under this section shall not be considered public works or improvements
23 subject to competitive bidding or a purchase of services subject to the
24 prohibition against advance payment for services: PROVIDED, That
25 whenever feasible the borrower or grantee shall make every reasonable
26 and practicable effort to utilize a competitive public bidding process.

27 **Sec. 35.** RCW 36.32.415 and 1986 c 248 s 2 are each amended to read
28 as follows:

1 LOW-INCOME HOUSING. A county may assist in the development or
2 preservation of publicly or privately owned housing for persons of low
3 income by providing loans or grants (~~((of general county funds))~~) to the
4 owners or developers of the housing. The loans or grants shall be made
5 pursuant to a plan or program authorized by the legislative authority
6 of a county(~~((. They may be made))~~) to finance all or a portion of the
7 cost of construction, reconstruction, acquisition, or rehabilitation of
8 housing that will be occupied by (~~((a))~~) one or more persons or
9 (~~((family))~~) families of low income or relocation assistance for such
10 persons or families. As used in this section, "low income" means
11 income that does not exceed eighty percent of the median income for the
12 county or, if applicable, the standard metropolitan statistical area in
13 which the county is located. For the purpose of this section, "owner"
14 includes a lessee under a ground lease or master lease. Housing
15 constructed or rehabilitated with loans or grants made under this
16 section shall not be considered public works or improvements subject to
17 competitive bidding or a purchase of services subject to the
18 prohibition against advance payment for services: PROVIDED, That
19 whenever feasible the borrower or grantee shall make every reasonable
20 and practicable effort to utilize a competitive public bidding process.

21 **Sec. 36.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
22 amended to read as follows:

23 HOUSING RELOCATION ASSISTANCE. (1) Any city, town, or county(~~((or~~
24 ~~municipal corporation))~~) that is required to or chooses to develop a
25 comprehensive plan under RCW (~~((36.70A.040(1))~~) 36.70A.040 is authorized
26 to require, after reasonable notice to the public and a public hearing,
27 property owners to provide their portion of reasonable relocation
28 assistance to low-income tenants upon the demolition, substantial
29 rehabilitation whether due to code enforcement or any other reason, or

1 change of use of residential property, or upon the removal of use
2 restrictions in an assisted-housing development. No city, town, or
3 county(~~(, or municipal corporation)~~) may require property owners to
4 provide relocation assistance to low-income tenants, as defined in this
5 chapter, upon the demolition, substantial rehabilitation, upon the
6 change of use of residential property, or upon the removal of use
7 restrictions in an assisted-housing development, except as expressly
8 authorized herein or when authorized or required by state or federal
9 law. As used in this section, "assisted housing development" means a
10 multifamily rental housing development that either receives government
11 assistance and is defined as federally assisted housing in RCW
12 59.28.020, or that receives other federal, state, or local government
13 assistance and is subject to use restrictions.

14 (2) As used in this section, "low-income tenants" means tenants
15 whose combined total income per dwelling unit is at or below fifty
16 percent of the median income, adjusted for family size, in the county
17 where the tenants reside.

18 The department of community development shall adopt rules defining
19 county median income in accordance with the definitions promulgated by
20 the federal department of housing and urban development.

21 (3) A requirement that property owners provide relocation
22 assistance shall include the amounts of such assistance to be provided
23 to low-income tenants. In determining such amounts, the
24 (~~jurisdiction~~) county, city, or town imposing the requirement shall
25 evaluate, and receive public testimony on, what relocation expenses
26 displaced tenants would reasonably incur in that jurisdiction
27 including:

28 (a) Actual physical moving costs and expenses;

1 (b) Advance payments required for moving into a new residence such
2 as the cost of first and last month's rent and security and damage
3 deposits;

4 (c) Utility connection fees and deposits; and

5 (d) Anticipated additional rent and utility costs in the residence
6 for one year after relocation.

7 (4)(a) Relocation assistance provided to low-income tenants under
8 this section shall not exceed two thousand dollars for each dwelling
9 unit displaced by actions of the property owner under subsection (1) of
10 this section. A city, town, or county(~~(, or municipal corporation)~~)
11 may make future annual adjustments to the maximum amount of relocation
12 assistance required under this subsection in order to reflect any
13 changes in the housing component of the consumer price index as
14 published by the United States department of labor, bureau of labor
15 statistics.

16 (b) The property owner's portion of any relocation assistance
17 provided to low-income tenants under this section shall not exceed one-
18 half of the required relocation assistance under (a) of this subsection
19 in cash or services. A city, town, or county may authorize the cash
20 portion of the relocation assistance provided by the property owner to
21 be in the form of foregone rent, and may establish a value on services
22 provided by the landlord, such as moving, that assist the tenants to
23 relocate.

24 (c) The portion of relocation assistance not covered by the
25 property owner under (b) of this subsection shall be paid by the city,
26 town, or county(~~(, or municipal corporation)~~) authorized to require
27 relocation assistance under subsection (1) of this section. The
28 relocation assistance may be paid from proceeds collected from the
29 excise tax imposed under RCW 82.46.010.

1 (5) A city, town, or county(~~(, or municipal corporation)~~) requiring
2 the provision of relocation assistance under this section shall adopt
3 policies, procedures, or regulations to implement such requirement.
4 Such policies, procedures, or regulations shall include provisions for
5 administrative hearings to resolve disputes between tenants and
6 property owners relating to relocation assistance or unlawful detainer
7 actions during relocation, and shall require a decision within thirty
8 days of a request for a hearing by either a tenant or property owner.

9 Judicial review of an administrative hearing decision relating to
10 relocation assistance may be had by filing a petition, within ten days
11 of the decision, in the superior court in the county where the
12 residential property is located. Judicial review shall be confined to
13 the record of the administrative hearing and the court may reverse the
14 decision only if the administrative findings, inferences, conclusions,
15 or decision is:

16 (a) In violation of constitutional provisions;

17 (b) In excess of the authority or jurisdiction of the
18 administrative hearing officer;

19 (c) Made upon unlawful procedure or otherwise is contrary to law;
20 or

21 (d) Arbitrary and capricious.

22 (6) Any city, town, or county(~~(, or municipal corporation)~~) may
23 require relocation assistance, under the terms of this section, for
24 otherwise eligible tenants whose living arrangements are exempted from
25 the provisions of this chapter under RCW 59.18.040(3) and if the living
26 arrangement is considered to be a rental or lease pursuant to RCW
27 67.28.180(1).

28 (7)(a) Persons who move from a dwelling unit prior to the
29 application by the owner of the dwelling unit for any governmental
30 permit necessary for the demolition, substantial rehabilitation, or

1 change of use of residential property or prior to any notification or
2 filing required for condominium conversion shall not be entitled to the
3 assistance authorized by this section.

4 (b) Persons who move into a dwelling unit after the application for
5 any necessary governmental permit or after any required condominium
6 conversion notification or filing shall not be entitled to the
7 assistance authorized by this section if such persons receive written
8 notice from the property owner prior to taking possession of the
9 dwelling unit that specifically describes the activity or condition
10 that may result in their temporary or permanent displacement and
11 advises them of their ineligibility for relocation assistance.

12 PART IV - RESOURCE LANDS, CRITICAL AREAS, AND OPEN SPACE

13 **Sec. 37.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each
14 amended to read as follows:

15 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS-
16 -DESIGNATIONS. (1) On or before September 1, 1991, each county, and
17 each city, shall designate where appropriate:

18 (a) Agricultural lands that are not already characterized by urban
19 growth and that have long-term significance for the commercial
20 production of food or other agricultural products;

21 (b) Forest lands that are not already characterized by urban growth
22 and that have long-term significance for the commercial production of
23 timber;

24 (c) Mineral resource lands that are not already characterized by
25 urban growth and that have long-term significance for the extraction of
26 minerals; and

27 (d) Critical areas.

1 (2) In making the designations required by this section, counties
2 and cities shall consider the guidelines established pursuant to RCW
3 36.70A.050.

4 (3) Once classified, such lands shall be protected according to RCW
5 36.70A.060 or section 39 of this act.

6 **Sec. 38.** RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each
7 amended to read as follows:

8 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS-
9 -DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses
10 to plan under RCW 36.70A.040, and each city within such county, shall
11 adopt development regulations on or before September 1, 1991, to assure
12 the conservation of agricultural, forest, and mineral resource lands
13 designated under RCW 36.70A.170. Regulations adopted under this
14 ~~((section))~~ subsection may not prohibit uses ~~((permitted))~~ legally
15 existing on any parcel prior to their adoption unless provisions are
16 made for amortizing the use and shall remain in effect until ~~((a))~~ the
17 county or city adopts development regulations pursuant to RCW
18 36.70A.120. Such regulations shall assure that the use of lands
19 adjacent to agricultural, forest, or mineral resource lands shall not
20 interfere with the continued use, in the accustomed manner and in
21 accordance with best management practices, of these designated lands
22 for the production of food, agricultural products, or timber, or for
23 the extraction of minerals. Counties and cities shall require that all
24 plats, short plats, development permits, and building permits issued
25 for development activities on, or within three hundred feet of, lands
26 designated as agricultural lands, forest lands, or mineral resource
27 lands, contain a notice that the subject property is within or near
28 designated agricultural lands, forest lands, or mineral resource lands
29 on which a variety of commercial activities may occur that are not

1 compatible with residential development for certain periods of limited
2 duration.

3 (2) Each county that is required or chooses to plan under RCW
4 36.70A.040, and each city within such county, shall adopt development
5 regulations on or before September 1, 1991, precluding land uses or
6 development that is incompatible with the critical areas that are
7 required to be designated under RCW 36.70A.170.

8 ((+2)) (3) Such counties and cities shall review these
9 designations and development regulations when adopting their
10 comprehensive plans under RCW 36.70A.040 and implementing development
11 regulations under RCW 36.70A.120 and may alter such designations and
12 development regulations to insure consistency.

13 NEW SECTION. Sec. 39. FOREST, AGRICULTURE, AND MINERAL RESOURCE
14 LANDS AND CRITICAL AREAS--REMAINING JURISDICTIONS TO ADOPT DEVELOPMENT
15 REGULATIONS. (1) Each county and city not planning under RCW
16 36.70A.060 shall adopt development regulations on or before September
17 1, 1992, to assure the conservation of agricultural, forest, and
18 mineral resource lands designated under RCW 36.70A.170. Regulations
19 adopted under this subsection may not prohibit uses legally existing on
20 any parcel prior to their adoption unless provisions are made for
21 amortizing the use. Such regulations shall assure that the use of
22 lands adjacent to agricultural, forest, or mineral resource lands shall
23 not interfere with the continued use, in the accustomed manner, of
24 these designated lands for the production of food, agricultural
25 products, or timber, or for the extraction of minerals.

26 (2) Each county and city covered by this section shall adopt
27 development regulations on or before September 1, 1992, precluding land
28 uses or development that is incompatible with the critical areas that
29 are required to be designated under RCW 36.70A.170.

1 (3) Each county and city under this section shall perform its
2 activities, including adoption of development regulations, and make
3 capital budget decisions in conformity with their designations under
4 RCW 36.70A.170.

