
SENATE BILL 5809

State of Washington

52nd Legislature

1991 Regular Session

By Senator Erwin.

Read first time February 21, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.010,
2 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110,
3 82.02.050, 19.27.095, 58.17.033, 36.70A.190, 43.88.110, 82.44.150,
4 66.08.190, and 36.93.180; adding a new section to chapter 35.02 RCW;
5 adding a new section to chapter 36.93 RCW; adding new sections to
6 chapter 36.70A RCW; adding a new section to chapter 82.08 RCW; and
7 adding a new section to chapter 82.14 RCW.

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

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

11 LEGISLATIVE FINDINGS. The legislature finds that uncoordinated and
12 unplanned growth, together with a lack of common goals expressing the
13 public's interest in the conservation and the wise use of our lands,
14 pose a threat to the environment, sustainable economic development, and

1 the health, safety, and high quality of life enjoyed by residents of
2 this state. The legislature further finds that the lack of common
3 goals and the absence of effective methods and procedures to plan for
4 environmentally sound land use to accommodate new economic and
5 population growth at the local and regional level have contributed to
6 severe problems and conflicts. These have affected land use,
7 transportation, water quality and availability, air quality, the health
8 of sensitive lands, the maintenance of agricultural and forest lands,
9 housing affordability, and economic vitality of local communities and
10 regions in the state. It is in the public interest that citizens,
11 communities, regions, state government, local governments, tribal
12 governments, and the private sector cooperate and coordinate with one
13 another in comprehensive land use planning. A new system of land use
14 planning and governance is needed to provide for the growth and
15 continued vitality of the state's diverse communities and regions. It
16 must be built upon and promote local accountability and initiative and
17 the active involvement of citizens. It must also provide effective
18 protection for the state's environmental heritage, conservation of its
19 natural beauty, maintenance of its forest and agricultural lands in a
20 productive and sustainable fashion, and the protection of its limited
21 water resources. The legislature further finds that the new system of
22 land use planning must reflect and further the following values:

23 (1) Land use planning should respect local decision making -- land
24 use planning and growth management should be based on activity in local
25 communities, managed with attention to detail, where diverse citizen
26 concerns can be effectively addressed. Planning should provide greater
27 predictability in the development process by effectively resolving land
28 use disputes earlier in the process.

29 (2) State government should provide a framework for local planning
30 and environmental and natural resource protection -- state action

1 should support local land use planning and conservation activities.
2 The state should provide guidance and assistance for local planning,
3 assurance of effective local action, and a means for resolving disputes
4 concerning land use planning, development, and the maintenance and
5 protection of environmentally critical areas, natural resource lands,
6 and open space. State government should act consistently with local
7 governments, following common rules governing planning, land use,
8 environmental protection, and natural resource conservation.

9 (3) Elected officials should be accountable for planning decisions
10 -- land use planning decisions have long-term and complex impacts and
11 affect numerous citizens and communities. Therefore, accountability
12 for such decisions should rest with officials elected by and
13 accountable to the public to the maximum extent feasible.

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

18 (5) Necessary public facilities should be located in a way that the
19 burden of meeting public needs is shared fairly by the communities in
20 a region, and primary responsibility for locating needed facilities
21 should rest with the publicly accountable officials in local regions.

22 (6) Encouraging strong economies in the state's diverse regions --
23 the state has a continuing interest in furthering sustainable regional
24 economic growth and vitality. Rapid economic growth has resulted in
25 severe land use and environmental problems in fast-growing regions of
26 the state. The long-term interest of the state's citizens is served
27 best when all of the state's regions have vital economies. A vital
28 regional economy is one which is diverse, competitive in global terms,
29 economically and environmentally sustainable, offers opportunities for
30 new enterprise, and provides ample family-wage employment for its

1 citizens. The state should be an active participant in encouraging
2 economic vitality in the state's regions, in partnership with local
3 government, citizens, and the private sector. Effective action to
4 encourage economic development should include regional economic
5 development planning, adequate infrastructure, and local and state
6 action to increase the economic capacity of the state's regions.
7 Further, the legislature finds that it is in the public interest that
8 economic development programs be shared with communities experiencing
9 insufficient economic growth.

10 It is the intent of the legislature to address growth management
11 and planning issues from state, regional, and local perspectives, to
12 establish certain requirements on a state-wide basis, to permit such
13 requirements to be met by local governments with maximum local
14 flexibility, to require consistency between local governments planning
15 to encourage cooperative planning between local governments and between
16 local and tribal governments, to provide adequate time to conform with
17 such requirements, to prevent new development which is inconsistent
18 with these requirements from taking place during the interim, and to
19 provide resources to support such efforts in the form of both financial
20 and technical assistance. It is the intent of the legislature to
21 establish a process and system of planning and growth management
22 emphasizing a shared responsibility between the state and local
23 governments and including a fair and open process that allows local
24 governments broad flexibility to meet the goals and requirements
25 contained in this chapter in a manner best adapted to their local
26 circumstances and diversity. It is not the intent of the legislature
27 to establish a single comprehensive plan applicable without variation
28 throughout the state. Instead, local governments are given the
29 flexibility to tailor a custom fit in their comprehensive plan to meet
30 the goals and requirements contained in this chapter.

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

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

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

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

10 (~~(2)~~) (3) "Agricultural land" means land primarily devoted to the
11 commercial production of horticultural, viticultural, floricultural,
12 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
13 straw, turf, seed, Christmas trees not subject to the excise tax
14 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
15 long-term commercial significance for agricultural production.

16 (~~(3)~~) (4) "Board" means the growth management board established
17 to review plans and regulations established under this chapter.

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

19 (~~(4)~~) (6) "Committee" means the interagency committee for outdoor
20 recreation established under chapter 43.99 RCW.

21 (7) "Comprehensive land use plan," "comprehensive plan," or "plan"
22 means a generalized coordinated land use policy statement of the
23 governing body of a county or city that is adopted pursuant to this
24 chapter.

25 (~~(5)~~) (8) "Critical areas" include the following areas and
26 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
27 on aquifers used for potable water; (c) critical fish and wildlife
28 habitat (~~(conservation areas)~~); (d) frequently flooded areas; and (e)
29 geologically hazardous areas.

1 (~~(6)~~) (9) "Department" means the department of community
2 development.

3 (~~(7)~~) (10) "Development regulations" means any controls placed on
4 development or land use activities by a county or city, including, but
5 not limited to, zoning ordinances, official controls, planned unit
6 development ordinances, subdivision ordinances, and binding site plan
7 ordinances.

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

13 (~~(9)~~) (12) "Geologically hazardous areas" means areas that
14 because of their susceptibility to erosion, sliding, earthquake, or
15 other geological events, are not suited to the siting of commercial,
16 residential, or industrial development consistent with public health or
17 safety concerns.

