

2 **SHB 1025 - H AMD 316 Adopted 3-20-91**

3 By Representatives Cantwell, Betrozoff, Haugen, Forner and Nelson

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1 are each
8 amended to read as follows:

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

1 the active involvement of citizens. It must also provide effective
2 protection for the state's environmental heritage, conservation of its
3 natural beauty, maintenance of its forest and agricultural lands in a
4 productive and sustainable fashion, and the protection of its critical
5 areas and limited water resources. The legislature further finds that
6 the new system of land use planning must reflect and further the
7 following values:

8 (1) Land use planning should respect local decision making -- land
9 use planning and growth management should be based on activity in local
10 communities, managed with attention to detail, where diverse citizen
11 concerns can be effectively addressed. Planning should provide greater
12 predictability in the development process by effectively resolving land
13 use disputes earlier in the process.

14 (2) State government should provide a framework for local planning
15 and environmental and natural resource protection -- state action
16 should support local land use planning and conservation activities.
17 The state should provide guidance and assistance for local planning,
18 assurance of effective local action, and a means for resolving disputes
19 concerning land use planning, development, and the maintenance and
20 protection of critical areas, agricultural lands, forest lands, mineral
21 resource lands, and open space. State government should act
22 consistently with counties and cities, following common rules governing
23 planning, land use, environmental protection, and natural resource
24 conservation.

25 (3) Elected officials should be accountable for planning decisions
26 -- land use planning decisions have long-term and complex impacts and
27 affect numerous citizens and communities. Therefore, accountability
28 for such decisions should rest with officials elected by and
29 accountable to the public to the maximum extent feasible.

1 (4) Land use planning disputes should be resolved, when possible,
2 using methods that recognize the value of the positions and needs of
3 all parties to the dispute, resolving disputes through the judicial
4 system only when such methods are not successful.

5 (5) Necessary regional and state public facilities should be
6 located in a way that the burden of meeting public needs is shared
7 fairly by the communities in a region, and primary responsibility for
8 locating needed facilities should rest with the publicly accountable
9 officials in local regions.

10 (6) Encouraging strong economies in the state's diverse regions --
11 the state has a continuing interest in furthering sustainable regional
12 economic growth and vitality. Rapid economic growth has resulted in
13 severe land use and environmental problems in fast-growing regions of
14 the state. The long-term interest of the state's citizens is served
15 best when all of the state's regions have vital economies. A vital
16 regional economy is one which is diverse, competitive in global terms,
17 economically and environmentally sustainable, offers opportunities for
18 new enterprise, and provides ample family-wage employment for its
19 citizens. The state should be an active participant in encouraging
20 economic vitality in the state's regions, in partnership with counties,
21 cities, citizens, and the private sector. Effective action to
22 encourage economic development should include regional economic
23 development planning, adequate infrastructure, and local and state
24 action to increase the economic capacity of the state's regions.
25 Further, the legislature finds that it is in the public interest that
26 economic development programs be shared with communities experiencing
27 insufficient economic growth.

28 It is the intent of the legislature to address growth management
29 and planning issues from state, regional, and local perspectives, to
30 establish certain requirements on a state-wide basis, to permit such

1 requirements to be met by counties and cities with maximum local
2 flexibility, to require consistency in the planning of adjacent
3 jurisdictions, to encourage cooperative planning between adjacent
4 jurisdictions, and between adjacent jurisdictions and tribal
5 governments, to provide adequate time to conform with such
6 requirements, to prevent new development which is inconsistent with
7 these requirements from taking place during the interim, and to provide
8 resources to support such efforts in the form of both financial and
9 technical assistance. It is the intent of the legislature to establish
10 a process and system of planning and growth management emphasizing a
11 shared responsibility between the state and counties and cities and
12 including a fair and open process that allows counties and cities broad
13 flexibility to meet the goals and requirements contained in this
14 chapter in a manner best adapted to their local circumstances and
15 diversity. It is not the intent of the legislature to establish a
16 single comprehensive plan applicable without variation throughout the
17 state. Instead, counties and cities are given broad flexibility to
18 tailor a custom fit in their comprehensive plans to meet the goals and
19 requirements contained in this chapter. It is the intent of the
20 legislature to establish certain state-wide requirements and to
21 designate a state role regarding natural resources of state-wide
22 significance and where natural resources planning involves multiple
23 jurisdictions.

24 Where appropriate, counties and cities should consult with tribal
25 governments and special districts located within their boundaries when
26 developing comprehensive plans and development regulations."

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

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

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

6 (2) "Adopt a comprehensive land use plan" means to enact a new
7 comprehensive land use plan or to update an existing comprehensive land
8 use plan.

9 ~~((+2))~~ (3) "Affordable housing" means housing for income groups
10 who typically have difficulty renting or purchasing market rate
11 housing, and who have incomes that do not exceed eighty percent of the
12 median income for the area. In order for housing to be affordable,
13 total monthly housing costs must not exceed thirty percent of the
14 household's gross monthly income.

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

22 ~~((+3))~~ (5) "Benchmarks" means quantitative and qualitative
23 thresholds or targets that are used to measure the progress of a county
24 or city to reach the goals contained in its comprehensive plan.

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

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

28 ~~((+4))~~ (8) "Comprehensive land use plan," "comprehensive plan," or
29 "plan" means a generalized coordinated land use policy statement of the

1 governing body of a county or city that is adopted pursuant to this
2 chapter.

3 ~~((+5))~~ (9) "Critical areas" include the following areas and
4 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
5 on aquifers used for potable water; (c) critical fish and wildlife
6 habitat ~~((conservation areas))~~; (d) frequently flooded areas; and (e)
7 geologically hazardous areas.

8 ~~((+6))~~ (10) "Department" means the department of community
9 development.

10 ~~((+7))~~ (11) "Development regulations" means any controls placed on
11 development or land use activities by a county or city, including, but
12 not limited to, zoning ordinances, official controls, planned unit
13 development ordinances, subdivision ordinances, and binding site plan
14 ordinances.

15 ~~((+8))~~ (12) "Fair share housing" means housing of various types
16 and densities, located within a city or county, that is affordable and
17 available to low-income persons and persons with special needs, in
18 proportion to the county or regional need.

19 (13) "Forest land" means land primarily useful for growing trees,
20 including Christmas trees subject to the excise tax imposed under RCW
21 84.33.100 through 84.33.140, for commercial purposes, and that has
22 long-term commercial significance for growing trees commercially.

23 ~~((+9))~~ (14) "Geologically hazardous areas" means areas that
24 because of their susceptibility to erosion, sliding, earthquake, or
25 other geological events, are not suited to the siting of commercial,
26 residential, or industrial development consistent with public health or
27 safety concerns.

28 ~~((+10))~~ (15) "Long-term commercial significance" includes the
29 growing capacity, productivity, and soil composition of the land for
30 long-term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense uses
2 of the land.

3 ~~((11))~~ (16) "Mineral resource lands" include those lands
4 identified and currently used or having potential for long-term
5 commercial extraction of gravel, sand, rock, and valuable metallic
6 substances.

7 (17) "Natural resources of state-wide significance" are natural
8 resources that possess outstanding natural, ecological, or scenic
9 values, and are of the highest quality and most significant of their
10 type. Because of their quality, they are of interest to all residents
11 of the state. They include but are not limited to: (a) Lands essential
12 for the protection, management, or public enjoyment of wildlife; (b)
13 rivers or segments of rivers with exceptional scenic or ecological
14 characteristics; (c) scenic landscapes of outstanding value; (d) high
15 quality, regionally important wetland communities; (e) unique or rare
16 ecological systems; (f) prime examples of native plant communities; (g)
17 unique geological features; (h) significant shorelines, estuaries, or
18 aquatic sites; (i) essential water resources; and (j) prime or
19 outstanding features of the Washington landscape.

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

29 (19) "Open space" includes land areas, the protection of which
30 would: (a) Conserve and enhance scenic or viewshed resources; (b)

1 provide scenic amenities and community identity within and between
2 areas of urban development; (c) protect physical and/or visual buffers
3 within and between areas of urban and rural development, or along
4 transportation corridors; (d) protect lakes, rivers, streams,
5 watersheds, or water supply; (e) promote conservation of soils, tidal
6 marshes, beaches, or other shoreline areas; (f) enhance the value to
7 the public of abutting or neighboring parks, forests, wildlife habitat,
8 trails, or other open space; (g) enhance recreation opportunities,
9 including public access to shoreline areas; (h) protect natural areas
10 and environmental features with significant educational, scientific,
11 wildlife habitat, or historic value; or (i) retain and preserve natural
12 areas and wildlife habitat important to the quality of life which are
13 situated in an urban environment. Open space shall not include
14 setbacks, coverage requirements, restrictions on height, and related
15 conditions.

16 (~~(12)~~) (20) "Public facilities" include streets, roads, highways,
17 public transit facilities, sidewalks, trails, street and road lighting
18 systems, traffic signals, domestic water systems, storm and sanitary
19 sewer systems, parks and recreational facilities, and schools.

20 (~~(13)~~) (21) "Public services" include fire protection and
21 suppression, law enforcement, public health, education, public transit
22 services, recreation, environmental protection, and other governmental
23 services.

24 (22) "Public utilities" means the facilities of a public service
25 company, or a radio communications service company, as those terms are
26 defined in RCW 80.04.010, and the facilities of a municipal
27 corporation, mutual association, or cooperative that are used to
28 provide the same kind of services as provided by a public service
29 company.

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

3 (24) "Special district" means every municipal and quasi-municipal
4 corporation other than a county or city. Special districts shall
5 include, but are not limited to: Water districts, sewer districts,
6 public transit districts, fire protection districts, port districts,
7 library districts, school districts, public utility districts, county
8 park and recreation service areas, flood control zone districts,
9 irrigation districts, diking districts, and drainage improvement
10 districts.

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

15 ~~((14))~~ (26) "Urban growth" refers to growth that makes intensive
16 use of land for the location of buildings, structures, and impermeable
17 surfaces to such a degree as to be incompatible with the primary use of
18 such land for the production of food, other agricultural products, or
19 fiber, or the extraction of mineral resources. When allowed to spread
20 over wide areas, urban growth typically requires urban governmental
21 services. "Characterized by urban growth" refers to land having urban
22 growth located on it, or to land located in relationship to an area
23 with urban growth on it as to be appropriate for urban growth.

24 ~~((15))~~ (27) "Urban growth areas" means those areas designated by
25 a county pursuant to RCW 36.70A.110.

26 ~~((16))~~ (28) "Urban governmental services" include those
27 governmental services historically and typically delivered by cities,
28 and include storm and sanitary sewer systems, domestic water systems,
29 street cleaning services, fire and police protection services, public

1 transit services, and other public utilities associated with urban
2 areas and normally not associated with nonurban areas.

3 ((~~(17)~~)) (29) "Wetland" or "wetlands" means areas that are
4 inundated or saturated by surface water or ground water at a frequency
5 and duration sufficient to support, and that under normal circumstances
6 do support, a prevalence of vegetation typically adapted for life in
7 saturated soil conditions. Wetlands generally include swamps, marshes,
8 bogs, and similar areas. Wetlands do not include those artificial
9 wetlands intentionally created from nonwetland sites, including, but
10 not limited to, irrigation and drainage ditches, grass-lined swales,
11 canals, detention facilities, wastewater treatment facilities, farm
12 ponds, and landscape amenities. However, wetlands may include those
13 artificial wetlands intentionally created from nonwetland areas created
14 to mitigate conversion of wetlands, if permitted by the county or
15 city."