5 NEW SECTION. **Sec. 40.** OPEN SPACE LANDS--IDENTIFICATION. In
6 addition to designation of agricultural lands, forest lands, mineral
7 resource lands, and critical areas as required under RCW 36.70A.170,
8 every county and city required or choosing to plan under RCW 36.70A.040
9 shall identify existing open space lands permanently protected by the
10 county or city by June 30, 1992. This identification shall be
11 consistent with the requirements contained in RCW 36.70A.160.

12 NEW SECTION. **Sec. 41.** EXTENSION OF TIME TO DESIGNATE AND PROTECT
13 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS.
14 The department may extend the date by which a county or city is
15 required to designate agricultural lands, forest lands, mineral
16 resource lands, and critical areas under RCW 36.70A.170, or the date by
17 which a county or city is required to protect such lands and critical
18 areas under RCW 36.70A.060, if the county or city demonstrates that it
19 is proceeding in an orderly fashion, and is making a good faith effort,
20 to meet these requirements. An extension may be for up to an
21 additional one hundred eighty days. The length of an extension shall
22 be based upon the difficulty of the effort to conform with these
23 requirements.

24 **Sec. 42.** RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each
25 amended to read as follows:

26 MINIMUM GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL
27 LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in

1 RCW 36.70A.030, the department shall adopt guidelines, under chapter
2 34.05 RCW, no later than September 1, 1990, to guide the classification
3 of: (a) Agricultural lands; (b) forest lands; (c) mineral resource
4 lands; and (d) critical areas. The department shall consult with the
5 department of agriculture regarding guidelines for agricultural lands,
6 the department of natural resources regarding forest lands and mineral
7 resource lands, and the department of ecology regarding critical areas.

8 (2) In carrying out its duties under this section, the department
9 shall consult with interested parties, including but not limited to:
10 (a) Representatives of cities; (b) representatives of counties; (c)
11 representatives of developers; (d) representatives of builders; (e)
12 representatives of owners of agricultural lands, forest lands, and
13 mining lands; (f) representatives of local economic development
14 officials; (g) representatives of environmental organizations; (h)
15 representatives of special districts; (i) representatives of the
16 governor's office and federal and state agencies; and (j)
17 representatives of Indian tribes. In addition to the consultation
18 required under this subsection, the department shall conduct public
19 hearings in the various regions of the state. The department shall
20 consider the public input obtained at such public hearings when
21 adopting the guidelines.

22 (3) The guidelines under subsection (1) of this section shall be
23 minimum guidelines that apply to all (~~jurisdictions~~) counties and
24 cities, but also shall allow for regional differences that exist in
25 Washington state. The intent of these guidelines is to assist counties
26 and cities in designating the classification of agricultural lands,
27 forest lands, mineral resource lands, and critical areas under RCW
28 36.70A.170.

1 (4) The guidelines established by the department under this section
2 regarding classification of forest lands shall not be inconsistent with
3 guidelines adopted by the department of natural resources.

4 (5) Once classified, such lands shall be protected according to RCW
5 36.70A.060 and section 39 of this act.

6 NEW SECTION. Sec. 43. OPEN SPACE MAP. (1) To assist counties and
7 cities in carrying out the goals and requirements of this chapter, the
8 committee created in section 46 of this act shall prepare a state-wide
9 open space map identifying existing areas of protected open space lands
10 and networks as described in RCW 36.70A.020.

11 (2) The committee shall prepare the map and submit it to the
12 governor and the joint select committee on growth management by
13 December 1, 1992. The committee shall distribute the map to all
14 counties and cities planning under RCW 36.70A.040 to adopt
15 comprehensive land use plans under this chapter.

16 (3) The process shall consist of:

17 (a) The identification by the committee of existing open space
18 lands protected by state agencies; and

19 (b) The identification, in those counties or cities planning under
20 RCW 36.70A.040, of existing open space lands protected by counties and
21 cities.

22 (4) The committee shall assist the department in developing
23 guidelines pursuant to RCW 36.70A.070(9) to encourage open space
24 networks which link together existing lands identified in subsection
25 (3) of this section.

26 (5) In preparing the map, the committee shall cooperate to the
27 maximum degree feasible with counties and cities preparing
28 comprehensive plans under RCW 36.70A.040 and with counties and cities
29 designating and adopting development regulations to protect forest,

1 agricultural, and mineral resource lands and critical areas. The map
2 is to be prepared using existing resources information available from
3 federal, state, and local governments, including the designations of
4 forest, agricultural, and mineral resource lands, and critical areas
5 required under this chapter, designations of natural resources of
6 state-wide significance required under section 48 of this act, and the
7 identification of open space corridors provided for in RCW 36.70A.160.
8 The committee shall provide opportunities for public review and comment
9 during preparation of the map.

10 NEW SECTION. **Sec. 44.** OPEN SPACE MAP--STATE AGENCIES SHALL
11 COOPERATE. To foster the efforts of counties and cities to identify
12 and protect open space networks in their comprehensive plans and
13 development regulations as required in RCW 36.70A.160 and this act, all
14 state agencies with natural resources land management, regulation, or
15 planning authorities shall cooperate with county and city efforts to
16 protect open space lands and networks.

17 NEW SECTION. **Sec. 45.** OPEN SPACE PROTECTION. When open space is
18 to be protected permanently for the purpose of public use and access,
19 and is not necessary for protection of critical areas, a county or city
20 shall do so by a permanent conveyance of sufficient interest to prevent
21 its development. County and city governments may utilize a variety of
22 methods to limit the future use of, or otherwise conserve, selected
23 open space including, but not limited to, incentive zoning, the
24 acquisition by gift, purchase, grant, bequest, devise, lease, or
25 otherwise, the fee simple interest or lesser interest, transfer of
26 development right, easement, covenant, or other contractual right.

1 NEW SECTION. **Sec. 46.** COMMITTEE ON NATURAL RESOURCES OF STATE-
2 WIDE SIGNIFICANCE. There is created a committee consisting of the
3 commissioner of public lands, the director of parks and recreation, the
4 director of wildlife, the director of fisheries, the director of
5 ecology, the director of community development, the director of the
6 interagency committee for outdoor recreation, or their designees, one
7 representative from the association of Washington cities, one
8 representative from the Washington state association of counties, and
9 by appointment of the governor, three members of the public. In
10 selecting the three members of the public to serve on this committee,
11 the governor shall keep in mind the diversity of the state's natural
12 resources and the diverse needs of state residents. The director of
13 community development shall serve as the chair of the committee and the
14 department shall provide staff to the committee. Members employed by
15 the state shall serve without additional pay, and participation in the
16 work of the committee shall be deemed performance of their employment.
17 Members from the public at large shall be compensated in accordance
18 with RCW 43.03.240 and shall be entitled to reimbursement individually
19 for travel expenses incurred in performance of their duties as members
20 of the committee in accordance with RCW 43.03.050 and 43.03.060.

21 NEW SECTION. **Sec. 47.** COMMITTEE ON NATURAL RESOURCES OF STATE-
22 WIDE SIGNIFICANCE. (1) The committee established in section 46 of
23 this act shall: (a) Develop recommendations on criteria to be used in
24 identifying natural resources of state-wide significance; (b) develop
25 recommendations on minimum standards to be used by counties and cities
26 to protect natural resources of state-wide significance within their
27 jurisdictions; and (c) assist the department in reviewing plans and
28 development regulations as provided in section 57(1) of this act. In
29 carrying out the responsibilities under (a) and (b) of this subsection,

1 the committee shall consult with interested parties and shall conduct
2 public hearings in the various regions of the state. The committee
3 shall consider the public input obtained at such public hearings when
4 developing the recommendations. These recommendations shall be
5 submitted to the department on or before September 1, 1991.

6 (2) The department shall prepare final draft rules, under chapter
7 34.05 RCW, on criteria for identifying natural resources of state-wide
8 significance and minimum standards for protecting natural resources of
9 state-wide significance based on the recommendations prepared by the
10 committee under subsection (1) of this section. These rules shall be
11 submitted to the joint select committee on growth management created in
12 section 62 of this act for review and shall take effect on May 1, 1992,
13 unless they are rejected by the legislature during the 1992 session.

14 NEW SECTION. **Sec. 48.** DESIGNATION OF NATURAL RESOURCES OF STATE-
15 WIDE SIGNIFICANCE. (1)(a) Every county and city shall identify and
16 designate natural resources of state-wide significance located in its
17 jurisdiction based on the criteria adopted by the department pursuant
18 to section 47(2) of this act, to the extent that such natural resources
19 occur within the county or city. Counties and cities may request
20 assistance in identifying these natural resources from the departments
21 of wildlife, ecology, fisheries, and natural resources, and the parks
22 and recreation commission. If requested, these agencies shall, to the
23 maximum extent feasible, provide assessments of which natural resources
24 within the county's or city's jurisdiction meet the criteria
25 established under section 47(2) of this act.

26 (b) When a county or a city designates a natural resource of state-
27 wide significance that is not wholly contained in the jurisdiction
28 making the designation, the county or city shall notify other counties
29 and/or cities that may share a common interest in the designation.

1 (2) Every county and city that designates natural resources of
2 state-wide significance shall adopt development regulations on or
3 before September 1, 1992, precluding land uses or development
4 incompatible with the level of protection required by the minimum
5 standards adopted under section 47(2) of this act.

6 NEW SECTION. **Sec. 49.** INTERJURISDICTIONAL COORDINATION. When a
7 natural resource of state-wide significance designated under section 48
8 of this act or a critical area designated under RCW 36.70A.170 crosses
9 a city or county border, or where a designated natural resource of
10 state-wide significance or critical area borders two or more counties
11 or cities, these jurisdictions shall enter into negotiations to arrive
12 at a mutually acceptable set of development regulations that preclude
13 land uses or development that is incompatible with these designations.
14 If the counties or cities cannot reach agreement, then the proposal
15 from the jurisdiction with the strictest provisions for the protection
16 of the shared natural resource of state-wide significance or critical
17 area shall be adopted by all counties or cities involved in the
18 negotiations, except that if a jurisdiction believes that other
19 counties or cities have not negotiated in good faith to reach an
20 agreement, the counties or cities may prepare alternative development
21 regulations and request that the department review the adequacy of the
22 alternative as provided in section 58(2) of this act.

23 NEW SECTION. **Sec. 50.** STATE TRUST LANDS. Nothing in this act
24 shall be construed as affecting the state's obligation to manage
25 federally granted trust lands for the primary benefit of the designated
26 beneficiary.

1 NEW SECTION. **Sec. 51.** REGIONAL POLICY PLANS. (1) The legislature
2 recognizes that counties are the regional governments within their
3 boundaries, and cities are the primary providers of urban governmental
4 services within urban growth areas. It is further recognized that
5 cities are responsible to plan for and to provide services within their
6 incorporated boundaries. The adopted regional policy plan shall ensure
7 that city and county comprehensive plans are consistent with county-
8 wide issues specified in subsection (5) of this section. For purposes
9 of this section, a "regional policy plan" is a written policy statement
10 or statements establishing a county-wide framework from which county
11 and city comprehensive plans are developed and adopted pursuant to this
12 chapter.

