

1 **2ESSB 5659 - H AMD 603 WITHDRAWN 6/10/03**  
2 By Representative \_\_\_\_\_

3 On page Strike everything after the enacting clause and insert  
4 the following:

5 "NEW SECTION. **Sec. 1.** The legislature finds that local  
6 governments in the state of Washington face enormous challenges in  
7 the area of criminal justice and public health. It is the  
8 legislature's intent to allow local governments to raise revenues  
9 in order to better protect the health and safety of Washington  
10 state and its residents. It is further the intent of the  
11 legislature to provide local governments relief from regulatory  
12 burdens that do not harm the public health and safety of the  
13 citizens of the state as a means of minimizing the need to generate  
14 new revenues authorized under this act.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14  
16 RCW to read as follows:

17 (1) A county legislative authority may submit an authorizing  
18 proposition to the county voters and, if the proposition is  
19 approved by a majority of persons voting, impose a sales and use  
20 tax in accordance with the terms of this chapter. The title of  
21 each ballot measure must include the purposes for which the  
22 proposed sales and use tax will be used. The rate of tax under  
23 this section shall not exceed three-tenths of one percent of the  
24 selling price in the case of a sales tax, or value of the article  
25 used, in the case of a use tax.

26 (2) The tax authorized in this section is in addition to any  
27 other taxes authorized by law and shall be collected from those  
28 persons who are taxable by the state under chapters 82.08 and 82.12  
29 RCW upon the occurrence of any taxable event within the county.

1 (3) The retail sale or use of motor vehicles, and the lease of  
2 motor vehicles for up to the first thirty-six months of the lease,  
3 are exempt from tax imposed under this section.

4 (4) One-third of all money received under this section shall be  
5 used solely for criminal justice purposes. For the purposes of  
6 this subsection, "criminal justice purposes" means additional  
7 police protection, mitigation of congested court systems, or relief  
8 of overcrowded jails or other local correctional facilities.

9 (5) Money received under this section shall be shared between  
10 the county and the cities as follows: Sixty percent shall be  
11 retained by the county and forty percent shall be distributed on a  
12 per capita basis to cities in the county.

13 **Sec. 3.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to  
14 read as follows:

15 (1)(a) Each comprehensive land use plan and development  
16 regulations shall be subject to continuing review and evaluation by  
17 the county or city that adopted them. A county or city shall take  
18 legislative action to review and, if needed, revise its  
19 comprehensive land use plan and development regulations to ensure  
20 the plan and regulations comply with the requirements of this  
21 chapter according to the time periods specified in subsection (4)  
22 of this section. A county or city not planning under RCW  
23 36.70A.040 shall take action to review and, if needed, revise its  
24 policies and development regulations regarding critical areas and  
25 natural resource lands adopted according to this chapter to ensure  
26 these policies and regulations comply with the requirements of this  
27 chapter according to the time periods specified in subsection (4)  
28 of this section. Legislative action means the adoption of a  
29 resolution or ordinance following notice and a public hearing  
30 indicating at a minimum, a finding that a review and evaluation has  
31 occurred and identifying the revisions made, or that a revision was  
32 not needed and the reasons therefore. The review and evaluation  
33 required by this subsection may be combined with the review  
34 required by subsection (3) of this section. The review and  
35 evaluation required by this subsection shall include, but is not  
36 limited to, consideration of critical area ordinances and, if  
37 planning under RCW 36.70A.040, an analysis of the population

1 allocated to a city or county from the most recent ten-year  
2 population forecast by the office of financial management.

3 (b) Any amendment of or revision to a comprehensive land use  
4 plan shall conform to this chapter. Any amendment of or revision  
5 to development regulations shall be consistent with and implement  
6 the comprehensive plan.