16 "PART I - PLANNING GOALS"

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

19 PLANNING GOALS. "The plans, regulations, and actions, including
20 expenditures of state-appropriated funds, of state agencies, counties,
21 and cities that are required or choose to plan under RCW 36.70A.040,
22 and special districts located in counties that are required or choose
23 to plan under RCW 36.70A.040, shall conform to and support the
24 following goals (~~are adopted to guide the development and adoption of~~
25 ~~comprehensive plans and development regulations of those counties and~~
26 ~~cities that are required or choose to plan under RCW 36.70A.040. The~~
27 following goals)) which are not listed in order of priority (~~and shall~~

1 ~~be used exclusively for the purpose of guiding the development of~~
2 ~~comprehensive plans and development regulations))):~~

3 (1) Urban growth areas. (~~Encourage~~) Urban development shall
4 occur in urban growth areas where adequate public facilities and
5 services exist or can be provided in an efficient manner.

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

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

11 (3) Transportation. (~~Encourage efficient multimodal~~
12 ~~transportation systems that are~~) Link transportation systems and land
13 use to maintain acceptable levels of transportation service, coordinate
14 the development of transportation facilities between jurisdictions
15 based on regional priorities ((and coordinated with county and city
16 comprehensive plans)), and develop efficient multimodal transportation
17 systems that include alternatives to single automobile travel and
18 preserve the operational and structural integrity of the transportation
19 system.

20 (4) Housing. (~~Encourage the availability of affordable~~) Ensure
21 housing ((to)) for all economic segments of the population of this
22 state, participate in making available a fair share of affordable
23 housing, including affordable housing for people with special needs,
24 promote zoning classifications which allow a variety of residential
25 densities and housing types, ((and)) encourage preservation of existing
26 housing stock, and assure that housing complies with local, state, and
27 federal fair housing laws.

28 (5) Economic development. Encourage economic development
29 throughout the state that is consistent with adopted comprehensive
30 plans, promote economic opportunity for all citizens of this state,

1 especially for unemployed and for disadvantaged persons, build a
2 network of strong regional economies, including urban-rural linkages,
3 and encourage growth in areas experiencing insufficient economic
4 growth, all within the capacities of the state's natural resources,
5 public services, and public facilities.

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

10 (7) Permits. Applications for both state and local government
11 permits should be processed in a timely and fair manner to ensure
12 predictability. Overlapping, duplicative, and conflicting regulations
13 shall be avoided.

14 (8) Natural resource industries. Maintain and enhance natural
15 resource-based industries, including productive timber, agricultural,
16 and fisheries industries. Secondary land uses on agricultural lands,
17 forest lands, and mineral resource lands shall be permitted that are
18 related to and are designed to support the primary use of such lands
19 for commercial agricultural, forest, or mineral resource purposes.
20 Limited secondary land uses on agricultural lands, forest lands, and
21 mineral resource lands may be permitted due to unique location factors
22 of such lands, such as locating radio communication facilities.
23 Encourage the conservation of productive forest lands and productive
24 agricultural lands, and discourage incompatible uses.

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

1 (10) Environment. Protect the environment (~~and enhance the~~
2 ~~state's high quality of life~~)), including critical areas, natural
3 resources of state-wide significance, and air and water quality(~~, and~~
4 ~~the availability of water~~). To the fullest extent possible, integrate
5 the requirements of RCW 43.21C.030 into the planning process and
6 identify in the comprehensive plan the significant adverse
7 environmental impacts and reasonable alternatives to mitigate
8 cumulative impacts on the environment.

9 (11) Citizen participation and coordination. (~~Encourage~~) Ensure
10 the involvement of citizens in the planning process and ensure
11 coordination between communities and jurisdictions to reconcile
12 conflicts.

13 (12) Public facilities and services. Ensure that those public
14 facilities and services necessary to support development shall be
15 adequate to serve the development at the time the development is
16 available for occupancy and use without decreasing current service
17 levels below locally established minimum standards. Public facilities
18 shall be sited in such a manner to utilize existing public
19 infrastructure including transportation facilities and services.
20 Ensure the siting of regional and state public facilities, so that each
21 county and city accepts its fair share of public facilities and no
22 community is overburdened.

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) Water resources. Land use planning and all permit decisions
27 should both protect water quality and quantity and if there is a demand
28 for additional water resources, the demand must be compatible with
29 water resource plans. New growth must be related to water
30 availability. New growth using water for domestic or industrial

1 purposes should be located in the vicinity of where sufficient water
2 resources exist without transporting water significant distances. Each
3 county and its cities must integrate water resource planning for
4 consumptive and nonconsumptive uses into its land use plan to,
5 foremost, ensure the continuous ready supply of fresh and potable water
6 in the amounts necessary to sustain the general good health of all of
7 its residents. Water is key for fish, wildlife, domestic use,
8 industrial use, power, agriculture, aesthetics, and recreation.

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

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

17 (17) Support of public institutions. Ensure that state trust lands
18 can be managed for the support of public institutions in accordance
19 with federal law and state law constitutional and statutory
20 requirements. Protect state trust lands from arbitrary or
21 discriminatory land use actions."

22 "PART II - LOCAL PLANNING"

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

25 WHO MUST PLAN. (1) (~~Each county that~~) The following counties,
26 and the cities located in whole or in part within such counties, shall
27 adopt comprehensive land use plans and development regulations in
28 accordance with this chapter: (a) The county has a population of one

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

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

25 (3) Any county or city that is required to adopt a comprehensive
26 land use plan under subsection (1) of this section shall adopt the plan
27 and submit a copy of the plan to the department on or before July 1,
28 1993. Any county or city that is required to adopt a comprehensive
29 land use plan as a result of the actions taken under subsection (2) of
30 this section shall adopt ~~((the))~~: (a) Development regulations under

1 RCW 36.70A.060 within one year from the date the county legislative
2 authority adopts the resolution under subsection (2) of this section;
3 (b) a comprehensive plan not later than three years from the date the
4 county legislative body takes action as required by subsection (2) of
5 this section; and (c) development regulations implementing the
6 comprehensive plan within one year of the date its comprehensive plan
7 is adopted.

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

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

25 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of
26 a county or city that is required or chooses to plan under RCW
27 36.70A.040 shall consist of a map or maps, and descriptive text
28 covering objectives, principles, and standards used to develop the
29 comprehensive plan. The plan shall be an internally consistent

1 document and all elements shall be consistent with the future land use
2 map. A comprehensive plan shall be adopted and amended with public
3 participation as provided in RCW 36.70A.140.

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

6 (1) A land use element designating the proposed general
7 distribution and general location and extent of the uses of land, where
8 appropriate, for agriculture, timber production, housing, commerce,
9 industry, recreation, open spaces, public utilities, public facilities,
10 and other land uses. The land use element shall include population
11 densities, building intensities, and estimates of future population
12 growth. The land use element shall include designation of agricultural
13 lands, forest lands, mineral resource lands, critical areas, natural
14 resources of state-wide significance, and lands for open space as
15 provided in section 39 of this act. Each county shall include urban
16 growth areas as established in RCW 36.70A.110 in its comprehensive land
17 use plan. The land use element shall provide for protection of the
18 quality and quantity of ground water and surface bodies of water used
19 for public water supplies and shall recognize that water availability
20 and quality are key factors in determining the extent, location,
21 distribution, and intensity of land uses. Where applicable, the land
22 use element shall review drainage, flooding, and storm water run-off in
23 the area and nearby jurisdictions and provide guidance for corrective
24 actions to mitigate or cleanse those discharges that pollute waters of
25 the state, including Puget Sound or waters entering Puget Sound.

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

29 The land use element shall provide for the protection of air
30 quality by limiting or conditioning development so that the development

1 will not cause either direct or indirect degradation of air quality
2 below acceptable standards.

3 (2)(a) A housing element recognizing the vitality and character of
4 established residential neighborhoods that: ~~((a))~~ (i) Includes an
5 inventory and analysis of existing and projected housing needs; ~~((b))~~
6 (ii) includes a statement of goals, policies, and objectives for the
7 preservation, improvement, and development of housing and for meeting
8 fair share affordable housing goals within the city or county; ~~((c))~~
9 and (iii) identifies and accommodates sufficient developable land for
10 a range of housing types, including, but not limited to, government-
11 assisted housing, housing for people with special needs, housing for
12 low-income families, manufactured housing, multifamily housing, and
13 group homes and foster care facilities~~((; and (d) makes adequate~~
14 ~~provisions for existing and projected needs of all economic segments of~~
15 ~~the community))~~.

16 (b) All counties with a population of one hundred twenty-five
17 thousand or more, and cities with a population of twenty thousand or
18 more located within those counties, are also required to include within
19 the housing element: (i) As part of the analysis of existing and
20 projected housing needs, a jobs-housing balance consisting of at least
21 a comparison between the supply of housing and the number of jobs
22 projected in the next ten years in the city or county. The jobs-
23 housing balance must include an assessment of affordable housing; (ii)
24 identification of sufficient densities for a range of housing types;
25 (iii) identification of zoning restrictions that unduly limit density
26 or which unreasonably increase housing development costs; (iv) at least
27 a ten to twenty-year plan for the preservation and development of
28 affordable housing and for meeting the jurisdiction's fair share
29 affordable housing goals. The plan must realistically project the
30 amount of low-income housing units that will be needed in the

1 jurisdiction in the next ten to twenty years, and alternative public
2 and private financing sources; and (v) identification of ways to
3 minimize the displacement of residents from housing.

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

7 (d) In furtherance of affordable housing objectives, for land use
8 and zoning purposes, manufactured housing that meets the definition of
9 a designated manufactured home, as provided in RCW 35.63.160, shall be
10 permitted as single-family housing in undeveloped parts of the urban
11 growth area. Cities and counties are also encouraged to facilitate the
12 siting of mobile home parks in furtherance of affordable housing
13 objectives by decreasing lot size and setback requirements, and by
14 allowing mobile home parks to be sited the same as other residential
15 subdivisions.

16 (3) A capital facilities plan element consisting of: (a) An
17 inventory of existing capital facilities owned by public entities,
18 showing the locations and capacities of the capital facilities; (b) a
19 forecast of the future needs for such capital facilities; (c) the
20 proposed locations and capacities of expanded or new capital
21 facilities; (d) at least a six-year plan that will finance such capital
22 facilities within projected funding capacities and clearly identifies
23 sources of public money for such purposes; ~~((and))~~ (e) an evaluation of
24 methods of meeting demands for capital facilities that are alternatives
25 to construction, such as conservation or demand management; and (f) a
26 requirement to reassess the land use element if probable funding falls
27 short of meeting existing needs and to ensure that the land use
28 element, capital facilities plan element, and financing plan within the
29 capital facilities plan element are coordinated and consistent.

