
SUBSTITUTE HOUSE BILL 1668

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Haugen, R. Meyers, Jacobsen, Heavey, Roland, Ferguson, Hine, O'Brien, Rust, Paris, Scott, Fraser and Wineberry).

Read first time March 6, 1991.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.010,
2 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110,
3 36.70A.130, 82.02.050, 19.27.095, 58.17.033, 58.17.170, 36.70A.190,
4 36.93.170, 36.93.180, 43.155.070, and 70.146.070; adding a new section
5 to chapter 35.02 RCW; adding a new section to chapter 36.93 RCW; adding
6 new sections to chapter 36.70A RCW; adding a new section to chapter
7 43.01 RCW; adding new sections to chapter 35.13 RCW; adding new
8 sections to chapter 35A.14 RCW; and creating a new section.

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

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

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

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

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

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

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

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

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

25 (6) Encouraging strong economies in the state's diverse regions --
26 the state has a continuing interest in furthering sustainable regional
27 economic growth and vitality. Rapid economic growth has resulted in
28 severe land use and environmental problems in fast-growing regions of
29 the state. The long-term interest of the state's citizens is served
30 best when all of the state's regions have vital economies. A vital

1 regional economy is one which is diverse, competitive in global terms,
2 economically and environmentally sustainable, offers opportunities for
3 new enterprise, and provides ample family-wage employment for its
4 citizens. The state should be an active participant in encouraging
5 economic vitality in the state's regions, in partnership with counties,
6 cities, citizens, and the private sector. Effective action to
7 encourage economic development should include regional economic
8 development planning, adequate infrastructure, and local and state
9 action to increase the economic capacity of the state's regions.
10 Further, the legislature finds that it is in the public interest that
11 economic development programs be shared with communities experiencing
12 insufficient economic growth.

13 It is the intent of the legislature to address growth management
14 and planning issues from state, regional, and local perspectives, to
15 establish certain requirements on a state-wide basis, to permit such
16 requirements to be met by counties and cities with maximum local
17 flexibility, to require consistency in the planning of adjacent
18 jurisdictions, to encourage cooperative planning between adjacent
19 jurisdictions, and between adjacent jurisdictions and tribal
20 governments, to provide adequate time to conform with such
21 requirements, to prevent new development which is inconsistent with
22 these requirements from taking place during the interim, and to provide
23 resources to support such efforts in the form of both financial and
24 technical assistance. It is the intent of the legislature to establish
25 a process and system of planning and growth management emphasizing a
26 shared responsibility between the state and counties and cities and
27 including a fair and open process that allows counties and cities broad
28 flexibility to meet the goals and requirements contained in this
29 chapter in a manner best adapted to their local circumstances and
30 diversity. It is not the intent of the legislature to establish a

1 single comprehensive plan applicable without variation throughout the
2 state. Instead, counties and cities are given broad flexibility to
3 tailor a custom fit in their comprehensive plans to meet the goals and
4 requirements contained in this chapter.

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

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

9 (1) "Adjacent jurisdictions" include counties and cities that are
10 located in the near vicinity with each other, and a county and the
11 cities located within the county.

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

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

21 ~~((+3))~~ (4) "Board" means the growth management board established
22 to review plans and regulations established under this chapter.

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

24 ~~((+4))~~ (6) "Committee" means the interagency committee for outdoor
25 recreation established under chapter 43.99 RCW.

26 (7) "Comprehensive land use plan," "comprehensive plan," or "plan"
27 means a generalized coordinated land use policy statement of the
28 governing body of a county or city that is adopted pursuant to this
29 chapter.

1 ~~((+5))~~ (8) "Critical areas" include the following areas and
2 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
3 on aquifers used for potable water; (c) critical fish and wildlife
4 habitat (~~(conservation areas)~~); (d) frequently flooded areas; and (e)
5 geologically hazardous areas.

6 ~~((+6))~~ (9) "Department" means the department of community
7 development.

8 ~~((+7))~~ (10) "Development regulations" means any controls placed on
9 development or land use activities by a county or city, including, but
10 not limited to, zoning ordinances, official controls, planned unit
11 development ordinances, subdivision ordinances, and binding site plan
12 ordinances.

13 ~~((+8))~~ (11) "Forest land" means land primarily useful for growing
14 trees, including Christmas trees subject to the excise tax imposed
15 under RCW 84.33.100 through 84.33.140, for commercial purposes, and
16 that has long-term commercial significance for growing trees
17 commercially.

18 ~~((+9))~~ (12) "Geologically hazardous areas" means areas that
19 because of their susceptibility to erosion, sliding, earthquake, or
20 other geological events, are not suited to the siting of commercial,
21 residential, or industrial development consistent with public health or
22 safety concerns.

23 ~~((+10))~~ (13) "Long-term commercial significance" includes the
24 growing capacity, productivity, and soil composition of the land for
25 long-term commercial production, in consideration with the land's
26 proximity to population areas, and the possibility of more intense uses
27 of the land.

28 ~~((+11))~~ (14) "Mineral~~((s))~~ resource lands" include those lands
29 identified and devoted to the long-term commercial extraction of
30 gravel, sand, rock, and valuable metallic substances.

1 (15) "Natural resource lands" means agricultural lands, forest
2 lands, and mineral resource lands.

3 (16) "New fully contained community" means a comprehensive
4 development providing for a mixture of land uses which includes the
5 following: (a) A mix of jobs, housing, and public facilities needed
6 for a self-contained community; (b) preservation of open spaces within
7 and around the community; (c) an internal and external transportation
8 system supportive of pedestrian access and public transit; (d) the new
9 infrastructure needed to serve the proposed community; and (e) the
10 mitigation of off-site impacts.

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

27 ~~((12))~~ (18) "Public facilities" include streets, roads, highways,
28 sidewalks, street and road lighting systems, traffic signals, domestic
29 water systems, storm and sanitary sewer systems, parks and
30 recreational facilities, and schools.

1 (~~(13)~~) (19) "Public services" include fire protection and
2 suppression, law enforcement, public health, education, recreation,
3 environmental protection, and other governmental services.

4 (20) "Public utilities" means the facilities of a public service
5 company, as that term is defined in RCW 80.04.010, and the facilities
6 of a municipal corporation, mutual association, or cooperative that are
7 used to provide the same kind of services as provided by a public
8 service company.

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

11 (22) "Special district" means every municipal and quasi-municipal
12 corporation other than a county or city. Special districts shall
13 include, but are not limited to: Water districts, sewer districts,
14 public transportation benefit areas, fire protection districts, port
15 districts, library districts, school districts, public utility
16 districts, county park and recreation service areas, flood control zone
17 districts, irrigation districts, diking districts, and drainage
18 improvement districts.