7 (2)(a) Each county and city shall establish and broadly  
8 disseminate to the public a public participation program consistent  
9 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and  
10 schedules whereby updates, proposed amendments, or revisions of the  
11 comprehensive plan are considered by the governing body of the  
12 county or city no more frequently than once every year. "Updates"  
13 means to review and revise, if needed, according to subsection (1)  
14 of this section, and the time periods specified in subsection (4)  
15 of this section. Amendments may be considered more frequently than  
16 once per year under the following circumstances:

17 (i) The initial adoption of a subarea plan that does not modify  
18 the comprehensive plan policies and designations applicable to the  
19 subarea;

20 (ii) The adoption or amendment of a shoreline master program  
21 under the procedures set forth in chapter 90.58 RCW; and

22 (iii) The amendment of the capital facilities element of a  
23 comprehensive plan that occurs concurrently with the adoption or  
24 amendment of a county or city budget.

25 (b) Except as otherwise provided in (a) of this subsection, all  
26 proposals shall be considered by the governing body concurrently so  
27 the cumulative effect of the various proposals can be ascertained.  
28 However, after appropriate public participation a county or city  
29 may adopt amendments or revisions to its comprehensive plan that  
30 conform with this chapter whenever an emergency exists or to  
31 resolve an appeal of a comprehensive plan filed with a growth  
32 management hearings board or with the court.

33 (3) Each county that designates urban growth areas under RCW  
34 36.70A.110 shall review, at least every ten years, its designated  
35 urban growth area or areas, and the densities permitted within both  
36 the incorporated and unincorporated portions of each urban growth  
37 area. In conjunction with this review by the county, each city  
38 located within an urban growth area shall review the densities  
39 permitted within its boundaries, and the extent to which the urban

1 growth occurring within the county has located within each city and  
2 the unincorporated portions of the urban growth areas. The county  
3 comprehensive plan designating urban growth areas, and the  
4 densities permitted in the urban growth areas by the comprehensive  
5 plans of the county and each city located within the urban growth  
6 areas, shall be revised to accommodate the urban growth projected  
7 to occur in the county for the succeeding twenty-year period. The  
8 review required by this subsection may be combined with the review  
9 and evaluation required by RCW 36.70A.215.

10 (4) The department shall establish a schedule for counties and  
11 cities to take action to review and, if needed, revise their  
12 comprehensive plans and development regulations to ensure the plan  
13 and regulations comply with the requirements of this chapter. The  
14 schedule established by the department shall provide for the  
15 reviews and evaluations to be completed as follows:

16 (a) On or before December 1, 2004, and every seven years  
17 thereafter, for (~~Clallam,~~) Clark, (~~Jefferson,~~) King, Kitsap,  
18 Pierce, Snohomish, Thurston, and Whatcom counties and the cities  
19 within those counties;

20 (b) On or before December 1, 2005, and every seven years  
21 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit,  
22 Clallam, Jefferson, and Skamania counties and the cities within  
23 those counties;

24 (c) On or before December 1, 2006, and every seven years  
25 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane,  
26 and Yakima counties and the cities within those counties; and

27 (d) On or before December 1, 2007, and every seven years  
28 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,  
29 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,  
30 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the  
31 cities within those counties.

32 (5)(a) Nothing in this section precludes a county or city from  
33 conducting the review and evaluation required by this section  
34 before the time limits established in subsection (4) of this  
35 section. Counties and cities may begin this process early and may  
36 be eligible for grants from the department, subject to available  
37 funding, if they elect to do so.

1 (b) State agencies are encouraged to provide technical  
2 assistance to the counties and cities in the review of critical  
3 area ordinances, comprehensive plans, and development regulations.

4 (6) A county or city subject to the time periods in subsection  
5 (4) (a) of this section that, pursuant to an ordinance adopted by  
6 the county or city establishing a schedule for periodic review of  
7 its comprehensive plan and development regulations, has conducted  
8 a review and evaluation of its comprehensive plan and development  
9 regulations and, on or after January 1, 2001, has taken action in  
10 response to that review and evaluation shall be deemed to have  
11 conducted the first review required by subsection (4) (a) of this  
12 section. Subsequent review and evaluation by the county or city of  
13 its comprehensive plan and development regulations shall be  
14 conducted in accordance with the time periods established under  
15 subsection (4) (a) of this section.