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

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

10 (6) A transportation element that implements, and is consistent
11 with, the land use element. The transportation element shall include
12 the following subelements:

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

14 (b) Facilities and services needs, including:

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

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

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

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

29 (v) Identification of transportation system management and system
30 expansion needs ~~((and transportation system management needs))~~ to meet

1 current and future demands, including system management or facilities
2 needed for regional or state-wide purposes;

3 (vi) Identification of noise mitigation measures needed for
4 existing or planned transportation facilities as identified in the land
5 use element;

6 (c) Finance, including:

7 (i) An analysis of funding capability to judge needs against
8 probable funding resources;

9 (ii) A multiyear financing plan based on the needs identified in
10 the comprehensive plan, the appropriate parts of which shall serve as
11 the basis for the six-year street, road, or transit program required by
12 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
13 35.58.2795 for public transportation systems;

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

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

21 (e) Strategies for reducing the impact of transportation on air
22 quality in conformity with the state implementation plan on air
23 quality;

24 (f) Demand-management strategies.

25 After adoption of the comprehensive plan by ((jurisdictions))
26 counties and cities required to plan or who choose to plan under RCW
27 36.70A.040, ((local jurisdictions)) such counties and cities must adopt
28 and enforce ordinances which prohibit development approval if the
29 development causes the level of service on a transportation facility to
30 decline below the standards adopted in the transportation element of

1 the comprehensive plan, unless transportation improvements or
2 strategies to accommodate the impacts of development are made
3 concurrent with the development. (~~These strategies~~) Counties and
4 cities may exempt limited high-density areas from the level of service
5 standards requirement provided that the level of service for nonsingle
6 occupant vehicles is improved through strategies which may include
7 increased public (~~transportation~~) transit service, ride sharing
8 programs, demand management, and other transportation systems
9 management strategies. The purpose of the exemption is to permit
10 higher density development in certain areas which is conducive to
11 alternatives to the single-occupant vehicle, including public transit.
12 For the purposes of this subsection (6) "concurrent with the
13 development" shall mean that improvements or strategies are in place at
14 the time of development, or that a financial commitment is in place to
15 complete the improvements or strategies within six years.

16 The transportation element described in this subsection, and the
17 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
18 counties, and RCW 35.58.2795 for public transportation systems, must be
19 consistent.

20 (7) An environmental management element that ensures that
21 cumulative impacts and standards are considered and mitigation efforts
22 are incorporated into land use, economic development, and
23 infrastructure to protect, and when appropriate, to enhance
24 environmental quality. Plans should minimize development and growth
25 impacts on the environment so as not to degrade air, water, and natural
26 resources below acceptable standards. Plans should specify service
27 standards for public facilities and services and mitigation polices to
28 provide better certainty in the development process. Before new
29 development is approved, adequate solid waste facilities and
30 opportunities for recycling and source reduction should be provided.

1 (8) An open space element that provides for local and regional
2 parks, outdoor recreation facilities, trails, resource conservation
3 areas, natural vistas, and greenbelts within and between designated
4 urban growth areas. To the extent possible, open spaces should be
5 linked in a coordinated regional and state-wide network and should be
6 designated permanent open space only if funds or other compensatory
7 techniques are available for acquisition consistent with section 44 of
8 this act.

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

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

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

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

21 (b) Identification of an adequate supply of sites of suitable
22 sizes, types, locations, and service levels for industrial and
23 commercial uses;

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

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

29 (12) A private property element that establishes an orderly,
30 consistent process that better enables government agencies to evaluate

1 whether proposed regulatory or administrative actions may result in a
2 taking of private property or violation of due process. It is not the
3 purpose of this subsection to expand or reduce the scope of private
4 property protections provided in the state and federal Constitutions.

5 (13) Each county with a population of four hundred fifty thousand
6 or more, and the cities with a population of twenty thousand or more
7 located within such counties, shall include a design element, which at
8 a minimum, addresses bulk and scale of new buildings in or adjacent to
9 developed areas."

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

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

16 (a) Conservation;

17 (b) Solar energy; ((and))

18 (c) ((Recreation)) Human resource development;

19 (d) Cultural resources; and

20 (e) A design element that enables communities to harmoniously fit
21 new development with planned or existing community character and
22 vision.

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

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

27 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is
28 required or chooses to ((adopt a comprehensive land use)) plan under

1 RCW 36.70A.040 shall designate an urban growth area or areas in its
2 comprehensive plan within which urban growth shall be encouraged and
3 outside of which growth can occur only if it is not urban in nature.
4 Each city that is located in such a county shall be included within an
5 urban growth area. An urban growth area may include more than a single
6 city. An urban growth area may include territory that is located
7 outside of a city only if such territory already is characterized by
8 urban growth ~~((or))~~, is adjacent to territory already characterized by
9 urban growth, or meets the conditions for establishing new fully
10 contained communities under section 11 of this act.

11 (2) Based upon the population forecast made for the county by the
12 office of financial management, the urban growth areas in the county
13 shall include areas and densities sufficient to permit the urban growth
14 that is projected to occur in the county for the succeeding ~~((twenty-~~
15 ~~year))~~ ten-year period. Development densities should be sufficient to:
16 (a) Protect open space, natural features and parks, agricultural lands,
17 forest lands, mineral resource lands, and critical areas within and
18 outside of urban growth areas; (b) promote affordable housing; and (c)
19 promote alternatives to single-occupancy vehicle travel. Additionally,
20 the county shall include a second-tier area to accommodate urban growth
21 that is projected to occur in the county for a twenty-year period. The
22 ten-year tier must be developed substantially before suburban or urban
23 development is permitted beyond the ten-year tier. The ten-year and
24 twenty-year urban growth area tiers in a county shall be established in
25 such a manner as to not permit a significantly greater extent of urban
26 growth than is projected to occur in the county within those time
27 periods. Each urban growth area shall permit urban densities and shall
28 include greenbelt and open space areas. Within one year of July 1,
29 1990, each county required to designate urban growth areas shall begin
30 consulting with each city located within its boundaries and each city

1 shall propose the location of an urban growth area. The county and
2 cities located within the county shall attempt to reach agreement
3 ~~((with each city))~~ on the location of ~~((an))~~ urban growth areas
4 ~~((within which the city is located))~~ within the county. If such an
5 agreement is not reached ~~((with each city located within the urban~~
6 ~~growth area))~~, the county shall justify in writing why it so designated
7 the area or areas an urban growth area or urban growth areas. A city
8 may object formally ~~((with))~~ to the department over the designation of
9 the urban growth area within which it is located. Where appropriate,
10 the department shall attempt to resolve the conflicts, including the
11 use of mediation services.

12 (3) Urban growth should be located first in areas already
13 characterized by urban growth that have existing public facility and
14 service capacities to serve such development, and second in areas
15 already characterized by urban growth that will be served by a
16 combination of both existing public facilities and services and any
17 additional needed public facilities and services that are provided by
18 either public or private sources. Further, it is appropriate that
19 urban government services be provided by cities, and urban government
20 services should not be provided in rural areas.

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

24 (5) Areas for potential annexation or potential incorporation shall
25 be designated in portions of urban growth areas outside of cities.
26 These areas shall relate the potential annexation or incorporation
27 areas with local development patterns, address density, and identify
28 the needed service providers without proliferating special purpose
29 districts, and may include possible sequences or timing for the
30 potential annexations or incorporations.

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

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

5 "NEW SECTION. Sec. 8. INTERIM URBAN GROWTH AREAS. (1) A city
6 shall not annex territory located beyond an interim urban growth area
7 established by a county planning under RCW 36.70A.040. A city shall
8 not incorporate territory located beyond an interim urban growth area
9 established by a county planning under RCW 36.70A.040.

10 (2) Counties that designate interim urban growth areas shall do so
11 based on urban growth areas already established as of the effective
12 date of this act or pursuant to the provisions contained in RCW
13 36.70A.110(1). Urban growth shall not be allowed outside of the
14 interim urban growth areas. The provisions of RCW 36.70A.110 (2)
15 through (7) shall not apply to the designation of interim urban growth
16 areas."

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

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

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

25 (2) Each county and city shall establish procedures whereby
26 proposed amendments or revisions of the comprehensive plan are
27 considered by the governing body of the county or city no more
28 frequently than once every year. All proposals shall be considered by

1 the governing body concurrently so the cumulative effect of the various
2 proposals can be ascertained. However, a county or city may adopt
3 amendments or revisions to its comprehensive plan that conform with
4 this chapter whenever an emergency exists.

5 (3) Each county that designates urban growth areas under RCW
6 36.70A.110 shall review, at least every ten years, its designated urban
7 growth area or areas, and the densities permitted within both the
8 incorporated and unincorporated portions of each urban growth area.
9 However, each county with a population of four hundred fifty thousand
10 or more shall review its urban growth area or areas at least every five
11 years. In conjunction with this review by the county, each city
12 located within an urban growth area shall review the densities
13 permitted within its boundaries, and the extent to which the urban
14 growth occurring within the county has located within each city and the
15 unincorporated portions of the urban growth areas. The county
16 comprehensive plan designating urban growth areas, and the densities
17 permitted in the urban growth areas by the comprehensive plans of the
18 county and each city located within the urban growth areas, shall be
19 revised to accommodate the urban growth projected to occur in the
20 county for the succeeding twenty-year period."

21 "NEW SECTION. Sec. 10. A new section is added to chapter 35.02
22 RCW to read as follows:

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

26 "NEW SECTION. Sec. 11. NEW FULLY CONTAINED COMMUNITIES. A county
27 required or choosing to plan under RCW 36.70A.040 may establish a
28 process as part of its urban growth areas, that are designated under

1 RCW 36.70A.110, for reviewing proposals to authorize new fully
2 contained communities located outside of the initially designated urban
3 growth areas. Whenever this process is included, the urban growth
4 areas in the county shall be restricted in anticipation of a new fully
5 contained community or communities being approved in the future. When
6 a new fully contained community is approved, the comprehensive plan
7 shall be amended to designate the new fully contained community as an
8 isolated urban growth area. The process contemplates holding in
9 reserve portions of what eventually will become isolated urban growth
10 areas within a county. Whenever the process to allow new fully
11 contained communities is included as part of the urban growth areas
12 within a county, the county shall demonstrate and justify how it
13 restricted its urban growth areas in anticipation of approving a new
14 fully contained community or communities as part of the urban growth
15 areas within the county.

16 The process for reviewing proposed new fully contained communities
17 shall include broad public participation. The applicant for the
18 proposed new fully contained community shall prepare a proposed subarea
19 plan for the area within which the new fully contained community is
20 proposed to be located that demonstrates how growth-inducing impacts
21 and urban and suburban growth will be precluded from occurring in the
22 vicinity of the new fully contained community. A new fully contained
23 community shall be surrounded by open space corridors and greenbelt
24 areas. The process by which a new fully contained community is
25 approved shall permit the transfer of development rights from property
26 in the near vicinity of the proposed new fully contained community to
27 the proposed new fully contained community. A new fully contained
28 community shall not be located in a critical area or on natural
29 resource lands. New fully contained communities shall be consistent
30 with the requirements of this chapter. In addition, a new fully

1 contained community may be approved only if the following criteria are
2 met:

3 (1) New infrastructure and off-site impacts are fully considered
4 and fully mitigated;

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

7 (3) Buffers are provided between the new community and urban growth
8 areas;

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

10 (5) Sufficient affordable housing is provided within the new fully
11 contained community;

12 (6) Environmental protections have been adequately addressed and
13 provided;

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

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

19 (9) The plan for the new fully contained community is consistent
20 with the development regulations established for the protection of
21 critical areas."

