

CERTIFICATION OF ENROLLMENT
REENGROSSED SUBSTITUTE HOUSE BILL 1025

Chapter 32, Laws of 1991
(partial veto)

52nd Legislature
1991 Special Session

GROWTH MANAGEMENT--REVISED PROVISIONS

EFFECTIVE DATE: 7/16/91

Passed by the House June 27, 1991
Yeas 70 Nays 22

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate June 28, 1991
Yeas 29 Nays 15

JOEL PRITCHARD
President of the Senate

Approved July 16, 1991, with the
exception of section 19, which is
vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **REENGROSSED SUBSTITUTE HOUSE BILL 1025** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

July 16, 1991 - 9:10 a.m.

**Secretary of State
State of Washington**

REENGROSSED SUBSTITUTE HOUSE BILL 1025

Passed Legislature - 1991 1st Special Session

State of Washington 52nd Legislature 1991 1st Special Session

By House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson; by request of Governor Gardner).

Read first time March 11, 1991.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.190,
2 36.70A.060, 43.155.070, 70.146.070, 43.88.110, 19.27.097, 36.70A.110,
3 43.62.035, 36.79.150, 47.26.080, 82.46.035, and 66.08.190; adding a new
4 section to chapter 36.93 RCW; adding a new section to chapter 43.01
5 RCW; adding a new section to chapter 82.14 RCW; adding a new section to
6 chapter 82.08 RCW; adding new sections to chapter 36.70A RCW; creating
7 new sections; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** SITING OF ESSENTIAL PUBLIC FACILITIES. (1)
10 The comprehensive plan of each county and city that is planning under
11 this chapter shall include a process for identifying and siting
12 essential public facilities. Essential public facilities include those
13 facilities that are typically difficult to site, such as airports,
14 state education facilities and state or regional transportation
15 facilities, state and local correctional facilities, solid waste

1 handling facilities, and in-patient facilities including substance
2 abuse facilities, mental health facilities, and group homes.

3 (2) The office of financial management shall maintain a list of
4 those essential state public facilities that are required or likely to
5 be built within the next six years. The office of financial management
6 may at any time add facilities to the list. No local comprehensive
7 plan or development regulation may preclude the siting of essential
8 public facilities.

9 NEW SECTION. **Sec. 2.** COUNTY-WIDE PLANNING POLICIES. (1) The
10 legislature recognizes that counties are regional governments within
11 their boundaries, and cities are primary providers of urban
12 governmental services within urban growth areas. For the purposes of
13 this section, a "county-wide planning policy" is a written policy
14 statement or statements used solely for establishing a county-wide
15 framework from which county and city comprehensive plans are developed
16 and adopted pursuant to this chapter. This framework shall ensure that
17 city and county comprehensive plans are consistent as required in RCW
18 36.70A.100. Nothing in this section shall be construed to alter the
19 land-use powers of cities.

20 (2) The legislative authority of a county that plans under RCW
21 36.70A.040 shall adopt a county-wide planning policy in cooperation
22 with the cities located in whole or in part within the county as
23 follows:

24 (a) No later than sixty calendar days from the effective date of
25 this act, the legislative authority of the county shall convene a
26 meeting with representatives of each city for the purpose of
27 establishing a collaborative process that will provide a framework for
28 the adoption of a county-wide planning policy;

1 (b) The process and framework for adoption of a county-wide
2 planning policy specified in (a) of this subsection shall determine the
3 manner in which the county and the cities agree to all procedures and
4 provisions including but not limited to desired planning policies,
5 deadlines, ratification of final agreements and demonstration thereof,
6 and financing, if any, of all activities associated therewith;

7 (c) If a county fails for any reason to convene a meeting with
8 representatives of cities as required in (a) of this subsection, the
9 governor may immediately impose any appropriate sanction or sanctions
10 on the county from those specified under section 26 of this act;