18 (~~(10)~~) (13) "Long-term commercial significance" includes the
19 growing capacity, productivity, and soil composition of the land for
20 long-term commercial production, in consideration with the land's
21 proximity to population areas, and the possibility of more intense uses
22 of the land.

23 (~~(11)~~) (14) "Mineral(~~(s)~~) resource lands" include those lands
24 identified and devoted to the long-term commercial extraction of
25 gravel, sand, rock, and valuable metallic substances.

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

28 (16) "New community" means a comprehensive development providing
29 for a mixture of land uses which includes the following: (a) A mix of
30 jobs, housing, and public facilities needed for a self-contained

1 community; (b) preservation of open spaces within and around the
2 community; (c) an internal and external transportation system
3 supportive of pedestrian access and mass transit; (d) the new
4 infrastructure needed to serve the proposed community; and (e) the
5 mitigation of off-site impacts.

6 (17) "Open space lands" include land areas, the protection of which
7 would: (a) Conserve and enhance scenic, or viewshed resources; (b)
8 provide scenic amenities and community identity within and between
9 areas of urban development; (c) protect physical and/or visual buffers
10 within and between areas of urban and rural development, or along
11 transportation corridors; (d) protect lakes, rivers, streams,
12 watersheds, or water supply; (e) promote conservation of critical
13 areas, natural resource lands, soils, geologically hazardous areas, or
14 tidal marshes, beaches, or other shoreline areas; (f) enhance the value
15 to the public of abutting or neighboring parks, forests, wildlife
16 habitat, trails, or other open space; (g) enhance visual enjoyment and
17 recreation opportunities, including public access to shoreline areas;
18 (h) protect natural areas and environmental features with significant
19 educational, scientific, wildlife habitat, historic, or scenic value;
20 or (i) retain in its natural state tracts of land not less than five
21 acres situated in an urban environment.

22 ((~~12~~)) (18) "Public facilities" include streets, roads, highways,
23 sidewalks, street and road lighting systems, traffic signals, domestic
24 water systems, storm and sanitary sewer systems, parks and
25 recreational facilities, and schools.

26 ((~~13~~)) (19) "Public services" include fire protection and
27 suppression, law enforcement, public health, education, recreation,
28 environmental protection, and other governmental services.

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

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

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

13 ~~((14))~~ (23) "Urban growth" refers to growth that makes intensive
14 use of land for the location of buildings, structures, and impermeable
15 surfaces to such a degree as to be incompatible with the primary use of
16 such land for the production of food, other agricultural products, or
17 fiber, or the extraction of mineral resources. When allowed to spread
18 over wide areas, urban growth typically requires urban governmental
19 services. "Characterized by urban growth" refers to land having urban
20 growth located on it, or to land located in relationship to an area
21 with urban growth on it as to be appropriate for urban growth.

22 ~~((15))~~ (24) "Urban growth areas" means those areas designated by
23 a county pursuant to RCW 36.70A.110.

24 ~~((16))~~ (25) "Urban governmental services" include those
25 governmental services historically and typically delivered by cities,
26 and include storm and sanitary sewer systems, domestic water systems,
27 street cleaning services, fire and police protection services, public
28 transit services, and other public utilities associated with urban
29 areas and normally not associated with nonurban areas.

1 ((~~17~~)) (26) "Wetland" or "wetlands" means areas that are
2 inundated or saturated by surface water or ground water at a frequency
3 and duration sufficient to support, and that under normal circumstances
4 do support, a prevalence of vegetation typically adapted for life in
5 saturated soil conditions. Wetlands generally include swamps, marshes,
6 bogs, and similar areas. Wetlands do not include those artificial
7 wetlands intentionally created from nonwetland sites, including, but
8 not limited to, irrigation and drainage ditches, grass-lined swales,
9 canals, detention facilities, wastewater treatment facilities, farm
10 ponds, and landscape amenities. However, wetlands may include those
11 artificial wetlands intentionally created from nonwetland areas created
12 to mitigate conversion of wetlands, if permitted by the county or city.

13 PART I

14 PLANNING GOALS

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

17 PLANNING GOALS. The following goals are adopted to guide the
18 development and adoption of comprehensive plans and development
19 regulations of those counties and cities that are required or choose to
20 plan under RCW 36.70A.040. The following goals are not listed in order
21 of priority and shall be used ~~((exclusively))~~ for the purpose of
22 guiding the development of comprehensive plans and development
23 regulations. However, plans, regulations, and actions, including
24 expenditures of state-appropriated funds, of state agencies, counties,
25 and cities required or choosing to plan, and special districts shall
26 conform to and support these goals:

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

4 Urban growth areas should be compact, have concentrated employment
5 centers, and provide opportunities for people to live in a variety of
6 housing types close to where they work. Plans should ensure an
7 adequate supply of land for projected jobs considering the nature and
8 diversity of economic activity and for a variety of housing types.
9 Development densities should be sufficient to: (a) Protect open space,
10 natural features and parks, natural resource lands and critical areas
11 within and outside of urban growth areas; (b) promote affordable
12 housing; and (c) promote transit. Large land areas characterized by
13 significant natural limitations such as steep slopes, seismic hazard
14 areas, flood plains, and wetlands should not be designated for urban
15 growth.

16 New development should be designed to respect the planned and
17 existing character of neighborhoods. Open spaces and natural features
18 should be preserved within urban areas.

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

21 (3) Transportation. (~~Encourage~~) Develop efficient multimodal
22 transportation systems that are based on regional priorities and
23 coordinated with county and city comprehensive plans. Provide
24 alternatives to single-occupant automobile travel in congested urban
25 areas. Housing should be of sufficient density and employment centers
26 should be concentrated to enable greater efficiency and affordability
27 of transit service.

28 (4) Housing. Encourage (~~the availability of~~) and participate in
29 making available affordable housing (~~to~~) for all economic segments of
30 the population of this state, promote a variety of residential

1 densities and housing types, ~~((and))~~ encourage preservation of existing
2 housing stock, promote the state and federal fair housing goals, and
3 provide for a fair share of housing needs.

4 (5) Economic development. Encourage economic development
5 throughout the state that is consistent with adopted comprehensive
6 plans, promote economic opportunity for all citizens of this state,
7 especially for unemployed and for disadvantaged persons, build a
8 network of strong regional economies, identify and focus assistance on
9 priority economic development areas where there is a need for growth
10 and where there is the realistic capacity and broad local support for
11 such growth, and encourage growth in areas experiencing insufficient
12 economic growth, all within the capacities of the state's natural
13 resources, public services, and public facilities.

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

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

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

26 (9) Open space and recreation. ~~((Encourage the retention of open~~
27 ~~space and development of recreational opportunities, conserve fish and~~
28 ~~wildlife habitat, increase access to natural resource lands and water,~~
29 ~~and develop parks.)) Protect open space and where possible link open
30 space into regional and state-wide networks. Permanent open space~~

1 networks should separate neighboring cities, where possible, and define
2 distinct urban growth areas to prevent their merging into large
3 continuous urban areas. Open space should be used to: Protect fish
4 and wildlife habitat; protect environmentally sensitive land and water
5 areas; provide park and outdoor recreational opportunities; protect
6 scenic areas and viewsheds; accommodate nonmotorized recreational
7 corridors and trails; and protect views and vistas within and around
8 cities.

