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HOUSE BILL 1669

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Cantwell, R. Meyers, Jacobsen, Heavey, Roland, Ferguson, Hine, O'Brien, Rust, Betrozoff, Paris, Scott, Fraser and Wineberry.

Read first time February 6, 1991. Referred to Committee on Trade & Economic Development\Appropriations.

1            AN ACT Relating to growth strategies; amending RCW 36.70A.030,  
2 36.70A.020, 36.70A.070, 43.88.110, 36.70A.080, 82.44.150, and  
3 66.08.190; adding a new section to chapter 43.63A RCW; adding new  
4 sections to chapter 36.70A RCW; adding a new section to chapter 82.08  
5 RCW; and adding a new section to chapter 82.14 RCW.

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

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

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

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

13            (2) "Adopt a comprehensive land use plan" means to enact a new  
14 comprehensive land use plan or to update an existing comprehensive land  
15 use plan.

1        ~~((2))~~ (3) "Agricultural land" means land primarily devoted to the  
2 commercial production of horticultural, viticultural, floricultural,  
3 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
4 straw, turf, seed, Christmas trees not subject to the excise tax  
5 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
6 long-term commercial significance for agricultural production.

7        ~~((3))~~ (4) "Board" means the growth management board established  
8 to review plans and regulations established under this chapter.

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

10       ~~((4))~~ (6) "Committee" means the interagency committee for outdoor  
11 recreation established under chapter 43.99 RCW.

12       (7) "Comprehensive land use plan," "comprehensive plan," or "plan"  
13 means a generalized coordinated land use policy statement of the  
14 governing body of a county or city that is adopted pursuant to this  
15 chapter.

16       ~~((5))~~ (8) "Critical areas" include the following areas and  
17 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
18 on aquifers used for potable water; (c) critical fish and wildlife  
19 habitat (~~conservation areas~~); (d) frequently flooded areas; and (e)  
20 geologically hazardous areas.

21       ~~((6))~~ (9) "Department" means the department of community  
22 development.

23       ~~((7))~~ (10) "Development regulations" means any controls placed on  
24 development or land use activities by a county or city, including, but  
25 not limited to, zoning ordinances, official controls, planned unit  
26 development ordinances, subdivision ordinances, and binding site plan  
27 ordinances.

28       ~~((8))~~ (11) "Forest land" means land primarily useful for growing  
29 trees, including Christmas trees subject to the excise tax imposed  
30 under RCW 84.33.100 through 84.33.140, for commercial purposes, and

1 that has long-term commercial significance for growing trees  
2 commercially.

3 ~~((9))~~ (12) "Geologically hazardous areas" means areas that  
4 because of their susceptibility to erosion, sliding, earthquake, or  
5 other geological events, are not suited to the siting of commercial,  
6 residential, or industrial development consistent with public health or  
7 safety concerns.

8 ~~((10))~~ (13) "Long-term commercial significance" includes the  
9 growing capacity, productivity, and soil composition of the land for  
10 long-term commercial production, in consideration with the land's  
11 proximity to population areas, and the possibility of more intense uses  
12 of the land.

13 ~~((11))~~ (14) "Mineral~~((s))~~ resource lands" include those lands  
14 identified and devoted to the long-term commercial extraction of  
15 gravel, sand, rock, and valuable metallic substances.

16 ~~((12))~~ (15) "Natural resource lands" means agricultural lands,  
17 forest lands, and mineral resource lands.

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

26 (17) "Open space lands" include land areas, the protection of which  
27 would: (a) Conserve and enhance scenic, or viewshed resources; (b)  
28 provide scenic amenities and community identity within and between  
29 areas of urban development; (c) protect physical and/or visual buffers  
30 within and between areas of urban and rural development, or along

1 transportation corridors; (d) protect lakes, rivers, streams,  
2 watersheds, or water supply; (e) promote conservation of critical  
3 areas, natural resource lands, soils, geologically hazardous areas, or  
4 tidal marshes, beaches, or other shoreline areas; (f) enhance the value  
5 to the public of abutting or neighboring parks, forests, wildlife  
6 habitat, trails, or other open space; (g) enhance visual enjoyment and  
7 recreation opportunities, including public access to shoreline areas;  
8 (h) protect natural areas and environmental features with significant  
9 educational, scientific, wildlife habitat, historic, or scenic value;  
10 or (i) retain in its natural state tracts of land not less than five  
11 acres situated in an urban environment.