16 (7) The requirements imposed on counties and cities under this  
17 section shall be considered "requirements of this chapter" under  
18 the terms of RCW 36.70A.040(1). Only those counties and cities in  
19 compliance with the schedules in this section shall have the  
20 requisite authority to receive grants, loans, pledges, or financial  
21 guarantees from those accounts established in RCW 43.155.050 and  
22 70.146.030. Only those counties and cities in compliance with the  
23 schedules in this section shall receive preference for grants or  
24 loans subject to the provisions of RCW 43.17.250.

25 **Sec. 4.** RCW 84.55.050 and 1989 c 287 s 1 are each amended to  
26 read as follows:

27 (1) Subject to any otherwise applicable statutory dollar rate  
28 limitations, regular property taxes may be levied by or for a  
29 taxing district in an amount exceeding the limitations provided for  
30 in this chapter if such levy is authorized by a proposition  
31 approved by a majority of the voters of the taxing district voting  
32 on the proposition at a general election held within the district  
33 or at a special election within the taxing district called by the  
34 district for the purpose of submitting such proposition to the  
35 voters. Any election held pursuant to this section shall be held  
36 not more than twelve months prior to the date on which the proposed  
37 levy is to be made, except as provided in subsection (3) (b) of this  
38 section. The ballot of the proposition shall state the dollar rate

1 proposed and shall clearly state any conditions which are  
2 applicable under subsection (3) of this section.

3 (2) After a levy authorized pursuant to this section is made,  
4 the dollar amount of such levy shall be used for the purpose of  
5 computing the limitations for subsequent levies provided for in  
6 this chapter, except as provided in subsections (3) and (4) of this  
7 section.

8 (3) A proposition placed before the voters under this section  
9 may:

10 (a) Limit the period for which the increased levy is to be  
11 made;

12 (b) Authorize annual increases in levies for multiple  
13 consecutive years, up to six consecutive years, during which period  
14 each year's authorized maximum legal levy shall be used as the base  
15 upon which an increased levy limit for the succeeding year is  
16 computed, but the ballot proposition must state the dollar rate  
17 proposed only for the first year of the consecutive years and must  
18 state the limit factor, or a specified index to be used for  
19 determining a limit factor, such as the consumer price index, which  
20 need not be the same for all years, by which the regular tax levy  
21 for the district may be increased in each of the subsequent  
22 consecutive years;

23 (c) Limit the purpose for which the increased levy is to be  
24 made, but if the limited purpose includes making redemption  
25 payments on bonds, the period for which the increased levies are  
26 made shall not exceed nine years;

27 ~~((e))~~ (d) Set the levy at a rate less than the maximum rate  
28 allowed for the district;

29 (e) Provide that the maximum allowable dollar amount of the  
30 final annual levy of the period specified in the measure shall be  
31 used to compute the limitations provided for in this chapter on  
32 levy increases occurring after the expiration of the period; or

33 ~~((d))~~ (f) Include any combination of the conditions in this  
34 subsection.

35 (4) Except as otherwise provided in an approved ballot measure  
36 under this section, after the expiration of a limited period or the  
37 satisfaction of a limited purpose, whichever comes first,  
38 subsequent levies shall be computed as if:

1 (a) The limited proposition under subsection (3) of this  
2 section had not been approved; and

3 (b) The taxing district had made levies at the maximum rates  
4 which would otherwise have been allowed under this chapter during  
5 the years levies were made under the limited proposition.