11 (d) If there is no agreement by October 1, 1991, the governor shall
12 first inquire of the jurisdictions as to the reason or reasons for
13 failure to reach an agreement. If the governor deems it appropriate,
14 the governor may immediately request the assistance of the department
15 of community development to mediate any disputes that preclude
16 agreement. If mediation is unsuccessful in resolving all disputes that
17 will lead to agreement, the governor may impose appropriate sanctions
18 from those specified under section 26 of this act on the county, city,
19 or cities for failure to reach an agreement as provided in this
20 section. The governor shall specify the reason or reasons for the
21 imposition of any sanction; and

22 (e) No later than July 1, 1992, the legislative authority of the
23 county shall adopt a county-wide planning policy according to the
24 process provided under this section and that is consistent with the
25 agreement pursuant to (b) of this subsection, and after holding a
26 public hearing or hearings on the proposed county-wide planning policy.

27 (3) A county-wide planning policy shall at a minimum, address the
28 following:

29 (a) Policies to implement RCW 36.70A.110;

1 (b) Policies for promotion of contiguous and orderly development
2 and provision of urban services to such development;

3 (c) Policies for siting public capital facilities of a county-wide
4 or state-wide nature;

5 (d) Policies for county-wide transportation facilities and
6 strategies;

7 (e) Policies that consider the need for affordable housing, such as
8 housing for all economic segments of the population and parameters for
9 its distribution;

10 (f) Policies for joint county and city planning within urban growth
11 areas;

12 (g) Policies for county-wide economic development and employment;
13 and

14 (h) An analysis of the fiscal impact.

15 (4) Federal agencies and Indian tribes may participate in and
16 cooperate with the county-wide planning policy adoption process.
17 Adopted county-wide planning policies shall be adhered to by state
18 agencies.

19 (5) Failure to adopt a county-wide planning policy that meets the
20 requirements of this section may result in the imposition of a sanction
21 or sanctions on a county or city within the county, as specified in
22 section 26 of this act. In imposing a sanction or sanctions, the
23 governor shall specify the reasons for failure to adopt a county-wide
24 planning policy in order that any imposed sanction or sanctions are
25 fairly and equitably related to the failure to adopt a county-wide
26 planning policy.

27 (6) Cities and the governor may appeal an adopted county-wide
28 planning policy to the growth planning hearings board within sixty days
29 of the adoption of the county-wide planning policy.

1 (7) Multicounty planning policies shall be adopted by two or more
2 counties, each with a population of four hundred fifty thousand or
3 more, with contiguous urban areas and may be adopted by other counties,
4 according to the process established under this section or other
5 processes agreed to among the counties and cities within the affected
6 counties throughout the multicounty region.

7 **Sec. 3.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each
8 amended to read as follows:

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

13 (2) The department shall develop a priority list and establish
14 funding levels for planning and technical assistance grants both for
15 counties and cities that plan under RCW 36.70A.040. Priority for
16 assistance shall be based on a county's or city's population growth
17 rates, commercial and industrial development rates, the existence and
18 quality of a comprehensive plan and development regulations, and other
19 relevant factors.

20 (3) The department shall develop and administer a grant program to
21 provide direct financial assistance to counties and cities for the
22 preparation of comprehensive plans under this chapter. The department
23 may establish provisions for county and city matching funds to conduct
24 activities under this subsection. Grants may be expended for any
25 purpose directly related to the preparation of a county or city
26 comprehensive plan as the county or city and the department may agree,
27 including, without limitation, the conducting of surveys, inventories
28 and other data gathering and management activities, the retention of

1 planning consultants, contracts with regional councils for planning and
2 related services, and other related purposes.

3 (4) The department shall establish a program of technical
4 assistance:

5 (a) Utilizing department staff, the staff of other state agencies,
6 and the technical resources of counties and cities to help in the
7 development of comprehensive plans required under this chapter. The
8 technical assistance may include, but not be limited to, model land use
9 ordinances, regional education and training programs, and information
10 for local and regional inventories; and

11 (b) Adopting by rule procedural criteria to assist counties and
12 cities in adopting comprehensive plans and development regulations that
13 meet the goals and requirements of this chapter. These criteria shall
14 reflect regional and local variations and the diversity that exists
15 among different counties and cities that plan under this chapter.