12 (18) "Public facilities" include streets, roads, highways,  
13 sidewalks, street and road lighting systems, traffic signals, domestic  
14 water systems, storm and sanitary sewer systems, parks and  
15 recreational facilities, and schools.

16 (~~(13)~~) (19) "Public services" include fire protection and  
17 suppression, law enforcement, public health, education, recreation,  
18 environmental protection, and other governmental services.

19 (~~(14)~~) (20) "Region" means one or more counties and the cities  
20 within the county or counties, including, as a local option,  
21 multicounty regions.

22 (21) "Special district" means every municipal and quasi-municipal  
23 corporation other than a county or city. Special districts shall  
24 include, but are not limited to: Water districts, sewer districts,  
25 public transportation benefit areas, fire protection districts, port  
26 districts, library districts, school districts, public utility  
27 districts, county park and recreation service areas, flood control zone  
28 districts, irrigation districts, diking districts, and drainage  
29 improvement districts.

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

5        (23) "Urban growth" refers to growth that makes intensive use of  
6 land for the location of buildings, structures, and impermeable  
7 surfaces to such a degree as to be incompatible with the primary use of  
8 such land for the production of food, other agricultural products, or  
9 fiber, or the extraction of mineral resources. When allowed to spread  
10 over wide areas, urban growth typically requires urban governmental  
11 services. "Characterized by urban growth" refers to land having urban  
12 growth located on it, or to land located in relationship to an area  
13 with urban growth on it as to be appropriate for urban growth.

14        ~~((15))~~ (24) "Urban growth areas" means those areas designated by  
15 a county pursuant to RCW 36.70A.110.

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

22        ~~((17))~~ (26) "Wetland" or "wetlands" means areas that are  
23 inundated or saturated by surface water or ground water at a frequency  
24 and duration sufficient to support, and that under normal circumstances  
25 do support, a prevalence of vegetation typically adapted for life in  
26 saturated soil conditions. Wetlands generally include swamps, marshes,  
27 bogs, and similar areas. Wetlands do not include those artificial  
28 wetlands intentionally created from nonwetland sites, including, but  
29 not limited to, irrigation and drainage ditches, grass-lined swales,  
30 canals, detention facilities, wastewater treatment facilities, farm

1 ponds, and landscape amenities. However, wetlands may include those  
2 artificial wetlands intentionally created from nonwetland areas created  
3 to mitigate conversion of wetlands, if permitted by the county or city.

4 PART I

5 PLANNING GOALS

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

8 PLANNING GOALS. The following goals are adopted to guide the  
9 development and adoption of comprehensive plans and development  
10 regulations of those counties and cities that are required or choose to  
11 plan under RCW 36.70A.040. The following goals are not listed in order  
12 of priority and shall be used ((exclusively)) for the purpose of  
13 guiding the development of comprehensive plans and development  
14 regulations. However, plans, regulations, and actions, including  
15 expenditures of state-appropriated funds, of state agencies, counties,  
16 and cities required or choosing to plan, and special districts shall  
17 conform to and support these goals:

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

21 Urban growth areas should be compact, have concentrated employment  
22 centers, and provide opportunities for people to live in a variety of  
23 housing types close to where they work. Plans should ensure an  
24 adequate supply of land for projected jobs considering the nature and  
25 diversity of economic activity and for a variety of housing types.  
26 Development densities should be sufficient to: (a) Protect open space,  
27 natural features and parks, natural resource lands and critical areas

1 within and outside of urban growth areas; (b) promote affordable  
2 housing; and (c) promote transit. Large land areas characterized by  
3 significant natural limitations such as steep slopes, seismic hazard  
4 areas, flood plains, and wetlands should not be designated for urban  
5 growth.