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

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

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

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

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

27 (15) Water Resources. Land use planning and permit decisions that
28 will both protect water and create demand for water must be compatible
29 with water resource plans. New growth must be related to water
30 availability. Each county and its cities must integrate water resource

1 planning for consumptive and nonconsumptive uses into its land use
2 plan. Water is key for fish, wildlife, domestic use, industrial use,
3 power, agriculture, aesthetics, and recreation.

4 PART II

5 LOCAL PLANNING

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

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

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

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

23 (4) If after January 1, 1991, the office of financial management
24 certifies that ~~((the population of a county has changed sufficiently to~~
25 ~~meet the requirements of subsection (1) of this section, and the county~~
26 ~~legislative authority has not adopted a resolution removing the county~~
27 ~~from these requirements as provided in subsection (1) of this section))~~
28 a county, that previously had not been required to plan under this
29 chapter as specified under subsection (1) or (2) of this section, meets
30 the requirements of subsection (1) of this section to become required

1 to plan under this chapter, the county and each city within such county
2 shall adopt: (a) Development regulations under RCW 36.70A.060 within
3 one year of the certification by the office of financial management;
4 (b) a comprehensive land use plan under this chapter within three years
5 of the certification by the office of financial management; and (c)
6 development regulations pursuant to this chapter within one year of
7 having adopted its comprehensive land use plan.

8 NEW SECTION. **Sec. 5.** PHASING OF COMPREHENSIVE PLANS SUBMITTAL.

9 The department may adopt a schedule by September 1, 1991, to permit
10 phasing of comprehensive land use plan submittal for counties and
11 cities planning under RCW 36.70A.040. The department shall assess
12 local progress toward meeting the deadline for completion of
13 comprehensive plans and set a schedule which provides for the
14 expeditious completion, submittal, and review of comprehensive plans
15 prepared under this act. The department shall report annually to the
16 governor and the legislature before December 31st each year from 1991
17 until 1995 on local government progress in preparing comprehensive
18 plans under the provisions of this chapter.

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

21 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of
22 a county or city that is required or chooses to plan under RCW
23 36.70A.040 shall consist of a map or maps, and descriptive text
24 covering objectives, principles, and standards used to develop the
25 comprehensive plan. The plan shall be an internally consistent
26 document and all elements shall be consistent with the future land use
27 map. A comprehensive plan shall be adopted and amended with public
28 participation as provided in RCW 36.70A.140.

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

3 (1) A land use element designating the proposed general
4 distribution and general location and extent of the uses of land, where
5 appropriate, for agriculture, timber production, housing, commerce,
6 industry, recreation, open spaces, public utilities, public facilities,
7 and other land uses. The land use element shall provide for sufficient
8 developable land and densities for a range of housing types. The land
9 use element shall include population densities, building intensities,
10 and estimates of future population growth. The land use element shall
11 include designation of natural resource lands and lands for outdoor
12 recreation as provided in RCW 36.70A.060. Each county shall include
13 urban growth areas as established in RCW 36.70A.110 in its
14 comprehensive land use plan. The land use element shall provide for
15 protection of the quality and quantity of ground and surface water used
16 for public water supplies and shall recognize that water availability
17 and quality are key factors in determining the extent, location,
18 distribution, and intensity of land uses. Where applicable, the land
19 use element shall review drainage, flooding, and storm water run-off in
20 the area and nearby jurisdictions and provide guidance for corrective
21 actions to mitigate or cleanse those discharges that pollute waters of
22 the state, including Puget Sound or waters entering Puget Sound.

23 (2) A housing element recognizing the vitality and character of
24 established residential neighborhoods that: (a) Includes an inventory
25 and analysis of existing and projected housing needs; (b) includes a
26 statement of goals, policies, and objectives for the preservation,
27 improvement, and development of housing and for meeting fair share
28 housing obligations within the county and/or jurisdictions; (c)
29 identifies sufficient land and densities for housing; (d) identifies
30 the existing and projected fair share accommodation of low-income

1 moderate-income housing, including, but not limited to, government-
2 assisted housing, housing for low-income families, manufactured
3 housing, multifamily housing, and group homes and foster care
4 facilities; ~~((and (d)))~~ (e) makes adequate provisions for existing and
5 projected needs of all economic segments of the community; (f) promotes
6 housing that is affordable; and (g) minimizes the displacement of
7 residents from housing.

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

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

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

1 (6) A transportation element that implements, and is consistent
2 with, the land use element. The transportation element shall include
3 the following subelements:

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

5 (b) Facilities and services needs, including:

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

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

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

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

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

20 (c) Finance, including:

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

23 (ii) A multiyear financing plan based on the needs identified in
24 the comprehensive plan, the appropriate parts of which shall serve as
25 the basis for the six-year street, road, or transit program required by
26 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
27 35.58.2795 for public transportation systems;

28 (iii) If probable funding falls short of meeting identified needs,
29 a discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service
2 standards will be met;

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

6 (e) Demand-management strategies.

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

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

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

28 (8) An environmental management element that minimizes development
29 and growth impacts on the environment and enhances the quality of air,
30 water, and land resources.

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

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

6 (11) A fair share element for siting state and regional public
7 facilities.

8 **Sec. 7.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each
9 amended to read as follows:

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

14 (a) Conservation;

15 (b) Solar energy; ((and))

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

17 (d) Historic preservation;

18 (e) Cultural resources; and

19 (f) Economic development.

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

22 **Sec. 8.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each
23 amended to read as follows:

24 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is
25 required or chooses to adopt a comprehensive land use plan under RCW
26 36.70A.040 shall designate in its comprehensive land use plan an urban
27 growth area or areas within which urban growth shall be encouraged and
28 outside of which growth can occur only if it is not urban in nature.

1 Each city that is located in such a county shall be included within an
2 urban growth area. An urban growth area may include more than a single
3 city. An urban growth area may include territory that is located
4 outside of a city only if such territory already is characterized by
5 urban growth ~~((or))~~, is adjacent to territory already characterized by
6 urban growth, or meets the conditions for establishing new communities
7 under section 9 of this act.