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

23 (~~(14)~~) (24) "Urban growth" refers to growth that makes intensive
24 use of land for the location of buildings, structures, and impermeable
25 surfaces to such a degree as to be incompatible with the primary use of
26 such land for the production of food, other agricultural products, or
27 fiber, or the extraction of mineral resources. When allowed to spread
28 over wide areas, urban growth typically requires urban governmental
29 services. "Characterized by urban growth" refers to land having urban

1 growth located on it, or to land located in relationship to an area
2 with urban growth on it as to be appropriate for urban growth.

3 ~~((15))~~ (25) "Urban growth areas" means those areas designated by
4 a county pursuant to RCW 36.70A.110.

5 ~~((16))~~ (26) "Urban governmental services" include those
6 governmental services historically and typically delivered by cities,
7 and include storm and sanitary sewer systems, domestic water systems,
8 street cleaning services, fire and police protection services, public
9 transit services, and other public utilities associated with urban
10 areas and normally not associated with nonurban areas.

11 ~~((17))~~ (27) "Wetland" or "wetlands" means areas that are
12 inundated or saturated by surface water or ground water at a frequency
13 and duration sufficient to support, and that under normal circumstances
14 do support, a prevalence of vegetation typically adapted for life in
15 saturated soil conditions. Wetlands generally include swamps, marshes,
16 bogs, and similar areas. Wetlands do not include those artificial
17 wetlands intentionally created from nonwetland sites, including, but
18 not limited to, irrigation and drainage ditches, grass-lined swales,
19 canals, detention facilities, wastewater treatment facilities, farm
20 ponds, and landscape amenities. However, wetlands may include those
21 artificial wetlands intentionally created from nonwetland areas created
22 to mitigate conversion of wetlands, if permitted by the county or city.

23 PART I

24 PLANNING GOALS

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

27 PLANNING GOALS. The plans, regulations, and actions, including
28 expenditures of state-appropriated funds, of state agencies, counties,

1 and cities that are required or choose to plan under this chapter, and
2 special districts located in counties that are required or choose to
3 plan under this chapter shall conform to and support the following
4 goals ((are adopted to guide the development and adoption of
5 comprehensive plans and development regulations of those counties and
6 cities that are required or choose to plan under RCW 36.70A.040. The
7 following goals)) which are not listed in order of priority ((and shall
8 be used exclusively for the purpose of guiding the development of
9 comprehensive plans and development regulations))):

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

13 Urban growth areas should be compact, have concentrated employment
14 centers, and provide opportunities for people to live in a variety of
15 housing types close to where they work. Plans should ensure an
16 adequate supply of land for projected jobs considering the nature and
17 diversity of economic activity and for a variety of housing types.
18 Development densities should be sufficient to: (a) Protect open space,
19 natural features and parks, natural resource lands and critical areas
20 inside and outside of urban growth areas; (b) promote affordable
21 housing; and (c) promote public transit. Large land areas
22 characterized by significant natural limitations such as steep slopes,
23 seismic hazard areas, flood plains, and wetlands should not be
24 designated for urban growth even if located within an urban growth
25 area.

26 New development should be designed to respect the planned and
27 existing character of neighborhoods. Open spaces and natural features
28 should be preserved within urban areas.

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

1 (3) Transportation. (~~Encourage~~) Develop efficient multimodal
2 transportation systems that are based on regional priorities and
3 coordinated with county and city comprehensive plans. Provide
4 alternatives to single-occupant automobile travel in congested urban
5 areas. Housing should be of sufficient density and employment centers
6 should be concentrated to enable greater efficiency and permit
7 affordable public transit service.

8 (4) Housing. Encourage (~~the availability of~~) and participate in
9 making available affordable housing (~~to~~) for all economic segments of
10 the population of this state, promote a variety of residential
11 densities and housing types, (~~and~~) encourage preservation of existing
12 housing stock, promote the state and federal fair housing goals, and
13 provide for a fair share of housing needs.

14 (5) Economic development. Encourage economic development
15 throughout the state that is consistent with adopted comprehensive
16 plans, promote economic opportunity for all citizens of this state,
17 especially for unemployed and for disadvantaged persons, build a
18 network of strong regional economies, identify and focus assistance on
19 priority economic development areas where there is a need for growth
20 and where there is the realistic capacity and broad local support for
21 such growth, and encourage growth in areas experiencing insufficient
22 economic growth, all within the capacities of the state's natural
23 resources, public services, and public facilities.

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

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

1 (8) Natural resource industries. Maintain and enhance natural
2 resource-based industries, including productive timber, agricultural,
3 and fisheries industries. Secondary land uses on natural resource
4 lands shall be permitted that are related to and are designed to
5 support the primary use of such lands for commercial agricultural,
6 forest, or mineral resource purposes. Limited secondary land uses on
7 natural resource lands may be permitted due to unique location factors
8 of the natural resource lands, such as locating radio transmission
9 towers. Encourage the conservation of productive forest lands and
10 productive agricultural lands, and discourage incompatible uses.

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

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

27 (11) Citizen participation and coordination. (~~Encourage~~) Ensure
28 the involvement of citizens in the planning process and ensure
29 coordination between communities and jurisdictions to reconcile
30 conflicts.

1 (12) Financial support of public institutions. Ensure that state
2 trust lands can be managed for the financial support of public
3 institutions in accordance with federal law and state law
4 constitutional and statutory requirements. Protect state trust lands
5 from arbitrary or discriminatory land use actions.

6 (13) Public facilities and services. Ensure that those public
7 facilities and services necessary to support development shall be
8 adequate to serve the development at the time the development is
9 available for occupancy and use without decreasing current service
10 levels below locally established minimum standards. Ensure the siting
11 of regional and state public facilities, so that each county and city
12 accepts its fair share of public facilities and no community is
13 overburdened by an undue concentration of these facilities.

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

17 (15) Water resources. Land use planning and permit decisions that
18 will both protect water and create demand for water must be compatible
19 with water resource plans. New growth must be related to water
20 availability. New growth using water for domestic or industrial
21 purposes should be located in the vicinity of where sufficient water
22 resources exist without transporting water significant distances. Each
23 county and its cities must integrate water resource planning for
24 consumptive and nonconsumptive uses into its land use plan. Water is
25 key for fish, wildlife, domestic use, industrial use, power,
26 agriculture, aesthetics, and recreation.