22 "NEW SECTION. Sec. 12. MASTER PLANNED RESORTS. Counties that are
23 required or choose to plan under RCW 36.70A.040 may permit master
24 planned resorts outside of urban growth areas as limited by this
25 section. A master planned resort means a self-contained and fully
26 integrated planned unit development with a primary and dominant focus
27 on overnight accommodations and related visitor accommodations
28 associated with on-site recreational activities, that primarily is
29 retained under common ownership. A master planned resort may include

1 limited subdivision or short subdivision of land within its boundaries,
2 but only if such divisions are a minor part of the dominant resort
3 focus that is retained under common ownership.

4 A master planned resort may be authorized by a county only if the
5 county: (1) Specifically identifies policies to guide the development
6 of such uses in its comprehensive plan; (2) includes a finding as a
7 part of the approval process that the land is better suited, and has
8 more long-term importance, for the master planned resort than for the
9 commercial harvesting of timber, if located on land that otherwise
10 would be designated as forest land; (3) is not located on or in the
11 near vicinity of agricultural lands; (4) includes a finding as part of
12 the approval process that the development will not adversely affect
13 critical areas, and includes adequate binding restrictions to ensure
14 that the development will not adversely affect critical areas; (5) does
15 not permit or encourage other urban or suburban land uses that are not
16 associated directly with the master planned resort; and (6) includes
17 adequate binding restrictions to ensure that the development will not
18 permit or encourage such land uses."

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

24 (2) Not later than one and one-half years after the adoption of
25 development regulations by a county or city pursuant to RCW 36.70A.120,
26 each special district that provides one or more of the public
27 facilities or public services listed in this subsection, and is located
28 within such a county or city, shall adopt or amend a capital facilities
29 plan for its facilities that is consistent with the comprehensive plan

1 and development regulations and indicates the existing and projected
2 capital facilities that are necessary to serve the projected growth for
3 the area that is served by the special district. These public
4 facilities or public services are: (a) Sanitary sewers; (b) potable
5 water facilities; (c) park and recreation facilities; (d) fire
6 suppression; (e) emergency medical services; (f) libraries; (g)
7 hospitals; (h) schools; and (i) transportation facilities or services,
8 including public transit."

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

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

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

14 (b) To promote orderly growth and development by establishing
15 standards by which counties, cities, and towns may require, by
16 ordinance, that new growth and development pay a proportionate share of
17 the cost of new facilities needed to serve new growth and development
18 and that new development reducing the supply of low-income housing
19 contribute to the cost to the community of the development of
20 replacement low-income housing; and

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

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

1 (3) The impact fees:

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

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

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

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

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

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

24 (c) Additional public facility improvements required to serve new
25 development; and

26 (d) Cumulative significant adverse environmental impacts.

27 If the capital facilities plan of the county, city, or town is
28 complete other than for the inclusion of those elements which are the
29 responsibility of a special district, the county, city, or town may

1 impose impact fees to address those public facility needs for which the
2 county, city, or town is responsible.

3 (5) Any county, city, or town authorized to impose impact fees
4 under this section may also impose a housing replacement fee on any
5 development activity that involves the demolition of a structure
6 previously used as low-income housing or the conversion of any such
7 structure to use other than low-income housing. The housing
8 replacement fee may not exceed the estimated cost to the jurisdiction
9 of offsetting the impact of the development activity on the supply of
10 low-income housing in the area in which the development is located.
11 Any housing replacement fee shall be calculated by the jurisdiction in
12 accordance with standards adopted by ordinance or regulation. All
13 replacement housing fees shall be used to provide or finance low-income
14 housing in the manner authorized by RCW 35.21.685 or 36.32.415.

15 After July 1, 1993, continued authorization to collect housing
16 replacement fees shall be contingent on the jurisdiction adopting or
17 revising a comprehensive plan in compliance with RCW 36.70A.070, and in
18 compliance with the local jurisdiction's fair share affordable housing
19 goal pursuant to chapter 36.70A RCW."

20 "Sec. 15. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
21 amended to read as follows:

22 IMPACT FEES--DEFINITIONS. Unless the context clearly requires
23 otherwise, the following definitions shall apply in RCW 82.02.050
24 through 82.02.090:

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

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

4 (3) "Impact fee" means a payment of money imposed upon development
5 as a condition of development approval to pay for public facilities
6 needed to serve new growth and development, and that is reasonably
7 related to the new development that creates additional demand and need
8 for public facilities, that is a proportionate share of the cost of the
9 public facilities, and that is used for facilities that reasonably
10 benefit the new development. "Impact fee" does not include a
11 reasonable permit or application fee.

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

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

19 (6) "Project improvements" mean site improvements and facilities
20 that are planned and designed to provide service for a particular
21 development project and that are necessary for the use and convenience
22 of the occupants or users of the project, and are not system
23 improvements. No improvement or facility included in a capital
24 facilities plan approved by the governing body of the county, city, or
25 town shall be considered a project improvement.

26 (7) "Public facilities" means the following capital facilities
27 owned or operated by government entities: (a) Public streets and
28 roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned
29 parks, open space, and recreation facilities; (c) school facilities;
30 (~~and~~) (d) low-income housing; (e) fire protection facilities in

1 jurisdictions that are not part of a fire district; and (f) high-
2 capacity transit systems and alternative transportation accommodations.

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

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

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

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

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

27 (b) An environmental impact statement for a comprehensive plan and
28 development regulations considered for adoption under RCW 36.70A.040

1 shall analyze the significant adverse environmental impacts of the
2 proposed plan and regulations.

3 (3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated
4 as separate sections of an environmental impact statement. Discussions
5 of significant short-term and long-term environmental impacts,
6 significant irrevocable commitments of natural resources, significant
7 alternatives including mitigation measures, and significant
8 environmental impacts which cannot be mitigated should be consolidated
9 or included, as applicable, in those sections of an environmental
10 impact statement where the responsible official decides they logically
11 belong."

12 "NEW SECTION. Sec. 17. VESTING DOCTRINE. The following rule is
13 adopted for the vesting of rights in counties and cities that plan
14 under this chapter: A right shall vest upon the issuance of a valid
15 permit or preliminary plat approval. This rule shall cease to be
16 effective on the effective date of the final ordinance containing
17 development regulations adopted under RCW 36.70A.120, that implement in
18 whole the comprehensive plan adopted under this chapter within the
19 entire planning jurisdiction of each county and city that plan under
20 this chapter."

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

23 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY
24 LOCAL ORDINANCE. (1) Except as provided in section 17 of this act, a
25 valid and fully complete building permit application for a structure,
26 that is permitted under the zoning or other land use control ordinances
27 in effect on the date of the application shall be considered under the
28 building permit ordinance in effect at the time of application, and the

1 zoning or other land use control ordinances in effect on the date of
2 application.

3 (2) The requirements for a fully completed application shall be
4 defined by local ordinance.

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

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

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

10 (1) Except as provided in section 17 of this act, a proposed division
11 of land, as defined in RCW 58.17.020, shall be considered under the
12 subdivision or short subdivision ordinance, and zoning or other land
13 use control ordinances, in effect on the land at the time a fully
14 completed application for preliminary plat approval of the subdivision,
15 or short plat approval of the short subdivision, has been submitted to
16 the appropriate county, city, or town official.

17 (2) The requirements for a fully completed application shall be
18 defined by local ordinance.

19 (3) The limitations imposed by this section shall not restrict
20 conditions imposed under chapter 43.21C RCW."

21 "Sec. 20. RCW 58.17.170 and 1981 c 293 s 10 are each amended to
22 read as follows:

23 SUBDIVISION, ZONING CONTROLS. When the legislative body of the
24 city, town or county finds that the subdivision proposed for final plat
25 approval conforms to all terms of the preliminary plat approval, and
26 that said subdivision meets the requirements of this chapter, other
27 applicable state laws, and any local ordinances adopted under this
28 chapter which were in effect at the time of preliminary plat approval,

1 it shall suitably inscribe and execute its written approval on the face
2 of the plat. The original of said final plat shall be filed for record
3 with the county auditor. One reproducible copy shall be furnished to
4 the city, town or county engineer. One paper copy shall be filed with
5 the county assessor. Paper copies shall be provided to such other
6 agencies as may be required by ordinance. Any lots in a final plat
7 filed for record shall be a valid land use notwithstanding any change
8 in zoning laws for a period of five years from the date of filing, but
9 during this five-year period are subject to any changed conditions on
10 the valid land use contained in the current zoning or other land use
11 control ordinances as long as the valid land use remains possible.
12 These conditions include, but are not limited to, setback requirements
13 and height limitations. A subdivision shall be governed by the terms
14 of approval of the final plat, and the statutes, ordinances, and
15 regulations in effect at the time of approval under RCW 58.17.150 (1)
16 and (3) for a period of five years after final plat approval unless the
17 legislative body finds that a change in conditions creates a serious
18 threat to the public health or safety in the subdivision."

19 "Sec. 21. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each
20 amended to read as follows:

21 NEIGHBORHOOD PARTICIPATION. Each county and city that is required
22 or chooses to plan under RCW 36.70A.040 shall establish procedures
23 providing for early and continuous public participation in the
24 development and amendment of comprehensive land use plans and
25 development regulations implementing such plans. The procedures shall
26 provide for broad dissemination of proposals and alternatives,
27 opportunity for written comments, public meetings after effective
28 notice, provision for open discussion, communication programs,
29 information services, and consideration of and response to public

1 comments. Errors in exact compliance with the established procedures
2 shall not render the comprehensive land use plan or development
3 regulations invalid if the spirit of the procedures is observed.

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

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

28 Nothing in this section shall require a city to establish a
29 neighborhood inclusion process or a citizen advisory council if the

1 city already has a similar neighborhood inclusion process or a citizen
2 advisory council already established."

3 "Sec. 22. RCW 36.93.170 and 1989 c 84 s 5 are each amended to read
4 as follows:

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

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

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

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

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

7 "**Sec. 23.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
8 as follows:

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

- 11 (1) Preservation of natural neighborhoods and communities;
- 12 (2) Use of physical boundaries, including but not limited to bodies
13 of water, highways, and land contours;
- 14 (3) Creation and preservation of logical service areas;
- 15 (4) Prevention of abnormally irregular boundaries;
- 16 (5) Discouragement of multiple incorporations of small cities and
17 encouragement of incorporation of cities in excess of ten thousand
18 population in heavily populated urban areas;
- 19 (6) Dissolution of inactive special purpose districts;
- 20 (7) Adjustment of impractical boundaries;
- 21 (8) Incorporation as cities or towns or annexation to cities or
22 towns of unincorporated areas which are urban in character; ((and))
- 23 (9) Protection of agricultural and rural lands which are designated
24 for long term productive agricultural and resource use by a
25 comprehensive plan adopted by the county legislative authority; and
- 26 (10) Evaluation of whether the proposed annexation by a city or
27 town, or proposed incorporation of a city or town, in a county that is
28 required or chooses to plan under RCW 36.70A.040, is located within an
29 urban growth area and is consistent with the annexation and

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

7 "NEW SECTION. **Sec. 24.** A new section is added to chapter 36.93
8 RCW to read as follows:

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

14 "**Sec. 25.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to
15 read as follows:

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

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

18 "NEW SECTION. Sec. 26. A new section is added to chapter 35.13
19 RCW to read as follows:

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

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

7 "NEW SECTION. Sec. 27. A new section is added to chapter 35.13
8 RCW to read as follows:

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

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

1 "NEW SECTION. **Sec. 28.** A new section is added to chapter 35A.14
2 RCW to read as follows:

3 CITY ANNEXATIONS. Each unincorporated area that as of January 1,
4 1991, lies wholly within the boundaries of a code city shall become
5 part of the city within whose boundaries the unincorporated area lies,
6 as of the effective date of an ordinance adopted by the city governing
7 body providing for the annexation of the area, after the governing body
8 holds a public hearing on the proposed annexation of the area. Land
9 which is owned by a county and used for the purposes of an agricultural
10 fair under chapter 15.76 or 36.37 RCW, or a county park, shall not be
11 annexed under this section without the consent of a majority of the
12 members of the county legislative authority of the county that owns the
13 land. For purposes of this section, an unincorporated area that is
14 bounded completely by both a state boundary, or a body or bodies of
15 navigable water, and a city shall not be construed to lie wholly within
16 the boundaries of a city. Annexations under this section shall not be
17 reviewed by a boundary review board or other annexation review board."