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

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

21 NEW SECTION. **Sec. 4.** STATE AGENCIES REQUIRED TO COMPLY WITH
22 COMPREHENSIVE PLANS. State agencies shall comply with the local
23 comprehensive plans and development regulations and amendments thereto
24 adopted pursuant to this chapter.

25 NEW SECTION. **Sec. 5.** GROWTH PLANNING HEARINGS BOARDS CREATED.

26 (1) There are hereby created three growth planning hearings boards for
27 the state of Washington. The boards shall be established as follows:

1 (a) An Eastern Washington board with jurisdictional boundaries
2 including all counties that are required to or choose to plan under RCW
3 36.70A.040 and are located east of the crest of the Cascade mountains;

4 (b) A Central Puget Sound board with jurisdictional boundaries
5 including King, Pierce, Snohomish, and Kitsap counties; and

6 (c) A Western Washington board with jurisdictional boundaries
7 including all counties that are required or choose to plan under RCW
8 36.70A.040 and are located west of the crest of the Cascade mountains
9 and are not included in the Central Puget Sound board jurisdictional
10 boundaries. Skamania county, should it be required or choose to plan
11 under RCW 36.70A.040, may elect to be included within the
12 jurisdictional boundaries of either the Western or Eastern board.

13 (2) Each board shall only hear matters pertaining to the cities
14 and counties located within its jurisdictional boundaries.

15 NEW SECTION. **Sec. 6.** GROWTH PLANNING HEARINGS BOARDS--MEMBER
16 QUALIFICATIONS. (1) Each growth planning hearings board shall consist
17 of three members qualified by experience or training in matters
18 pertaining to land use planning and residing within the jurisdictional
19 boundaries of the applicable board. At least one member of each board
20 must be admitted to practice law in this state and at least one member
21 must have been a city or county elected official. Each board shall be
22 appointed by the governor and not more than two members at the time of
23 appointment or during their term shall be members of the same political
24 party. No more than two members at the time of appointment or during
25 their term shall reside in the same county.

26 (2) Each member of a board shall be appointed for a term of six
27 years. A vacancy shall be filled by appointment by the governor for
28 the unexpired portion of the term in which the vacancy occurs. The

1 terms of the first three members of a board shall be staggered so that
2 one member is appointed to serve until July 1, 1994, one member until
3 July 1, 1996, and one member until July 1, 1998.

4 NEW SECTION. **Sec. 7.** CONDUCT, PROCEDURE, AND COMPENSATION OF
5 GROWTH PLANNING HEARINGS BOARDS. Each growth planning hearings board
6 shall be governed by the following rules on conduct and procedure:

7 (1) Any board member may be removed for inefficiency, malfeasance,
8 and misfeasance in office, under specific written charges filed by the
9 governor. The governor shall transmit such written charges to the
10 member accused and the chief justice of the supreme court. The chief
11 justice shall thereupon designate a tribunal composed of three judges
12 of the superior court to hear and adjudicate the charges. Removal of
13 any member of a board by the tribunal shall disqualify such member for
14 reappointment.

15 (2) Each board member shall receive reimbursement for travel
16 expenses incurred in the discharge of his or her duties in accordance
17 with RCW 43.03.050 and 43.03.060. If it is determined that the review
18 boards shall operate on a full-time basis, each member shall receive an
19 annual salary to be determined by the governor pursuant to RCW
20 43.03.040. If it is determined that a review board shall operate on a
21 part-time basis, each member shall receive compensation pursuant to RCW
22 43.03.250, provided such amount shall not exceed the amount that would
23 be set if they were a full-time board member. The principal office of
24 each board shall be located by the governor within the jurisdictional
25 boundaries of each board. The boards shall operate on either a part-
26 time or full-time basis, as determined by the governor.