8 (2) Based upon the population forecast made for the county by the
9 office of financial management, the urban growth areas in the county
10 shall include areas and densities sufficient to permit the urban growth
11 that is projected to occur in the county for the succeeding ~~((twenty-~~
12 ~~year))~~ ten-year period. Additionally, the county shall include a
13 second-tier area to accommodate urban growth that is projected to occur
14 in the county for a twenty-year period. Each urban growth area shall
15 permit urban densities and shall include greenbelt and open space
16 areas. Within one year of July 1, 1990, each county required to
17 designate urban growth areas shall begin consulting with each city and
18 federally recognized tribal government located within its boundaries
19 and each city shall propose the location of an urban growth area. The
20 county, cities, and federally recognized Indian tribes electing to
21 participate in the process of designation located within the county
22 shall attempt to reach agreement ~~((with each city))~~ on the location of
23 ~~((an))~~ urban growth areas ~~((within which the city is located))~~. If
24 such an agreement is not reached ~~((with each city located within the~~
25 ~~urban growth area))~~, the county shall justify in writing why it so
26 designated the area an urban growth area. A city or federally
27 recognized tribal government may object formally ~~((with))~~ to the
28 department over the designation of the urban growth area within which
29 it is located. Where appropriate, the department shall attempt to
30 resolve the conflicts, including the use of mediation services.

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

10 (4) The annexation and incorporation plan elements required in RCW
11 36.70A.070 shall include a map or maps defining all those portions of
12 the designated urban growth area for potential annexation or
13 incorporation. These elements shall also relate potential annexation
14 and incorporation to the area development pattern, address density,
15 identify the needed service providers without proliferating special
16 purpose districts, and include the sequence or timing of the annexation
17 and incorporation.

18 (5) Open space and lands with significant natural limitations shall
19 be excluded in computing urban area density.

20 NEW SECTION. Sec. 9. NEW COMMUNITIES. A county required or
21 choosing to plan pursuant to the provisions of RCW 36.70A.040 shall
22 establish a process for reviewing proposals for new communities. A new
23 community may be permitted by a county when the new community is
24 included in its comprehensive plan prepared pursuant to RCW 36.70A.040
25 and is consistent with the requirements of this chapter. However, new
26 communities may only be approved if the following criteria are met:

27 (1) New infrastructure and off-site impact are fully considered and
28 provision is made for such infrastructure consistent with the
29 requirements of this chapter and RCW 82.02.050;

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

3 (3) Buffers are provided between the new community and adjacent
4 urban development;

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

6 (5) Sufficient affordable housing is provided within the new
7 community;

8 (6) Environmental protections have been adequately addressed and
9 provided for;

10 (7) Sufficient protection is provided to ensure the new community
11 is self-contained and will not stimulate or accelerate urban growth in
12 adjacent nonurban areas;

13 (8) Provision is made to minimize impacts on designated natural
14 resource lands; and

15 (9) The plan for the new community is consistent with the
16 development regulations established for the protection for critical
17 areas by the county pursuant to RCW 36.70A.170.

18 NEW SECTION. **Sec. 10.** PLANS AND REGULATIONS--SPECIAL DISTRICTS
19 MUST CONFORM. (1) All special districts shall perform all of their
20 activities which affect land use in conformity with the state policy
21 goals contained in RCW 36.70A.020, and the land use plans and zoning
22 ordinances of the county or city having jurisdiction in the area where
23 the activities occur.

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

1 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) libraries; (f) schools; and (g) transportation,
7 including mass transit.

8 **Sec. 11.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
9 amended to read as follows:

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

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

13 (b) To promote orderly growth and development by establishing
14 standards by which counties, cities, and towns may require, by
15 ordinance, that new growth and development pay a proportionate share of
16 the cost of new facilities needed to serve new growth and development;
17 and

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

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

27 (3) The impact fees:

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

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

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

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

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

19 (b) Additional demands placed on existing public facilities by new
20 development; and

21 (c) Additional public facility improvements required to serve new
22 development.

23 If the capital facilities plan of the county, city, or town is
24 complete other than for the inclusion of those elements which are the
25 responsibility of a special district, the county, city, or town may
26 impose impact fees to address those public facility needs for which the
27 county, city, or town is responsible.

28 NEW SECTION. Sec. 12. A new section is added to chapter 35.02 RCW
29 to read as follows:

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

4 NEW SECTION. **Sec. 13.** REGIONAL PLANS. In counties required to
5 plan under the provisions of this chapter, a regional plan or strategy
6 shall be developed by the county and the cities within the county and
7 as a tribal option any relevant tribal government to set major
8 directions and policies for fair share siting of public facilities by
9 September 1, 1992. A regional plan or strategy for economic
10 development and/or open space may be added at the option of the county
11 and participating cities. State agencies shall participate in and
12 cooperate with regional open space and fair share planning processes to
13 the maximum extent feasible. Counties may join together to develop
14 multicounty regions for these planning purposes at the option of the
15 county governing bodies of the participating counties. These policies
16 shall be reflected in the individual county and city comprehensive plan
17 elements on open space and fair share siting. After the adoption of
18 such plans, the comprehensive plans prepared under this chapter of
19 participating counties and cities shall be consistent for the subjects
20 covered by the plans.

21 NEW SECTION. **Sec. 14.** VESTING DOCTRINE. The following rule is
22 adopted for the vesting of rights in counties and cities that plan
23 under this chapter: A right shall vest upon the issuance of a valid
24 permit or preliminary plat approval. This rule shall cease to be
25 effective on the effective date of the final ordinance containing
26 development regulations adopted under RCW 36.70A.120, that implement in
27 whole the comprehensive plan adopted under this chapter within the

1 entire planning jurisdiction of each county and city that plan under
2 this chapter.

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

5 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY
6 LOCAL ORDINANCE. (1) Except as provided in section 14 of this act, a
7 valid and fully complete building permit application for a structure,
8 that is permitted under the zoning or other land use control ordinances
9 in effect on the date of the application shall be considered under the
10 building permit ordinance in effect at the time of application, and the
11 zoning or other land use control ordinances in effect on the date of
12 application.

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

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

17 **Sec. 16.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read
18 as follows:

19 PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE.
20 (1) Except as provided in section 14 of this act, a proposed division
21 of land, as defined in RCW 58.17.020, shall be considered under the
22 subdivision or short subdivision ordinance, and zoning or other land
23 use control ordinances, in effect on the land at the time a fully
24 completed application for preliminary plat approval of the subdivision,
25 or short plat approval of the short subdivision, has been submitted to
26 the appropriate county, city, or town official.

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

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

3 PART III

4 STATE ROLE

5 NEW SECTION. **Sec. 17.** STATE AGENCIES REQUIRED TO PLAN CONSISTENT
6 WITH PLANNING GOALS. State agencies proposing development shall: (1)
7 Plan in conformance with the planning goals contained in RCW
8 36.70A.020; (2) comply with local comprehensive plans and development
9 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.120; (3)
10 comply with amendments to comprehensive land use plans as provided for
11 in RCW 36.70A.130; and (4) comply with development regulations adopted
12 pursuant to RCW 36.70A.060 and section 10, chapter --- (Senate Bill No.
13 5369), Laws of 1991.