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

20 CITY ANNEXATIONS. (1) A code city shall not annex territory under
21 any method where, after the proposed annexation has occurred, any
22 closed plane figure of unincorporated area could be drawn that includes
23 a portion of the boundary of the newly annexed area so that eighty
24 percent or more of the figure's perimeter is coterminous with any of
25 the annexing city's boundaries. In addition, a code city shall not
26 annex unincorporated territory under any method of annexation if, as a
27 result of the annexation, an area would become entirely surrounded by
28 a body or bodies of navigable water and the annexing city, unless the
29 annexation reduced the size of an area that prior to the annexation was

1 entirely surrounded by a body or bodies of navigable water and the
2 annexing city.

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

12 "PART III - HOUSING"

13 "Sec. 30. RCW 82.46.010 and 1990 1st ex.s. c 17 s 36 are each
14 amended to read as follows:

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

23 After July 1, 1990, revenues generated from the tax imposed under
24 this subsection in counties and cities that are required or choose to
25 plan under RCW 36.70A.040 shall be used primarily for financing capital
26 projects specified in a capital facilities plan element of a
27 comprehensive plan, housing projects, and housing relocation assistance
28 under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by

1 such counties and cities to debt retirement prior to July 1, 1990, may
2 continue to be used for that purpose until all outstanding debt is
3 retired, or (b) committed prior to July 1, 1990, by such counties or
4 cities to a capital project may continue to be used for that purpose
5 until the project is completed.

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

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

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

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

23 "NEW SECTION. Sec. 31. FAIR SHARE HOUSING. (1) Each county and
24 city that is required or chooses to plan under RCW 36.70A.040 shall
25 determine its fair share affordable housing goal pursuant to the
26 regional policy plan process established in section 50 of this act.
27 The process shall utilize county-wide data provided by the office of
28 financial management to establish the fair share affordable housing

1 goals, except that data from more than one county may be aggregated
2 when it is appropriate.

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

20 "NEW SECTION. Sec. 32. A new section is added to chapter 8.26 RCW
21 to read as follows:

22 REPLACEMENT HOUSING. Whenever the state or a local public agency
23 demolishes or otherwise eliminates low-income housing as defined in RCW
24 36.32.415 for a public works project, it shall deposit moneys in a
25 local jurisdiction housing replacement fund in an amount equal to the
26 cost of providing an equal number of new low-income rental housing
27 units in the same location. The moneys may only be used for acquiring,
28 constructing, or rehabilitating low-income housing stock. Nothing in
29 this section shall require a state or local public agency to pay an

1 impact fee for demolishing housing that constitutes a nuisance or a
2 health or safety hazard to the community."

3 "Sec. 33. RCW 35.21.685 and 1986 c 248 s 1 are each amended to
4 read as follows:

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

26 "Sec. 34. RCW 36.32.415 and 1986 c 248 s 2 are each amended to
27 read 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
21 process."

22 **"Sec. 35.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
23 amended to read as follows:

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

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

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

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

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

29 (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. 36.** 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 38 of this act."

6 "Sec. 37. 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. 38. 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. 39.** 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. 40.** 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. 41.** 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 38 of this act."

6 "NEW SECTION. **Sec. 42.** OPEN SPACE MAP. (1) To assist counties
7 and cities in carrying out the goals and requirements of this chapter,
8 the committee created in section 45 of this act shall prepare a state-
9 wide open space map identifying existing areas of protected open space
10 lands 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 47 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. 43.** 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. 44.** 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. 45. 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. 46. COMMITTEE ON NATURAL RESOURCES OF STATE-
22 WIDE SIGNIFICANCE. (1) The committee established in section 45 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 56(2) of this act. In
29 carrying out the responsibilities under (a) and (b) of this

1 subsection, the committee shall consult with interested parties and
2 shall conduct public hearings in the various regions of the state. The
3 committee shall consider the public input obtained at such public
4 hearings when developing the recommendations. These recommendations
5 shall be 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 60 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. 47. 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 46(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 46(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 46(2) of this act."

6 "NEW SECTION. **Sec. 48.** INTERJURISDICTIONAL COORDINATION. When a
7 natural resource of state-wide significance designated under section 47
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 56(3) of this act."

23 "NEW SECTION. **Sec. 49.** 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."

27 "PART V - REGIONAL PLANNING"

1 "NEW SECTION. **Sec. 50.** REGIONAL POLICY PLANS. (1) The

2 legislature recognizes that counties are the regional governments
3 within their boundaries, and cities are the primary providers of urban
4 governmental services within urban growth areas. It is further
5 recognized that cities are responsible to plan for and to provide
6 services within their incorporated boundaries. The adopted regional
7 policy plan shall ensure that city and county comprehensive plans are
8 consistent with county-wide issues specified in subsection (5) of this
9 section. For purposes of this section, a "regional policy plan" is a
10 written policy statement or statements establishing a county-wide
11 framework from which county and city comprehensive plans are developed
12 and adopted pursuant to this 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 74 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. 51.** 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 50
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 53 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. 52.** 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 38 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) The state shall also protect private property by evaluating
22 whether proposed regulatory or administrative actions may result in a
23 taking of private property or violation of due process. It is not the
24 purpose of this subsection to expand or reduce the scope of private
25 property protections provided in the state and federal Constitutions."

26 "NEW SECTION. **Sec. 53.** STATE AGENCY COORDINATING COUNCIL CREATED.
27 (1) There is hereby created in the office of the governor the state

1 agency coordinating council. The council shall be comprised of
2 thirteen members as follows:

3 (a) The secretary of transportation;

4 (b) The director of community development;

5 (c) The director of ecology;

6 (d) The director of trade and economic development;

7 (e) The director of agriculture;

8 (f) The commissioner of public lands;

9 (g) The director of the parks and recreation commission;

10 (h) The director of the office of financial management;

11 (i) The director of wildlife;

12 (j) The state treasurer;

13 (k) The director of fisheries;

14 (l) The director of general administration; and

15 (m) The governor, who shall chair the council.

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

19 (3) Staffing shall be provided by the state agencies on the
20 council. Staffing shall be coordinated by the chair."

21 "NEW SECTION. Sec. 54. STATE AGENCY COORDINATING COUNCIL--DUTIES.

22 The state agency coordinating council shall:

23 (1) Make recommendations to the legislature and governor regarding:

24 (a) Developing a capital investment strategy that can coordinate
25 the infrastructure planning and financing of all state agencies based
26 on defined state policies and criteria, and coordinating state
27 infrastructure planning and financing with regional organizations and
28 counties and cities;

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

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

9 (d) Creating a new growth management financing account which would
10 finance infrastructure needs based on regional economic planning under
11 section 51 of this act;

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

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

19 (3) Identify priority development areas for the purposes of
20 regional planning under section 51 of this act, and coordinate state
21 assistance to economic development-related projects of regional or
22 state significance under section 51(4) of this act.

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

29 (5) Advise the governor on growth management issues, particularly
30 ensuring that state agencies comply with section 52 of this act.

1 (6) Mediate issues or disputes among state agencies regarding the
2 siting of regional and state public facilities."

3 "NEW SECTION. **Sec. 55.** LIMITATIONS ON STATE RULE MAKING. In
4 addition to the requirement for adopting guidelines to assist the
5 designation of agricultural lands, forest lands, mineral resource
6 lands, and critical areas, as specified under RCW 36.70A.050, the
7 department shall adopt advisory guidelines, advisory model elements,
8 and benchmarks to assist and provide guidance for counties and cities
9 to adopt creative and locally appropriate comprehensive plans and
10 development regulations meeting the goals and requirements of this
11 chapter. The advisory guidelines shall reflect regional and local
12 variations and the diversity that exist among the different counties
13 and cities that plan under this chapter. The advisory model elements
14 shall include options reflecting the regional and local variations and
15 diversity that exist among the different counties and cities that plan
16 under this chapter. The advisory model elements shall contain those
17 items that, if included in a county's or city's comprehensive plan and
18 development regulations, would meet the goals and requirements of this
19 chapter.

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

23 "NEW SECTION. **Sec. 56.** COMPREHENSIVE PLANS--DEVELOPMENT
24 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a
25 comprehensive plan and/or development regulations, or amendments
26 thereto, under this chapter shall submit its final draft plan and
27 development regulations, or amendments, to the department before

1 adoption. In addition, the county or city shall submit a copy of those
2 documents to adjacent jurisdictions.

3 (2) The department shall review plans and development regulations,
4 or amendments, for compliance with the goals and requirements of this
5 chapter. The department shall compile its comments and forward the
6 comments to the county or city within sixty days of receiving the draft
7 plan and regulations, or amendments, or the department may be presumed
8 to agree with the plan and regulations, or amendments, as submitted.
9 This presumption of agreement shall not apply to changes in the
10 proposed comprehensive plans or development regulations, or amendments,
11 made after submission under this section.

12 (3)(a) The department, with assistance from the committee
13 established under section 45 of this act, shall prepare an assessment
14 of the degree to which these documents: (i) Meet the minimum
15 standards required for protection of natural resources of state-wide
16 significance; (ii) cumulatively provide adequate protection for
17 resources of state-wide significance; and (iii) preclude land uses or
18 development incompatible with critical areas.

19 (b) If a county or city would be required to adopt stricter
20 development regulations under section 48 of this act than it believes
21 are necessary, the department shall review the county's or city's
22 proposed alternative development regulations as part of the assessment
23 in subsection (3) of this section. Where the department finds that the
24 proposed alternative development regulations adequately preclude land
25 uses or development incompatible with critical areas and/or natural
26 resources of state-wide significance, it shall recommend that the
27 proposed alternative regulations provided for under section 48 of this
28 act be adopted by the county or city. This recommendation shall be
29 included in the comments prepared by the department.

1 (4) In addition to the comments provided under this section,
2 counties and cities are encouraged to seek comments from the
3 department, other state agencies, and adjacent jurisdictions on
4 proposed comprehensive plans and development regulations, and any
5 amendments proposed after initial adoption, throughout their
6 development. This consultation should supplement the public
7 involvement opportunities under RCW 36.70A.140."