27 (16) Public utilities. Provide for adequate public utilities by
28 assuring that land will be available for the location of public
29 utilities, including location within transportation corridors, so that

1 efficient, reliable, and cost-effective utility service can be
2 provided.

3 PART II

4 LOCAL PLANNING

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

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

27 (2) The county legislative authority of any county that does not
28 meet the requirements of subsection (1) of this section may adopt a

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

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

19 (4) If after January 1, 1991, the office of financial management
20 certifies that ~~((the population of a county has changed sufficiently to~~
21 ~~meet the requirements of subsection (1) of this section, and the county~~
22 ~~legislative authority has not adopted a resolution removing the county~~
23 ~~from these requirements as provided in subsection (1) of this section))~~
24 a county, that previously had not been required to plan under this
25 chapter as specified under subsection (1) or (2) of this section, meets
26 the requirements of subsection (1) of this section to become required
27 to plan under this chapter, the county and each city within such county
28 shall adopt: (a) Development regulations under RCW 36.70A.060 within
29 one year of the certification by the office of financial management;
30 (b) a comprehensive land use plan under this chapter within three years

1 of the certification by the office of financial management; and (c)
2 development regulations pursuant to this chapter within one year of
3 having adopted its comprehensive land use plan.

4 **Sec. 5.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
5 amended to read as follows:

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

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

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, public utilities, public facilities,
20 and other land uses. The land use element shall provide for sufficient
21 developable land and densities for a range of housing types. The land
22 use element shall include population densities, building intensities,
23 and estimates of future population growth. The land use element shall
24 include designation of natural resource lands and critical areas as
25 provided in RCW 36.70A.060. Each county shall include urban growth
26 areas as established in RCW 36.70A.110 in its comprehensive land use
27 plan. The land use element shall provide for protection of the quality
28 and quantity of ground water and surface bodies of water used for
29 public water supplies and shall recognize that water availability and

1 quality are key factors in determining the extent, location,
2 distribution, and intensity of land uses. Where applicable, the land
3 use element shall review drainage, flooding, and storm water run-off in
4 the area and nearby jurisdictions and provide guidance for corrective
5 actions to mitigate or cleanse those discharges that pollute waters of
6 the state, including Puget Sound or waters entering Puget Sound.

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

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

1 meeting existing needs and to ensure that the land use element, capital
2 facilities plan element, and financing plan within the capital
3 facilities plan element are coordinated and consistent.

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

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

13 (6) A transportation element that implements, and is consistent
14 with, the land use element. The transportation element shall include
15 the following subelements:

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

17 (b) Facilities and services needs, including:

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

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

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

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

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

3 (c) Finance, including:

4 (i) An analysis of funding capability to judge needs against
5 probable funding resources;

6 (ii) A multiyear financing plan based on the needs identified in
7 the comprehensive plan, the appropriate parts of which shall serve as
8 the basis for the six-year street, road, or transit program required by
9 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
10 35.58.2795 for public transportation systems;

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

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

18 (e) Demand-management strategies.

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

1 development" shall mean that improvements or strategies are in place at
2 the time of development, or that a financial commitment is in place to
3 complete the improvements or strategies within six years.

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

8 (7) 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 (8) 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 (9) A fair share element for siting state and regional public
15 facilities for: (a) Holding or housing persons who have been arrested
16 or convicted of crimes; and (b) the reduction, recycling, or disposal
17 of solid waste.

18 (10) An historic sites and buildings element that includes but is
19 not limited to, sites listed in or eligible for the Washington state
20 register of historic places, the national register of historic places,
21 or for designation under a local historic preservation ordinance.

22 **Sec. 6.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each
23 amended to read as follows:

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

28 (a) Conservation;

29 (b) Solar energy; ((and))

- 1 (c) ~~((Recreation))~~ Human resource development;
2 (d) Cultural resources;
3 (e) A design element enabling communities to harmoniously fit new
4 development with planned or existing community character and vision;
5 and
6 (f) Economic development.

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

9 **Sec. 7.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each
10 amended to read as follows:

11 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is
12 required or chooses to ~~((adopt a comprehensive land use))~~ plan under
13 ~~((RCW 36.70A.040))~~ this chapter shall designate an urban growth area or
14 areas in its comprehensive plan within which urban growth shall be
15 encouraged and outside of which growth can occur only if it is not
16 urban in nature. Each city that is located in such a county shall be
17 included within an urban growth area. An urban growth area may include
18 more than a single city. An urban growth area may include territory
19 that is located outside of a city only if such territory already is
20 characterized by urban growth ~~((or))~~, is adjacent to territory already
21 characterized by urban growth, or meets the conditions for establishing
22 new fully contained communities under section 8 of this act.

23 (2) Based upon the population forecast made for the county by the
24 office of financial management, the urban growth areas in the county
25 shall include areas and densities sufficient to permit the urban growth
26 that is projected to occur in the county for the succeeding ~~((twenty-~~
27 ~~year))~~ ten-year period. Additionally, the county shall include a
28 second-tier area to accommodate urban growth that is projected to occur
29 in the county for a twenty-year period. The ten-year tier must be

1 developed substantially before suburban or urban development is
2 permitted beyond the ten-year tier. The ten-year and twenty-year urban
3 growth area tiers in a county shall be established in such a manner as
4 to not permit a significantly greater extent of urban growth than is
5 projected to occur in the county within those time periods. Each urban
6 growth area shall permit urban densities and shall include greenbelt
7 and open space areas. Within one year of July 1, 1990, each county
8 required to designate urban growth areas shall begin consulting with
9 each city located within its boundaries and each city shall propose the
10 location of an urban growth area. The county and cities located within
11 the county shall attempt to reach agreement (~~((with each city))~~) on the
12 location of ~~((an))~~ urban growth areas ~~((within which the city is~~
13 ~~located))~~ within the county. If such an agreement is not reached
14 (~~((with each city located within the urban growth area))~~), the county
15 shall justify in writing why it so designated the area or areas an
16 urban growth area or urban growth areas. A city may object formally
17 (~~((with))~~) to the department over the designation of the urban growth
18 area within which it is located. Where appropriate, the department
19 shall attempt to resolve the conflicts, including the use of mediation
20 services.

21 (3) Urban growth should be located first in areas already
22 characterized by urban growth that have existing public facility and
23 service capacities to serve such development, and second in areas
24 already characterized by urban growth that will be served by a
25 combination of both existing public facilities and services and any
26 additional needed public facilities and services that are provided by
27 either public or private sources. Further, it is appropriate that
28 urban government services be provided by cities, and urban government
29 services should not be provided in rural areas.