14 NEW SECTION. **Sec. 18.** RULE MAKING. (1) In addition to the rules
15 adopted by the department under RCW 36.70A.050 regarding natural
16 resource lands and critical areas as defined in RCW 36.70A.030, the
17 department shall adopt guidelines, requirements, and minimum standards
18 as rules under chapter 34.05 RCW to assist local governments in
19 implementing this chapter.

20 (2) As used in this chapter, the term "guidelines" is intended to
21 describe performance standards or parameters which guide local planning
22 while at the same time allow the exercise of local government direction
23 in choosing among planning and regulatory options. Guidelines are
24 intended to encourage creative and locally appropriate responses to
25 achieving the goals established in RCW 36.70A.020.

1 (3) As used in this chapter, the terms "requirements" and "minimum
2 standards" are intended to prescribe specific standards, requirements,
3 or procedures that must be followed by local governments in complying
4 with this chapter.

5 (4) In addition to other guidelines required to be developed by the
6 department, guidelines shall be adopted for the following processes in
7 the following priority order:

8 (a) To designate and manage urban growth areas, including the
9 phasing of development, determining service levels, and cumulative
10 effects;

11 (b) To integrate transportation and transit into land use planning
12 and site planning;

13 (c) To address the fair sharing and siting of regionally needed
14 facilities;

15 (d) To address housing supply, density, and fair sharing of housing
16 needs, including low-income and moderate-income housing;

17 (e) To address the following plan elements: Land use, annexation
18 and incorporation, and open space and outdoor recreation;

19 (f) To address regional open space and economic development plans;

20 (g) To address the need for buffers to minimize conflicts adjacent
21 to resource lands;

22 (h) To assess the adequacy of public facilities and the phasing of
23 growth and development approvals;

24 (i) To address mobility and facility needs for low-income and
25 physically challenged persons; and

26 (j) Other processes as determined by the department.

27 (5) In addition to other requirements and minimum standards
28 required to be developed by the department, requirements and minimum
29 standards shall be adopted for the following:

1 (a) Interim controls to protect critical areas and natural resource
2 lands state-wide; and

3 (b) Procedures, which may include timeframes.

4 (6) Guidelines, requirements, and minimum standards and regulations
5 adopted under this act shall be issued in a timely manner so that local
6 governments are afforded sufficient time to comply with the
7 requirements of this act.

8 (7) In carrying out its responsibilities under this section, the
9 department shall coordinate with other state agencies and consult with
10 interested parties as provided in RCW 36.70A.050. Advisory groups
11 shall be used in development of the rules under this act.

12 NEW SECTION. **Sec. 19.** CERTIFICATION OF REGIONAL ECONOMIC
13 DEVELOPMENT PLANS. The department shall develop a process for
14 certifying regional economic development plans prepared pursuant to
15 section 13 of this act and section 18, chapter --- (Senate Bill No.
16 5369), Laws of 1991. Counties not required or choosing to plan
17 pursuant to the requirements of RCW 36.70A.040 may also prepare
18 regional economic development plans, following the provisions contained
19 in section 18, chapter --- (Senate Bill No. 5369), Laws of 1991. The
20 department shall adopt guidelines for such plans as provided in section
21 18 of this act. The department shall certify regional economic
22 development plans at the request of the county or counties which
23 compose the region.

24 NEW SECTION. **Sec. 20.** COMPREHENSIVE PLANS--DEVELOPMENT
25 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a
26 comprehensive plan and/or development regulations under this chapter
27 shall submit its final draft plan and development regulations to the

1 department before adoption. The county or city shall also then submit
2 a copy of those documents to adjacent jurisdictions.

3 (2) Counties must submit the regional plans under section 13 of
4 this act to the department for preadoption review.

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

13 (4) In addition to the comments provided under this section,
14 counties and cities are encouraged to seek comments from the
15 department, other state agencies, and adjacent jurisdictions on
16 proposed comprehensive plans and development regulations, and any
17 amendments proposed after initial adoption, throughout their
18 development. This consultation should supplement the public
19 involvement opportunities under RCW 36.70A.140.

20 NEW SECTION. **Sec. 21.** FILING OF PLANS AND DEVELOPMENT
21 REGULATIONS--AMENDMENTS. (1) Each county and city planning under this
22 chapter shall send a complete and accurate copy of its comprehensive
23 plan and/or development regulations, or amendment thereof, to the
24 department within thirty working days after final adoption. The period
25 for filing requests for review of comprehensive plans or development
26 regulations with the board shall start once the department has received
27 a complete submission of all required materials.

28 (2) Any amendments proposed by a county or city local government to
29 its adopted plan or regulations shall be submitted for comment and

1 filed with the department after adoption in the same manner as for
2 initial plans and regulations under this section.

3 NEW SECTION. **Sec. 22.** DEPARTMENT REQUEST FOR BOARD REVIEW OF
4 COMPREHENSIVE PLANS, DEVELOPMENT REGULATIONS, OR AMENDMENTS. (1) When
5 a county or city comprehensive plan, development regulations, or
6 amendments to such plans or regulations are received by the department
7 pursuant to section 21 of this act, the department shall review the
8 plan, development regulations, or amendment for compliance with the
9 goals and requirements of this chapter. Within ninety days of adoption
10 by the county or city, the department shall determine if the plan,
11 regulations, or amendment is in compliance with the goals and
12 requirements of this chapter. If the plan, development regulations, or
13 amendment is not in compliance, the department shall seek review of the
14 plan, regulations, or amendment by the growth management board
15 established in section 25 of this act, pursuant to the requirements of
16 sections 26 and 27 of this act. The department shall send a copy of
17 the request for review to the county or city that has submitted the
18 plan, regulations, or amendment within five days of seeking such a
19 review from the board.

20 **Sec. 23.** 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, and federally
25 recognized Indian tribes to encourage and facilitate the adoption and
26 implementation of comprehensive plans and development regulations
27 throughout the state.

1 (2) The department shall develop a priority list and establish
2 funding levels for planning and technical assistance grants both for
3 counties and cities that plan under RCW 36.70A.040. Priority for
4 assistance shall be based on a county's or city's population growth
5 rates, commercial and industrial development rates, the existence and
6 quality of a comprehensive plan and development regulations, and other
7 relevant factors.

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

21 (4) The department shall establish a program of technical
22 assistance utilizing department staff, the staff of other state
23 agencies, and the technical resources of counties and cities to help in
24 the development of comprehensive plans required under this chapter.
25 The technical assistance may include, but not be limited to, model land
26 use ordinances, regional education and training programs, and
27 information for local and regional inventories.

28 (5) The department shall provide mediation services to resolve
29 disputes between counties (~~and~~), cities, and adjacent jurisdictions

1 regarding, among other things, coordination of regional issues and
2 designation of urban growth areas.

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

5 (7) The department may also provide planning grants and technical
6 assistance to federally recognized Indian tribes located in a county or
7 counties required or choosing to plan under RCW 36.70A.040.