6 New development should be designed to respect the planned and  
7 existing character of neighborhoods. Open spaces and natural features  
8 should be preserved within urban areas.

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

11 (3) Transportation. (~~Encourage~~) Develop efficient multimodal  
12 transportation systems that are based on regional priorities and  
13 coordinated with county and city comprehensive plans. Provide  
14 alternatives to single-occupant automobile travel in congested urban  
15 areas. Housing should be of sufficient density and employment centers  
16 should be concentrated to enable greater efficiency and affordability  
17 of transit service.

18 (4) Housing. Encourage (~~the availability of~~) and participate in  
19 making available affordable housing (~~to~~) for all economic segments of  
20 the population of this state, promote a variety of residential  
21 densities and housing types, (~~and~~) encourage preservation of existing  
22 housing stock, promote the state and federal fair housing goals, and  
23 provide for a fair share of housing needs.

24 (5) Economic development. Encourage economic development  
25 throughout the state that is consistent with adopted comprehensive  
26 plans, promote economic opportunity for all citizens of this state,  
27 especially for unemployed and for disadvantaged persons, build a  
28 network of strong regional economies, identify and focus assistance on  
29 priority economic development areas where there is a need for growth  
30 and where there is the realistic capacity and broad local support for

1 such growth, and encourage growth in areas experiencing insufficient  
2 economic growth, all within the capacities of the state's natural  
3 resources, public services, and public facilities.

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

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

11 (8) Natural resource industries. Maintain and enhance natural  
12 resource-based industries, including productive timber, agricultural,  
13 and fisheries industries. Encourage the conservation of productive  
14 forest lands and productive agricultural lands, and discourage  
15 incompatible uses.

16 (9) Open space and recreation. (~~Encourage the retention of open~~  
17 ~~space and development of recreational opportunities, conserve fish and~~  
18 ~~wildlife habitat, increase access to natural resource lands and water,~~  
19 ~~and develop parks.)) Protect open space and where possible link open  
20 space into regional and state-wide networks. Permanent open space  
21 networks should separate neighboring cities, where possible, and define  
22 distinct urban growth areas to prevent their merging into large  
23 continuous urban areas. Open space should be used to: Protect fish  
24 and wildlife habitat; protect environmentally sensitive land and water  
25 areas; provide park and outdoor recreational opportunities; protect  
26 scenic areas and viewsheds; accommodate nonmotorized recreational  
27 corridors and trails; and protect views and vistas within and around  
28 cities.~~

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

4 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
5 the involvement of citizens in the planning process and ensure  
6 coordination between communities and jurisdictions to reconcile  
7 conflicts.

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

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

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

19 (15) Water Resources. Land use planning and permit decisions that  
20 will both protect water and create demand for water must be compatible  
21 with water resource plans. New growth must be related to water  
22 availability. Each county and its cities must integrate water resource  
23 planning for consumptive and nonconsumptive uses into its land use  
24 plan. Water is key for fish, wildlife, domestic use, industrial use,  
25 power, agriculture, aesthetics, and recreation.

26 PART II

27 LOCAL PLANNING

1       **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
2 amended to read as follows:

3       COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
4 a county or city that is required or chooses to plan under RCW  
5 36.70A.040 shall consist of a map or maps, and descriptive text  
6 covering objectives, principles, and standards used to develop the  
7 comprehensive plan. The plan shall be an internally consistent  
8 document and all elements shall be consistent with the future land use  
9 map. A comprehensive plan shall be adopted and amended with public  
10 participation as provided in RCW 36.70A.140.