13 (2) The legislative authority of a county that plans under RCW
14 36.70A.040 shall adopt a regional policy plan with the cooperation of
15 cities located in whole or in part within the county as provided in
16 this section. As soon as is practical after the effective date of this
17 act, the legislative authority of the county shall convene a meeting
18 with representatives of each city located in whole or in part within
19 the county to establish a process leading to the adoption of a regional
20 policy plan. No later than July 1, 1992, the legislative authority of
21 the county shall adopt a regional policy plan according to this process
22 and after holding a public hearing or hearings on the proposed regional
23 policy plan. A regional policy plan shall address, at a minimum, the
24 following elements:

- 25 (a) Designation of rural lands and urban lands;
- 26 (b) Distribution of future population and employment growth;
- 27 (c) Promotion of contiguous development and provision of urban
28 services;
- 29 (d) Regional public capital facilities;
- 30 (e) Regional transportation facilities and strategies;

- 1 (f) Fair share of affordable housing;
- 2 (g) Open space, buffers, and community separators;
- 3 (h) New communities;
- 4 (i) Annexation and incorporation; and
- 5 (j) Economic development.

6 (3) Federal agencies may participate in and cooperate with the
7 regional policy planning. Adopted regional policy plans shall be
8 adhered to by state agencies to the maximum extent feasible.

9 (4) Failure to adopt a regional policy plan that does not meet the
10 requirements of subsection (2) of this section may result in the
11 imposition of a sanction or sanctions on a county or city within the
12 county, as specified in section 77 of this act. In imposing a sanction
13 or sanctions, the governor shall determine the precise reasons for
14 failure to adopt a regional policy plan in order that any imposed
15 sanction or sanctions are fairly and equitably related to the failure
16 to adopt a regional policy plan.

17 (5) The comprehensive plans adopted under this chapter by the
18 county and each city located in whole or in part within the county
19 shall be consistent with the adopted regional policy plan.

20 (6) Cities and the governor may appeal adopted regional policy
21 plans to the state growth management board within sixty days of the
22 adoption of the regional policy plan.

23 (7) Regional policy plans may be adopted by two or more counties
24 using the same procedure described in subsection (2) of this section,
25 except that the legislative authorities of all of these counties shall
26 convene the meeting with representatives of each city located in whole
27 or in part within any of these counties to establish a process leading
28 to the adoption of a regional policy plan throughout the multicounty
29 region.

1 NEW SECTION. **Sec. 52.** A new section is added to chapter 43.63A
2 RCW to read as follows:

3 REGIONAL ECONOMIC DEVELOPMENT PLANS. A regional economic
4 development plan shall be developed by regions formed under section 51
5 of this act or developed voluntarily by counties and cities not
6 planning under RCW 36.70A.040 and shall include, but is not limited to,
7 the following contents:

8 (1) An economic profile and forecast of the region;

9 (2) A set of economic development goals, objectives, and policies
10 for the region;

11 (3) An identification of priority development areas, as defined by
12 the state agency coordinating council created in section 54 of this
13 act, where there is a need for economic growth and where there is the
14 physical capacity, realistic ability, and local support to attract such
15 growth; and

16 (4) An identification of any economic development-related project
17 of regional or state significance. When such a project is identified,
18 the regional plan shall identify the financial impacts caused by the
19 project and propose alternatives to address these impacts, including
20 financing for infrastructure and transportation and public facilities
21 necessitated by the project. The alternatives should include state
22 assistance the region will seek to help offset the impacts of the
23 project.

24 (5) A biennial regional economic development strategy that
25 evaluates the results of the preceding economic development strategies;
26 establishes short-term priorities; identifies tasks and
27 responsibilities for implementation of adopted goals, objectives, and
28 policies; and targets implementation efforts to priority development
29 areas.

1 The plan element, including biennial strategy, must be developed
2 with the full consultation, involvement, and support of cities,
3 economic development organizations, and businesses within the region;
4 and must be consistent with comprehensive plans required by counties
5 and cities within the region. The department of trade and economic
6 development shall adopt guidelines, definitions, and procedural rules,
7 as necessary, to implement this section.

8 PART VI - STATE AGENCY PLANNING AND REVIEW

9 NEW SECTION. **Sec. 53.** STATE AGENCIES REQUIRED TO PLAN CONSISTENT
10 WITH PLANNING GOALS. (1) State agencies proposing development shall:
11 (a) Plan in conformance with the planning goals contained in RCW
12 36.70A.020; (b) notify the state agency coordinating council of the
13 proposed development; (c) comply with local comprehensive plans and
14 development regulations adopted pursuant to RCW 36.70A.040 and
15 36.70A.120; (d) comply with amendments to comprehensive land use plans
16 as provided for in RCW 36.70A.130; and (e) comply with development
17 regulations adopted pursuant to RCW 36.70A.060 and section 39 of this
18 act. Nothing in this chapter shall be construed to alter the
19 regulatory practices or policies of the utilities and transportation
20 commission.

21 (2) State agencies shall develop an orderly and consistent process
22 to determine whether a proposed regulatory or administrative action may
23 result in a taking of private property. This process shall be
24 consistent with the guidelines and requirements of section 67 of this
25 act. It is not the purpose of this subsection to expand or reduce the
26 scope of private property protections provided in the state and federal
27 Constitutions.

1 NEW SECTION. **Sec. 54.** STATE AGENCY COORDINATING COUNCIL CREATED.

2 (1) There is hereby created in the office of the governor the state
3 agency coordinating council. The council shall be comprised of
4 thirteen members as follows:

- 5 (a) The secretary of transportation;
- 6 (b) The director of community development;
- 7 (c) The director of ecology;
- 8 (d) The director of trade and economic development;
- 9 (e) The director of agriculture;
- 10 (f) The commissioner of public lands;
- 11 (g) The director of the parks and recreation commission;
- 12 (h) The director of the office of financial management;
- 13 (i) The director of wildlife;
- 14 (j) The state treasurer;
- 15 (k) The director of fisheries;
- 16 (l) The director of general administration; and
- 17 (m) The governor, who shall chair the council.

18 (2) The council may create an advisory committee to represent the
19 private sector, the environmental community, cities and counties, the
20 general public, and others as determined by the council.

21 (3) Staffing shall be provided by the state agencies on the
22 council. Staffing shall be coordinated by the chair.

23 NEW SECTION. **Sec. 55.** STATE AGENCY COORDINATING COUNCIL--DUTIES.

24 The state agency coordinating council shall:

- 25 (1) Make recommendations to the legislature and governor regarding:
 - 26 (a) Developing a capital investment strategy that can coordinate
 - 27 the infrastructure planning and financing of all state agencies based
 - 28 on defined state policies and criteria, and coordinating state

1 infrastructure planning and financing with regional organizations and
2 counties and cities;

3 (b) Adopting a state policy of catching up and keeping up with
4 infrastructure needs to sustain a healthy economy and a high quality of
5 life. Given limited resources, the state should ensure that public
6 infrastructure spending is efficient and serves desired growth
7 strategies;

8 (c) Changing state agency programs and existing funds to
9 reprioritize these programs and funds once a state capital investment
10 strategy is adopted;

11 (d) Creating a new growth management financing account which would
12 finance infrastructure needs based on regional economic planning under
13 section 52 of this act;

14 (e) Providing incentives to counties and cities to comply with
15 growth management requirements, including counties and cities not
16 required to plan under RCW 36.70A.040; and

17 (2) Make agencies more responsive to businesses by directing and
18 advising state agencies on improving the state permit process.
19 Specific timeframes should be established by rule for the processing of
20 permits.

21 (3) Identify priority development areas for the purposes of
22 regional planning under section 52 of this act, and coordinate state
23 assistance to economic development-related projects of regional or
24 state significance under section 52(4) of this act.

25 (4) Coordinate state agencies in delivering economic development
26 services and in enacting regulations so that the services and
27 regulations are provided or enacted consistently and efficiently across
28 agency lines. This shall include attempting to balance the state's
29 need for environmental protection through regulation with the economic
30 development needs of the state and counties and cities.

1 (5) Advise the governor on growth management issues, particularly
2 ensuring that state agencies comply with section 53 of this act.

3 (6) Mediate issues or disputes among state agencies regarding the
4 siting of regional and state public facilities.

5 NEW SECTION. **Sec. 56.** LIMITATIONS ON STATE RULE MAKING. In
6 addition to the requirement for adopting guidelines to assist the
7 designation of agricultural lands, forest lands, mineral resource
8 lands, and critical areas, as specified under RCW 36.70A.050, the
9 department shall adopt advisory guidelines, advisory model elements,
10 and benchmarks to assist and provide guidance for counties and cities
11 to adopt creative and locally appropriate comprehensive plans and
12 development regulations meeting the goals and requirements of this
13 chapter. The advisory guidelines shall reflect regional and local
14 variations and the diversity that exist among the different counties
15 and cities that plan under this chapter. The advisory model elements
16 shall include options reflecting the regional and local variations and
17 diversity that exist among the different counties and cities that plan
18 under this chapter. The advisory model elements shall contain those
19 items that, if included in a county's or city's comprehensive plan and
20 development regulations, would meet the goals and requirements of this
21 chapter.

22 The department shall obtain input from counties, cities, and
23 citizens throughout the state to assist in its development of these
24 model elements and benchmarks.

25 NEW SECTION. **Sec. 57.** COMPREHENSIVE PLANS--DEVELOPMENT
26 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a
27 comprehensive plan and/or development regulations, or amendments
28 thereto, under this chapter shall submit its final draft plan and

1 development regulations, or amendments, to the department during the
2 public review process prior to adoption. The department shall consult
3 with the county or city and provide comments on the proposed
4 comprehensive plan or development regulations, or amendments, within
5 sixty days of submittal prior to the county or city adopting the plan
6 or development regulations, or amendments. In addition, the county or
7 city shall submit a copy of those documents to adjacent jurisdictions.

8 (2) In addition to the comments provided under this section,
9 counties and cities are encouraged to seek comments from the
10 department, other state agencies, and adjacent jurisdictions on
11 proposed comprehensive plans and development regulations, and any
12 amendments proposed after initial adoption, through their development.
13 This consultation shall occur during the public involvement process
14 under RCW 36.70A.140.

15 NEW SECTION. **Sec. 58.** NATURAL RESOURCES OF STATE-WIDE
16 SIGNIFICANCE--DEPARTMENT ASSESSMENT. (1) As part of its comments under
17 section 57 of this act, the department, with the assistance from the
18 committee established under section 46 of this act, shall prepare an
19 assessment of the degree to which these comments: (a) Meet the minimum
20 standards required for protection of natural resources of state-wide
21 significance; (b) cumulatively provide adequate protection of natural
22 resources of state-wide significance; and (c) preclude land uses or
23 development regulations incompatible with critical areas.

24 (2) If a county or city would be required to adopt stricter
25 development regulations under section 49 of this act than it believes
26 are necessary, the department shall review the county's or city's
27 proposed alternative development regulations as part of its comments
28 under this section. Where the department finds that the proposed
29 alternative development regulations adequately preclude land uses or

1 development incompatible with critical areas and/or natural resources
2 of state-wide significance, it shall recommend that the proposed
3 alternative regulations provided for under section 49 of this act be
4 adopted by the county or city. This recommendation shall be included
5 in the comments prepared by the department under section 57 of this
6 act.

