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**ENGROSSED SUBSTITUTE SENATE BILL 5659**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to authorizing additional funding for local  
2 governments; amending RCW 36.70A.130, 84.55.050, and 36.70A.040; adding  
3 a new section to chapter 82.14 RCW; and creating a new section.

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

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

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

16       (1) A county legislative authority may submit an authorizing  
17 proposition to the county voters and, if the proposition is approved by  
18 a majority of persons voting, impose a sales and use tax in accordance

1 with the terms of this chapter. The title of each ballot measure must  
2 include the purposes for which the proposed sales and use tax will be  
3 used. The rate of tax under this section shall not exceed three-tenths  
4 of one percent of the selling price in the case of a sales tax, or  
5 value of the article used, in the case of a use tax.

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

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

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

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

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

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

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

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

20 (ii) The adoption or amendment of a shoreline master program under  
21 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 the  
27 cumulative effect of the various proposals can be ascertained.  
28 However, after appropriate public participation a county or city may  
29 adopt amendments or revisions to its comprehensive plan that conform  
30 with this chapter whenever an emergency exists or to resolve an appeal  
31 of a comprehensive plan filed with a growth management hearings board  
32 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 urban  
35 growth area or areas, and the densities permitted within both the  
36 incorporated and unincorporated portions of each urban growth area. In  
37 conjunction with this review by the county, each city located within an  
38 urban growth area shall review the densities permitted within its

1 boundaries, and the extent to which the urban growth occurring within  
2 the county has located within each city and the unincorporated portions  
3 of the urban growth areas. The county comprehensive plan designating  
4 urban growth areas, and the densities permitted in the urban growth  
5 areas by the comprehensive plans of the county and each city located  
6 within the urban growth areas, shall be revised to accommodate the  
7 urban growth projected to occur in the county for the succeeding  
8 twenty-year period. The review required by this subsection may be  
9 combined with the review 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 and  
13 regulations comply with the requirements of this chapter. The schedule  
14 established by the department shall provide for the reviews and  
15 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 within  
19 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 those  
23 counties;

24 (c) On or before December 1, 2006, and every seven years  
25 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and  
26 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 cities  
31 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 before  
34 the time limits established in subsection (4) of this section.  
35 Counties and cities may begin this process early and may be eligible  
36 for grants from the department, subject to available funding, if they  
37 elect to do so.

1 (b) State agencies are encouraged to provide technical assistance  
2 to the counties and cities in the review of critical area ordinances,  
3 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 the  
6 county or city establishing a schedule for periodic review of its  
7 comprehensive plan and development regulations, has conducted a review  
8 and evaluation of its comprehensive plan and development regulations  
9 and, on or after January 1, 2001, has taken action in response to that  
10 review and evaluation shall be deemed to have conducted the first  
11 review required by subsection (4)(a) of this section. Subsequent  
12 review and evaluation by the county or city of its comprehensive plan  
13 and development regulations shall be conducted in accordance with the  
14 time periods established under subsection (4)(a) of this section.

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

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

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

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

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

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

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

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

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

23 ~~((+e))~~ (d) Set the levy at a rate less than the maximum rate  
24 allowed for the district;

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

29 ~~((+d))~~ (f) Include any combination of the conditions in this  
30 subsection.

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

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

37 (b) The taxing district had made levies at the maximum rates which

1 would otherwise have been allowed under this chapter during the years  
2 levies were made under the limited proposition.

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

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

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

32 (2) The county legislative authority of any county that does not  
33 meet either of the sets of criteria established under subsection (1) of  
34 this section may adopt a resolution indicating its intention to have  
35 subsection (1) of this section apply to the county. Each city, located  
36 in a county that chooses to plan under this subsection, shall conform  
37 with all of the requirements of this chapter. Once such a resolution

1 has been adopted, the county and the cities located within the county  
2 remain subject to all of the requirements of this chapter unless the  
3 county removes itself from the requirement to plan under this section  
4 pursuant to subsection (3) of this section.