8 "NEW SECTION. **Sec. 57.** FILING OF PLANS AND DEVELOPMENT
9 REGULATIONS--AMENDMENTS. (1) Each county and city planning under this
10 chapter shall send a complete and accurate copy of its comprehensive
11 plan and/or development regulations, or amendment thereof, to the
12 department within thirty working days after final adoption. The period
13 for filing requests for review of comprehensive plans or development
14 regulations with the board shall start once the department has received
15 a complete submission of all required materials.

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

20 "**Sec. 58.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each
21 amended to read as follows:

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

27 (2) The department shall develop a priority list and establish
28 funding levels for planning and technical assistance grants both for

1 counties and cities that plan under RCW 36.70A.040 and for counties and
2 cities that take actions under this chapter relating to agricultural
3 lands, forest lands, mineral resource lands, and critical areas.
4 Priority for assistance shall be based on a county's or city's
5 population growth rates, commercial and industrial development rates,
6 the existence and quality of a comprehensive plan and development
7 regulations, the need for the assistance, the extent to which the
8 county and adjacent jurisdictions are engaging in cooperative regional
9 planning efforts, and other relevant factors.

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

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

1 model land use ordinances, regional education and training programs,
2 and information for local and regional inventories.

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

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

8 "NEW SECTION. **Sec. 59.** MONITORING AND EVALUATION. The department
9 shall establish a system for monitoring the effectiveness of state,
10 regional, county and city efforts to prepare and to implement
11 comprehensive plans and development regulations in compliance with the
12 goals contained in RCW 36.70A.020, and the designation and protection
13 of agricultural lands, forest lands, mineral resource lands, and
14 critical areas required in this chapter. The monitoring system shall
15 include quantitative and qualitative measures."

16 "NEW SECTION. **Sec. 60.** MONITORING BY THE LEGISLATURE. A joint
17 select committee on growth management is created that is composed of
18 sixteen members. The speaker of the house of representatives shall
19 appoint four members from each of the two major caucuses in the house
20 of representatives and the president of the senate shall appoint four
21 members from each of the two major caucuses in the senate. A
22 staggering of the chair of the committee shall occur so that a member
23 of each of the four caucuses serves as the chair for a one-year term
24 once every four years.

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

1 improve the growth management regulatory process; and (3) monitor the
2 cumulative effects of the efforts of counties and cities to implement
3 the goals and requirements of this chapter."

4 "NEW SECTION. Sec. 61. AIR QUALITY IMPACTS. The department of
5 community development, in consultation with the department of ecology,
6 the department of transportation, and the Washington state energy
7 office, shall establish a methodology for determining the air quality
8 impacts of new development. The methodology shall measure all direct
9 and indirect sources of air pollution that are generated by various
10 types of residential, commercial, and industrial development and their
11 associated transportation systems. The department shall also develop
12 model strategies for mitigating air quality impacts of new
13 development."

14 "NEW SECTION. Sec. 62. A new section is added to chapter 43.17
15 RCW to read as follows:

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

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

1 "NEW SECTION. **Sec. 63.** A new section is added to chapter 43.31
2 RCW to read as follows:

3 REGULATION LISTS BY THE BUSINESS ASSISTANCE CENTER. The business
4 assistance center shall coordinate the provision of better and more
5 reliable information by state agencies regarding state regulations that
6 affect specific businesses. When requested, the business assistance
7 center shall compile a list of specific regulations that apply to a
8 specific business by obtaining a list from designated staff persons,
9 under section 62 of this act, in each applicable agency."

10 "NEW SECTION. **Sec. 64.** A new section is added to chapter 19.85
11 RCW to read as follows:

12 BUSINESS INPUT IN AGENCY RULEMAKING. When any rule is proposed for
13 which a small business economic impact statement is required, the
14 agency shall:

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

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

24 "PART VII - GROWTH MANAGEMENT HEARINGS BOARD"

25 "NEW SECTION. **Sec. 65.** BOARD ESTABLISHED--MEMBERSHIP--CHAIR--
26 QUORUM FOR DECISION--EXPENSES OF MEMBERS. (1) The growth management
27 hearings board is a quasi-judicial board hereby established within the

1 environmental hearings office under RCW 43.21B.005. The board shall
2 consist of five members, three full time and two part time members:

3 (a) The full-time members shall be appointed by the governor and
4 subject to confirmation by the senate. Initial members shall be
5 appointed to staggered terms as follows: One member shall be appointed
6 to a four-year term and two members to six-year terms. Thereafter,
7 members shall be appointed to six-year terms. The governor shall
8 appoint one of the full-time members as chairperson. The governor may
9 remove a member only for cause.

10 (b) The part-time members shall be selected on a rotating basis by
11 the board chairperson from a list provided by the applicable
12 associations. One part-time member shall represent counties or cities,
13 and the other part-time member shall represent the private sector or
14 the general public.

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

21 (3) The board may authorize by rule initial orders to be entered by
22 those presiding officers who are not members of the board. The board
23 may also provide by rule that initial orders in specified classes of
24 cases may become final without further board action. However, if a
25 member of the board determines that an initial order should be
26 reviewed, or a party to the proceedings files a petition for
27 administrative review of the initial order, the initial order shall not
28 become final until the board has approved it.

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

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

6 "NEW SECTION. **Sec. 66.** MATTERS SUBJECT TO BOARD REVIEW--FINAL
7 ORDERS. (1) The board shall review the following matters if requested
8 by a regional planning organization or a county or city that plans
9 under this chapter if such a request for review is made within sixty
10 days of the action to be reviewed:

11 (a) The consistency of plans and development regulations subject to
12 this chapter with the goals and requirements of this chapter, and the
13 rules adopted under this chapter;

14 (b) Compliance by counties, cities, special districts, and state
15 agencies with the interjurisdictional requirements under this chapter,
16 including interjurisdictional consistency, and designation of urban
17 growth areas;

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

21 (d) Determination of issues related to consistency of state agency
22 or special district proposals to locate facilities with plans and
23 development regulations subject to this chapter. Any decisions by the
24 board relating to location of state facilities shall require
25 consistency to the maximum extent practicable, as determined by the
26 board.

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

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

5 (b) Any person requesting review of any matter in subsection (1) of
6 this section if the governor certifies the request within thirty days
7 of the filing of the request with the board. The person requesting
8 board review shall file a copy of the request with the board and the
9 governor within sixty days of the action on which a board review is
10 requested; or

11 (c) Any person aggrieved by the granting, denying, or rescinding of
12 a permit based on development regulations adopted under this chapter.

13 (3) The board shall review matters requested by the governor or the
14 commissioner of public lands as provided in section 67 of this act.

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

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

26 (6) The review proceedings authorized in this section are subject
27 to the provisions of chapter 34.05 RCW pertaining to procedures in
28 adjudicative proceedings.

1 (7) Unless clearly contrary to sections 65 and 66 of this act, the
2 following are applicable to the board created in section 65 of this
3 act: RCW 43.21B.040, 43.21B.060, 43.21B.090, and 43.21B.100."

4 "NEW SECTION. **Sec. 67.** LIMITATIONS ON APPEAL BY THE STATE. (1) An
5 appeal by the state to the growth management hearings board may be made
6 only by the governor, or by the commissioner of public lands only as
7 relating to state trust lands, for the growth management hearings
8 board's review of whether: (a) A county or city that is required or
9 chooses to plan under RCW 36.70A.040 has failed to adopt the
10 comprehensive plans or development regulations that are required by
11 this chapter; (b) a county or city that is required or chooses to plan
12 under this chapter has adopted comprehensive plans or development
13 regulations that do not conform with the goals and requirements of this
14 chapter, as limited in subsection (2) of this section; or (c) where
15 comprehensive plans and development regulations have been adopted
16 conforming with the goals and requirements of this chapter, a
17 substantial pattern of abuse exists by the county or city issuing
18 permits not conforming with its comprehensive plans and development
19 regulations. The department shall make recommendations to the governor
20 on such appeals and the department of transportation shall make
21 recommendations on such appeals relating to transportation matters.

22 An appeal by the governor or commissioner of public lands shall be
23 in writing and shall detail the alleged violation and include a finding
24 that the violation is of such significance as to warrant review by the
25 growth management hearings board.

26 (2) An appeal by the governor or the commissioner of public lands,
27 relating to whether comprehensive plans or development regulations
28 conform with the goals and requirements of this chapter, must be filed
29 with the growth management hearings board within sixty days of

1 submittal of the plans or development regulations, or amendments to the
2 plans or development regulations, to the department and is limited to
3 allegations that the comprehensive plans or development regulations:

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

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

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

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

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

19 (f) Do not include a capital facilities plan element or
20 transportation element that is coordinated or consistent with the land
21 use element or do not include a feasible plan to adequately finance the
22 capital facilities plan element or transportation element;

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

25 (h) Do not: (i) Address existing or projected traffic congestion
26 through demand management or transportation system management
27 strategies; (ii) coordinate and protect existing and future
28 transportation corridors; and (iii) implement regional transportation
29 plans;

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

1 (j) Were prepared without adequate public participation;
2 (k) Were arbitrary or discriminatory in planning for or regulating
3 state trust lands; or
4 (l) Do not adequately protect natural resources of state-wide
5 significance."

6 "NEW SECTION. Sec. 68. PRESUMPTION OF VALIDITY--BURDEN OF PROOF--
7 PLANS AND REGULATIONS. Comprehensive plans and development regulations
8 adopted under this chapter are presumed valid upon adoption. In any
9 request for review of a comprehensive plan or development regulation
10 permitted under this chapter, the requesting party shall have the
11 burden of demonstrating that the comprehensive plan or development
12 regulation is not consistent with the goals or requirements of this
13 chapter, or the rules adopted under this chapter. In reviews of
14 development regulations, when consistency of the development regulation
15 with the plan of the affected jurisdiction is at issue, the requesting
16 party must also bear the burden of demonstrating that the development
17 regulation is not consistent with the comprehensive plan."

18 "NEW SECTION. Sec. 69. BOARD MAY ADOPT PROCEDURAL RULES. The
19 board may adopt rules under chapter 34.05 RCW governing the
20 administrative practice and procedure in and before the board."

21 "NEW SECTION. Sec. 70. OTHER APPEAL RIGHTS. (1) Any party
22 aggrieved by a final decision of the hearings board may appeal the
23 decision to Thurston county superior court.

24 (2) Failing to obtain review under this chapter of a plan,
25 regulation, or amendment thereto, development action, or other matter
26 concerning compliance with the requirements of this chapter, rules

1 adopted under this chapter, or order of the board shall not affect
2 other appeal rights otherwise available by law."

3 "PART VIII - INCENTIVES AND SANCTIONS"

4 "Sec. 71. RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each
5 amended to read as follows:

6 BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING
7 LOANS. (1) To qualify for loans or pledges under this chapter the
8 board must determine that a local government meets all of the following
9 conditions:

10 (a) The city or county must be imposing a tax under chapter 82.46
11 RCW at a rate of at least one-quarter of one percent;

12 (b) The local government must have developed a long-term plan for
13 financing public works needs; (~~and~~)

14 (c) The local government must be using all local revenue sources
15 which are reasonably available for funding public works, taking into
16 consideration local employment and economic factors; and

17 (d) A county, city, or town that is required or chooses to plan
18 under RCW 36.70A.040 must have adopted a comprehensive plan in
19 conformance with the requirements of chapter 36.70A RCW, after it is
20 required that the comprehensive plan be adopted, and must have adopted
21 development regulations in conformance with the requirements of chapter
22 36.70A RCW, after it is required that development regulations be
23 adopted.