1 (4) Areas for potential annexation or potential incorporation shall
2 be designated in portions of urban growth areas outside of cities.
3 These areas shall relate the potential annexation or incorporation
4 areas with local development patterns, address density, and identify
5 the needed service providers without proliferating special purpose
6 districts, and may include possible sequences or timing for the
7 potential annexations or incorporations.

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

10 (6) At its option, a county may refer to any or all of the urban
11 growth areas that it establishes as urban service areas.

12 NEW SECTION. Sec. 8. NEW FULLY CONTAINED COMMUNITIES. A county
13 required or choosing to plan pursuant to the provisions of RCW
14 36.70A.040 may establish a process for reviewing proposals for new
15 fully contained communities within either the ten-year or twenty-year
16 tiers of its urban growth areas. A new fully contained community may
17 be permitted by a county when the new community is included in either
18 the ten-year or twenty-year portion of the urban growth area described
19 in its comprehensive plan prepared pursuant to RCW 36.70A.040 and is
20 consistent with the requirements of this chapter. However, a new fully
21 contained community may be approved only if the following criteria are
22 met:

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

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

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

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

2 (5) Sufficient affordable housing is provided within the new
3 community;

4 (6) Environmental protections have been adequately addressed and
5 provided for;

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

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

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

14 **Sec. 9.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each
15 amended to read as follows:

16 (1) Each comprehensive land use plan and development regulations
17 shall be subject to continuing evaluation and review by the county or
18 city that adopted them.

19 Any amendment or revision to a comprehensive land use plan shall
20 conform to this chapter, and any change to development regulations
21 shall be consistent with and implement the comprehensive plan.

22 (2) Each county and city shall establish procedures whereby
23 proposed amendments or revisions of the comprehensive plan are
24 considered by the governing body of the county or city no more
25 frequently than once every year. All proposals shall be considered by
26 the governing body concurrently so the cumulative effect of the various
27 proposals can be ascertained. However, a county or city may adopt
28 amendments or revisions to its comprehensive plan that conform with
29 this chapter whenever an emergency exists.

1 (3) Each county that designates urban growth areas under RCW
2 36.70A.110 shall review, at least every ten years, its designated urban
3 growth area or areas, and the densities permitted within both the
4 incorporated and unincorporated portions of each urban growth area, but
5 may make such reviews more frequently than once every ten years. In
6 conjunction with this review by the county, each city located within an
7 urban growth area shall review the densities permitted within its
8 boundaries, and the extent to which the urban growth occurring within
9 the county has located within each city and the unincorporated portions
10 of the urban growth areas. The county comprehensive plan designating
11 urban growth areas, and the densities permitted in the urban growth
12 areas by the comprehensive plans of the county and each city located
13 within the urban growth areas, shall be revised to accommodate the
14 urban growth projected to occur in the county for the succeeding
15 twenty-year period.

16 NEW SECTION. **Sec. 10.** RECREATIONAL FACILITIES. Counties that are
17 required or choose to plan under this chapter may permit recreational
18 development outside of urban growth areas, including overnight
19 accommodations and related visitor accommodations associated with
20 recreational activities, that does not involve the subdivision or short
21 subdivision of land and which is under single, contiguous, private or
22 public ownership, if the county: (1) Specifically identifies and
23 limits such uses in its comprehensive plan; (2) includes a finding that
24 such land is better suited for and has more long-term importance for
25 such particular recreational uses than for the commercial growing of
26 trees, if such lands otherwise would be designated as forest land; (3)
27 is not located on agricultural lands; (4) includes a finding that such
28 use does not adversely affect critical areas; and (5) does not permit

1 other urban or suburban land uses that are not associated directly with
2 the recreational development.

3 NEW SECTION. **Sec. 11.** EXTENSION OF TIME TO DESIGNATE AND PROTECT
4 NATURAL RESOURCE LANDS AND CRITICAL AREAS. The department may extend
5 the date by which a county or city is required to designate natural
6 resource lands and critical areas under RCW 36.70A.170, or the date by
7 which a county or city is required to protect natural resource lands
8 and critical areas under RCW 36.70A.060, if the county or city
9 demonstrates that it is proceeding in an orderly fashion, and is making
10 a good faith effort, to meet these requirements. An extension may be
11 for up to an additional one hundred eighty days. The length of an
12 extension shall be based upon the difficulty of the effort to conform
13 with these requirements.

14 NEW SECTION. **Sec. 12.** PLANS AND REGULATIONS--SPECIAL DISTRICTS
15 MUST CONFORM. (1) All special districts shall perform all of their
16 activities which affect land use in conformity with the state policy
17 goals contained in RCW 36.70A.020, and the land use plans and zoning
18 ordinances of the county or city having jurisdiction in the area where
19 the activities occur.

20 (2) Not later than one and one-half years after the adoption of
21 development regulations by a county or city pursuant to RCW 36.70A.120,
22 each special district that provides one or more of the public
23 facilities or public services listed in this subsection, and is located
24 within such a county or city, shall adopt or amend a capital facilities
25 plan for its facilities that is consistent with the comprehensive plan
26 and development regulations and indicates the existing and projected
27 capital facilities that are necessary to serve the projected growth for
28 the area that is served by the special district. These public

1 facilities or public services are: (a) Sanitary sewers; (b) potable
2 water facilities; (c) park and recreation facilities; (d) fire
3 suppression; (e) emergency medical services; (f) libraries; (g)
4 hospitals; (h) schools; and (i) transportation facilities or services,
5 including public transit.

6 **Sec. 13.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
7 amended to read as follows:

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

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

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

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

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

25 (3) The impact fees:

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

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

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

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

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

17 (b) Additional demands placed on existing public facilities by new
18 development; and

19 (c) Additional public facility improvements required to serve new
20 development.

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

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.02 RCW
27 to read as follows:

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

4 NEW SECTION. **Sec. 15.** REGIONAL PLANS AND AGREEMENTS. It is
5 recognized that counties are the regional governments within their
6 boundaries and cities are the primary providers of urban services
7 within urban growth areas.

8 The officials of each county are encouraged to meet regularly with
9 officials of cities and special districts, and other counties, to seek
10 agreements on common activities and plans. The officials of counties
11 and cities are encouraged to meet regularly while preparing their
12 comprehensive plans under this chapter to achieve coordination between
13 their plans.

14 When reviewing the extent to which comprehensive plans meet the
15 coordination requirement contained in RCW 36.70A.100, the growth
16 management board shall afford substantial weight to the content of
17 regional plans and agreements that have been agreed to by: (1) A
18 county and a substantial number of cities within the county; (2) a
19 county and the city or cities with a substantial portion of the city
20 population within the county; or (3) two or more counties and a
21 substantial number of cities, or the city or cities with a substantial
22 portion of the city population, within each of the counties.

