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**SUBSTITUTE HOUSE BILL 1673**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Pruitt, R. Meyers, Jacobsen, Heavey, Roland, Phillips, Hine, Paris, Fraser and Wineberry).

Read first time March 6, 1991.

1            AN ACT Relating to growth strategies; amending RCW 36.70A.030,  
2 36.70A.020, 36.70A.070, 82.02.050, 82.02.090, and 43.21C.031; adding  
3 new sections to chapter 36.70A RCW; and creating a new section.

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

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

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

9            (1) "Adjacent jurisdictions" include contiguous counties, cities,  
10 and federally recognized Indian tribes.

11            (2) "Adopt a comprehensive land use plan" means to enact a new  
12 comprehensive land use plan or to update an existing comprehensive land  
13 use plan.

14            ((+2)) (3) "Agricultural land" means land primarily devoted to the  
15 commercial production of horticultural, viticultural, floricultural,

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

5 ~~((3))~~ (4) "Board" means the growth management board established  
6 to review plans and regulations established under this chapter.

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

8 ~~((4))~~ (6) "Committee" means the interagency committee for outdoor  
9 recreation established under chapter 43.99 RCW.

10 (7) "Comprehensive land use plan," "comprehensive plan," or "plan"  
11 means a generalized coordinated land use policy statement of the  
12 governing body of a county or city that is adopted pursuant to this  
13 chapter.

14 ~~((5))~~ (8) "Critical areas" include the following areas and  
15 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
16 on aquifers used for potable water; (c) critical fish and wildlife  
17 habitat ~~((conservation areas))~~; (d) frequently flooded areas; and (e)  
18 geologically hazardous areas.

19 ~~((6))~~ (9) "Department" means the department of community  
20 development.

21 ~~((7))~~ (10) "Development regulations" means any controls placed on  
22 development or land use activities by a county or city, including, but  
23 not limited to, zoning ordinances, official controls, planned unit  
24 development ordinances, subdivision ordinances, and binding site plan  
25 ordinances.

26 ~~((8))~~ (11) "Forest land" means land primarily useful for growing  
27 trees, including Christmas trees subject to the excise tax imposed  
28 under RCW 84.33.100 through 84.33.140, for commercial purposes, and  
29 that has long-term commercial significance for growing trees  
30 commercially.

1       (~~(9)~~) (12) "Geologically hazardous areas" means areas that  
2 because of their susceptibility to erosion, sliding, earthquake, or  
3 other geological events, are not suited to the siting of commercial,  
4 residential, or industrial development consistent with public health or  
5 safety concerns.

6       (~~(10)~~) (13) "Long-term commercial significance" includes the  
7 growing capacity, productivity, and soil composition of the land for  
8 long-term commercial production, in consideration with the land's  
9 proximity to population areas, and the possibility of more intense uses  
10 of the land.

11       (~~(11)~~) (14) "Mineral(~~(s)~~) resource lands" include those lands  
12 identified and devoted to the long-term commercial extraction of  
13 gravel, sand, rock, and valuable metallic substances.

14       (15) "Natural resource lands" means agricultural lands, forest  
15 lands, and mineral resource lands.

16       (16) "New community" means a comprehensive development providing  
17 for a mixture of land uses which includes the following: (a) A mix of  
18 jobs, housing, and public facilities needed for a self-contained  
19 community; (b) preservation of open spaces within and around the  
20 community; (c) an internal and external transportation system  
21 supportive of pedestrian access and mass transit; (d) the new  
22 infrastructure needed to serve the proposed community; and (e) the  
23 mitigation of off-site impacts.

24       (17) "Open space lands" include land areas, the protection of which  
25 would: (a) Conserve and enhance scenic, or viewshed resources; (b)  
26 provide scenic amenities and community identity within and between  
27 areas of urban development; (c) protect physical and/or visual buffers  
28 within and between areas of urban and rural development, or along  
29 transportation corridors; (d) protect lakes, rivers, streams,  
30 watersheds, or water supply; (e) promote conservation of critical

1 areas, natural resource lands, soils, geologically hazardous areas, or  
2 tidal marshes, beaches, or other shoreline areas; (f) enhance the value  
3 to the public of abutting or neighboring parks, forests, wildlife  
4 habitat, trails, or other open space; (g) enhance visual enjoyment and  
5 recreation opportunities, including public access to shoreline areas;  
6 (h) protect natural areas and environmental features with significant  
7 educational, scientific, wildlife habitat, historic, or scenic value;  
8 or (i) retain in its natural state tracts of land not less than five  
9 acres situated in an urban environment.