8 NEW SECTION. Sec. 24. 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 natural resource lands and critical areas required in this chapter.

14 PART IV

15 GROWTH MANAGEMENT BOARD

16 NEW SECTION. Sec. 25. BOARD ESTABLISHED--MEMBERSHIP--CHAIR--
17 QUORUM FOR DECISION--EXPENSES OF MEMBERS. (1) The growth management
18 board is a quasi-judicial board hereby established within the
19 environmental hearings office under RCW 43.21B.005, to review plans and
20 development regulations pursuant to this chapter. The board shall
21 consist of six members appointed by the governor. Initial members
22 shall be appointed to staggered terms as follows: Two members shall be
23 appointed to two-year terms, two members to four-year terms, and two
24 members to six-year terms. Thereafter, members shall be appointed to
25 six-year terms. The governor shall appoint one of the members as
26 chairperson. The governor may remove a member only for cause.

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

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

15 (4) Four or more members of the board shall constitute a quorum for
16 issuance of final orders by the board. A decision of the board must be
17 agreed to by at least four members to be final.

18 (5) Board members shall receive compensation, travel, and
19 subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

20 NEW SECTION. **Sec. 26.** MATTERS SUBJECT TO BOARD REVIEW--FINAL

21 ORDERS. (1) The board has the power to review the following matters:

22 (a) The consistency of plans and development regulations subject to
23 this chapter with the goals and requirements of this chapter, and the
24 rules adopted under this chapter;

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

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

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

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

19 (3) The board shall consolidate all requests for review for each
20 plan and for development regulations.

21 NEW SECTION. **Sec. 27.** WHO MAY REQUEST REVIEW OF PLANS AND
22 REGULATIONS--PROCEDURE. (1) The following persons may request review
23 of comprehensive plans or development regulations adopted by counties
24 or cities required or choosing to plan subject to this chapter, review
25 of development actions taken under such comprehensive plans and
26 development regulations, or review of other matters related to
27 consistency with this chapter:

28 (a) The department may seek review of comprehensive plans and/or
29 development regulations subject to this chapter;

1 (b) Adjacent jurisdictions and the department may seek review
2 concerning matters related to interjurisdictional consistency
3 requirements affecting plans;

4 (c) Any jurisdiction may seek review concerning matters related to
5 consistency of state agency or special district proposals with plans
6 and development regulations subject to this chapter; and

7 (d) Any person who appeared before a local government and presented
8 testimony orally or in writing or submitted comments in writing to a
9 county, city, or state agency, may seek review concerning a
10 comprehensive plan, or development regulation, or amendment thereof,
11 subject to this chapter.

12 (2) Requests for review of plans and development regulations or
13 review of consistency of state agency or special district proposals
14 shall be filed with the board within ninety days after adoption by the
15 county, city, or state agency.

16 (3) Concurrently with the filing of any request for review with the
17 board as provided in this section, the requesting party shall file a
18 copy of the request with the department.

19 (4) The board shall initially schedule review proceedings on such
20 requests for review without regard as to the merits of the request.
21 If, upon reviewing the request, the board finds that the request should
22 be denied, it shall remove the request from its review schedule.

23 (5) The review proceedings authorized in this section are subject
24 to the provisions of chapter 34.05 RCW pertaining to procedures in
25 adjudicative proceedings. Judicial review of such proceedings of the
26 board may be had as provided in chapter 34.05 RCW.

27 NEW SECTION. **Sec. 28.** PRESUMPTION OF VALIDITY--BURDEN OF PROOF--
28 PLANS AND REGULATIONS. Comprehensive plans and development regulations
29 adopted under this chapter are presumed valid upon adoption. In any

1 request for review of a comprehensive plan or development regulation
2 permitted under this chapter, the requesting party shall have the
3 burden of demonstrating that the comprehensive plan or development
4 regulation is not consistent with the goals or requirements of this
5 chapter, or the rules adopted under this chapter. In reviews of
6 development regulations, when consistency of the development regulation
7 with the plan of the affected jurisdiction is at issue, the requesting
8 party must also bear the burden of demonstrating that the development
9 regulation is not consistent with the comprehensive plan.

10 NEW SECTION. **Sec. 29.** NONCOMPLIANCE AND SANCTIONS. (1) The
11 department may find a county, city, or state agency in noncompliance
12 if:

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

16 (b) The board has heard an appeal and issued a final order on a
17 county's or city's comprehensive plan, development regulations, or a
18 state agency's plans or actions, and the county, city, or state agency
19 has not complied with the order within one year. If the department
20 finds a county, city, or state agency in noncompliance, the department
21 may request the governor to invoke one or more of the sanctions
22 provided in subsection (2) of this section. The department shall
23 attempt to resolve issues causing noncompliance prior to requesting the
24 governor to invoke one or more of the sanctions.

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

26 (a) Notify and direct the director of the office of financial
27 management to revise allotments in appropriation levels; or

28 (b) Notify and direct the state treasurer to withhold the portion
29 of revenues to which the county or city is entitled under one or more

1 of the following: Motor vehicle excise tax, as provided in RCW
2 82.44.150; sales and use tax, as provided in chapter 82.14 RCW; liquor
3 profit tax, as provided in RCW 66.08.190; and liquor excise tax, as
4 provided in RCW 82.08.170.

5 **Sec. 30.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read
6 as follows:

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

12 (1) The director of financial management shall provide all agencies
13 with a complete set of instructions for preparing a statement of
14 proposed expenditures at least thirty days before the beginning of a
15 fiscal period. The set of instructions need not include specific
16 appropriation amounts for the agency.

17 (2) Within forty-five days after the beginning of the fiscal period
18 or within forty-five days after the governor signs the omnibus biennial
19 appropriations act, whichever is later, all agencies shall submit to
20 the governor a statement of proposed expenditures at such times and in
21 such form as may be required by the governor. If at any time during
22 the fiscal period the governor projects a cash deficit as defined by
23 RCW 43.88.050, the governor shall make across-the-board reductions in
24 allotments so as to prevent a cash deficit, unless the legislature has
25 directed the liquidation of the cash deficit over one or more fiscal
26 periods. Except for the legislative and judicial branches and other
27 agencies headed by elective officials, the governor shall review the
28 statement of proposed expenditures for reasonableness and conformance
29 with legislative intent. Once the governor approves the statements of

1 proposed expenditures, further revisions shall be made only at the
2 beginning of the second fiscal year and must be initiated by the
3 governor. However, changes in appropriation level authorized by the
4 legislature, changes required by across-the-board reductions mandated
5 by the governor, ~~((and))~~ changes caused by executive increases to
6 spending authority, and changes caused by executive decreases to
7 spending authority for failure to comply with the provisions of chapter
8 36.70A RCW may require additional revisions. Revisions shall not be
9 made retroactively. Revisions caused by executive increases to spending
10 authority shall not be made after June 30, 1987. However, the governor
11 may assign to a reserve status any portion of an agency appropriation
12 withheld as part of across-the-board reductions made by the governor
13 and any portion of an agency appropriation conditioned on a contingent
14 event by the appropriations act. The governor may remove these amounts
15 from reserve status if the across-the-board reductions are subsequently
16 modified or if the contingent event occurs. The director of financial
17 management shall enter approved statements of proposed expenditures
18 into the state budgeting, accounting, and reporting system within
19 forty-five days after receipt of the proposed statements from the
20 agencies. If an agency or the director of financial management is
21 unable to meet these requirements, the director of financial management
22 shall provide a timely explanation in writing to the legislative fiscal
23 committees.