23 It is most appropriate that regional plans be agreed to relating to
24 major directions and policies for fair share siting of public
25 facilities described under RCW 36.70A.070(9), economic development, and
26 open space and greenbelt areas.

27 NEW SECTION. **Sec. 16.** VESTING DOCTRINE. The following rule is
28 adopted for the vesting of rights in counties and cities that plan

1 under this chapter: A right shall vest upon the issuance of a valid
2 permit or preliminary plat approval. This rule shall cease to be
3 effective on the effective date of the final ordinance containing
4 development regulations adopted under RCW 36.70A.120, that implement in
5 whole the comprehensive plan adopted under this chapter within the
6 entire planning jurisdiction of each county and city that plan under
7 this chapter.

8 **Sec. 17.** RCW 19.27.095 and 1987 c 104 s 1 are each amended to read
9 as follows:

10 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY
11 LOCAL ORDINANCE. (1) Except as provided in section 16 of this act, a
12 valid and fully complete building permit application for a structure,
13 that is permitted under the zoning or other land use control ordinances
14 in effect on the date of the application shall be considered under the
15 building permit ordinance in effect at the time of application, and the
16 zoning or other land use control ordinances in effect on the date of
17 application.

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

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

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

24 PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE.
25 (1) Except as provided in section 16 of this act, a proposed division
26 of land, as defined in RCW 58.17.020, shall be considered under the
27 subdivision or short subdivision ordinance, and zoning or other land
28 use control ordinances, in effect on the land at the time a fully

1 completed application for preliminary plat approval of the subdivision,
2 or short plat approval of the short subdivision, has been submitted to
3 the appropriate county, city, or town official.

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

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

8 **Sec. 19.** RCW 58.17.170 and 1981 c 293 s 10 are each amended to
9 read as follows:

10 When the legislative body of the city, town or county finds that
11 the subdivision proposed for final plat approval conforms to all terms
12 of the preliminary plat approval, and that said subdivision meets the
13 requirements of this chapter, other applicable state laws, and any
14 local ordinances adopted under this chapter which were in effect at the
15 time of preliminary plat approval, it shall suitably inscribe and
16 execute its written approval on the face of the plat. The original of
17 said final plat shall be filed for record with the county auditor. One
18 reproducible copy shall be furnished to the city, town or county
19 engineer. One paper copy shall be filed with the county assessor.
20 Paper copies shall be provided to such other agencies as may be
21 required by ordinance. Any lots in a final plat filed for record shall
22 be a valid land use notwithstanding any change in zoning laws for a
23 period of five years from the date of filing, but during this five-year
24 period are subject to any changed conditions on the valid land use
25 contained in the current zoning or other land use control ordinances as
26 long as the valid land use remains possible. These conditions include,
27 but are not limited to, setback requirements and height limitations.
28 A subdivision shall be governed by the terms of approval of the final
29 plat, and the statutes, ordinances, and regulations in effect at the

1 time of approval under RCW 58.17.150 (1) and (3) for a period of five
2 years after final plat approval unless the legislative body finds that
3 a change in conditions creates a serious threat to the public health or
4 safety in the subdivision.

5 PART III

6 STATE ROLE

7 NEW SECTION. **Sec. 20.** LIMITATIONS ON STATE RULE MAKING. In
8 addition to the requirement for adopting guidelines to assist the
9 designation of natural resource lands and critical areas, as specified
10 under RCW 36.70A.050, the department shall adopt advisory guidelines,
11 advisory model elements, and benchmarks to assist and provide guidance
12 for counties and cities to adopt creative and locally appropriate
13 comprehensive plans and development regulations meeting the goals and
14 requirements of this chapter. The advisory guidelines shall reflect
15 regional and local variations and the diversity that exist among the
16 different counties and cities that plan under this chapter. The
17 advisory model elements shall include options reflecting the regional
18 and local variations and diversity that exist among the different
19 counties and cities that plan under this chapter. The advisory model
20 elements shall contain those items that, if included in a county's or
21 city's comprehensive plan and development regulations, would meet the
22 goals and requirements of this chapter.

23 The department shall obtain input from counties, cities, and
24 citizens throughout the state to assist in its development of these
25 model elements and benchmarks.

26 NEW SECTION. **Sec. 21.** COMPREHENSIVE PLANS--DEVELOPMENT
27 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a

1 comprehensive plan and/or development regulations, or amendments
2 thereto, under this chapter shall submit its final draft plan and
3 development regulations, or amendments, to the department before
4 adoption. In addition, the county or city shall submit a copy of those
5 documents to adjacent jurisdictions.

6 (2) Counties must submit the regional plans under section 15 of
7 this act to the department for preadoption review.

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

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

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

1 regulations with the board shall start once the department has received
2 a complete submission of all required materials.

3 (2) Any amendments that are adopted by a county or city to its
4 adopted plan or regulations shall be submitted for comment and filed
5 with the department after adoption in the same manner as for initial
6 plans and regulations under this section.

7 NEW SECTION. **Sec. 23.** LIMITATIONS ON APPEAL BY THE STATE. (1) An
8 appeal by the state to the growth management board may be made only by
9 the governor, or by the commissioner of public lands only as relating
10 to state trust lands, for the growth management review board's review
11 of whether: (a) A county or city that is required or chooses to plan
12 under this chapter has failed to adopt the comprehensive plans or
13 development regulations that are required by this chapter; (b) a county
14 or city that is required or chooses to plan under this chapter has
15 adopted comprehensive plans or development regulations that do not
16 conform with the goals and requirements of this chapter, as limited in
17 subsection (2) of this section; or (c) where comprehensive plans and
18 development regulations have been adopted conforming with the goals and
19 requirements of this chapter, a substantial pattern of abuse exists by
20 the county or city issuing permits not conforming with its
21 comprehensive plans and development regulations. The department shall
22 make recommendations to the governor on such appeals and the department
23 of transportation shall make recommendations on such appeals relating
24 to transportation matters.

25 An appeal by the governor or commissioner of public lands shall be
26 in writing and shall detail the alleged violation and include a finding
27 that the violation is of such significance as to warrant review by the
28 growth management board.