10 ~~((12))~~ (18) "Public facilities" include streets, roads, highways,  
11 sidewalks, street and road lighting systems, traffic signals, domestic  
12 water systems, storm and sanitary sewer systems, parks and  
13 recreational facilities, and schools.

14 ~~((13))~~ (19) "Public services" include fire protection and  
15 suppression, law enforcement, public health, education, recreation,  
16 environmental protection, and other governmental services.

17 (20) "Region" means one or more counties and the cities within the  
18 county or counties, including, as a local option, multicounty regions.

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

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

1        (~~(14)~~) (23) "Urban growth" refers to growth that makes intensive  
2 use of land for the location of buildings, structures, and impermeable  
3 surfaces to such a degree as to be incompatible with the primary use of  
4 such land for the production of food, other agricultural products, or  
5 fiber, or the extraction of mineral resources. When allowed to spread  
6 over wide areas, urban growth typically requires urban governmental  
7 services. "Characterized by urban growth" refers to land having urban  
8 growth located on it, or to land located in relationship to an area  
9 with urban growth on it as to be appropriate for urban growth.

10        (~~(15)~~) (24) "Urban growth areas" means those areas designated by  
11 a county pursuant to RCW 36.70A.110.

12        (~~(16)~~) (25) "Urban governmental services" include those  
13 governmental services historically and typically delivered by cities,  
14 and include storm and sanitary sewer systems, domestic water systems,  
15 street cleaning services, fire and police protection services, public  
16 transit services, and other public utilities associated with urban  
17 areas and normally not associated with nonurban areas.

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

1 PART I

2 PLANNING GOALS

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

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

15 (1) Urban growth areas. ~~((Encourage))~~ Urban development shall  
16 occur in urban growth areas where adequate public facilities and  
17 services exist or can be provided in an efficient manner without  
18 overloading existing public facilities and public services.

19 Urban growth areas should be compact, have concentrated employment  
20 centers, and provide opportunities for people to live in a variety of  
21 housing types close to where they work. Plans should ensure an  
22 adequate supply of land for projected jobs considering the nature and  
23 diversity of economic activity and for a variety of housing types.  
24 Development densities should be sufficient to: (a) Protect open space,  
25 natural features and parks, natural resource lands and critical areas  
26 within and outside of urban growth areas; (b) promote affordable  
27 housing; and (c) promote alternatives to single occupancy vehicle  
28 travel. Large land areas characterized by significant natural

1 limitations such as steep slopes, seismic hazard areas, flood plains,  
2 and wetlands should not be designated for urban growth.

3 New development should be designed to respect the planned and  
4 existing character of neighborhoods and to mitigate the effect on the  
5 environment, including air quality. Before new development is  
6 approved, adequate solid waste facilities, and opportunities for  
7 recycling and source reduction should be provided. Open spaces and  
8 natural features should be preserved within urban areas.

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

11 (3) Transportation. (~~Encourage~~) Develop efficient multimodal  
12 transportation systems that are based on regional priorities and  
13 coordinated with county and city comprehensive plans. Provide  
14 alternatives to single-occupant automobile travel in congested urban  
15 areas. Housing should be of sufficient density and employment centers  
16 should be concentrated to enable greater efficiency and affordability  
17 of transit service.

18 (4) Housing. Encourage (~~the availability of~~) and participate in  
19 making available affordable housing (~~to~~) for all economic segments of  
20 the population of this state, promote a variety of residential  
21 densities and housing types, (~~and~~) encourage preservation of existing  
22 housing stock, promote the state and federal fair housing goals, and  
23 provide for a fair share of housing needs.

24 (5) Economic development. Encourage economic development  
25 throughout the state that is consistent with adopted comprehensive  
26 plans, promote economic opportunity for all citizens of this state,  
27 especially for unemployed and for disadvantaged persons, build a  
28 network of strong regional economies, identify and focus assistance on  
29 priority economic development areas where there is a need for growth  
30 and where there is the realistic capacity and broad local support for

1 such growth, and encourage growth in areas experiencing insufficient  
2 economic growth, all within the capacities of the state's natural  
3 resources, air quality, water supply, public services, and public  
4 facilities. The plan should establish a predictable and efficient  
5 development process by locating development in urban areas with  
6 suitable and adequate sites capable of supporting the development.