7 NEW SECTION. **Sec. 59.** FILING OF PLANS AND DEVELOPMENT
8 REGULATIONS--AMENDMENTS. (1) Each county and city planning under this
9 chapter shall send a complete and accurate copy of its comprehensive
10 plan and/or development regulations, or amendment thereof, to the
11 department within thirty working days after final adoption. The period
12 for filing requests for review of comprehensive plans or development
13 regulations with the board shall start once the department has received
14 a complete submission of all required materials.

15 (2) Any amendments that are adopted by a county or city to its
16 adopted plan or regulations shall be submitted for comment and filed
17 with the department after adoption in the same manner as for initial
18 plans and regulations under this section.

19 **Sec. 60.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each
20 amended to read as follows:

21 TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The
22 department shall establish a program of technical and financial
23 assistance and incentives to counties and cities to encourage and
24 facilitate the adoption and implementation of comprehensive plans and
25 development regulations throughout the state.

26 (2) The department shall develop a priority list and establish
27 funding levels for planning and technical assistance grants both for
28 counties and cities that plan under RCW 36.70A.040 and for counties and

1 cities that take actions under this chapter relating to agricultural
2 lands, forest lands, mineral resource lands, and critical areas.
3 Priority for assistance shall be based on a county's or city's
4 population growth rates, commercial and industrial development rates,
5 the existence and quality of a comprehensive plan and development
6 regulations, the need for the assistance, the extent to which the
7 county and adjacent jurisdictions are engaging in cooperative regional
8 planning efforts, and other relevant factors.

9 (3) The department shall develop and administer a grant program to
10 provide direct financial assistance to counties and cities for (~~the~~
11 ~~preparation of comprehensive plans~~) activities under this chapter.
12 The department may establish provisions for county and city matching
13 funds to conduct activities under this subsection. Grants may be
14 expended for any purpose directly related to the preparation of a
15 county or city comprehensive plan, development regulations, and actions
16 relating to agricultural lands, forest lands, mineral resource lands,
17 and critical areas as the county or city and the department may agree,
18 including, without limitation, the conducting of surveys, inventories
19 and other data gathering and management activities, the retention of
20 planning consultants, contracts with regional councils for planning and
21 related services, and other related purposes.

22 (4) The department shall establish a program of technical
23 assistance utilizing department staff, the staff of other state
24 agencies, and the technical resources of counties and cities to help in
25 (~~the development of~~) preparing comprehensive plans and development
26 regulations, and taking actions relating to agricultural lands, forest
27 lands, mineral resource lands, and critical areas, required under this
28 chapter. The technical assistance may include, but not be limited to,
29 model land use ordinances, regional education and training programs,
30 and information for local and regional inventories.

1 (5) The department shall provide mediation services to resolve
2 disputes between counties and cities regarding, among other things,
3 coordination of regional issues and designation of urban growth areas.

4 (6) The department shall provide planning grants to enhance citizen
5 participation under RCW 36.70A.140.

6 NEW SECTION. **Sec. 61.** MONITORING AND EVALUATION. The department
7 shall establish a system for monitoring the effectiveness of state,
8 regional, county and city efforts to prepare and to implement
9 comprehensive plans and development regulations in compliance with the
10 goals contained in RCW 36.70A.020, and the designation and protection
11 of agricultural lands, forest lands, mineral resource lands, and
12 critical areas required in this chapter. The monitoring system shall
13 include quantitative and qualitative measures.

14 NEW SECTION. **Sec. 62.** MONITORING BY THE LEGISLATURE. A joint
15 select committee on growth management is created that is composed of
16 sixteen members. The speaker of the house of representatives shall
17 appoint four members from each of the two major caucuses in the house
18 of representatives and the president of the senate shall appoint four
19 members from each of the two major caucuses in the senate. A
20 staggering of the chair of the committee shall occur so that a member
21 of each of the four caucuses serves as the chair for a one-year term
22 once every four years.

23 The committee shall: (1) Advise the department on any matters
24 concerning growth management within the jurisdiction of the department;
25 (2) review and make recommendations to the legislature on the goals,
26 guidelines, and rules adopted by the department and on proposals to
27 improve the growth management regulatory process; and (3) monitor the

1 cumulative effects of the efforts of counties and cities to implement
2 the goals and requirements of this chapter.

3 NEW SECTION. **Sec. 63.** AIR QUALITY IMPACTS. The department of
4 community development, in consultation with the department of ecology,
5 the department of transportation, and the Washington state energy
6 office, shall establish a methodology for determining the air quality
7 impacts of new development. The methodology shall measure all direct
8 and indirect sources of air pollution that are generated by various
9 types of residential, commercial, and industrial development and their
10 associated transportation systems. The department shall also develop
11 model strategies for mitigating air quality impacts of new development.

12 NEW SECTION. **Sec. 64.** A new section is added to chapter 43.17 RCW
13 to read as follows:

14 REGULATORY AGENCY STAFF DESIGNATIONS. (1) All state agencies shall
15 designate a staff person within the agency who is knowledgeable
16 regarding the agency's regulations that affect businesses. When
17 requested, this designated staff person shall provide a list of all
18 applicable agency regulations that apply to a specific business. The
19 designated staff person shall, upon request, provide a written
20 statement listing all requirements that must be satisfied to obtain a
21 specified permit or other approval.

22 (2) The designated staff person under subsection (1) of this
23 section shall provide a list of agency regulations that apply to a
24 specific business to the business assistance center when so requested
25 by the business assistance center.

26 NEW SECTION. **Sec. 65.** A new section is added to chapter 43.31 RCW
27 to read as follows:

1 REGULATION LISTS BY THE BUSINESS ASSISTANCE CENTER. The business
2 assistance center shall coordinate the provision of better and more
3 reliable information by state agencies regarding state regulations that
4 affect specific businesses. When requested, the business assistance
5 center shall compile a list of specific regulations that apply to a
6 specific business by obtaining a list from designated staff persons,
7 under section 64 of this act, in each applicable agency.

8 NEW SECTION. **Sec. 66.** A new section is added to chapter 19.85 RCW
9 to read as follows:

10 BUSINESS INPUT IN AGENCY RULE MAKING. When any rule is proposed
11 for which a small business economic impact statement is required, the
12 agency shall:

13 (1) Give notice to small businesses of the proposed rule through
14 direct notification of known interested small businesses affected by
15 the proposed rule, notice to business or trade organizations, and
16 publication of a general notice of the proposed rule in a publication
17 likely to be obtained by businesses of the type affected by the
18 proposed rule; and

19 (2) Appoint a committee, as provided in RCW 34.05.310, to comment
20 on the proposed rule before the publication of the notice of proposed
21 rule adoption under RCW 34.05.320.

22 NEW SECTION. **Sec. 67.** PROTECTION OF PRIVATE PROPERTY. (1) The
23 state attorney general shall establish an orderly, consistent process
24 that better enables government agencies to evaluate whether proposed
25 regulatory or administrative actions may result in a taking of private
26 property. It is not the purpose of this section to expand or reduce
27 the scope of private property protections provided in the state and
28 federal Constitutions.

1 (2) As used in this section:

2 (a) "Private property" means private real property protected by
3 Amendments V and XIV of the Constitution of the United States or
4 Article I, sections 3 and 16 of the Constitution of the state of
5 Washington.

6 (b) "Government agency" means any officer, agency, board,
7 commission, department, or similar body of the executive branch of
8 state government, and any county, city, town, or special district
9 exercising regulatory authority or control over the use of private
10 property in the state.

11 (c) "Taking" means an uncompensated damaging or deprivation of
12 private property in violation of Amendments V and XIV of the
13 Constitution of the United States or Article I, sections 3 and 16 of
14 the Constitution of the state of Washington.

15 (d) "Policies that have constitutional implications" means current
16 or proposed regulations, ordinances, standards, or state laws that,
17 when implemented, could effect a taking of private property without due
18 process of law. "Policies that have constitutional implications" does
19 not include actions in which the power of eminent domain is formally
20 exercised or law enforcement actions involving seizure of property for
21 forfeiture or as evidence in criminal proceedings.

22 (3) The attorney general shall develop a checklist and guidelines
23 by October 1, 1991, to assist government agencies in the identification
24 and evaluation of policies that have constitutional implications. The
25 attorney general shall review and update the checklist and guidelines
26 at least on an annual basis to maintain consistency with changes in the
27 law.

28 (4) The attorney general in consultation with the Washington state
29 bar association, shall develop a continuing education course to
30 implement this section.

1 (5) The process used by government agencies shall be protected by
2 attorney client privilege. Nothing in this section grants a private
3 party the right to seek judicial relief requiring compliance with the
4 provisions of this section.

5 PART VII - GROWTH MANAGEMENT HEARINGS BOARD

6 NEW SECTION. **Sec. 68.** BOARD ESTABLISHED--MEMBERSHIP--CHAIR--
7 QUORUM FOR DECISION--EXPENSES OF MEMBERS. (1) The growth management
8 hearings board is a quasi-judicial board hereby established within the
9 environmental hearings office under RCW 43.21B.005. The board shall
10 consist of five members, three full time and two part time members:

11 (a) The full-time members shall be appointed by the governor and
12 subject to confirmation by the senate. Initial members shall be
13 appointed to staggered terms as follows: One member shall be appointed
14 to a four-year term and two members to six-year terms. Thereafter,
15 members shall be appointed to six-year terms. The governor shall
16 appoint one of the full-time members as chairperson. The governor may
17 remove a member only for cause.

18 (b) The part-time members shall be selected on a rotating basis by
19 the board chairperson from a list provided by the applicable
20 associations. One part-time member shall represent counties or cities,
21 and the other part-time member shall represent the private sector or
22 the general public.

23 (2) Any member or members of the board, or other person or persons
24 designated by the chairperson, may hold hearings and take testimony so
25 long as a full and complete record is transmitted to the board as
26 required under RCW 34.05.461. In addition to the board's staff, the
27 chairperson may designate a list of presiding officers who are
28 qualified to hold such hearings.

1 (3) The board may authorize by rule initial orders to be entered by
2 those presiding officers who are not members of the board. The board
3 may also provide by rule that initial orders in specified classes of
4 cases may become final without further board action. However, if a
5 member of the board determines that an initial order should be
6 reviewed, or a party to the proceedings files a petition for
7 administrative review of the initial order, the initial order shall not
8 become final until the board has approved it.

9 (4) Three or more members of the board shall constitute a quorum
10 for issuance of final orders by the board. A decision of the board
11 must be agreed to by at least three members to be final.

12 (5) Board members shall receive compensation, travel, and
13 subsistence expenses as provided in RCW 43.21B.050.