1 (2) An appeal by the governor or the commissioner of public lands,
2 relating to whether comprehensive plans or development regulations
3 conform with the goals and requirements of this chapter, must be filed
4 with the growth management board within ninety days of submittal of the
5 plans or development regulations, or amendments to the plans or
6 development regulations, to the department and is limited to
7 allegations that the comprehensive plans or development regulations:

8 (a) Do not prevent low density sprawl by failing to provide: (i)
9 Concentrated employment centers and sufficient residential densities to
10 facilitate public transit; (ii) an adequate balance of housing and job
11 opportunities; or (iii) restrictions precluding suburban or urban
12 development beyond the ten-year tier, until the ten-year tier has been
13 developed substantially;

14 (b) Do not permit a mix of housing types providing for the fair
15 share distribution of housing opportunities for persons of low and
16 moderate income within the urban growth areas;

17 (c) Do not prevent the loss of agricultural lands or forest lands
18 with long-term commercial significance;

19 (d) Do not prevent the substantial loss of critical areas;

20 (e) Do not reduce the impact of flooding by protecting storm water
21 and drainage systems or natural systems that lessen surface water
22 runoff, including wetland areas;

23 (f) Do not include a capital facilities plan element or
24 transportation element that is coordinated or consistent with the land
25 use element or do not include a feasible plan to adequately finance the
26 capital facilities plan element or transportation element;

27 (g) Do not preclude patterns of development that increase air and
28 water pollution beyond state or federal standards;

29 (h) Do not relieve traffic congestion by failing to: (i) Implement
30 demand management strategies; (ii) protect and coordinate existing and

1 future rights of way and corridors for public transit and carpools; or
2 (iii) implement regional transportation plans;
3 (i) Do not include adequate open space or greenbelt areas;
4 (j) Were prepared without adequate public participation; or
5 (k) Were arbitrary or discriminatory in planning for or regulating
6 state trust lands.

7 **Sec. 24.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each
8 amended to read as follows:

9 TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The
10 department shall establish a program of technical and financial
11 assistance and incentives to counties and cities to encourage and
12 facilitate the adoption and implementation of comprehensive plans and
13 development regulations throughout the state.

14 (2) The department shall develop a priority list and establish
15 funding levels for planning and technical assistance grants both for
16 counties and cities that plan under RCW 36.70A.040 and for counties and
17 cities that take actions under this chapter relating to natural
18 resource lands and critical areas. Priority for assistance shall be
19 based on a county's or city's population growth rates, commercial and
20 industrial development rates, the existence and quality of a
21 comprehensive plan and development regulations, the need for the
22 assistance, the extent to which the county and adjacent jurisdictions
23 are engaging in cooperative regional planning efforts, and other
24 relevant factors.

25 (3) The department shall develop and administer a grant program to
26 provide direct financial assistance to counties and cities for ((~~the~~
27 ~~preparation of comprehensive plans~~)) activities under this chapter.
28 The department may establish provisions for county and city matching
29 funds to conduct activities under this subsection. Grants may be

1 expended for any purpose directly related to the preparation of a
2 county or city comprehensive plan, development regulations, and actions
3 relating to natural resource lands and critical areas as the county or
4 city and the department may agree, including, without limitation, the
5 conducting of surveys, inventories and other data gathering and
6 management activities, the retention of planning consultants, contracts
7 with regional councils for planning and related services, and other
8 related purposes.

9 (4) The department shall establish a program of technical
10 assistance utilizing department staff, the staff of other state
11 agencies, and the technical resources of counties and cities to help in
12 ~~((the development of))~~ preparing comprehensive plans and development
13 regulations, and taking actions relating to natural resource lands and
14 critical areas, required under this chapter. The technical assistance
15 may include, but not be limited to, model land use ordinances, regional
16 education and training programs, and information for local and regional
17 inventories.

18 (5) The department shall provide mediation services to resolve
19 disputes between counties and cities regarding, among other things,
20 coordination of regional issues and designation of urban growth areas.

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

23 NEW SECTION. Sec. 25. MONITORING AND EVALUATION. The department
24 shall establish a system for monitoring the effectiveness of state,
25 regional, county and city efforts to prepare and to implement
26 comprehensive plans and development regulations in compliance with the
27 goals contained in RCW 36.70A.020, and the designation and protection
28 of natural resource lands and critical areas required in this chapter.

1 plan of the affected jurisdiction is at issue, the requesting party
2 must also bear the burden of demonstrating that the development
3 regulation is not consistent with the comprehensive plan. In any
4 appeal to the growth management hearings board that a substantial
5 pattern of abuse exists by a county or city issuing permits not
6 conforming with its comprehensive plans and development regulations,
7 the appealing party shall have the burden of demonstrating that the
8 substantial pattern of abuse exists.

9 NEW SECTION. **Sec. 28.** RULE OF CONSTRUCTION. This chapter is
10 exempted from the rule of strict construction, and shall be liberally
11 construed to give full effect to the objectives and purposes for which
12 it was enacted. In addition, construction of this act shall emphasize
13 the protection of the environment.

14 NEW SECTION. **Sec. 29.** APPLICATION TO STATE, LOCAL, AND OTHER
15 PUBLIC AGENCIES. Except as otherwise provided in this chapter or other
16 state law, the comprehensive plans and development regulations adopted
17 under this chapter shall be applicable to all state agencies, counties,
18 special districts, and other public and municipal corporations
19 including quasi-municipal corporations in the state.

20 NEW SECTION. **Sec. 30.** TREATY RIGHTS. Nothing in this act affects
21 any rights established by treaty to which the United States is a party.

22 Coordination of on-reservation land use planning activities where
23 tribes have jurisdiction with county or city land use planning
24 activities cannot be required absent congressional mandate. As a
25 consequence, the coordination between tribes and counties and cities
26 regarding land use planning activities should focus on encouraging the

1 voluntary participation of tribal governments with county and city
2 planning processes required by this chapter.

3 NEW SECTION. **Sec. 31.** RELATION TO OTHER AUTHORITIES. The
4 provisions of this act are cumulative and nonexclusive and are not
5 intended to be preemptive in effect.

6 PART V

7 OTHER PROVISIONS

8 **Sec. 32.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read
9 as follows:

10 FACTORS FOR BOUNDARY REVIEW BOARD TO CONSIDER. In reaching a
11 decision on a proposal or an alternative, the board shall consider the
12 factors affecting such proposal, which shall include, but not be
13 limited to the following:

14 (1) Population and territory; population density; land area and
15 land uses; comprehensive plans and zoning, as adopted under chapter
16 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography,
17 natural boundaries and drainage basins, proximity to other populated
18 areas; the existence and preservation of prime agricultural soils and
19 productive agricultural uses; the likelihood of significant growth in
20 the area and in adjacent incorporated and unincorporated areas during
21 the next ten years; location and most desirable future location of
22 community facilities;

23 (2) Municipal services; need for municipal services; effect of
24 ordinances, governmental codes, regulations and resolutions on existing
25 uses; present cost and adequacy of governmental services and controls
26 in area; prospects of governmental services from other sources;
27 probable future needs for such services and controls; probable effect

1 of proposal or alternative on cost and adequacy of services and
2 controls in area and adjacent area; the effect on the finances, debt
3 structure, and contractual obligations and rights of all affected
4 governmental units; the added net costs for a city, town, or special
5 district to provide services and facilities in an area that it proposes
6 to annex; and

7 (3) The effect of the proposal or alternative on adjacent areas, on
8 mutual economic and social interests, and on the local governmental
9 structure of the county.