7 (6) Property rights. Private property shall not be taken for  
8 public use without just compensation having been made. The property  
9 rights of landowners shall be protected from arbitrary and  
10 discriminatory actions.

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

14 (8) Natural resource industries. Maintain and enhance natural  
15 resource-based industries, including productive timber, agricultural,  
16 and fisheries industries. Encourage the conservation of productive  
17 forest lands and productive agricultural lands, and discourage  
18 incompatible uses.

19 (9) Open space and recreation. (~~Encourage the retention of open~~  
20 ~~space and development of recreational opportunities, conserve fish and~~  
21 ~~wildlife habitat, increase access to natural resource lands and water,~~  
22 ~~and develop parks.)) Protect open space and where possible link open  
23 space into regional and state-wide networks. Permanent open space  
24 networks should separate neighboring cities, where possible, and define  
25 distinct urban growth areas to prevent their merging into large  
26 continuous urban areas. Open space should be used to: Protect fish  
27 and wildlife habitat; protect environmentally sensitive land and water  
28 areas; provide park and outdoor recreational opportunities; protect  
29 scenic areas and viewsheds; accommodate nonmotorized recreational  
30 corridors and trails; and protect views and vistas within and around~~

1 cities. Open spaces and natural features should be preserved in urban  
2 growth areas. Ensure that adequate park and recreational facilities,  
3 sized to accommodate anticipated growth, are provide prospectively or  
4 concurrently with approval of development which will increase demand  
5 for parks and recreational facilities.

6 (10) Environment. Protect the environment and enhance the state's  
7 high quality of life, including air and water quality, and the  
8 availability of water. To the fullest extent possible, the plan shall  
9 consolidate the requirements of RCW 43.21C.030 into the planning  
10 process and the development regulations. At the earliest possible  
11 point in the planning process, the significant adverse environmental  
12 impacts and reasonable alternatives to mitigate cumulative impacts on  
13 the environment should be identified.

14 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
15 the involvement of citizens in the planning process and ensure  
16 coordination between communities and jurisdictions to reconcile  
17 conflicts.

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

23 (13) Historic preservation. Identify and encourage the  
24 preservation of lands, districts, sites, and structures, that have  
25 historical or archaeological significance.

26 (14) Fair share. Ensure the siting of regional and state public  
27 facilities, so that each county and its cities accepts their fair share  
28 of public facilities and no community is overburdened.

29 (15) Water resources. Land use planning and all permit decisions  
30 should both protect water quality and quantity and, if there is a

1 demand for additional water resources, the demand for water must be  
2 compatible with water resource plans. New growth must be related to  
3 water availability. Each county and its cities must integrate water  
4 resource planning for consumptive and nonconsumptive uses into its land  
5 use plan. Water is key for fish, wildlife, domestic use, industrial  
6 use, power, agriculture, aesthetics, and recreation.

7 (16) Air quality. Land use planning and permit decisions must  
8 ensure that air quality is maintained and enhanced and that additional  
9 development does not cause a reduction in air quality.

10 PART II

11 LOCAL PLANNING

12 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
13 amended to read as follows:

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

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

24 (1) A land use element designating the proposed general  
25 distribution and general location and extent of the uses of land, where  
26 appropriate, for agriculture, timber production, housing, commerce,  
27 industry, recreation, open spaces, public utilities, public facilities,  
28 and other land uses. The land use element shall provide for sufficient

1 developable land and densities for a range of housing types. The land  
2 use element shall include population densities, building intensities,  
3 and estimates of future population growth. The land use element shall  
4 include designation of natural resource lands and lands for outdoor  
5 recreation as provided in RCW 36.70A.060. Each county shall include  
6 urban growth areas as established in RCW 36.70A.110 in its  
7 comprehensive land use plan. The land use element shall provide for  
8 protection of the quality and quantity of ground and surface water used  
9 for public water supplies and shall recognize that water availability  
10 and quality are key factors in determining the extent, location,  
11 distribution, and intensity of land uses. Where applicable, the land  
12 use element shall review drainage, flooding, and storm water run-off in  
13 the area and nearby jurisdictions and provide guidance for corrective  
14 actions to mitigate or cleanse those discharges that pollute waters of  
15 the state, including Puget Sound or waters entering Puget Sound. The  
16 land use element shall provide for the protection of air quality by  
17 limiting or conditioning development so that the development will not  
18 cause either direct or indirect degradation of air quality.