27 (3) Each board member shall not: (a) Be a candidate for or hold
28 any other public office or trust; (b) engage in any occupation or
29 business interfering with or inconsistent with his or her duty as a

1 board member; and (c) for a period of one year after the termination of
2 his or her board membership, act in a representative capacity before
3 the board on any matter.

4 (4) A majority of each board shall constitute a quorum for making
5 orders or decisions, adopting rules necessary for the conduct of its
6 powers and duties, or transacting other official business, and may act
7 even though one position of the board is vacant. One or more members
8 may hold hearings and take testimony to be reported for action by the
9 board when authorized by rule or order of the board. The board may
10 also appoint as its authorized agents one or more hearing examiners to
11 assist the board in the performance of its hearing function pursuant to
12 the authority contained in the administrative procedure act, chapter
13 34.05 RCW. The findings of the hearing examiner shall not become final
14 until they have been formally approved by the board. Such hearing
15 examiners must have demonstrated knowledge of land use planning and
16 law. The board shall perform all the powers and duties specified in
17 this chapter or as otherwise provided by law.

18 (5) Each board shall make findings of fact and prepare a written
19 decision in each case decided by it, and such findings and decision
20 shall be effective upon being signed by two or more members of the
21 board and upon being filed at the board's principal office, and shall
22 be open for public inspection at all reasonable times.

23 (6) All proceedings before the board or any of its members shall be
24 conducted in accordance with such administrative rules of practice and
25 procedure as the boards jointly prescribe. All three boards shall
26 jointly meet to develop and adopt joint rules of practice and
27 procedure, including rules regarding expeditious and summary
28 disposition of appeals. The boards shall publish such rules and
29 arrange for the reasonable distribution of the rules. The

1 administrative procedure act, chapter 34.05 RCW, shall govern the
2 administrative rules of practice and procedure adopted by the boards.

3 (7) The members of the boards shall meet jointly on at least an
4 annual basis with the objective of sharing information that promotes
5 the goals and purposes of this chapter.

6 NEW SECTION. **Sec. 8.** COMPREHENSIVE PLANS--DEVELOPMENT

7 REGULATIONS--TRANSMITTAL TO STATE. (1) Each county and city proposing
8 adoption of a comprehensive plan or development regulations under this
9 chapter shall notify the department of its intent to adopt such plan or
10 regulations at least sixty days prior to final adoption. State
11 agencies including the department may provide comments to the county or
12 city on the proposed comprehensive plan, or proposed development
13 regulations, during the public review process prior to adoption.

14 (2) Each county and city planning under this chapter shall transmit
15 a complete and accurate copy of its comprehensive plan or development
16 regulations to the department within ten days after final adoption.

17 (3) Any amendments for permanent changes to a comprehensive plan or
18 development regulation that are proposed by a county or city to its
19 adopted plan or regulations shall be submitted to the department in the
20 same manner as initial plans and development regulations under this
21 section. Any amendments to a comprehensive plan or development
22 regulations that are adopted by a county or city shall be transmitted
23 to the department in the same manner as the initial plans and
24 regulations under this section.

25 NEW SECTION. **Sec. 9.** MATTERS SUBJECT TO BOARD REVIEW. (1) A

26 growth planning hearings board shall hear and determine only those
27 petitions alleging either: (a) That a state agency, county, or city is
28 not in compliance with the requirements of this chapter, or chapter

1 43.21C RCW as it relates to plans, regulations, and amendments thereto,
2 adopted under RCW 36.70A.040; or (b) that the twenty-year growth
3 management planning population projections adopted by the office of
4 financial management pursuant to RCW 43.62.035 should be adjusted.

5 (2) A petition may be filed only by the state, a county or city
6 that plans under this chapter, a person who has either appeared before
7 the county or city regarding the matter on which a review is being
8 requested or is certified by the governor within sixty days of filing
9 the request with the board, or a person qualified pursuant to RCW
10 34.05.530.