10 The provisions of chapter 43.21C RCW, State Environmental Policy,
11 shall not apply to incorporation proceedings covered by chapter 35.02
12 RCW.

13 **Sec. 33.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read
14 as follows:

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

- 17 (1) Preservation of natural neighborhoods and communities;
- 18 (2) Use of physical boundaries, including but not limited to bodies
19 of water, highways, and land contours;
- 20 (3) Creation and preservation of logical service areas;
- 21 (4) Prevention of abnormally irregular boundaries;
- 22 (5) Discouragement of multiple incorporations of small cities and
23 encouragement of incorporation of cities in excess of ten thousand
24 population in heavily populated urban areas;
- 25 (6) Dissolution of inactive special purpose districts;
- 26 (7) Adjustment of impractical boundaries;
- 27 (8) Incorporation as cities or towns or annexation to cities or
28 towns of unincorporated areas which are urban in character; ((and))

1 (9) Protection of agricultural and rural lands which are designated
2 for long term productive agricultural and resource use by a
3 comprehensive plan adopted by the county legislative authority; and
4 (10) Evaluation of whether the proposed annexation by a city or
5 town, or proposed incorporation of a city or town, in a county that is
6 required or chooses to plan under chapter 36.70A RCW, is located within
7 an urban growth area and is consistent with the annexation and
8 incorporation portions of the urban growth area. Cities and towns
9 located in a county that is required or chooses to plan under chapter
10 36.70A RCW shall not annex areas outside of an urban growth area. A
11 city or town shall not be incorporated outside of an urban growth area
12 in any county that is required or chooses to plan under chapter 36.70A
13 RCW.

14 NEW SECTION. Sec. 34. A new section is added to chapter 36.93 RCW
15 to read as follows:

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

21 **Sec. 35.** RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each
22 amended to read as follows:

23 BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING
24 LOANS. (1) To qualify for loans or pledges under this chapter the
25 board must determine that a local government meets all of the following
26 conditions:

27 (a) The city or county must be imposing a tax under chapter 82.46
28 RCW at a rate of at least one-quarter of one percent;

1 (b) The local government must have developed a long-term plan for
2 financing public works needs; (~~and~~)

3 (c) The local government must be using all local revenue sources
4 which are reasonably available for funding public works, taking into
5 consideration local employment and economic factors; and

6 (d) A county, city, or town that is required or chooses to plan
7 under RCW 36.70A.040 must have adopted a comprehensive plan in
8 conformance with the requirements of chapter 36.70A RCW, after it is
9 required that the comprehensive plan be adopted, and must have adopted
10 development regulations in conformance with the requirements of chapter
11 36.70A RCW, after it is required that development regulations be
12 adopted.

13 (2) The board shall develop a priority process for public works
14 projects as provided in this section. The intent of the priority
15 process is to maximize the value of public works projects accomplished
16 with assistance under this chapter. The board shall attempt to assure
17 a geographical balance in assigning priorities to projects. The board
18 shall consider at least the following factors in assigning a priority
19 to a project:

20 (a) Whether the local government receiving assistance has
21 experienced severe fiscal distress resulting from natural disaster or
22 emergency public works needs;

23 (b) Whether the project is critical in nature and would affect the
24 health and safety of a great number of citizens;

25 (c) The cost of the project compared to the size of the local
26 government and amount of loan money available;

27 (d) The number of communities served by or funding the project;

28 (e) Whether the project is located in an area of high unemployment,
29 compared to the average state unemployment;

1 (f) Whether the project is the acquisition, expansion, improvement,
2 or renovation by a local government of a public water system that is in
3 violation of health and safety standards, including the cost of
4 extending existing service to such a system;

5 (g) The relative benefit of the project to the community,
6 considering the present level of economic activity in the community and
7 the existing local capacity to increase local economic activity in
8 communities that have low economic growth; ((and))

9 (h) Whether the local government requesting the assistance is
10 located in a county that has adopted a regional plan or agreement under
11 section 15 of this act relating to the type of facility that is sought
12 to be financed by such a loan; and

13 (i) Other criteria that the board considers advisable.

14 (3) Existing debt or financial obligations of local governments
15 shall not be refinanced under this chapter. Each local government
16 applicant shall provide documentation of attempts to secure additional
17 local or other sources of funding for each public works project for
18 which financial assistance is sought under this chapter.

19 (4) Before November 1 of each year, the board shall develop and
20 submit to the chairs of the ways and means committees of the senate and
21 house of representatives a description of the emergency loans made
22 under RCW 43.155.065 during the preceding fiscal year and a prioritized
23 list of projects which are recommended for funding by the legislature,
24 including one copy to the staff of each of the committees. The list
25 shall include, but not be limited to, a description of each project and
26 recommended financing, the terms and conditions of the loan or
27 financial guarantee, the local government jurisdiction and unemployment
28 rate, demonstration of the jurisdiction's critical need for the project
29 and documentation of local funds being used to finance the public works
30 project. The list shall also include measures of fiscal capacity for

1 each jurisdiction recommended for financial assistance, compared to
2 authorized limits and state averages, including local government sales
3 taxes; real estate excise taxes; property taxes; and charges for or
4 taxes on sewerage, water, garbage, and other utilities.

5 (5) The board shall not sign contracts or otherwise financially
6 obligate funds from the public works assistance account before the
7 legislature has appropriated funds for a specific list of public works
8 projects. The legislature may remove projects from the list
9 recommended by the board. The legislature shall not change the order
10 of the priorities recommended for funding by the board.

11 (6) Subsections (4) and (5) of this section do not apply to loans
12 made for emergency public works projects under RCW 43.155.065.