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

13       (1) A land use element designating the proposed general  
14 distribution and general location and extent of the uses of land, where  
15 appropriate, for agriculture, timber production, housing, commerce,  
16 industry, recreation, open spaces, public utilities, public facilities,  
17 and other land uses. The land use element shall provide for sufficient  
18 developable land and densities for a range of housing types. The land  
19 use element shall include population densities, building intensities,  
20 and estimates of future population growth. The land use element shall  
21 include designation of natural resource lands and lands for outdoor  
22 recreation as provided in RCW 36.70A.060. Each county shall include  
23 urban growth areas as established in RCW 36.70A.110 in its  
24 comprehensive land use plan. The land use element shall provide for  
25 protection of the quality and quantity of ground and surface water used  
26 for public water supplies and shall recognize that water availability  
27 and quality are key factors in determining the extent, location,  
28 distribution, and intensity of land uses. Where applicable, the land  
29 use element shall review drainage, flooding, and storm water run-off in  
30 the area and nearby jurisdictions and provide guidance for corrective

1 actions to mitigate or cleanse those discharges that pollute waters of  
2 the state, including Puget Sound or waters entering Puget Sound.

3 (2) A housing element recognizing the vitality and character of  
4 established residential neighborhoods that: (a) Includes an inventory  
5 and analysis of existing and projected housing needs; (b) includes a  
6 statement of goals, policies, and objectives for the preservation,  
7 improvement, and development of housing and for meeting fair share  
8 housing obligations within the county and/or jurisdictions; (c)  
9 identifies sufficient land and densities for housing; (d) identifies  
10 the existing and projected fair share accommodation of low-income  
11 moderate-income housing, including, but not limited to, government-  
12 assisted housing, housing for low-income families, manufactured  
13 housing, multifamily housing, and group homes and foster care  
14 facilities; (~~(and (d))~~) (e) makes adequate provisions for existing and  
15 projected needs of all economic segments of the community; (f) promotes  
16 housing that is affordable; and (g) minimizes the displacement of  
17 residents from housing.

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

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

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

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

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

14 (b) Facilities and services needs, including:

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

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

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

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

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

29 (c) Finance, including:

1 (i) An analysis of funding capability to judge needs against  
2 probable funding resources;

3 (ii) A multiyear financing plan based on the needs identified in  
4 the comprehensive plan, the appropriate parts of which shall serve as  
5 the basis for the six-year street, road, or transit program required by  
6 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
7 35.58.2795 for public transportation systems;

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

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

15 (e) Demand-management strategies.

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

1 The transportation element described in this subsection, and the  
2 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
3 counties, and RCW 35.58.2795 for public transportation systems, must be  
4 consistent.

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

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

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

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

17 (11) A fair share element for siting state and regional public  
18 facilities.

19 **Sec. 4.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each  
20 amended to read as follows:

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

25 (a) Conservation;

26 (b) Solar energy; ((and))

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

28 Historic preservation;

29 Cultural resources; and

1        (f) Economic development.

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

4        NEW SECTION. Sec. 5. 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. 6. A new section is added to chapter 43.63A RCW  
22 to read as follows:

23        REGIONAL ECONOMIC DEVELOPMENT PLANS. A regional economic  
24 development plan authorized under section 5 of this act shall include,  
25 but is not limited to, the following contents:

26        (1) An economic profile and forecast of the region;

27        (2) A set of economic development goals, objectives, and policies  
28 for the region;

1 (3) An identification of priority development areas, as defined by  
2 the department, where there is a need for economic growth and where  
3 there is the physical capacity, realistic ability, and local support to  
4 attract such growth; and

5 (4) A biennial regional economic development strategy that  
6 evaluates the results of the preceding economic development strategies;  
7 establishes short-term priorities; identifies tasks and  
8 responsibilities for implementation of adopted goals, objectives, and  
9 policies; and targets implementation efforts to priority development  
10 areas.

11 The plan element, including biennial strategy, must be developed  
12 with the full consultation, involvement, and support of cities,  
13 economic development organizations, and businesses within the region;  
14 and must be consistent with comprehensive plans required by counties  
15 and cities within the region. The department shall adopt guidelines,  
16 definitions, and procedural rules, as necessary, to implement this  
17 section.

18 PART III

19 STATE ROLE

20 NEW SECTION. **Sec. 7.** STATE AGENCIES REQUIRED TO PLAN CONSISTENT  
21 WITH PLANNING GOALS. State agencies proposing development shall: (1)  
22 Plan in conformance with the planning goals contained in RCW  
23 36.70A.020; (2) comply with local comprehensive plans and development  
24 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.120; (3)  
25 comply with amendments to comprehensive land use plans as provided for  
26 in RCW 36.70A.130; and (4) comply with development regulations adopted

1 pursuant to RCW 36.70A.060 and section 10, chapter ... (HB 1025), Laws  
2 of 1991.