24 (2) The board shall develop a priority process for public works
25 projects as provided in this section. The intent of the priority
26 process is to maximize the value of public works projects accomplished
27 with assistance under this chapter. The board shall attempt to assure
28 a geographical balance in assigning priorities to projects. The board

1 shall consider at least the following factors in assigning a priority
2 to a project:

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

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

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

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

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

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

17 (g) The relative benefit of the project to the community,
18 considering the present level of economic activity in the community and
19 the existing local capacity to increase local economic activity in
20 communities that have low economic growth; ((and))

21 (h) The existence of regional policy plans as provided in section
22 73 of this act; and

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

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

29 (4) Before November 1 of each year, the board shall develop and
30 submit to the chairs of the ways and means committees of the senate and

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

15 (5) The board shall not sign contracts or otherwise financially
16 obligate funds from the public works assistance account before the
17 legislature has appropriated funds for a specific list of public works
18 projects. The legislature may remove projects from the list
19 recommended by the board. The legislature shall not change the order
20 of the priorities recommended for funding by the board.

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

23 **"Sec. 72.** RCW 70.146.070 and 1986 c 3 s 10 are each amended to
24 read as follows:

25 DEPARTMENT TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN
26 MAKING GRANTS OR LOANS. When making grants or loans for water
27 pollution control facilities, the department shall consider the
28 following:

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

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

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

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

7 (5) The extent to which the applicant county or city, or if the
8 applicant is another public body, the extent to which the county or
9 city in which the applicant public body is located, has established
10 programs to mitigate nonpoint pollution of the surface or subterranean
11 water sought to be protected by the water pollution control facility
12 named in the application for state assistance; ((and))

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

17 (7) The existence of regional policy plans as provided in section
18 73 of this act.

19 A county, city, or town that is required or chooses to plan under
20 RCW 36.70A.040 may not receive a grant or loan for water pollution
21 control facilities unless it has adopted a comprehensive plan in
22 conformance with the requirements of chapter 36.70A RCW, after it is
23 required that the comprehensive plan be adopted, or unless it has
24 adopted development regulations in conformance with the requirements of
25 chapter 36.70A RCW, after it is required that development regulations
26 be adopted."

27 "NEW SECTION. Sec. 73. A new section is added to chapter 43.01
28 RCW to read as follows:

1 REGIONAL PLANNING INCENTIVES. Whenever a state agency is
2 considering awarding grants or loans for a county, city, or town to
3 finance public facilities, it shall consider whether the county, city,
4 or town that is requesting the grant or loan is a party to regional
5 policy plans under section 50 of this act relating to the type of
6 public facility for which the grant or loan is sought, and shall accord
7 additional preference to the county, city, or town if such regional
8 policy plans exist. Whenever a state agency is considering awarding
9 grants or loans to a special district for public facilities, it shall
10 consider whether the county, city, or town in whose planning
11 jurisdiction the proposed facility is located is a party to regional
12 policy plans under section 50 of this act relating to the type of
13 public facility for which the grant or loan is sought, and shall accord
14 additional preference to the special district if such regional policy
15 plans exist."

16 "NEW SECTION. **Sec. 74.** NONCOMPLIANCE AND SANCTIONS. (1) The
17 department may find a county, city, or state agency in noncompliance
18 if:

19 (a) A county or city that is required or chooses to plan under RCW
20 36.70A.040 does not complete its comprehensive land use plan by the
21 dates required or by the department's schedule for submittal; or

22 (b) The board has heard an appeal and issued a final order on a
23 county's or city's comprehensive plan, development regulations, or a
24 state agency's plans or actions, and the county, city, or state agency
25 has not complied with the order within one year. If the department
26 finds a county, city, or state agency in noncompliance, the department
27 may request the governor to invoke one or more of the sanctions
28 provided in subsection (2) of this section. The department shall

1 attempt to resolve issues causing noncompliance prior to requesting the
2 governor to invoke one or more of the sanctions.

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

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

6 (b) Notify and direct the state treasurer to withhold the portion
7 of revenues to which the county or city is entitled under one or more
8 of the following: The motor vehicle fuel tax, as provided in chapter
9 82.36 RCW; the transportation improvement account as provided in RCW
10 47.26.084; the urban arterial trust account as provided in RCW
11 47.26.080; the rural arterial trust account as provided in RCW
12 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the
13 liquor profit tax, as provided in RCW 66.08.190; and the liquor excise
14 tax, as provided in RCW 82.08.170; or

15 (c) File a notice of noncompliance with the secretary of state and
16 the county or city, which shall temporarily rescind the county or
17 city's authority to collect the real estate excise tax under RCW
18 82.46.030 until the governor files a notice rescinding the notice of
19 noncompliance."

20 "Sec. 75. RCW 43.88.110 and 1987 c 502 s 5 are each amended to
21 read as follows:

22 EXPENDITURE PROGRAMS--ALLOTMENTS--RESERVES. This section sets
23 forth the expenditure programs and the allotment and reserve procedures
24 to be followed by the executive branch for public funds. Allotments of
25 an appropriation for any fiscal period shall conform to the terms,
26 limits, or conditions of the appropriation.

27 (1) The director of financial management shall provide all agencies
28 with a complete set of instructions for preparing a statement of
29 proposed expenditures at least thirty days before the beginning of a

1 fiscal period. The set of instructions need not include specific
2 appropriation amounts for the agency.

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

1 modified or if the contingent event occurs. The director of financial
2 management shall enter approved statements of proposed expenditures
3 into the state budgeting, accounting, and reporting system within
4 forty-five days after receipt of the proposed statements from the
5 agencies. If an agency or the director of financial management is
6 unable to meet these requirements, the director of financial management
7 shall provide a timely explanation in writing to the legislative fiscal
8 committees.

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

22 (4) The director of financial management may exempt certain public
23 funds from the allotment controls established under this chapter if it
24 is not practical or necessary to allot the funds. Allotment control
25 exemptions expire at the end of the fiscal biennium for which they are
26 granted. The director of financial management shall report any
27 exemptions granted under this subsection to the legislative fiscal
28 committees."

1 **"Sec. 76.** RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each
2 amended to read as follows:

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

22 (2) The board shall not allocate funds, nor make payments under RCW
23 36.79.160, to any county or city identified by the governor as not
24 being in compliance with section 74 of this act."

25 **"Sec. 77.** RCW 47.26.080 and 1988 c 167 s 13 are each amended to
26 read as follows:

27 URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor
28 vehicle fund the urban arterial trust account. All moneys deposited in
29 the motor vehicle fund to be credited to the urban arterial trust

1 account shall be expended for the construction and improvement of city
2 arterial streets and county arterial roads within urban areas, for
3 expenses of the transportation improvement board, or for the payment of
4 principal or interest on bonds issued for the purpose of constructing
5 or improving city arterial streets and county arterial roads within
6 urban areas, or for reimbursement to the state, counties, cities, and
7 towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of
8 any payments made on principal or interest on urban arterial trust
9 account bonds from motor vehicle or special fuel tax revenues which
10 were distributable to the state, counties, cities, and towns.

11 The board shall not allocate funds, nor make payments of the funds
12 under RCW 47.26.260, to any county or city identified by the governor
13 as not being in compliance with section 74 of this act."

14 "Sec. 78. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each
15 amended to read as follows:

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

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

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

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

8 (5) When the governor files a notice of noncompliance based on
9 section 74 of this act with the secretary of state and the appropriate
10 county or city, the county or city's authority to impose the additional
11 excise tax under this section shall be temporarily rescinded until the
12 governor files a subsequent notice rescinding the notice of
13 noncompliance."

14 "Sec. 79. RCW 66.08.190 and 1988 c 229 s 4 are each amended to
15 read as follows:

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

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

21 (2) From the amount remaining after distribution under subsection
22 (1) of this section, fifty percent to the general fund of the state,
23 ten percent to the counties of the state, and forty percent to the
24 incorporated cities and towns of the state.

25 (3) The governor may notify and direct the state treasurer to
26 withhold the revenues to which the counties and cities are entitled
27 under this section if the counties or cities are found to be in
28 noncompliance pursuant to section 74 of this act."

1 (3) Its consistency with local and regional transportation and land
2 use plans;

3 (4) Its consistency with state, regional, and local transit plans,
4 where applicable;

5 (5) Its consistency with state, regional, and local freight rail
6 considerations;

7 (6) Its adequacy of alignment and related geometrics;

8 ~~((4))~~ (7) Its accident experience; and

9 ~~((5))~~ (8) Its fatal accident experience.

10 With assistance from regional transportation planning
11 organizations, where applicable, adjacent counties, and the county road
12 administration board, long-term plans shall be used to guide
13 development of the six-year programs. The six-year construction
14 programs shall remain flexible and subject to annual revision as
15 provided in RCW 36.81.121."

16 "**Sec. 83.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each
17 amended to read as follows:

18 SIX-YEAR COUNTY ROAD PLANS. (1) Before July 1st of each year, the
19 legislative authority of each county with the advice and assistance of
20 the county road engineer, and pursuant to one or more public hearings
21 thereon, shall prepare and adopt a comprehensive road program for the
22 ensuing six calendar years. If the county has adopted a comprehensive
23 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of
24 a charter county derived from its charter, or chapter 36.70A RCW, the
25 program shall be consistent with this comprehensive plan.

26 The program shall include proposed road and bridge construction
27 work, and for those counties operating ferries shall also include a
28 separate section showing proposed capital expenditures for ferries,
29 docks, and related facilities. Copies of the program shall be filed

1 with the county road administration board (~~and with~~), the state
2 secretary of transportation, and the regional transportation planning
3 organization, where applicable, not more than thirty days after its
4 adoption by the legislative authority. The purpose of this section is
5 to assure that each county shall perpetually have available advanced
6 plans looking to the future for not less than six years as a guide in
7 carrying out a coordinated road construction program that reflects the
8 transportation goals set forth in chapter 36.70A RCW. The program may
9 at any time be revised by a majority of the legislative authority but
10 only after a public hearing thereon.

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

28 (3) Each six-year program forwarded to the secretary in compliance
29 with subsection (1) of this section shall contain information as to how
30 a county will expend its moneys, including funds made available

1 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and
2 equestrian purposes."

3 "Sec. 84. RCW 47.05.030 and 1987 c 179 s 2 are each amended to
4 read as follows:

5 PRIORITY PROGRAMMING FOR STATE HIGHWAYS. The transportation
6 commission shall adopt and periodically revise, after consultation with
7 the legislative transportation committee, a comprehensive six-year
8 program and financial plan for highway improvements specifying program
9 objectives for each of the highway categories, "A," "B," "C," and "H,"
10 defined in this section, and within the framework of estimated funds
11 for such period. The program and plan shall be based upon the
12 improvement needs (~~((for state highways as determined by the department~~
13 ~~from time to time))~~) identified in the state highway system plan, as
14 required under section 93 of this act.

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

20 (1) Category A shall consist of those improvements necessary to
21 sustain the structural, safety, and operational integrity of the
22 existing state highway system (other than improvements to the
23 interstate system to be funded with federal aid at the regular
24 interstate rate under federal law and regulations, and improvements
25 designated in subsections (2) through (4) of this section).