24 (3) It is expressly provided that all agencies shall be required to
25 maintain accounting records and to report thereon in the manner
26 prescribed in this chapter and under the regulations issued pursuant to
27 this chapter. Within ninety days of the end of the fiscal year, all
28 agencies shall submit to the director of financial management their
29 final adjustments to close their books for the fiscal year. Prior to
30 submitting fiscal data, written or oral, to committees of the

1 legislature, it is the responsibility of the agency submitting the data
2 to reconcile it with the budget and accounting data reported by the
3 agency to the director of financial management. The director of
4 financial management shall monitor agency expenditures against the
5 approved statement of proposed expenditures and shall provide the
6 legislature with quarterly explanations of major variances.

7 (4) The director of financial management may exempt certain public
8 funds from the allotment controls established under this chapter if it
9 is not practical or necessary to allot the funds. Allotment control
10 exemptions expire at the end of the fiscal biennium for which they are
11 granted. The director of financial management shall report any
12 exemptions granted under this subsection to the legislative fiscal
13 committees.

14 **Sec. 31.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to
15 read as follows:

16 APPORTIONMENT AND DISTRIBUTION OF MOTOR VEHICLE EXCISE TAXES
17 GENERALLY. (1) The director of licensing shall, on the twenty-fifth
18 day of February, May, August, and November of each year, advise the
19 state treasurer of the total amount of motor vehicle excise taxes
20 remitted to the department during the preceding calendar quarter ending
21 on the last day of March, June, September, and December, respectively,
22 except for those payable under RCW 82.44.030, from motor vehicle owners
23 residing within each municipality which has levied a tax under RCW
24 35.58.273, which amount of excise taxes shall be determined by the
25 director as follows:

26 The total amount of motor vehicle excise taxes remitted to the
27 department, except those payable under RCW 82.44.030, from each county
28 shall be multiplied by a fraction, the numerator of which is the
29 population of the municipality residing in such county, and the

1 denominator of which is the total population of the county in which
2 such municipality or portion thereof is located. The product of this
3 computation shall be the amount of excise taxes from motor vehicle
4 owners residing within such municipality or portion thereof. Where the
5 municipality levying a tax under RCW 35.58.273 is located in more than
6 one county, the above computation shall be made by county, and the
7 combined products shall provide the total amount of motor vehicle
8 excise taxes from motor vehicle owners residing in the municipality as
9 a whole. Population figures required for these computations shall be
10 supplied to the director by the office of financial management, who
11 shall adjust the fraction annually.

12 (2) On the first day of the months of January, April, July, and
13 October of each year, the state treasurer based upon information
14 provided by the department shall, from motor vehicle excise taxes
15 deposited in the general fund, under RCW 82.44.110(7), make the
16 following deposits:

17 (a) To the high capacity transportation account created in RCW
18 47.78.010, a sum equal to four and five-tenths percent of the special
19 excise tax levied under RCW 35.58.273 by those municipalities
20 authorized to levy a special excise tax within a class AA county, or
21 within a class A county contiguous to a class AA county, or within a
22 second class county contiguous to a class A county that is contiguous
23 to a class AA county;

24 (b) To the central Puget Sound public transportation account
25 created in RCW 82.44.180, for revenues distributed after December 31,
26 1992, within a class AA county or within a class A county contiguous to
27 a class AA county, a sum equal to the difference between (i) the
28 special excise tax levied and collected under RCW 35.58.273 by those
29 municipalities authorized to levy and collect a special excise tax
30 subject to the requirements of subsections (3) and (4) of this section

1 and (ii) the special excise tax that the municipality would otherwise
2 have been eligible to levy and collect at a tax rate of .815 percent
3 and been able to match with locally generated tax revenues, other than
4 the excise tax imposed under RCW 35.58.273, budgeted for any public
5 transportation purpose. Before this deposit, the sum shall be reduced
6 by an amount equal to the amount distributed under (a) of this
7 subsection for each of the municipalities within the counties to which
8 this subsection (2)(b) applies; however, any transfer under this
9 subsection (2)(b) must be greater than zero;

10 (c) To the public transportation systems account created in RCW
11 82.44.180, for revenues distributed after December 31, 1992, within
12 counties not described in (b) of this subsection, a sum equal to the
13 difference between (i) the special excise tax levied and collected
14 under RCW 35.58.273 by those municipalities authorized to levy and
15 collect a special excise tax subject to the requirements of subsections
16 (3) and (4) of this section and (ii) the special excise tax that the
17 municipality would otherwise have been eligible to levy and collect at
18 a tax rate of .815 percent and been able to match with locally
19 generated tax revenues, other than the excise tax imposed under RCW
20 35.58.273, budgeted for any public transportation purpose. Before this
21 deposit, the sum shall be reduced by an amount equal to the amount
22 distributed under (a) of this subsection for each of the municipalities
23 within the counties to which this subsection (2)(c) applies; however,
24 any transfer under this subsection (2)(c) must be greater than zero;
25 and

26 (d) To the transportation fund created in RCW 82.44.180, for
27 revenues distributed after June 30, 1991, a sum equal to the difference
28 between (i) the special excise tax levied and collected under RCW
29 35.58.273 by those municipalities authorized to levy and collect a
30 special excise tax subject to the requirements of subsections (3) and

1 (4) of this section and (ii) the special excise tax that the
2 municipality would otherwise have been eligible to levy and collect at
3 a tax rate of .815 percent notwithstanding the requirements set forth
4 in subsections (3) through (6) of this section, reduced by an amount
5 equal to distributions made under (a), (b), and (c) of this subsection.

6 (3) On the first day of the months of January, April, July, and
7 October of each year, the state treasurer, based upon information
8 provided by the department, shall remit motor vehicle excise tax
9 revenues imposed and collected under RCW 35.58.273 as follows:

10 (a) The amount required to be remitted by the state treasurer to
11 the treasurer of any municipality levying the tax shall not exceed in
12 any calendar year the amount of locally-generated tax revenues,
13 excluding the excise tax imposed under RCW 35.58.273 for the purposes
14 of this section, which shall have been budgeted by the municipality to
15 be collected in such calendar year for any public transportation
16 purposes including but not limited to operating costs, capital costs,
17 and debt service on general obligation or revenue bonds issued for
18 these purposes; and

19 (b) In no event may the amount remitted in a single calendar
20 quarter exceed the amount collected on behalf of the municipality under
21 RCW 35.58.273 during the calendar quarter next preceding the
22 immediately preceding quarter.