3 NEW SECTION. **Sec. 8.** CERTIFICATION OF REGIONAL ECONOMIC  
4 DEVELOPMENT PLANS. The department shall develop a process for  
5 certifying regional economic development plans prepared pursuant to  
6 sections 5 and 6 of this act. Counties not required or choosing to  
7 plan pursuant to the requirements of RCW 36.70A.040 may also prepare  
8 regional economic development plans, following the provisions contained  
9 in section 6 of this act. The department shall adopt guidelines for  
10 such plans as provided in section 24, chapter ... (HB 1025), Laws of  
11 1991 of this act. The department shall certify regional economic  
12 development plans at the request of the county or counties which  
13 compose the region.

14 PART IV

15 GROWTH MANAGEMENT BOARD

16 NEW SECTION. **Sec. 9.** BOARD ESTABLISHED--MEMBERSHIP--CHAIR--QUORUM  
17 FOR DECISION--EXPENSES OF MEMBERS. (1) The growth management board is  
18 a quasi-judicial board hereby established within the environmental  
19 hearings office under RCW 43.21B.005, to review plans and development  
20 regulations pursuant to this chapter. The board shall consist of six  
21 members appointed by the governor. Initial members shall be appointed  
22 to staggered terms as follows: Two members shall be appointed to two-  
23 year terms, two members to four-year terms, and two members to six-year  
24 terms. Thereafter, members shall be appointed to six-year terms. The  
25 governor shall appoint one of the members as chairperson. The governor  
26 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. 10.** 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. 11.** 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. 12.** NONCOMPLIANCE AND SANCTIONS. (1) The  
28 department may find a county, city, or state agency in noncompliance  
29 if:

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

4 (b) The board has heard an appeal and issued a final order on a  
5 county's or city's comprehensive plan, development regulations, or a  
6 state agency's plans or actions, and the county, city, or state agency  
7 has not complied with the order within one year. If the department  
8 finds a county, city, or state agency in noncompliance, the department  
9 may request the governor to invoke one or more of the sanctions  
10 provided in subsection (2) of this section. The department shall  
11 attempt to resolve issues causing noncompliance prior to requesting the  
12 governor to invoke one or more of the sanctions.

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

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

16 (b) Notify and direct the state treasurer to withhold the portion  
17 of revenues to which the county or city is entitled under one or more  
18 of the following: Motor vehicle excise tax, as provided in RCW  
19 82.44.150; sales and use tax, as provided in chapter 82.14 RCW; liquor  
20 profit tax, as provided in RCW 66.08.190; and liquor excise tax, as  
21 provided in RCW 82.08.170.

22 **Sec. 13.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read  
23 as follows:

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

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

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

1 and any portion of an agency appropriation conditioned on a contingent  
2 event by the appropriations act. The governor may remove these amounts  
3 from reserve status if the across-the-board reductions are subsequently  
4 modified or if the contingent event occurs. The director of financial  
5 management shall enter approved statements of proposed expenditures  
6 into the state budgeting, accounting, and reporting system within  
7 forty-five days after receipt of the proposed statements from the  
8 agencies. If an agency or the director of financial management is  
9 unable to meet these requirements, the director of financial management  
10 shall provide a timely explanation in writing to the legislative fiscal  
11 committees.

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

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

1 exemptions granted under this subsection to the legislative fiscal  
2 committees.