11 (3) For purposes of this section "person" means any individual,
12 partnership, corporation, association, governmental subdivision or unit
13 thereof, or public or private organization or entity of any character.

14 (4) When considering a possible adjustment to a growth management
15 planning population projection prepared by the office of financial
16 management, a board shall consider the implications of any such
17 adjustment to the population forecast for the entire state.

18 The rationale for any adjustment that is adopted by a board must be
19 documented and filed with the office of financial management within ten
20 working days after adoption.

21 If adjusted by a board, a county growth management planning
22 population projection shall only be used for the planning purposes set
23 forth in this chapter and shall be known as a "board adjusted
24 population projection". None of these changes shall affect the
25 official state and county population forecasts prepared by the office
26 of financial management, which shall continue to be used for state
27 budget and planning purposes.

28 NEW SECTION. **Sec. 10.** PETITIONS TO GROWTH PLANNING HEARINGS
29 BOARDS--EVIDENCE TO BE CONSIDERED BY BOARD. (1) All requests for

1 review to a growth planning hearings board shall be initiated by filing
2 a petition that includes a detailed statement of issues presented for
3 resolution by the board.

4 (2) All petitions relating to whether or not an adopted
5 comprehensive plan, development regulation, or permanent amendment
6 thereto, is in compliance with the goals and requirements of this
7 chapter must be filed within sixty days after publication by the
8 legislative bodies of the county or city. The date of publication for
9 a city shall be the date the city publishes the ordinance, or summary
10 of the ordinance, adopting the comprehensive plan or development
11 regulations, or amendment thereto, as is required to be published.
12 Promptly after adoption, a county shall publish a notice that it has
13 adopted the comprehensive plan or development regulations, or amendment
14 thereto. The date of publication for a county shall be the date the
15 county publishes the notice that it has adopted the comprehensive plan
16 or development regulations, or amendment thereto.

17 (3) Unless the board dismisses the petition as frivolous or finds
18 that the person filing the petition lacks standing, the board shall,
19 within ten days of receipt of the petition, set a time for hearing the
20 matter.

21 (4) The board shall base its decision on the record developed by
22 the city, county, or the state and supplemented with additional
23 evidence if the board determines that such additional evidence would be
24 necessary or of substantial assistance to the board in reaching its
25 decision.

26 (5) The board, shall consolidate, when appropriate, all petitions
27 involving the review of the same comprehensive plan or the same
28 development regulation or regulations.

1 NEW SECTION. **Sec. 11.** FINAL ORDERS. (1) The board shall issue
2 a final order within one hundred eighty days of receipt of the petition
3 for review, or, when multiple petitions are filed, within one hundred
4 eighty days of receipt of the last petition that is consolidated. Such
5 a final order shall be based exclusively on whether or not a state
6 agency, county, or city is in compliance with the requirements of this
7 chapter, or chapter 43.21C RCW as it relates to plans, regulations, and
8 amendments thereto, adopted under RCW 36.70A.040. In the final order,
9 the board shall either: (a) Find that the state agency, county, or
10 city is in compliance with the requirements of this chapter; or (b)
11 find that the state agency, county, or city is not in compliance with
12 the requirements of this chapter, in which case the board shall remand
13 the matter to the affected state agency, county, or city and specify a
14 reasonable time not in excess of one hundred eighty days within which
15 the state agency, county, or city shall comply with the requirements of
16 this chapter.

17 (2) Any party aggrieved by a final decision of the hearings board
18 may appeal the decision to Thurston county superior court within thirty
19 days of the final order of the board.

20 NEW SECTION. **Sec. 12.** LIMITATIONS ON APPEAL BY THE STATE. A
21 request for review by the state to a growth planning hearings board may
22 be made only by the governor, or with the governor's consent the head
23 of an agency, or by the commissioner of public lands as relating to
24 state trust lands, for the review of whether: (1) A county or city
25 that is required or chooses to plan under RCW 36.70A.040 has failed to
26 adopt a comprehensive plan or development regulations, or county-wide
27 planning policies within the time limits established by this chapter;
28 or (2) a county or city that is required or chooses to plan under this
29 chapter has adopted a comprehensive plan, development regulations, or

1 county-wide planning policies, that are not in compliance with the
2 requirements of this chapter.