6 **Sec. 5.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to  
7 read as follows:

8 (1) (a) Each county that has both a population of fifty thousand  
9 or more and, until May 16, 1995, has had its population increase by  
10 more than ten percent in the previous ten years or, on or after May  
11 16, 1995, has had its population increase by more than seventeen  
12 percent in the previous ten years, and the cities located within  
13 such county, and any other county regardless of its population that  
14 has had its population increase by more than twenty percent in the  
15 previous ten years, and the cities located within such county,  
16 shall conform with all of the requirements of this chapter.  
17 However, the county legislative authority of such a county with a  
18 population of less than fifty thousand population may adopt a  
19 resolution removing the county, and the cities located within the  
20 county, from the requirements of adopting comprehensive land use  
21 plans and development regulations under this chapter if this  
22 resolution is adopted and filed with the department by December 31,  
23 1990, for counties initially meeting this set of criteria, or  
24 within sixty days of the date the office of financial management  
25 certifies that a county meets this set of criteria under subsection  
26 ~~((5))~~ (6) of this section. For the purposes of this subsection,  
27 a county not currently planning under this chapter is not required  
28 to include in its population count those persons confined in a  
29 correctional facility under the jurisdiction of the department of  
30 corrections that is located in the county.

31 (b) Once a county meets either of these sets of criteria and  
32 the county has not removed itself from the requirement to plan  
33 under this section pursuant to subsection (3) of this section, the  
34 requirement to conform with all of the requirements of this chapter  
35 remains in effect, even if the county no longer meets one of these  
36 sets of criteria.

37 (2) The county legislative authority of any county that does  
38 not meet either of the sets of criteria established under

1 subsection (1) of this section may adopt a resolution indicating  
2 its intention to have subsection (1) of this section apply to the  
3 county. Each city, located in a county that chooses to plan under  
4 this subsection, shall conform with all of the requirements of this  
5 chapter. Once such a resolution has been adopted, the county and  
6 the cities located within the county remain subject to all of the  
7 requirements of this chapter unless the county removes itself from  
8 the requirement to plan under this section pursuant to subsection  
9 (3) of this section.

10 (3) (a) The counties of Columbia, Ferry, Pacific, Jefferson, San  
11 Juan, Clallam, Franklin, Whatcom and Walla Walla, and the cities  
12 located within the counties, may be relieved from the requirement  
13 to plan under this section, subject to meeting the requirements in  
14 subsection (b).

15 (b) To be relieved from the planning requirement of this  
16 section, a county shall adopt a resolution that removes the county  
17 and the city from the requirement to plan and shall file the  
18 resolution with the department. Removal shall be deemed to occur  
19 on the date the resolution is filed with the department.

20 (4) Any county or city that is initially required to conform  
21 with all of the requirements of this chapter under subsection (1)  
22 of this section and has not removed itself under subsection (3) of  
23 this section shall take actions under this chapter as follows: (a)  
24 The county legislative authority shall adopt a county-wide planning  
25 policy under RCW 36.70A.210; (b) the county and each city located  
26 within the county shall designate critical areas, agricultural  
27 lands, forest lands, and mineral resource lands, and adopt  
28 development regulations conserving these designated agricultural  
29 lands, forest lands, and mineral resource lands and protecting  
30 these designated critical areas, under RCW 36.70A.170 and  
31 36.70A.060; (c) the county shall designate and take other actions  
32 related to urban growth areas under RCW 36.70A.110; (d) if the  
33 county has a population of fifty thousand or more, the county and  
34 each city located within the county shall adopt a comprehensive  
35 plan under this chapter and development regulations that are  
36 consistent with and implement the comprehensive plan on or before  
37 July 1, 1994, and if the county has a population of less than fifty  
38 thousand, the county and each city located within the county shall  
39 adopt a comprehensive plan under this chapter and development



1 regulations that are consistent with and implement the  
2 comprehensive plan by January 1, 1995, but if the governor makes  
3 written findings that a county with a population of less than fifty  
4 thousand or a city located within such a county is not making  
5 reasonable progress toward adopting a comprehensive plan and  
6 development regulations the governor may reduce this deadline for  
7 such actions to be taken by no more than one hundred eighty days.  
8 Any county or city subject to this subsection may obtain an  
9 additional six months before it is required to have adopted its  
10 development regulations by submitting a letter notifying the  
11 department of community, trade, and economic development of its  
12 need prior to the deadline for adopting both a comprehensive plan  
13 and development regulations.