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

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

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

12 Projects which are financed one hundred percent by federal funds or
13 other agency funds shall, if the commission determines that such work
14 will improve the state highway system, be managed separately from the
15 above categories."

16 "Sec. 85. RCW 47.26.084 and 1988 c 167 s 2 are each amended to
17 read as follows:

18 PROJECT CRITERIA--TRANSPORTATION IMPROVEMENT ACCOUNT. The
19 transportation improvement account is hereby created in the motor
20 vehicle fund. The board shall adopt rules and procedures which shall
21 govern the allocation of funds in the transportation improvement
22 account at such time as funds become available.

23 The board shall allocate funds from the account by June 30 of each
24 year for the ensuing fiscal year and shall endeavor to provide
25 geographical diversity in selecting improvement projects to be funded
26 from the account.

27 Of the amount made available to the transportation improvement
28 board from the transportation improvement account for improvement
29 projects:

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

5 ~~((To be eligible to receive these funds, a project must be (a)~~
6 ~~consistent with state, regional, and local transportation plans and~~
7 ~~consideration shall be given to the project's relationship, both actual~~
8 ~~and potential, with rapid mass transit and at such time as a rail plan~~
9 ~~is developed by the rail development commission, projects must be~~
10 ~~consistent therewith, (b) necessitated by existing or reasonably~~
11 ~~foreseeable congestion levels attributable to economic development or~~
12 ~~growth, and (c) partially funded by local government or private~~
13 ~~contributions, or a combination of such contributions.)) Before~~
14 awarding funding for any specific project the transportation
15 improvement board shall determine if the following criteria have been
16 considered:

17 (a) The project is necessitated by existing or reasonably
18 foreseeable congestion levels attributable to economic development or
19 growth;

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

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

25 (d) The project conforms to local and regional transportation plans
26 and county, city, and town comprehensive plans including access
27 management provisions;

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

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

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

5 The board shall, for those projects meeting the eligibility
6 criteria, determine what percentage of each project is funded by local
7 and/or private contribution. Priority consideration shall be given to
8 those projects with the greatest percentage of local and/or private
9 contribution.

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

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

18 The board shall not allocate funds, nor make payments of the funds
19 under RCW 47.26.265, to any county or city identified by the governor
20 as not being in compliance with section 74 of this act. The board
21 shall reduce its allocation of funds to any public benefit district in
22 proportion to the proportion of improvements being made to the roads of
23 any county or the streets of any city which is identified by the
24 governor as not being in compliance with section 74 of this act."

25 "**Sec. 86.** RCW 47.26.220 and 1989 c 160 s 1 are each amended to
26 read as follows:

27 PROJECT CRITERIA--URBAN ARTERIAL TRUST ACCOUNT. Counties and
28 cities, in preparing their respective six year programs relating to
29 urban arterial improvements to be funded by the urban arterial trust

1 account, shall select specific priority improvement projects for each
2 functional class of arterial based on the rating of each arterial
3 section proposed to be improved in relation to other arterial sections
4 within the same functional class, taking into account the following:

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

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

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

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

11 (5) Its fatal accident experience;

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

14 (7) Its consistency with regional and local high-capacity
15 transportation considerations;

16 (8) Its consistency with state, regional, and local freight rail
17 considerations. The six-year construction programs shall remain
18 flexible and subject to annual revision as provided in RCW 36.81.121
19 and 35.77.010."

20 "Sec. 87. RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each
21 amended to read as follows:

22 SIX-YEAR TRANSIT PLANS. By April 1st of each year, the legislative
23 authority of each municipality, as defined in RCW 35.58.272, shall
24 prepare a six-year transit development and financial program for that
25 calendar year and the ensuing five years. The program shall be
26 consistent with the comprehensive plans adopted by counties, cities,
27 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
28 inherent authority of a first class city or charter county derived from
29 its charter, or chapter 36.70A RCW. The program shall contain

1 information as to how the municipality intends to meet state and local
2 long-range priorities for public transportation, capital improvements,
3 significant operating changes planned for the system, and how the
4 municipality intends to fund program needs. Each municipality shall
5 file the six-year program with the state department of transportation,
6 the transportation improvement board, and cities, counties, and
7 regional transportation planning (~~councils~~) organizations within
8 which the municipality is located.

9 In developing its program, the municipality shall consider those
10 policy recommendations affecting public transportation contained in the
11 state transportation policy plan approved by the state transportation
12 commission and, where appropriate, adopted by the legislature. The
13 municipality shall conduct one or more public hearings while developing
14 its program and for each annual update."

15 "Sec. 88. RCW 35.58.2796 and 1989 c 396 s 2 are each amended to
16 read as follows:

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

25 To assist the department with preparation of the report, each
26 municipality shall file a system report by (~~April~~) May 1st of each
27 year with the state department of transportation identifying its public
28 transportation services for the previous calendar year and its
29 objectives for improving the efficiency and effectiveness of those

1 services. The system report shall address those items required for
2 each public transportation system in the department's report.

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

10 (1) Equipment and facilities, including vehicle replacement
11 standards;

12 (2) Services and service standards;

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

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

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

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

1 **"Sec. 89.** RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each
2 amended to read as follows:

3 COMPREHENSIVE TRANSIT PLANS--NEW SYSTEMS. The public
4 transportation benefit area authority authorized pursuant to RCW
5 36.57A.050 shall develop a comprehensive transit plan for the area.
6 Such plan shall include, but not be limited to the following elements:

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

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

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

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

17 ~~((4))~~ (5) The future enlargement of the benefit area or the
18 consolidation of such benefit area with other transit systems."

19 **"Sec. 90.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each
20 amended to read as follows:

21 PLANNING ORGANIZATION BOARD. Each regional transportation planning
22 organization shall create a transportation policy board.
23 Transportation policy boards shall provide policy advice to the
24 regional transportation planning organization and shall allow
25 representatives of major employers within the region, the department of
26 transportation, transit districts, port districts, and member cities,
27 towns, and counties within the region to participate in policy making.
28 Citizens or citizen organizations may also be represented on the
29 board."

1 "NEW SECTION. **Sec. 91.** PLANNING GUIDELINES. The legislature
2 recognizes that the ownership and operation of Washington's
3 transportation system is spread among federal, state, and local
4 government agencies, regional transit agencies, port districts, and the
5 private sector. Therefore, transportation planning must be a
6 comprehensive and coordinated effort. The specific role of the
7 department in transportation planning shall be (1) ongoing coordination
8 and development of state-wide transportation policies that guide all
9 Washington transportation providers, (2) ongoing system planning for
10 state transportation systems that identifies investment needs and meets
11 federal requirements for state-wide transportation plans, (3)
12 coordinating the state high-capacity transportation planning and
13 regional transportation planning programs, and (4) conducting special
14 transportation planning studies that impact state transportation
15 facilities or relate to transportation issues of state-wide
16 significance. Specific requirements for each of these state
17 transportation planning components are described in this chapter."

18 "NEW SECTION. **Sec. 92.** TRANSPORTATION POLICY PLAN. The
19 department shall develop a state transportation policy plan that (1)
20 establishes a vision and goals for the development of the state-wide
21 transportation system consistent with the state's growth management
22 goals, (2) identifies significant state-wide transportation policy
23 issues, and (3) recommends state-wide transportation policies and
24 strategies to the legislature to fulfill the requirements of RCW
25 47.01.071(1). The state transportation policy plan shall be the
26 product of an ongoing process that shall involve representatives of
27 significant transportation interests and the general public from across
28 the state."

1 "NEW SECTION. **Sec. 93.** TRANSPORTATION SYSTEM PLAN. The

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

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

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

27 (b) Capacity and operational improvement - This element establishes
28 operational standards, including safety considerations, for moving
29 people and goods on the state highway system, identifies current and
30 future capacity and operational and safety deficiencies, and proposes

1 program funding levels and specific improvements and strategies
2 necessary to maintain the established operational standards. Forecasts
3 of travel shall be based upon adopted local land use plans, and shall
4 be consistent with those developed for regional transportation
5 planning. Capacity and operational improvement plans shall first
6 assess strategies that enhance the operational efficiency of the
7 existing system before recommending system expansion. Capacity
8 improvement recommendations shall be based upon which alternative moves
9 the most people or goods, or both. Strategies that enhance the
10 operational efficiency include access management, transportation system
11 management, demand management, and high occupancy vehicle facility
12 development.

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

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

27 (2) The Washington state ferry system plan - A plan to guide state
28 investments in the Washington state ferry system to ensure a mobility
29 link across Puget Sound. The plan shall establish service standards
30 for state ferry routes, forecast travel demand for the various markets

1 served by the state ferry system, and develop strategies for ferry
2 system investment that consider both vehicle and passenger needs, meet
3 regional and state-wide travel purposes, support local land use plans,
4 and are fully integrated into land transportation connections.

5 The Washington state ferry system plan shall be developed in
6 conjunction with the regional transportation planning organizations
7 designated for counties served by the Washington state ferry system and
8 the ferry advisory committees.

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

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

17 (5) The state bicycle plan - A plan to identify bicycling needs on
18 the state transportation systems and to provide a basis for the
19 investment of state highway funds dedicated to bicycling facilities
20 under chapter 47.30 RCW."

21 "NEW SECTION. **Sec. 94.** HIGH-CAPACITY TRANSPORTATION PLANNING--
22 DEPARTMENT OF TRANSPORTATION. The department's role in high-capacity
23 transportation planning and regional transportation planning is to
24 administer state planning grants for these purposes, participate in
25 these regional planning processes, and coordinate other department
26 planning with these regional efforts including the provisions of RCW
27 81.104.060."

1 "NEW SECTION. **Sec. 99.** RELATION TO OTHER AUTHORITIES. The
2 provisions of this act are cumulative and nonexclusive and are not
3 intended to be preemptive in effect."

4 "NEW SECTION. **Sec. 100.** SEVERABILITY. If any provision of this
5 act or its application to any person or circumstance is held invalid,
6 the remainder of the act or the application of the provision to other
7 persons or circumstances is not affected."

8 "NEW SECTION. **Sec. 101.** HEADINGS. Part and section headings and
9 the table of sections as used in this act do not constitute any part of
10 the law."

11 "NEW SECTION. **Sec. 102.** CODIFICATION. (1) Sections 11 through
12 13, 17, 31, 39, 42 through 48, 50, 52 through 57, 59 through 61, 65
13 through 70, 74, 96 through 99, and 101 of this act are each added to
14 chapter 36.70A RCW.

15 (2) Sections 91 through 95 of this act shall constitute a new
16 chapter in Title 47 RCW."

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 By Representative

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "amending RCW 36.70A.010, 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110, 36.70A.130, 82.02.050, 82.02.090, 43.21C.031, 19.27.095, 58.17.033, 58.17.170, 36.70A.140, 36.93.170, 36.93.180, 35.13.130, 82.46.010, 35.21.685, 36.32.415, 59.18.440, 36.70A.170, 36.70A.060, 36.70A.050, 36.70A.190, 43.155.070, 70.146.070, 43.88.110, 36.79.150, 47.26.080, 82.46.035, 66.08.190, 36.79.080, 36.81.121, 47.05.030, 47.26.084, 47.26.220, 35.58.2795, 35.58.2796, 36.57A.060, and 47.80.040; adding a new section to chapter 8.26 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 35.02 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 36.93 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 47 RCW; and creating new sections."