14 NEW SECTION. **Sec. 69.** MATTERS SUBJECT TO BOARD REVIEW--FINAL
15 ORDERS. (1) The board shall review the following matters if requested
16 by a regional planning organization or a county or city that plans
17 under this chapter if such a request for review is made within sixty
18 days of the action to be reviewed:

19 (a) The consistency of plans and development regulations subject to
20 this chapter with the goals and requirements of this chapter, and the
21 rules adopted under this chapter;

22 (b) Compliance by counties, cities, special districts, and state
23 agencies with the interjurisdictional requirements under this chapter,
24 including interjurisdictional consistency, and designation of urban
25 growth areas;

26 (c) Compliance by counties, cities, special districts, or state
27 agencies with the requirements of this chapter, including deadlines and
28 other matters relating to implementation; and

1 (d) Determination of issues related to consistency of state agency
2 or special district proposals to locate facilities with plans and
3 development regulations subject to this chapter. Any decisions by the
4 board relating to location of state facilities shall require
5 consistency to the maximum extent practicable, as determined by the
6 board.

7 (2) The board shall also review the requests, if such requests for
8 review are made within sixty days of the action to be reviewed, by:

9 (a) Any person requesting review of any matter in subsection (1) of
10 this section if that person testified orally or in writing to the
11 county or city regarding the matter on which a review is being
12 requested; or

13 (b) Any person requesting review of any matter in subsection (1) of
14 this section if the governor certifies the request within thirty days
15 of the filing of the request with the board. The person requesting
16 board review shall file a copy of the request with the board and the
17 governor within sixty days of the action on which a board review is
18 requested.

19 (3) The board shall review matters requested by the governor or the
20 commissioner of public lands as provided in section 70 of this act.

21 (4) The board shall review the matter brought before it, as
22 provided in this section, and issue a final order, as appropriate,
23 affirming, reversing, or remanding the plan, regulation, or other
24 decision subject to review under this chapter. The board shall issue
25 a final order within one hundred eighty days of a request for review,
26 unless an extension is justified for reasons beyond the control of the
27 board. Such a final order shall be based exclusively on whether the
28 plan, regulation, or other decision subject to review under this
29 chapter is consistent with the goals and requirements of this chapter.

1 (5) The board, when appropriate, shall consolidate all requests for
2 review for each plan and for development regulations.

3 (6) The review proceedings authorized in this section are subject
4 to the provisions of chapter 34.05 RCW pertaining to procedures in
5 adjudicative proceedings.

6 (7) Unless clearly contrary to sections 68 and 69 of this act, the
7 following are applicable to the board created in section 68 of this
8 act: RCW 43.21B.040, 43.21B.060, 43.21B.090, and 43.21B.100.

9 NEW SECTION. **Sec. 70.** LIMITATIONS ON APPEAL BY THE STATE. (1) An
10 appeal by the state to the growth management hearings board may be made
11 only by the governor, or by the commissioner of public lands only as
12 relating to state trust lands, for the growth management hearings
13 board's review of whether: (a) A county or city that is required or
14 chooses to plan under RCW 36.70A.040 has failed to adopt the
15 comprehensive plans or development regulations that are required by
16 this chapter; (b) a county or city that is required or chooses to plan
17 under this chapter has adopted comprehensive plans or development
18 regulations that do not conform with the goals and requirements of this
19 chapter, as limited in subsection (2) of this section; or (c) where
20 comprehensive plans and development regulations have been adopted
21 conforming with the goals and requirements of this chapter, a
22 substantial pattern of abuse exists by the county or city issuing
23 permits not conforming with its comprehensive plans and development
24 regulations. The department shall make recommendations to the governor
25 on such appeals and the department of transportation shall make
26 recommendations on such appeals relating to transportation matters.

27 An appeal by the governor or commissioner of public lands shall be
28 in writing and shall detail the alleged violation and include a finding

1 that the violation is of such significance as to warrant review by the
2 growth management hearings board.

3 (2) An appeal by the governor or the commissioner of public lands,
4 relating to whether comprehensive plans or development regulations
5 conform with the goals and requirements of this chapter, must be filed
6 with the growth management hearings board within sixty days of
7 submittal of the plans or development regulations, or amendments to the
8 plans or development regulations, to the department and is limited to
9 allegations that the comprehensive plans or development regulations:

10 (a) Do not prevent low-density sprawl by failing to provide: (i)
11 Concentrated employment centers and sufficient residential densities to
12 facilitate public transit; (ii) an adequate balance of housing and job
13 opportunities; or (iii) restrictions precluding suburban or urban
14 development beyond the ten-year tier, until the ten-year tier has been
15 developed substantially;

16 (b) Do not permit a mix of housing types providing for the fair
17 share distribution of housing opportunities for persons of low and
18 moderate income within the urban growth areas;

19 (c) Do not prevent the loss of agricultural lands or forest lands
20 with long-term commercial significance;

21 (d) Do not prevent the substantial loss of critical areas;

22 (e) Do not reduce the impact of flooding by protecting storm water
23 and drainage systems or natural systems that lessen surface water
24 runoff, including wetland areas;

25 (f) Do not include a capital facilities plan element or
26 transportation element that is coordinated or consistent with the land
27 use element or do not include a feasible plan to adequately finance the
28 capital facilities plan element or transportation element;

29 (g) Do not preclude patterns of development that increase air and
30 water pollution beyond state or federal standards;

1 (h) Do not: (i) Address existing or projected traffic congestion
2 through demand management or transportation system management
3 strategies; (ii) coordinate and protect existing and future
4 transportation corridors; and (iii) implement regional transportation
5 plans;

6 (i) Do not include adequate open space or greenbelt areas;

7 (j) Were prepared without adequate public participation;

8 (k) Were arbitrary or discriminatory in planning for or regulating
9 state trust lands; or

10 (l) Do not adequately protect natural resources of state-wide
11 significance.

12 NEW SECTION. **Sec. 71.** PRESUMPTION OF VALIDITY--BURDEN OF PROOF--
13 PLANS AND REGULATIONS. Comprehensive plans and development regulations
14 adopted under this chapter are presumed valid upon adoption. In any
15 request for review of a comprehensive plan or development regulation
16 permitted under this chapter, the requesting party shall have the
17 burden of demonstrating that the comprehensive plan or development
18 regulation is not consistent with the goals or requirements of this
19 chapter, or the rules adopted under this chapter. In reviews of
20 development regulations, when consistency of the development regulation
21 with the plan of the affected jurisdiction is at issue, the requesting
22 party must also bear the burden of demonstrating that the development
23 regulation is not consistent with the comprehensive plan.

24 NEW SECTION. **Sec. 72.** BOARD MAY ADOPT PROCEDURAL RULES. The
25 board may adopt rules under chapter 34.05 RCW governing the
26 administrative practice and procedure in and before the board.

1 36.70A RCW, after it is required that development regulations be
2 adopted.

3 (2) The board shall develop a priority process for public works
4 projects as provided in this section. The intent of the priority
5 process is to maximize the value of public works projects accomplished
6 with assistance under this chapter. The board shall attempt to assure
7 a geographical balance in assigning priorities to projects. The board
8 shall consider at least the following factors in assigning a priority
9 to a project:

10 (a) Whether the local government receiving assistance has
11 experienced severe fiscal distress resulting from natural disaster or
12 emergency public works needs;

13 (b) Whether the project is critical in nature and would affect the
14 health and safety of a great number of citizens;

15 (c) The cost of the project compared to the size of the local
16 government and amount of loan money available;

17 (d) The number of communities served by or funding the project;

18 (e) Whether the project is located in an area of high unemployment,
19 compared to the average state unemployment;

20 (f) Whether the project is the acquisition, expansion, improvement,
21 or renovation by a local government of a public water system that is in
22 violation of health and safety standards, including the cost of
23 extending existing service to such a system;

24 (g) The relative benefit of the project to the community,
25 considering the present level of economic activity in the community and
26 the existing local capacity to increase local economic activity in
27 communities that have low economic growth; ~~((and))~~

28 (h) The existence of regional policy plans as provided in section
29 76 of this act; and

30 (i) Other criteria that the board considers advisable.

1 (3) Existing debt or financial obligations of local governments
2 shall not be refinanced under this chapter. Each local government
3 applicant shall provide documentation of attempts to secure additional
4 local or other sources of funding for each public works project for
5 which financial assistance is sought under this chapter.

6 (4) Before November 1 of each year, the board shall develop and
7 submit to the chairs of the ways and means committees of the senate and
8 house of representatives a description of the emergency loans made
9 under RCW 43.155.065 during the preceding fiscal year and a prioritized
10 list of projects which are recommended for funding by the legislature,
11 including one copy to the staff of each of the committees. The list
12 shall include, but not be limited to, a description of each project and
13 recommended financing, the terms and conditions of the loan or
14 financial guarantee, the local government jurisdiction and unemployment
15 rate, demonstration of the jurisdiction's critical need for the project
16 and documentation of local funds being used to finance the public works
17 project. The list shall also include measures of fiscal capacity for
18 each jurisdiction recommended for financial assistance, compared to
19 authorized limits and state averages, including local government sales
20 taxes; real estate excise taxes; property taxes; and charges for or
21 taxes on sewerage, water, garbage, and other utilities.

22 (5) The board shall not sign contracts or otherwise financially
23 obligate funds from the public works assistance account before the
24 legislature has appropriated funds for a specific list of public works
25 projects. The legislature may remove projects from the list
26 recommended by the board. The legislature shall not change the order
27 of the priorities recommended for funding by the board.

28 (6) Subsections (4) and (5) of this section do not apply to loans
29 made for emergency public works projects under RCW 43.155.065.

1 **Sec. 75.** RCW 70.146.070 and 1986 c 3 s 10 are each amended to read
2 as follows:

3 DEPARTMENT TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN
4 MAKING GRANTS OR LOANS. When making grants or loans for water
5 pollution control facilities, the department shall consider the
6 following:

7 (1) The protection of water quality and public health;

8 (2) The cost to residential ratepayers if they had to finance water
9 pollution control facilities without state assistance;

10 (3) Actions required under federal and state permits and compliance
11 orders;

12 (4) The level of local fiscal effort by residential ratepayers
13 since 1972 in financing water pollution control facilities;

14 (5) The extent to which the applicant county or city, or if the
15 applicant is another public body, the extent to which the county or
16 city in which the applicant public body is located, has established
17 programs to mitigate nonpoint pollution of the surface or subterranean
18 water sought to be protected by the water pollution control facility
19 named in the application for state assistance; ((and))

20 (6) The recommendations of the Puget Sound water quality authority
21 and any other board, council, commission, or group established by the
22 legislature or a state agency to study water pollution control issues
23 in the state; and

24 (7) The existence of regional policy plans as provided in section
25 76 of this act.

26 A county, city, or town that is required or chooses to plan under
27 RCW 36.70A.040 may not receive a grant or loan for water pollution
28 control facilities unless it has adopted a comprehensive plan in
29 conformance with the requirements of chapter 36.70A RCW, after it is
30 required that the comprehensive plan be adopted, or unless it has

1 adopted development regulations in conformance with the requirements of
2 chapter 36.70A RCW, after it is required that development regulations
3 be adopted.