14 ~~((4))~~ (5) Any county or city that is required to conform with  
15 all the requirements of this chapter, as a result of the county  
16 legislative authority adopting its resolution of intention under  
17 subsection (2) of this section and the county has not removed  
18 itself pursuant to subsection (3) of this section, shall take  
19 actions under this chapter as follows: (a) The county legislative  
20 authority shall adopt a county- wide planning policy under RCW  
21 36.70A.210; (b) the county and each city that is located within the  
22 county shall adopt development regulations conserving agricultural  
23 lands, forest lands, and mineral resource lands it designated under  
24 RCW 36.70A.060 within one year of the date the county legislative  
25 authority adopts its resolution of intention; (c) the county shall  
26 designate and take other actions related to urban growth areas  
27 under RCW 36.70A.110; and (d) the county and each city that is  
28 located within the county shall adopt a comprehensive plan and  
29 development regulations that are consistent with and implement the  
30 comprehensive plan not later than four years from the date the  
31 county legislative authority adopts its resolution of intention,  
32 but a county or city may obtain an additional six months before it  
33 is required to have adopted its development regulations by  
34 submitting a letter notifying the department of community, trade,  
35 and economic development of its need prior to the deadline for  
36 adopting both a comprehensive plan and development regulations.

37 ~~((5))~~ (6) If the office of financial management certifies  
38 that the population of a county that previously had not been  
39 required to plan under subsection (1) or (2) of this section has

1 changed sufficiently to meet either of the sets of criteria  
2 specified under subsection (1) of this section, and where  
3 applicable, the county legislative authority has not adopted a  
4 resolution removing the county from these requirements as provided  
5 in subsection (1) of this section, the county and each city within  
6 such county shall take actions under this chapter as follows: (a)  
7 The county legislative authority shall adopt a county-wide planning  
8 policy under RCW 36.70A.210; (b) the county and each city located  
9 within the county shall adopt development regulations under RCW  
10 36.70A.060 conserving agricultural lands, forest lands, and mineral  
11 resource lands it designated within one year of the certification  
12 by the office of financial management; (c) the county shall  
13 designate and take other actions related to urban growth areas  
14 under RCW 36.70A.110; and (d) the county and each city located  
15 within the county shall adopt a comprehensive land use plan and  
16 development regulations that are consistent with and implement the  
17 comprehensive plan within four years of the certification by the  
18 office of financial management, but a county or city may obtain an  
19 additional six months before it is required to have adopted its  
20 development regulations by submitting a letter notifying the  
21 department of community, trade, and economic development of its  
22 need prior to the deadline for adopting both a comprehensive plan  
23 and development regulations.

24 ~~((6))~~ (7) A copy of each document that is required under this  
25 section shall be submitted to the department at the time of its  
26 adoption.

27 ~~((7))~~ (8) Cities and counties planning under this chapter  
28 must amend the transportation element of the comprehensive plan to  
29 be in compliance with this chapter and chapter 47.80 RCW no later  
30 than December 31, 2000.

31 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of  
33 the state government and its existing public institutions, and  
34 takes effect July 1, 2003."

35 Correct the title.

1        EFFECT:        Provides that the sale, use or lease of a motor  
2 vehicle is exempt from the 0.3 percent county sales and use tax  
3 authorized in the bill. Allows Columbia, Pacific, Jefferson, San  
4 Juan, Clallam, Franklin, Whatcom, and Walla Walla counties (in  
5 addition to Ferry County) to opt out of growth management planning  
6 requirements. Makes the bill effective July 1, 2003.