5 (3) A county that is east of the Cascade crest and north of  
6 Interstate 90, with a population of less than ten thousand and a  
7 taxable land base of fifteen percent or less may adopt a resolution  
8 removing the county, and the cities located within the county, from the  
9 requirement to plan under this section if the resolution is adopted and  
10 filed with the department. Removal shall occur on the date the  
11 resolution is filed with the department.

12 (4) Any county or city that is initially required to conform with  
13 all of the requirements of this chapter under subsection (1) of this  
14 section and has not removed itself under subsection (3) of this section  
15 shall take actions under this chapter as follows: (a) The county  
16 legislative authority shall adopt a county-wide planning policy under  
17 RCW 36.70A.210; (b) the county and each city located within the county  
18 shall designate critical areas, agricultural lands, forest lands, and  
19 mineral resource lands, and adopt development regulations conserving  
20 these designated agricultural lands, forest lands, and mineral resource  
21 lands and protecting these designated critical areas, under RCW  
22 36.70A.170 and 36.70A.060; (c) the county shall designate and take  
23 other actions related to urban growth areas under RCW 36.70A.110; (d)  
24 if the county has a population of fifty thousand or more, the county  
25 and each city located within the county shall adopt a comprehensive  
26 plan under this chapter and development regulations that are consistent  
27 with and implement the comprehensive plan on or before July 1, 1994,  
28 and if the county has a population of less than fifty thousand, the  
29 county and each city located within the county shall adopt a  
30 comprehensive plan under this chapter and development regulations that  
31 are consistent with and implement the comprehensive plan by January 1,  
32 1995, but if the governor makes written findings that a county with a  
33 population of less than fifty thousand or a city located within such a  
34 county is not making reasonable progress toward adopting a  
35 comprehensive plan and development regulations the governor may reduce  
36 this deadline for such actions to be taken by no more than one hundred  
37 eighty days. Any county or city subject to this subsection may obtain  
38 an additional six months before it is required to have adopted its



1 development regulations by submitting a letter notifying the department  
2 of community, trade, and economic development of its need prior to the  
3 deadline for adopting both a comprehensive plan and development  
4 regulations.

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

27 ~~((5))~~ (6) If the office of financial management certifies that  
28 the population of a county that previously had not been required to  
29 plan under subsection (1) or (2) of this section has changed  
30 sufficiently to meet either of the sets of criteria specified under  
31 subsection (1) of this section, and where applicable, the county  
32 legislative authority has not adopted a resolution removing the county  
33 from these requirements as provided in subsection (1) of this section,  
34 the county and each city within such county shall take actions under  
35 this chapter as follows: (a) The county legislative authority shall  
36 adopt a county-wide planning policy under RCW 36.70A.210; (b) the  
37 county and each city located within the county shall adopt development  
38 regulations under RCW 36.70A.060 conserving agricultural lands, forest

1 lands, and mineral resource lands it designated within one year of the  
2 certification by the office of financial management; (c) the county  
3 shall designate and take other actions related to urban growth areas  
4 under RCW 36.70A.110; and (d) the county and each city located within  
5 the county shall adopt a comprehensive land use plan and development  
6 regulations that are consistent with and implement the comprehensive  
7 plan within four years of the certification by the office of financial  
8 management, but a county or city may obtain an additional six months  
9 before it is required to have adopted its development regulations by  
10 submitting a letter notifying the department of community, trade, and  
11 economic development of its need prior to the deadline for adopting  
12 both a comprehensive plan and development regulations.

13 ~~((+6+))~~ (7) A copy of each document that is required under this  
14 section shall be submitted to the department at the time of its  
15 adoption.

16 ~~((+7+))~~ (8) Cities and counties planning under this chapter must  
17 amend the transportation element of the comprehensive plan to be in  
18 compliance with this chapter and chapter 47.80 RCW no later than  
19 December 31, 2000.

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