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

5 APPORTIONMENT AND DISTRIBUTION OF MOTOR VEHICLE EXCISE TAXES  
6 GENERALLY. (1) The director of licensing shall, on the twenty-fifth  
7 day of February, May, August, and November of each year, advise the  
8 state treasurer of the total amount of motor vehicle excise taxes  
9 remitted to the department during the preceding calendar quarter ending  
10 on the last day of March, June, September, and December, respectively,  
11 except for those payable under RCW 82.44.030, from motor vehicle owners  
12 residing within each municipality which has levied a tax under RCW  
13 35.58.273, which amount of excise taxes shall be determined by the  
14 director as follows:

15 The total amount of motor vehicle excise taxes remitted to the  
16 department, except those payable under RCW 82.44.030, from each county  
17 shall be multiplied by a fraction, the numerator of which is the  
18 population of the municipality residing in such county, and the  
19 denominator of which is the total population of the county in which  
20 such municipality or portion thereof is located. The product of this  
21 computation shall be the amount of excise taxes from motor vehicle  
22 owners residing within such municipality or portion thereof. Where the  
23 municipality levying a tax under RCW 35.58.273 is located in more than  
24 one county, the above computation shall be made by county, and the  
25 combined products shall provide the total amount of motor vehicle  
26 excise taxes from motor vehicle owners residing in the municipality as  
27 a whole. Population figures required for these computations shall be  
28 supplied to the director by the office of financial management, who  
29 shall adjust the fraction annually.

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

6           (a) To the high capacity transportation account created in RCW  
7 47.78.010, a sum equal to four and five-tenths percent of the special  
8 excise tax levied under RCW 35.58.273 by those municipalities  
9 authorized to levy a special excise tax within a class AA county, or  
10 within a class A county contiguous to a class AA county, or within a  
11 second class county contiguous to a class A county that is contiguous  
12 to a class AA county;

13           (b) To the central Puget Sound public transportation account  
14 created in RCW 82.44.180, for revenues distributed after December 31,  
15 1992, within a class AA county or within a class A county contiguous to  
16 a class AA county, a sum equal to the difference between (i) the  
17 special excise tax levied and collected under RCW 35.58.273 by those  
18 municipalities authorized to levy and collect a special excise tax  
19 subject to the requirements of subsections (3) and (4) of this section  
20 and (ii) the special excise tax that the municipality would otherwise  
21 have been eligible to levy and collect at a tax rate of .815 percent  
22 and been able to match with locally generated tax revenues, other than  
23 the excise tax imposed under RCW 35.58.273, budgeted for any public  
24 transportation purpose. Before this deposit, the sum shall be reduced  
25 by an amount equal to the amount distributed under (a) of this  
26 subsection for each of the municipalities within the counties to which  
27 this subsection (2)(b) applies; however, any transfer under this  
28 subsection (2)(b) must be greater than zero;

29           (c) To the public transportation systems account created in RCW  
30 82.44.180, for revenues distributed after December 31, 1992, within

1 counties not described in (b) of this subsection, a sum equal to the  
2 difference between (i) the special excise tax levied and collected  
3 under RCW 35.58.273 by those municipalities authorized to levy and  
4 collect a special excise tax subject to the requirements of subsections  
5 (3) and (4) of this section and (ii) the special excise tax that the  
6 municipality would otherwise have been eligible to levy and collect at  
7 a tax rate of .815 percent and been able to match with locally  
8 generated tax revenues, other than the excise tax imposed under RCW  
9 35.58.273, budgeted for any public transportation purpose. Before this  
10 deposit, the sum shall be reduced by an amount equal to the amount  
11 distributed under (a) of this subsection for each of the municipalities  
12 within the counties to which this subsection (2)(c) applies; however,  
13 any transfer under this subsection (2)(c) must be greater than zero;  
14 and

15 (d) To the transportation fund created in RCW 82.44.180, for  
16 revenues distributed after June 30, 1991, a sum equal to the difference  
17 between (i) the special excise tax levied and collected under RCW  
18 35.58.273 by those municipalities authorized to levy and collect a  
19 special excise tax subject to the requirements of subsections (3) and  
20 (4) of this section and (ii) the special excise tax that the  
21 municipality would otherwise have been eligible to levy and collect at  
22 a tax rate of .815 percent notwithstanding the requirements set forth  
23 in subsections (3) through (6) of this section, reduced by an amount  
24 equal to distributions made under (a), (b), and (c) of this subsection.