13 **Sec. 36.** RCW 70.146.070 and 1986 c 3 s 10 are each amended to read
14 as follows:

15 DEPARTMENT TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN
16 MAKING GRANTS OR LOANS. When making grants or loans for water
17 pollution control facilities, the department shall consider the
18 following:

19 (1) The protection of water quality and public health;

20 (2) The cost to residential ratepayers if they had to finance water
21 pollution control facilities without state assistance;

22 (3) Actions required under federal and state permits and compliance
23 orders;

24 (4) The level of local fiscal effort by residential ratepayers
25 since 1972 in financing water pollution control facilities;

26 (5) The extent to which the applicant county or city, or if the
27 applicant is another public body, the extent to which the county or
28 city in which the applicant public body is located, has established
29 programs to mitigate nonpoint pollution of the surface or subterranean

1 water sought to be protected by the water pollution control facility
2 named in the application for state assistance; ((and))

3 (6) The recommendations of the Puget Sound water quality authority
4 and any other board, council, commission, or group established by the
5 legislature or a state agency to study water pollution control issues
6 in the state; and

7 (7) Whether the local government requesting the loan or grant is
8 located in a county that has adopted a regional plan or agreement under
9 section 15 of this act relating to water pollution control facilities.

10 A county, city, or town that is required or chooses to plan under
11 RCW 36.70A.040 may not receive a grant or loan for water pollution
12 control facilities unless it has adopted a comprehensive plan in
13 conformance with the requirements of chapter 36.70A RCW, after it is
14 required that the comprehensive plan be adopted, or unless it has
15 adopted development regulations in conformance with the requirements of
16 chapter 36.70A RCW, after it is required that development regulations
17 be adopted.

18 NEW SECTION. Sec. 37. A new section is added to chapter 43.01 RCW
19 to read as follows:

20 Whenever a state agency is considering awarding grants or loans to
21 local governments for public facilities, it shall consider whether the
22 local government that is requesting the grant or loan is located in a
23 county that has adopted a regional plan or agreement under section 15
24 of this act relating to the type of public facility for which the grant
25 or loan is sought, and shall accord additional preference to the local
26 government located in a county that has adopted such a regional plan or
27 agreement.

1 NEW SECTION. **Sec. 38.** A new section is added to chapter 35.13 RCW
2 to read as follows:

3 Each unincorporated area that as of January 1, 1991, lies wholly
4 within the boundaries of a city or town shall become part of the city
5 or town within whose boundaries the unincorporated area lies, and shall
6 be incorporated as of the effective date of this act into the city or
7 town without any action by the city or town council. Land which is
8 owned by a county and used for the purposes of an agricultural fair
9 under chapter 15.76 or 36.37 RCW, or a county park, shall not be
10 annexed under this section without the consent of a majority of the
11 members of the county legislative authority of the county that owns the
12 land. For purposes of this section, an unincorporated area that is
13 bounded completely by both a state boundary, or a body or bodies of
14 navigable water, and a city or town shall not be construed to lie
15 wholly within the boundaries of a city or town. Annexations under this
16 section shall not be reviewed by a boundary review board or other
17 annexation review board.

18 NEW SECTION. **Sec. 39.** A new section is added to chapter 35.13 RCW
19 to read as follows:

20 (1) A city or town shall not annex territory under any method
21 where, after the proposed annexation has occurred, any closed plane
22 figure of unincorporated area could be drawn that includes a portion of
23 the boundary of the newly annexed area so that eighty percent or more
24 of the figure's perimeter is conterminous with any of the annexing
25 city's or town's boundaries. In addition, a city or town shall not
26 annex unincorporated territory under any method of annexation if, as a
27 result of the annexation, an area would become entirely surrounded by
28 a body or bodies of navigable water and the annexing city or town,
29 unless the annexation reduced the size of an area that prior to the

1 annexation was entirely surrounded by a body or bodies of navigable
2 water and the annexing city or town.

3 (2) However, a city or town may annex territory that lies within a
4 corridor of unincorporated territory which existed before the effective
5 date of this act where, after the annexation has occurred, a closed
6 plane figure could be drawn that is prohibited under subsection (1) of
7 this section, if, after the proposed annexation has occurred, another
8 closed plane figure cannot be drawn within the corridor so that a
9 greater percentage of the perimeter is conterminous with a portion of
10 the boundaries of the city or town than was the case with the perimeter
11 of the original figure.

12 NEW SECTION. **Sec. 40.** A new section is added to chapter 35A.14
13 RCW to read as follows:

14 Each unincorporated area that as of January 1, 1991, lies wholly
15 within the boundaries of a code city shall become part of the city
16 within whose boundaries the unincorporated area lies, and shall be
17 incorporated as of the effective date of this act into the city without
18 any action by the city council required. Land which is owned by a
19 county and used for the purposes of an agricultural fair under chapter
20 15.76 or 36.37 RCW, or a county park, shall not be annexed under this
21 section without the consent of a majority of the members of the county
22 legislative authority of the county that owns the land. For purposes
23 of this section, an unincorporated area that is bounded completely by
24 both a state boundary, or a body or bodies of navigable water, and a
25 city shall not be construed to lie wholly within the boundaries of a
26 city. Annexations under this section shall not be reviewed by a
27 boundary review board or other annexation review board.

1 NEW SECTION. **Sec. 41.** A new section is added to chapter 35A.14
2 RCW to read as follows:

3 (1) A code city shall not annex territory under any method where,
4 after the proposed annexation has occurred, any closed plane figure of
5 unincorporated area could be drawn that includes a portion of the
6 boundary of the newly annexed area so that eighty percent or more of
7 the figure's perimeter is coterminous with any of the annexing city's
8 boundaries. In addition, a code city shall not annex unincorporated
9 territory under any method of annexation if, as a result of the
10 annexation, an area would become entirely surrounded by a body or
11 bodies of navigable water and the annexing city, unless the annexation
12 reduced the size of an area that prior to the annexation was entirely
13 surrounded by a body or bodies of navigable water and the annexing
14 city.

15 (2) However, a code city may annex territory that lies within a
16 corridor of unincorporated territory which existed before the effective
17 date of this act where, after the annexation has occurred, a closed
18 plane figure could be drawn that is prohibited under subsection (1) of
19 this section, if, after the proposed annexation has occurred, another
20 closed plane figure cannot be drawn within the corridor so that a
21 greater percentage of the perimeter is coterminous with a portion of
22 the boundaries of the city than was the case with the perimeter of the
23 original figure.

24 NEW SECTION. **Sec. 42.** SEVERABILITY. If any provision of this act
25 or its application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 43.** HEADINGS. Part and section headings as
2 used in this act do not constitute any part of the law.

3 NEW SECTION. **Sec. 44.** Sections 8, 10 through 12, 15, 16, 20
4 through 23, and 25 through 31 of this act are each added to chapter
5 36.70A RCW.