19 (2) A housing element recognizing the vitality and character of  
20 established residential neighborhoods that: (a) Includes an inventory  
21 and analysis of existing and projected housing needs; (b) includes a  
22 statement of goals, policies, and objectives for the preservation,  
23 improvement, and development of housing and for meeting fair share  
24 housing obligations within the county and/or jurisdictions; (c)  
25 identifies sufficient land and densities for housing; (d) identifies  
26 the existing and projected fair share accommodation of low-income  
27 moderate-income housing, including, but not limited to, government-  
28 assisted housing, housing for low-income families, manufactured  
29 housing, multifamily housing, and group homes and foster care  
30 facilities; ((and (d))) (e) makes adequate provisions for existing and

1 projected needs of all economic segments of the community; (f) promotes  
2 housing that is affordable; and (g) minimizes the displacement of  
3 residents from housing.

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

18 (4) A utilities element consisting of the general location,  
19 proposed location, and capacity of all existing and proposed utilities,  
20 including, but not limited to, electrical lines, telecommunication  
21 lines, and natural gas lines.

22 (5) Counties shall include a rural element including lands that  
23 are not designated for urban growth, agriculture, forest, or mineral  
24 resources. The rural element shall permit land uses that are  
25 compatible with the rural character of such lands and provide for a  
26 variety of rural densities and do not foster urban growth.

27 (6) A transportation element that implements, and is consistent  
28 with, the land use element. The transportation element shall include  
29 the following subelements:

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

1 (b) Facilities and services needs, including:

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

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

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

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

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

16 (c) Finance, including:

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

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

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

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

1       (e) Demonstration that the transportation plan will eliminate or  
2 reduce the severity and number of violations of the national ambient  
3 air quality standards and will not allow for further degradation of air  
4 quality;

5       (f) Demand-management strategies.

6       After adoption of the comprehensive plan by jurisdictions required  
7 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions  
8 must adopt and enforce ordinances which prohibit development approval  
9 if the development causes the level of service on a transportation  
10 facility to decline below the standards adopted in the transportation  
11 element of the comprehensive plan, unless transportation improvements  
12 or strategies to accommodate the impacts of development are made  
13 concurrent with the development. These strategies may include  
14 increased public transportation service, ride sharing programs, demand  
15 management, and other transportation systems management strategies.  
16 For the purposes of this subsection (6) "concurrent with the  
17 development" shall mean that improvements or strategies are in place at  
18 the time of development, or that a financial commitment is in place to  
19 complete the improvements or strategies within six years.

20       The transportation element described in this subsection, and the  
21 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
22 counties, and RCW 35.58.2795 for public transportation systems, must be  
23 consistent.

24       (7) A design element that enables communities to harmoniously fit  
25 new development with planned or existing community character and  
26 vision.

27       (8) An environmental management element that ensures that  
28 cumulative impacts and standards are considered and mitigation efforts  
29 are incorporated into land use, economic development, and  
30 infrastructure to protect, and when appropriate, to enhance

1 environmental quality. Plans should minimize development and growth  
2 impacts on the environment so as not to degrade air, water, and natural  
3 resources below their current level. Plans should specify service  
4 standards for public facilities and services and mitigation polices to  
5 provide better certainty in the development process.

6 (9) An open space and outdoor recreation element that provides for  
7 local and regional parks, outdoor recreation facilities, trails,  
8 resource conservation, natural vistas, and open space.

9 (10) An annexation element for cities and incorporation element  
10 for counties to clearly delineate a local government service delivery  
11 plan.

12 (11) A fair share element for siting state and regional public  
13 facilities.

14 **Sec. 4.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
15 amended to read as follows:

16 IMPACT FEES--INTENT. (1) It is the intent of the legislature:

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

19 (b) To promote orderly growth and development by establishing  
20 standards by which counties, cities, and towns may require, by  
21 ordinance, that new growth and development pay a proportionate share of  
22 the cost of new facilities needed to serve new growth and development;  
23 and

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

27 (2) Counties, cities, and towns that are required or choose to plan  
28 under RCW 36.70A.040 are authorized to impose impact fees on  
29 development activity as part of the financing for public facilities,

1 provided that the financing for system improvements to serve new  
2 development must provide for a balance between impact fees and other  
3 sources of public funds and cannot rely solely on impact fees.

