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HOUSE BILL 1918

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By Representatives Poulsen, Dunshee, Schual-Berke, Murray, McIntire, Lantz, Romero, Dickerson, Rockefeller, Voloria, Keiser, Ruderman, Ogden and Kenney

Read first time 02/08/2001. Referred to Committee on State Government.

1 AN ACT Relating to compliance with law; amending RCW 36.70B.030;  
2 and adding a new section to chapter 39.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW  
5 to read as follows:

6 A contractor's record of compliance with tax laws, labor and  
7 employment laws, and environmental laws shall be a factor in the  
8 awarding of all state contracts for public works and purchases.

9 **Sec. 2.** RCW 36.70B.030 and 1995 c 347 s 404 are each amended to  
10 read as follows:

11 (1) Fundamental land use planning choices made in adopted  
12 comprehensive plans and development regulations shall serve as the  
13 foundation for project review. The review of a proposed project's  
14 consistency with applicable development regulations, or in the absence  
15 of applicable regulations the adopted comprehensive plan, under RCW  
16 36.70B.040 shall incorporate the determinations under this section.

17 (2) During project review, a local government or any subsequent  
18 reviewing body shall determine whether the items listed in this

1 subsection are defined in the development regulations applicable to the  
2 proposed project or, in the absence of applicable regulations the  
3 adopted comprehensive plan. At a minimum, such applicable regulations  
4 or plans shall be determinative of the:

5 (a) Type of land use permitted at the site, including uses that may  
6 be allowed under certain circumstances, such as planned unit  
7 developments and conditional and special uses, if the criteria for  
8 their approval have been satisfied;

9 (b) Density of residential development in urban growth areas; and

10 (c) Availability and adequacy of public facilities identified in  
11 the comprehensive plan, if the plan or development regulations provide  
12 for funding of these facilities as required by chapter 36.70A RCW.

13 (3) During project review, the local government or any subsequent  
14 reviewing body shall not reexamine alternatives to or hear appeals on  
15 the items identified in subsection (2) of this section, except for  
16 issues of code interpretation. As part of its project review process,  
17 a local government shall provide a procedure for obtaining a code  
18 interpretation as provided in RCW 36.70B.110.

19 (4) Pursuant to RCW 43.21C.240, a local government may determine  
20 that the requirements for environmental analysis and mitigation  
21 measures in development regulations and other applicable laws provide  
22 adequate mitigation for some or all of the project's specific adverse  
23 environmental impacts to which the requirements apply.

24 (5) Nothing in this section limits the authority of a permitting  
25 agency to approve, condition, or deny a project as provided in its  
26 development regulations adopted under chapter 36.70A RCW and in its  
27 policies adopted under RCW 43.21C.060. Project review shall be used to  
28 identify specific project design and conditions relating to the  
29 character of development, such as the details of site plans, curb cuts,  
30 drainage swales, transportation demand management, the payment of  
31 impact fees, or other measures to mitigate a proposal's probable  
32 adverse environmental impacts, if applicable.

33 (6) As part of the review of the proposed project, the applicant's  
34 record of compliance with tax laws, labor and employment laws, and  
35 environmental laws shall be a factor in the permitting agency's  
36 decision to approve, deny, or condition a project.

1       (7) Subsections (1) through (4) of this section apply only to local  
2 governments planning under RCW 36.70A.040.

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