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

29 (a) The amount required to be remitted by the state treasurer to  
30 the treasurer of any municipality levying the tax shall not exceed in

1 any calendar year the amount of locally-generated tax revenues,  
2 excluding the excise tax imposed under RCW 35.58.273 for the purposes  
3 of this section, which shall have been budgeted by the municipality to  
4 be collected in such calendar year for any public transportation  
5 purposes including but not limited to operating costs, capital costs,  
6 and debt service on general obligation or revenue bonds issued for  
7 these purposes; and

8 (b) In no event may the amount remitted in a single calendar  
9 quarter exceed the amount collected on behalf of the municipality under  
10 RCW 35.58.273 during the calendar quarter next preceding the  
11 immediately preceding quarter.

12 (4) At the close of each calendar year accounting period, but not  
13 later than April 1, each municipality that has received motor vehicle  
14 excise taxes under subsection (3) of this section shall transmit to the  
15 director of licensing and the state auditor a written report showing by  
16 source the previous year's budgeted tax revenues for public  
17 transportation purposes as compared to actual collections. Any  
18 municipality that has not submitted the report by April 1 shall cease  
19 to be eligible to receive motor vehicle excise taxes under subsection  
20 (3) of this section until the report is received by the director of  
21 licensing. If a municipality has received more or less money under  
22 subsection (3) of this section for the period covered by the report  
23 than it is entitled to receive by reason of its locally-generated  
24 collected tax revenues, the director of licensing shall, during the  
25 next ensuing quarter that the municipality is eligible to receive motor  
26 vehicle excise tax funds, increase or decrease the amount to be  
27 remitted in an amount equal to the difference between the locally-  
28 generated budgeted tax revenues and the locally-generated collected tax  
29 revenues. In no event may the amount remitted for a calendar year  
30 exceed the amount collected on behalf of the municipality under RCW

1 35.58.273 during that same calendar year. At the time of the next  
2 fiscal audit of each municipality, the state auditor shall verify the  
3 accuracy of the report submitted and notify the director of licensing  
4 of any discrepancies.

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

8 (6) Any municipality levying and collecting a tax under RCW  
9 35.58.273 which does not have an operating, public transit system or a  
10 contract for public transportation services in effect within one year  
11 from the initial effective date of the tax shall return to the state  
12 treasurer all motor vehicle excise taxes received under subsection (3)  
13 of this section.

14 (7) The governor may notify and direct the state treasurer to  
15 withhold the revenues to which a county or city is entitled under  
16 subsection (2) of this section if a county or city is found to be in  
17 noncompliance pursuant to section 12 of this act.

18 **Sec. 15.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read  
19 as follows:

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

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

25 (2) From the amount remaining after distribution under subsection  
26 (1) of this section, fifty percent to the general fund of the state,  
27 ten percent to the counties of the state, and forty percent to the  
28 incorporated cities and towns of the state.

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

5       NEW SECTION. Sec. 16. A new section is added to chapter 82.14 RCW  
6 to read as follows:

7       WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
8 direct the state treasurer to withhold the revenues to which the county  
9 or city is entitled under this chapter if a county or city is found to  
10 be in noncompliance pursuant to section 12 of this act.

11       NEW SECTION. Sec. 17. A new section is added to chapter 82.08 RCW  
12 to read as follows:

13       WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
14 direct the state treasurer to withhold the revenues to which the  
15 counties and cities are entitled under RCW 82.08.170 if the counties or  
16 cities are found to be in noncompliance pursuant to section 12 of this  
17 act.

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

21       NEW SECTION. Sec. 19. OTHER APPEAL RIGHTS. (1) Any party  
22 aggrieved by a final decision of the hearings board may appeal the  
23 decision to Thurston county superior court.

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

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

3 PART V  
4 OTHER PROVISIONS

5 NEW SECTION. **Sec. 20.** HEADINGS. Part and section headings as  
6 used in this act do not constitute any part of the law.

7 NEW SECTION. **Sec. 21.** Sections 5, 7 through 12, and 18 through 20  
8 of this act are each added to chapter 36.70A RCW.