4 (3) The impact fees:

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

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

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

11 (4) Impact fees may be collected and spent only for the public  
12 facilities defined in RCW 82.02.090 which are addressed by a capital  
13 facilities plan element of a comprehensive land use plan adopted  
14 pursuant to the provisions of RCW 36.70A.070 or the provisions for  
15 comprehensive plan adoption contained in chapter 36.70, 35.63, or  
16 35A.63 RCW or in the inherent authority of a charter county or charter  
17 city derived from its charter. After July 1, 1993, continued  
18 authorization to collect and expend impact fees shall be contingent on  
19 the county, city, or town adopting or revising a comprehensive plan in  
20 compliance with RCW 36.70A.070, and on the capital facilities plan  
21 identifying:

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

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

27 (c) Additional public facility improvements required to serve new  
28 development; and

29 (d) Cumulative significant adverse environmental impacts.

1        If the capital facilities plan of the county, city, or town is  
2 complete other than for the inclusion of those elements which are the  
3 responsibility of a special district, the county, city, or town may  
4 impose impact fees to address those public facility needs for which the  
5 county, city, or town is responsible.

6        **Sec. 5.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
7 amended to read as follows:

8        Unless the context clearly requires otherwise, the following  
9 definitions shall apply in RCW 82.02.050 through 82.02.090:

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

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

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

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

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

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

11 (7) "Public facilities" means the following capital facilities  
12 owned or operated by government entities: (a) Public streets and  
13 roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned  
14 parks, open space, and recreation facilities; (c) school facilities;  
15 ((and)) (d) fire protection facilities in jurisdictions that are not  
16 part of a fire district; and (e) mass transit systems and alternative  
17 transportation accommodations.

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

23 (9) "System improvements" mean public facilities that are included  
24 in the capital facilities plan and are designed to provide service to  
25 service areas within the community at large, in contrast to project  
26 improvements.

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

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

9 **Sec. 7.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read  
10 as follows:

11 (1) An environmental impact statement (the detailed statement  
12 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for  
13 legislation and other major actions having a probable significant,  
14 adverse environmental impact. Actions categorically exempt under RCW  
15 43.21C.110(1)(a) do not require environmental review or the preparation  
16 of an environmental impact statement under this chapter.

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

23 (b) An environmental impact statement for a comprehensive plan and  
24 development regulations considered for adoption under RCW 36.70A.040  
25 shall analyze the significant adverse environmental impacts of the  
26 proposed plan and regulations.

27 (3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated  
28 as separate sections of an environmental impact statement. Discussions  
29 of significant short-term and long-term environmental impacts,

1 significant irrevocable commitments of natural resources, significant  
2 alternatives including mitigation measures, and significant  
3 environmental impacts which cannot be mitigated should be consolidated  
4 or included, as applicable, in those sections of an environmental  
5 impact statement where the responsible official decides they logically  
6 belong.

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

9 NATURAL RESOURCE LANDS AND CRITICAL AREAS--REMAINING JURISDICTIONS  
10 TO ADOPT DEVELOPMENT REGULATIONS. (1) Each county and city not subject  
11 to RCW 36.70A.060 shall adopt development regulations on or before  
12 September 1, 1992, to assure the conservation of agricultural, forest,  
13 and mineral resource lands designated under RCW 36.70A.170.  
14 Regulations adopted under this subsection may not prohibit ongoing  
15 activities allowed prior to their adoption and shall remain in effect  
16 until the county or city adopts development regulations under this  
17 section. Such regulations shall assure that the use of lands adjacent  
18 to agricultural, forest, or mineral resource lands shall not interfere  
19 with the continued use, in the accustomed manner, of these designated  
20 lands for the production of food, agricultural products, or timber, or  
21 for the extraction of minerals.

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

26 (3) Each county and city under this section shall perform its  
27 activities, including adoption of development regulations, and make  
28 capital budget decisions in conformity with its designation under RCW  
29 36.70A.170.

1        NEW SECTION.   **Sec. 9.**   HEADINGS.   Part and section headings as used  
2   in this act do not constitute any part of the law.