4 NEW SECTION. **Sec. 76.** A new section is added to chapter 43.01 RCW
5 to read as follows:

6 REGIONAL PLANNING INCENTIVES. Whenever a state agency is
7 considering awarding grants or loans for a county, city, or town to
8 finance public facilities, it shall consider whether the county, city,
9 or town that is requesting the grant or loan is a party to regional
10 policy plans under section 51 of this act relating to the type of
11 public facility for which the grant or loan is sought, and shall accord
12 additional preference to the county, city, or town if such regional
13 policy plans exist. Whenever a state agency is considering awarding
14 grants or loans to a special district for public facilities, it shall
15 consider whether the county, city, or town in whose planning
16 jurisdiction the proposed facility is located is a party to regional
17 policy plans under section 51 of this act relating to the type of
18 public facility for which the grant or loan is sought, and shall accord
19 additional preference to the special district if such regional policy
20 plans exist.

21 NEW SECTION. **Sec. 77.** NONCOMPLIANCE AND SANCTIONS. (1) The
22 department may find a county, city, or state agency in noncompliance
23 if:

24 (a) A county or city that is required or chooses to plan under RCW
25 36.70A.040 does not complete its comprehensive land use plan by the
26 dates required or by the department's schedule for submittal; or

27 (b) The board has heard an appeal and issued a final order on a
28 county's or city's comprehensive plan, development regulations, or a

1 state agency's plans or actions, and the county, city, or state agency
2 has not complied with the order within one year. If the department
3 finds a county, city, or state agency in noncompliance, the department
4 may request the governor to invoke one or more of the sanctions
5 provided in subsection (2) of this section. The department shall
6 attempt to resolve issues causing noncompliance prior to requesting the
7 governor to invoke one or more of the sanctions.

8 (2) If requested, the governor may either:

9 (a) Notify and direct the director of the office of financial
10 management to revise allotments in appropriation levels;

11 (b) Notify and direct the state treasurer to withhold the portion
12 of revenues to which the county or city is entitled under one or more
13 of the following: The motor vehicle fuel tax, as provided in chapter
14 82.36 RCW; the transportation improvement account as provided in RCW
15 47.26.084; the urban arterial trust account as provided in RCW
16 47.26.080; the rural arterial trust account as provided in RCW
17 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the
18 liquor profit tax, as provided in RCW 66.08.190; and the liquor excise
19 tax, as provided in RCW 82.08.170; or

20 (c) File a notice of noncompliance with the secretary of state and
21 the county or city, which shall temporarily rescind the county or
22 city's authority to collect the real estate excise tax under RCW
23 82.46.030 until the governor files a notice rescinding the notice of
24 noncompliance.

25 **Sec. 78.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read
26 as follows:

27 EXPENDITURE PROGRAMS--ALLOTMENTS--RESERVES. This section sets
28 forth the expenditure programs and the allotment and reserve procedures
29 to be followed by the executive branch for public funds. Allotments of

1 an appropriation for any fiscal period shall conform to the terms,
2 limits, or conditions of the appropriation.

3 (1) The director of financial management shall provide all agencies
4 with a complete set of instructions for preparing a statement of
5 proposed expenditures at least thirty days before the beginning of a
6 fiscal period. The set of instructions need not include specific
7 appropriation amounts for the agency.

8 (2) Within forty-five days after the beginning of the fiscal period
9 or within forty-five days after the governor signs the omnibus biennial
10 appropriations act, whichever is later, all agencies shall submit to
11 the governor a statement of proposed expenditures at such times and in
12 such form as may be required by the governor. If at any time during
13 the fiscal period the governor projects a cash deficit as defined by
14 RCW 43.88.050, the governor shall make across-the-board reductions in
15 allotments so as to prevent a cash deficit, unless the legislature has
16 directed the liquidation of the cash deficit over one or more fiscal
17 periods. Except for the legislative and judicial branches and other
18 agencies headed by elective officials, the governor shall review the
19 statement of proposed expenditures for reasonableness and conformance
20 with legislative intent. Once the governor approves the statements of
21 proposed expenditures, further revisions shall be made only at the
22 beginning of the second fiscal year and must be initiated by the
23 governor. However, changes in appropriation level authorized by the
24 legislature, changes required by across-the-board reductions mandated
25 by the governor, ~~((and))~~ changes caused by executive increases to
26 spending authority, and changes caused by executive decreases to
27 spending authority for failure to comply with the provisions of chapter
28 36.70A RCW may require additional revisions. Revisions shall not be
29 made retroactively. Revisions caused by executive increases to spending
30 authority shall not be made after June 30, 1987. However, the governor

1 may assign to a reserve status any portion of an agency appropriation
2 withheld as part of across-the-board reductions made by the governor
3 and any portion of an agency appropriation conditioned on a contingent
4 event by the appropriations act. The governor may remove these amounts
5 from reserve status if the across-the-board reductions are subsequently
6 modified or if the contingent event occurs. The director of financial
7 management shall enter approved statements of proposed expenditures
8 into the state budgeting, accounting, and reporting system within
9 forty-five days after receipt of the proposed statements from the
10 agencies. If an agency or the director of financial management is
11 unable to meet these requirements, the director of financial management
12 shall provide a timely explanation in writing to the legislative fiscal
13 committees.

14 (3) It is expressly provided that all agencies shall be required to
15 maintain accounting records and to report thereon in the manner
16 prescribed in this chapter and under the regulations issued pursuant to
17 this chapter. Within ninety days of the end of the fiscal year, all
18 agencies shall submit to the director of financial management their
19 final adjustments to close their books for the fiscal year. Prior to
20 submitting fiscal data, written or oral, to committees of the
21 legislature, it is the responsibility of the agency submitting the data
22 to reconcile it with the budget and accounting data reported by the
23 agency to the director of financial management. The director of
24 financial management shall monitor agency expenditures against the
25 approved statement of proposed expenditures and shall provide the
26 legislature with quarterly explanations of major variances.

27 (4) The director of financial management may exempt certain public
28 funds from the allotment controls established under this chapter if it
29 is not practical or necessary to allot the funds. Allotment control
30 exemptions expire at the end of the fiscal biennium for which they are

1 granted. The director of financial management shall report any
2 exemptions granted under this subsection to the legislative fiscal
3 committees.

4 **Sec. 79.** RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each
5 amended to read as follows:

6 RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a
7 rural arterial project it shall determine the amount of rural arterial
8 trust account funds to be allocated for such project. The allocation
9 shall be based upon information contained in the six-year plan
10 submitted by the county seeking approval of the project and upon such
11 further investigation as the board deems necessary. The board shall
12 adopt reasonable rules pursuant to which rural arterial trust account
13 funds allocated to a project may be increased upon a subsequent
14 application of the county constructing the project. The rules adopted
15 by the board shall take into account, but shall not be limited to, the
16 following factors: ~~((+1))~~ (a) The financial effect of increasing the
17 original allocation for the project upon other rural arterial projects
18 either approved or requested; ~~((+2))~~ (b) whether the project for which
19 an additional allocation is requested can be reduced in scope while
20 retaining a usable segment; ~~((+3))~~ (c) whether the original cost of
21 the project shown in the applicant's six-year program was based upon
22 reasonable engineering estimates; and ~~((+4))~~ (d) whether the requested
23 additional allocation is to pay for an expansion in the scope of work
24 originally approved.

25 (2) The board shall not allocate funds, nor make payments under RCW
26 36.79.160, to any county or city identified by the governor as not
27 being in compliance with section 77 of this act.

1 **Sec. 80.** RCW 47.26.080 and 1988 c 167 s 13 are each amended to
2 read as follows:

3 URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor
4 vehicle fund the urban arterial trust account. All moneys deposited in
5 the motor vehicle fund to be credited to the urban arterial trust
6 account shall be expended for the construction and improvement of city
7 arterial streets and county arterial roads within urban areas, for
8 expenses of the transportation improvement board, or for the payment of
9 principal or interest on bonds issued for the purpose of constructing
10 or improving city arterial streets and county arterial roads within
11 urban areas, or for reimbursement to the state, counties, cities, and
12 towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of
13 any payments made on principal or interest on urban arterial trust
14 account bonds from motor vehicle or special fuel tax revenues which
15 were distributable to the state, counties, cities, and towns.

16 The board shall not allocate funds, nor make payments of the funds
17 under RCW 47.26.260, to any county or city identified by the governor
18 as not being in compliance with section 77 of this act.

19 **Sec. 81.** RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each
20 amended to read as follows:

21 ADDITIONAL TAX--CERTAIN COUNTIES--BALLOT PROPOSITION--USE LIMITED
22 TO CAPITAL PROJECTS. (1) The governing body of any county or any city
23 that plans under RCW 36.70A.040(1) may impose an additional excise tax
24 on each sale of real property in the unincorporated areas of the county
25 for the county tax and in the corporate limits of the city for the city
26 tax at a rate not exceeding one-quarter of one percent of the selling
27 price. Any county choosing to plan under RCW 36.70A.040(2) and any
28 city within such a county may only adopt an ordinance imposing the
29 excise tax authorized by this section if the ordinance is first

1 authorized by a proposition approved by a majority of the voters of the
2 taxing district voting on the proposition at a general election held
3 within the district or at a special election within the taxing district
4 called by the district for the purpose of submitting such proposition
5 to the voters.

6 (2) Revenues generated from the tax imposed under subsection (1) of
7 this section shall be used by such counties and cities solely for
8 financing capital projects specified in a capital facilities plan
9 element of a comprehensive plan.

10 (3) Revenues generated by the tax imposed by this section shall be
11 deposited in a separate account.

12 (4) As used in this section, "city" means any city or town.

13 (5) When the governor files a notice of noncompliance based on
14 section 77 of this act with the secretary of state and the appropriate
15 county or city, the county or city's authority to impose the additional
16 excise tax under this section shall be temporarily rescinded until the
17 governor files a subsequent notice rescinding the notice of
18 noncompliance.

19 **Sec. 82.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read
20 as follows:

21 LIQUOR REVOLVING FUND--DISBURSEMENT OF EXCESS FUNDS TO STATE,
22 COUNTIES AND CITIES. When excess funds are distributed, all moneys
23 subject to distribution shall be disbursed as follows:

24 (1) Three-tenths of one percent to the department of community
25 development to be allocated to border areas under RCW 66.08.195; and

26 (2) From the amount remaining after distribution under subsection
27 (1) of this section, fifty percent to the general fund of the state,
28 ten percent to the counties of the state, and forty percent to the
29 incorporated cities and towns of the state.

- 1 (1) Its structural ability to carry loads imposed upon it;
- 2 (2) Its capacity to ~~((move traffic at reasonable speeds;~~
- 3 ~~(3)))~~ provide efficient, dependable, and rapid accessibility for
- 4 movement of people and goods including access management provisions
- 5 under chapter 47.26 RCW;
- 6 (3) Its consistency with local and regional transportation and land
- 7 use plans;
- 8 (4) Its consistency with state, regional, and local transit plans,
- 9 where applicable;
- 10 (5) Its consistency with state, regional, and local freight rail
- 11 considerations;
- 12 (6) Its adequacy of alignment and related geometrics;
- 13 ~~((4)))~~ (7) Its accident experience; and
- 14 ~~((5)))~~ (8) Its fatal accident experience.