23 (4) At the close of each calendar year accounting period, but not
24 later than April 1, each municipality that has received motor vehicle
25 excise taxes under subsection (3) of this section shall transmit to the
26 director of licensing and the state auditor a written report showing by
27 source the previous year's budgeted tax revenues for public
28 transportation purposes as compared to actual collections. Any
29 municipality that has not submitted the report by April 1 shall cease
30 to be eligible to receive motor vehicle excise taxes under subsection

1 (3) of this section until the report is received by the director of
2 licensing. If a municipality has received more or less money under
3 subsection (3) of this section for the period covered by the report
4 than it is entitled to receive by reason of its locally-generated
5 collected tax revenues, the director of licensing shall, during the
6 next ensuing quarter that the municipality is eligible to receive motor
7 vehicle excise tax funds, increase or decrease the amount to be
8 remitted in an amount equal to the difference between the locally-
9 generated budgeted tax revenues and the locally-generated collected tax
10 revenues. In no event may the amount remitted for a calendar year
11 exceed the amount collected on behalf of the municipality under RCW
12 35.58.273 during that same calendar year. At the time of the next
13 fiscal audit of each municipality, the state auditor shall verify the
14 accuracy of the report submitted and notify the director of licensing
15 of any discrepancies.

16 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
17 required to be remitted under this section shall be remitted without
18 legislative appropriation.

19 (6) Any municipality levying and collecting a tax under RCW
20 35.58.273 which does not have an operating, public transit system or a
21 contract for public transportation services in effect within one year
22 from the initial effective date of the tax shall return to the state
23 treasurer all motor vehicle excise taxes received under subsection (3)
24 of this section.

25 (7) The governor may notify and direct the state treasurer to
26 withhold the revenues to which a county or city is entitled under
27 subsection (2) of this section if a county or city is found to be in
28 noncompliance pursuant to section 29 of this act.

1 **Sec. 32.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read
2 as follows:

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

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

8 (2) From the amount remaining after distribution under subsection
9 (1) of this section, fifty percent to the general fund of the state,
10 ten percent to the counties of the state, and forty percent to the
11 incorporated cities and towns of the state.

12 (3) The governor may notify and direct the state treasurer to
13 withhold the revenues to which the counties and cities are entitled
14 under this section if the counties or cities are found to be in
15 noncompliance pursuant to section 29 of this act.

16 NEW SECTION. **Sec. 33.** A new section is added to chapter 82.14 RCW
17 to read as follows:

18 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and
19 direct the state treasurer to withhold the revenues to which the county
20 or city is entitled under this chapter if a county or city is found to
21 be in noncompliance pursuant to section 29 of this act.

22 NEW SECTION. **Sec. 34.** A new section is added to chapter 82.08 RCW
23 to read as follows:

24 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and
25 direct the state treasurer to withhold the revenues to which the
26 counties and cities are entitled under RCW 82.08.170 if the counties or
27 cities are found to be in noncompliance pursuant to section 29 of this
28 act.

1 NEW SECTION. **Sec. 35.** BOARD MAY ADOPT PROCEDURAL RULES. The
2 board may adopt rules under chapter 34.05 RCW governing the
3 administrative practice and procedure in and before the board.

4 NEW SECTION. **Sec. 36.** OTHER APPEAL RIGHTS. (1) Any party
5 aggrieved by a final decision of the hearings board may appeal the
6 decision to Thurston county superior court.

7 (2) Failing to obtain review under this chapter of a plan,
8 regulation, or amendment thereto, development action, or other matter
9 concerning compliance with the requirements of this chapter, rules
10 adopted under this chapter, or order of the board shall not affect
11 other appeal rights otherwise available by law.

12 NEW SECTION. **Sec. 37.** RULE OF CONSTRUCTION. This chapter is
13 exempted from the rule of strict construction, and shall be liberally
14 construed to give full effect to the objectives and purposes for which
15 it was enacted. In addition, construction of this act shall emphasize
16 the protection of the environment.

17 NEW SECTION. **Sec. 38.** APPLICATION TO STATE, LOCAL, AND OTHER
18 PUBLIC AGENCIES. Except as otherwise provided in this chapter or other
19 state law, the comprehensive plans and development regulations adopted
20 under this chapter shall be applicable to all state agencies, counties,
21 special districts, and other public and municipal corporations
22 including quasi-municipal corporations in the state.

23 NEW SECTION. **Sec. 39.** TREATY RIGHTS. Nothing in this act affects
24 any rights established by treaty to which the United States is a party.

1 Coordination of on-reservation land use planning activities where
2 tribes have jurisdiction with local government land use planning
3 activities cannot be required absent congressional mandate. As a
4 consequence, the coordination between tribes and local government
5 regarding land use planning activities should focus on encouraging the
6 voluntary participation of tribal governments with local governmental
7 planning processes required by this chapter.

8 NEW SECTION. **Sec. 40.** RELATION TO OTHER AUTHORITIES. The
9 provisions of this act are cumulative and nonexclusive and are not
10 intended to be preemptive in effect.

11 PART V

12 OTHER PROVISIONS

13 **Sec. 41.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
14 as follows:

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

17 (1) Preservation of natural neighborhoods and communities;

18 (2) Use of physical boundaries, including but not limited to bodies
19 of water, highways, and land contours;

20 (3) Creation and preservation of logical service areas;

21 (4) Prevention of abnormally irregular boundaries;

22 (5) Discouragement of multiple incorporations of small cities and
23 encouragement of incorporation of cities in excess of ten thousand
24 population in heavily populated urban areas;

25 (6) Dissolution of inactive special purpose districts;

26 (7) Adjustment of impractical boundaries;

1 (8) Incorporation as cities or towns or annexation to cities or
2 towns of unincorporated areas which are urban in character; (~~and~~)

3 (9) Protection of agricultural and rural lands which are designated
4 for long term productive agricultural and resource use by a
5 comprehensive plan adopted by the county legislative authority; and

6 (10) Evaluation of whether annexation or incorporation is
7 consistent with local government urban growth area designations and
8 plan elements on annexation and incorporation. However, annexation or
9 incorporation shall not occur outside of an urban growth area.

10 NEW SECTION. Sec. 42. A new section is added to chapter 36.93 RCW
11 to read as follows:

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

17 NEW SECTION. Sec. 43. SEVERABILITY. If any provision of this act
18 or its application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. Sec. 44. HEADINGS. Part and section headings as
22 used in this act do not constitute any part of the law.

23 NEW SECTION. Sec. 45. Sections 5, 9, 10, 13, 14, 17 through 22,
24 24 through 29, 35 through 40, and 44 of this act are each added to
25 chapter 36.70A RCW.