15 With assistance from regional transportation planning

16 organizations, where applicable, adjacent counties, and the county road

17 administration board, long-term plans shall be used to guide

18 development of the six-year programs. The six-year construction

19 programs shall remain flexible and subject to annual revision as

20 provided in RCW 36.81.121.

21 **Sec. 86.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each

22 amended to read as follows:

23 SIX-YEAR COUNTY ROAD PLANS. (1) Before July 1st of each year, the

24 legislative authority of each county with the advice and assistance of

25 the county road engineer, and pursuant to one or more public hearings

26 thereon, shall prepare and adopt a comprehensive road program for the

27 ensuing six calendar years. If the county has adopted a comprehensive

28 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of

1 a charter county derived from its charter, or chapter 36.70A RCW, the
2 program shall be consistent with this comprehensive plan.

3 The program shall include proposed road and bridge construction
4 work, and for those counties operating ferries shall also include a
5 separate section showing proposed capital expenditures for ferries,
6 docks, and related facilities. Copies of the program shall be filed
7 with the county road administration board (~~and with~~), the state
8 secretary of transportation, and the regional transportation planning
9 organization, where applicable, not more than thirty days after its
10 adoption by the legislative authority. The purpose of this section is
11 to assure that each county shall perpetually have available advanced
12 plans looking to the future for not less than six years as a guide in
13 carrying out a coordinated road construction program that reflects the
14 transportation goals set forth in chapter 36.70A RCW. The program may
15 at any time be revised by a majority of the legislative authority but
16 only after a public hearing thereon.

17 (2) The six-year program of each county having an urban area within
18 its boundaries shall contain a separate section setting forth the six-
19 year program for arterial road construction based upon its long-range
20 construction plan and formulated in accordance with regulations of the
21 transportation improvement board. The six-year program for arterial
22 road construction shall be submitted to the transportation improvement
23 board forthwith after its annual revision and adoption by the
24 legislative authority of each county. The six-year program for
25 arterial road construction shall be based upon estimated revenues
26 available for such construction together with such additional sums as
27 the legislative authority of each county may request for urban
28 arterials from the urban arterial trust account or the transportation
29 improvement account for the six-year period. The arterial road
30 construction program shall provide for a more rapid rate of completion

1 of the long-range construction needs of principal arterial roads than
2 for minor and collector arterial roads, pursuant to regulations of the
3 transportation improvement board.

4 (3) Each six-year program forwarded to the secretary in compliance
5 with subsection (1) of this section shall contain information as to how
6 a county will expend its moneys, including funds made available
7 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
8 equestrian purposes.

9 **Sec. 87.** RCW 47.05.030 and 1987 c 179 s 2 are each amended to read
10 as follows:

11 PRIORITY PROGRAMMING FOR STATE HIGHWAYS. The transportation
12 commission shall adopt and periodically revise, after consultation with
13 the legislative transportation committee, a comprehensive six-year
14 program and financial plan for highway improvements specifying program
15 objectives for each of the highway categories, "A," "B," "C," and "H,"
16 defined in this section, and within the framework of estimated funds
17 for such period. The program and plan shall be based upon the
18 improvement needs (~~((for state highways as determined by the department~~
19 ~~from time to time))~~) identified in the state highway system plan, as
20 required under section 96 of this act.

21 With such reasonable deviations as may be required to effectively
22 utilize the estimated funds and to adjust to unanticipated delays in
23 programmed projects, the commission shall allocate the estimated funds
24 among the following described categories of highway improvements, so as
25 to carry out the commission's program objectives:

26 (1) Category A shall consist of those improvements necessary to
27 sustain the structural, safety, and operational integrity of the
28 existing state highway system (other than improvements to the
29 interstate system to be funded with federal aid at the regular

1 interstate rate under federal law and regulations, and improvements
2 designated in subsections (2) through (4) of this section).

3 (2) Category B shall consist of improvements for the continued
4 development of the interstate system to be funded with federal aid at
5 the regular interstate rate under federal law and regulations.

6 (3) Category C shall consist of the development of major
7 transportation improvements (other than improvements to the interstate
8 system to be funded with federal aid at the regular interstate rate
9 under federal law and regulations) including designated but
10 unconstructed highways which are vital to the state-wide transportation
11 network.

12 (4) Category H shall consist of those improvements necessary to
13 sustain the structural and operational integrity of existing bridges on
14 the highway system (other than bridges on the interstate system or
15 bridge work included in another category because of its association
16 with a highway project in such category).

17 Projects which are financed one hundred percent by federal funds or
18 other agency funds shall, if the commission determines that such work
19 will improve the state highway system, be managed separately from the
20 above categories.

21 **Sec. 88.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to read
22 as follows:

23 PROJECT CRITERIA--TRANSPORTATION IMPROVEMENT ACCOUNT. The
24 transportation improvement account is hereby created in the motor
25 vehicle fund. The board shall adopt rules and procedures which shall
26 govern the allocation of funds in the transportation improvement
27 account at such time as funds become available.

28 The board shall allocate funds from the account by June 30 of each
29 year for the ensuing fiscal year and shall endeavor to provide

1 geographical diversity in selecting improvement projects to be funded
2 from the account.

3 Of the amount made available to the transportation improvement
4 board from the transportation improvement account for improvement
5 projects:

6 (1) Eighty-seven percent shall be allocated to counties, to cities
7 with a population of over five thousand, and to transportation benefit
8 districts. Improvement projects may include, but are not limited to,
9 multi-agency and suburban arterial improvement projects.

10 ~~((To be eligible to receive these funds, a project must be (a)~~
11 ~~consistent with state, regional, and local transportation plans and~~
12 ~~consideration shall be given to the project's relationship, both actual~~
13 ~~and potential, with rapid mass transit and at such time as a rail plan~~
14 ~~is developed by the rail development commission, projects must be~~
15 ~~consistent therewith, (b) necessitated by existing or reasonably~~
16 ~~foreseeable congestion levels attributable to economic development or~~
17 ~~growth, and (c) partially funded by local government or private~~
18 ~~contributions, or a combination of such contributions.)) Before~~

19 awarding funding for any specific project the transportation
20 improvement board shall determine if the following criteria have been
21 considered:

22 (a) The project is necessitated by existing or reasonably
23 foreseeable congestion levels attributable to economic development or
24 growth;

25 (b) The project emphasizes the movement of people and goods rather
26 than vehicles;

27 (c) The project includes, where appropriate, other modes of
28 transportation such as transit, high occupancy vehicle lanes, and high-
29 capacity transit;

1 (d) The project conforms to local and regional transportation plans
2 and county, city, and town comprehensive plans including access
3 management provisions;

4 (e) The project is consistent with local and regional high-capacity
5 transportation considerations;

6 (f) The project is consistent with state, regional, and local
7 freight rail considerations in accordance with RCW 47.80.030; and

8 (g) The project is partially funded by local government or private
9 contributions, or a combination of such contributions.

10 The board shall, for those projects meeting the eligibility
11 criteria, determine what percentage of each project is funded by local
12 and/or private contribution. Priority consideration shall be given to
13 those projects with the greatest percentage of local and/or private
14 contribution.

15 Within one year after board approval of an application for funding,
16 a county, city, or transportation benefit district shall provide
17 written certification to the board of the pledged local and/or private
18 funding. Funds allocated to an applicant that does not certify its
19 funding within one year after approval may be reallocated by the board.

20 (2) Thirteen percent shall be allocated by the board to cities with
21 a population of five thousand or less for street improvement projects
22 in a manner determined by the board.

23 The board shall not allocate funds, nor make payments of the funds
24 under RCW 47.26.265, to any county or city identified by the governor
25 as not being in compliance with section 77 of this act. The board
26 shall reduce its allocation of funds to any public benefit district in
27 proportion to the proportion of improvements being made to the roads of
28 any county or the streets of any city which is identified by the
29 governor as not being in compliance with section 77 of this act.

1 **Sec. 89.** RCW 47.26.220 and 1989 c 160 s 1 are each amended to read
2 as follows:

3 PROJECT CRITERIA--URBAN ARTERIAL TRUST ACCOUNT. Counties and
4 cities, in preparing their respective six year programs relating to
5 urban arterial improvements to be funded by the urban arterial trust
6 account, shall select specific priority improvement projects for each
7 functional class of arterial based on the rating of each arterial
8 section proposed to be improved in relation to other arterial sections
9 within the same functional class, taking into account the following:

10 (1) Its structural ability to carry loads imposed upon it;

11 (2) Its capacity to ~~((move traffic and persons at reasonable speeds~~
12 ~~without undue congestion))~~ provide efficient, dependable, and rapid
13 accessibility for movement of people and goods;

14 (3) Its adequacy of alignment and related geometrics;

15 (4) Its accident experience; ~~((and))~~

16 (5) Its fatal accident experience;

17 (6) Its consistency with local and regional transportation and land
18 use plans including access management provisions;

19 (7) Its consistency with regional and local high-capacity
20 transportation considerations;

21 (8) Its consistency with state, regional, and local freight rail
22 considerations. The six-year construction programs shall remain
23 flexible and subject to annual revision as provided in RCW 36.81.121
24 and 35.77.010.

25 **Sec. 90.** RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
26 amended to read as follows:

27 SIX-YEAR TRANSIT PLANS. By April 1st of each year, the legislative
28 authority of each municipality, as defined in RCW 35.58.272, shall
29 prepare a six-year transit development and financial program for that

1 calendar year and the ensuing five years. The program shall be
2 consistent with the comprehensive plans adopted by counties, cities,
3 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
4 inherent authority of a first class city or charter county derived from
5 its charter, or chapter 36.70A RCW. The program shall contain
6 information as to how the municipality intends to meet state and local
7 long-range priorities for public transportation, capital improvements,
8 significant operating changes planned for the system, and how the
9 municipality intends to fund program needs. Each municipality shall
10 file the six-year program with the state department of transportation,
11 the transportation improvement board, and cities, counties, and
12 regional transportation planning ~~((councils))~~ organizations within
13 which the municipality is located.

14 In developing its program, the municipality shall consider those
15 policy recommendations affecting public transportation contained in the
16 state transportation policy plan approved by the state transportation
17 commission and, where appropriate, adopted by the legislature. The
18 municipality shall conduct one or more public hearings while developing
19 its program and for each annual update.

20 **Sec. 91.** RCW 35.58.2796 and 1989 c 396 s 2 are each amended to
21 read as follows:

22 ANNUAL TRANSIT REPORTS. The department of transportation shall
23 develop an annual report summarizing the status of public
24 transportation systems in the state. By September 1st of each year,
25 copies of the report shall be submitted to the legislative
26 transportation committee and to each municipality, as defined in RCW
27 35.58.272, and to individual members of the municipality's legislative
28 authority. ~~((The department shall prepare and submit a preliminary
29 report by December 1, 1989.))~~

1 To assist the department with preparation of the report, each
2 municipality shall file a system report by (~~April~~) May 1st of each
3 year with the state department of transportation identifying its public
4 transportation services for the previous calendar year and its
5 objectives for improving the efficiency and effectiveness of those
6 services. The system report shall address those items required for
7 each public transportation system in the department's report.

8 The department report shall describe individual public
9 transportation systems, including contracted transportation services
10 and dial-a-ride services, and include a state-wide summary of public
11 transportation issues and data. The descriptions shall include the
12 following elements and such other elements as the department deems
13 appropriate after consultation with the municipalities and the
14 legislative transportation committee:

15 (1) Equipment and facilities, including vehicle replacement
16 standards;

17 (2) Services and service standards;

18 (3) Revenues, expenses, and ending balances, by fund source;

19 (4) Policy issues and system improvement objectives, including
20 community participation in development of those objectives and how
21 those objectives address state-wide transportation priorities;

22 (5) Operating indicators applied to public transportation services,
23 revenues, and expenses. Operating indicators shall include, but not be
24 limited to, operating cost per unlinked passenger trip, operating cost
25 per (~~revenue~~) passenger vehicle service hour, unlinked passenger
26 trips per (~~revenue~~) passenger vehicle service hour, unlinked
27 passenger trips per passenger vehicle service mile, passenger vehicle
28 service hours per employee, change in unlinked passenger trips compared
29 to change in population, and farebox revenue as a percent of operating
30 costs;

1 (6) Mode split trends and objectives that shall be addressed for
2 those public transportation systems deemed appropriate by the
3 department, and on a regional basis as warranted.

4 **Sec. 92.** RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each
5 amended to read as follows:

6 COMPREHENSIVE TRANSIT PLANS--NEW SYSTEMS. The public
7 transportation benefit area authority authorized pursuant to RCW
8 36.57A.050 shall develop a comprehensive transit plan for the area.
9 Such plan shall include, but not be limited to the following elements:

10 (1) The levels of transit service that can be reasonably provided
11 for various portions of the benefit area.

12 (2) The funding requirements, including local tax sources, state
13 and federal funds, necessary to provide various levels of service
14 within the area.

15 (3) The identification of transportation elements of the county,
16 city, or town comprehensive plans and regional transportation plans
17 with which the comprehensive transit plan must be consistent.

18 (4) The impact of such a transportation program on other transit
19 systems operating within that county or adjacent counties.

20 ~~((4))~~ (5) The future enlargement of the benefit area or the
21 consolidation of such benefit area with other transit systems.

22 **Sec. 93.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each
23 amended to read as follows:

24 PLANNING ORGANIZATION BOARD. Each regional transportation planning
25 organization shall create a transportation policy board.
26 Transportation policy boards shall provide policy advice to the
27 regional transportation planning organization and shall allow
28 representatives of major employers within the region, the department of

1 transportation, transit districts, port districts, and member cities,
2 towns, and counties within the region to participate in policy making.
3 Citizens or citizen organizations may also be represented on the board.

4 NEW SECTION. **Sec. 94.** PLANNING GUIDELINES. The legislature
5 recognizes that the ownership and operation of Washington's
6 transportation system is spread among federal, state, and local
7 government agencies, regional transit agencies, port districts, and the
8 private sector. Therefore, transportation planning must be a
9 comprehensive and coordinated effort. The specific role of the
10 department in transportation planning shall be (1) ongoing coordination
11 and development of state-wide transportation policies that guide all
12 Washington transportation providers, (2) ongoing system planning for
13 state transportation systems that identifies investment needs and meets
14 federal requirements for state-wide transportation plans, (3)
15 coordinating the state high-capacity transportation planning and
16 regional transportation planning programs, and (4) conducting special
17 transportation planning studies that impact state transportation
18 facilities or relate to transportation issues of state-wide
19 significance. Specific requirements for each of these state
20 transportation planning components are described in this chapter.

21 NEW SECTION. **Sec. 95.** TRANSPORTATION POLICY PLAN. The department
22 shall develop a state transportation policy plan that (1) establishes
23 a vision and goals for the development of the state-wide transportation
24 system consistent with the state's growth management goals, (2)
25 identifies significant state-wide transportation policy issues, and (3)
26 recommends state-wide transportation policies and strategies to the
27 legislature to fulfill the requirements of RCW 47.01.071(1). The state
28 transportation policy plan shall be the product of an ongoing process

1 that shall involve representatives of significant transportation
2 interests and the general public from across the state.

3 NEW SECTION. **Sec. 96.** TRANSPORTATION SYSTEM PLAN. The department
4 shall produce a state-wide transportation plan under RCW 47.01.071(3)
5 consisting of a highway system plan, ferry system plan, airport system
6 plan, freight rail plan, and bicycle plan. These plans shall guide
7 state investment in transportation facilities to ensure the continued
8 mobility of people and goods within regions across the state in a cost-
9 effective manner. These plans must be consistent with the state
10 transportation policy plan and with each other, and shall reflect
11 public involvement and be coordinated with regional transportation
12 planning, high-capacity transportation planning, and county, city, and
13 town comprehensive plans. The specific requirements for these plans
14 are:

15 (1) State highway system plan - A plan that identifies program
16 needs and specific improvements recommended to preserve the structural
17 integrity of the state highway system and ensure acceptable operating
18 conditions. The state highway system plan must contain the following
19 elements:

20 (a) System preservation - This element establishes structural
21 preservation standards for the state highway system including bridges,
22 identifies current and future structural deficiencies based upon
23 analysis of current condition and engineering analysis of future
24 deterioration, and recommends program funding levels and specific
25 improvements necessary to preserve the structural integrity of the
26 state highway system at adopted standards. This element shall serve as
27 the basis for the preservation component of the six-year highway
28 construction program.

1 (b) Capacity and operational improvement - This element establishes
2 operational standards, including safety considerations, for moving
3 people and goods on the state highway system, identifies current and
4 future capacity and operational and safety deficiencies, and proposes
5 program funding levels and specific improvements and strategies
6 necessary to maintain the established operational standards. Forecasts
7 of travel shall be based upon adopted local land use plans, and shall
8 be consistent with those developed for regional transportation
9 planning. Capacity and operational improvement plans shall first
10 assess strategies that enhance the operational efficiency of the
11 existing system before recommending system expansion. Capacity
12 improvement recommendations shall be based upon which alternative moves
13 the most people or goods, or both. Strategies that enhance the
14 operational efficiency include access management, transportation system
15 management, demand management, and high occupancy vehicle facility
16 development.

17 The capacity and operational improvement element must conform to
18 the state implementation plan for air quality, and be consistent with
19 regional transportation plans adopted under chapter 47.80 RCW, and
20 provide the basis for the capacity and operational improvement portions
21 of the highway construction program.

22 (c) Scenic and recreational highways element - This element shall
23 identify and recommend designation of scenic and recreational highways,
24 provide for enhanced access to scenic, recreational, and cultural
25 resources associated with designated routes, and ensure, through a
26 variety of appropriate management strategies, the protection,
27 preservation, and enhancement of these resources. The department,
28 affected counties, cities, towns, regional transportation planning
29 organizations, and other state or federal agencies shall jointly
30 develop this element.

1 (2) The Washington state ferry system plan - A plan to guide state
2 investments in the Washington state ferry system to ensure a mobility
3 link across Puget Sound. The plan shall establish service standards
4 for state ferry routes, forecast travel demand for the various markets
5 served by the state ferry system, and develop strategies for ferry
6 system investment that consider both vehicle and passenger needs, meet
7 regional and state-wide travel purposes, support local land use plans,
8 and are fully integrated into land transportation connections.

9 The Washington state ferry system plan shall be developed in
10 conjunction with the regional transportation planning organizations
11 designated for counties served by the Washington state ferry system and
12 the ferry advisory committees.

13 (3) The airport systems plan - A plan to identify the program needs
14 for public use airports in the state, and to fulfill the state-wide
15 aviation planning requirements of the federal government.

16 (4) The state freight rail plan - A plan to identify light-density
17 freight rail lines threatened with abandonment, establish criteria for
18 the importance of preserving the service or line, recommend priorities
19 for the use of state rail assistance and state rail banking program
20 funds, and fulfill federal state-wide rail planning requirements.

21 (5) The state bicycle plan - A plan to identify bicycling needs on
22 the state transportation systems and to provide a basis for the
23 investment of state highway funds dedicated to bicycling facilities
24 under chapter 47.30 RCW.

25 NEW SECTION. **Sec. 97.** HIGH-CAPACITY TRANSPORTATION PLANNING--
26 DEPARTMENT OF TRANSPORTATION. The department's role in high-capacity
27 transportation planning and regional transportation planning is to
28 administer state planning grants for these purposes, participate in
29 these regional planning processes, and coordinate other department

1 planning with these regional efforts including the provisions of RCW
2 81.104.060.

3 NEW SECTION. **Sec. 98.** SPECIAL PLANNING STUDIES. The department
4 may carry out special transportation planning studies to resolve
5 specific issues with the development of the state transportation system
6 or other state-wide transportation issues.

7 PART X - MISCELLANEOUS

8 NEW SECTION. **Sec. 99.** RULE OF CONSTRUCTION. This chapter is
9 exempted from the rule of strict construction, and shall be liberally
10 construed to give full effect to the objectives and purposes for which
11 it was enacted. In addition, construction of this act shall emphasize
12 the protection of the environment.

13 NEW SECTION. **Sec. 100.** CONSTRUCTION. Nothing in this act shall
14 be construed to require cities and counties to adopt a comprehensive
15 plan and development regulations that a county or city determines are
16 less stringent than those that have been enacted by the county or city
17 as of the effective date of this act.

18 NEW SECTION. **Sec. 101.** APPLICATION TO STATE, LOCAL, AND OTHER
19 PUBLIC AGENCIES. Except as otherwise provided in this chapter or other
20 state law, the comprehensive plans and development regulations adopted
21 under this chapter shall be applicable to all state agencies, counties,
22 cities, special districts, and other public and municipal corporations
23 including quasi-municipal corporations in the state.

1 NEW SECTION. **Sec. 102.** TREATY RIGHTS. Nothing in this chapter
2 affects any rights established by treaty to which the United States is
3 a party.

4 Coordination of on-reservation land use planning activities where
5 tribes have jurisdiction with county or city land use planning
6 activities cannot be required absent congressional mandate. As a
7 consequence, the coordination between tribes and counties and cities
8 regarding land use planning activities should focus on encouraging the
9 voluntary participation of tribal governments with county and city
10 planning processes required by this chapter.

11 NEW SECTION. **Sec. 103.** RELATION TO OTHER AUTHORITIES. The
12 provisions of this act are cumulative and nonexclusive and are not
13 intended to be preemptive in effect.

14 NEW SECTION. **Sec. 104.** SEVERABILITY. If any provision of this
15 act or its application to any person or circumstance is held invalid,
16 the remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 105.** HEADINGS. Part and section headings and
19 the table of sections as used in this act do not constitute any part of
20 the law.

21 NEW SECTION. **Sec. 106.** CODIFICATION. (1) Sections 11 through 13,
22 17, 32, 40, 43 through 49, 51, 53 through 59, 61 through 63, 68 through
23 73, 77, 99, 101 through 103, and 105 of this act are each added to
24 chapter 36.70A RCW.

25 (2) Sections 94 through 98 of this act shall constitute a new
26 chapter in Title 47 RCW.

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