3 NEW SECTION. **Sec. 13.** PRESUMPTION OF VALIDITY--BURDEN OF PROOF--
4 PLANS AND REGULATIONS. Comprehensive plans and development
5 regulations, and amendments thereto, adopted under this chapter are
6 presumed valid upon adoption. In any petition under this chapter, the
7 board, after full consideration of the petition, shall determine
8 whether there is compliance with the requirements of this chapter. In
9 making its determination, the board shall consider the criteria adopted
10 by the department under RCW 36.70A.190(4). The board shall find
11 compliance unless it finds by a preponderance of the evidence that the
12 state agency, county, or city erroneously interpreted or applied this
13 chapter.

14 NEW SECTION. **Sec. 14.** NONCOMPLIANCE. (1) After the time set for
15 complying with the requirements of this chapter under section 11(1)(b)
16 of this act has expired, the board, on its own motion or motion of the
17 petitioner, shall set a hearing for the purpose of determining whether
18 the state agency, county, or city is in compliance with the
19 requirements of this chapter.

20 (2) The board shall conduct a hearing and issue a finding of
21 compliance or noncompliance. A hearing under this subsection shall be
22 given the highest priority of business to be conducted by the board,
23 and a finding shall be issued within forty-five days of the filing of
24 the motion under subsection (1) of this section with the board.

25 (3) If the board finds that the state agency, county, or city is
26 not in compliance, the board shall transmit its finding to the
27 governor. The board may recommend to the governor that the sanctions
28 authorized by this chapter be imposed.

1 NEW SECTION. **Sec. 15.** PHASING OF COMPREHENSIVE PLANS SUBMITTAL.

2 The department may adopt a schedule to permit phasing of comprehensive
3 plan submittal for counties and cities planning under RCW 36.70A.040.
4 This schedule shall not permit a comprehensive plan to be submitted
5 greater than one hundred eighty days past the date that the plan was
6 required to be submitted and shall be used to facilitate expeditious
7 review and interjurisdictional coordination of comprehensive plans and
8 development regulations.

9 NEW SECTION. **Sec. 16.** NEW FULLY CONTAINED COMMUNITIES. A county

10 required or choosing to plan under RCW 36.70A.040 may establish a
11 process as part of its urban growth areas, that are designated under
12 RCW 36.70A.110, for reviewing proposals to authorize new fully
13 contained communities located outside of the initially designated urban
14 growth areas.

15 (1) A new fully contained community may be approved in a county
16 planning under this chapter if criteria including but not limited to
17 the following are met:

18 (a) New infrastructure is provided for and impact fees are
19 established consistent with the requirements of RCW 82.02.050;

20 (b) Transit-oriented site planning and traffic demand management
21 programs are implemented;

22 (c) Buffers are provided between the new fully contained
23 communities and adjacent urban development;

24 (d) A mix of uses is provided to offer jobs, housing, and services
25 to the residents of the new community;

26 (e) Affordable housing is provided within the new community for a
27 broad range of income levels;

28 (f) Environmental protection has been addressed and provided for;

1 (g) Development regulations are established to ensure urban growth
2 will not occur in adjacent nonurban areas;

3 (h) Provision is made to mitigate impacts on designated
4 agricultural lands, forest lands, and mineral resource lands;

5 (i) The plan for the new fully contained community is consistent
6 with the development regulations established for the protection of
7 critical areas by the county pursuant to RCW 36.70A.170.

8 (2) New fully contained communities may be approved outside
9 established urban growth areas only if a county reserves a portion of
10 the twenty-year population projection and offsets the urban growth area
11 accordingly for allocation to new fully contained communities that meet
12 the requirements of this chapter. Any county electing to establish a
13 new community reserve shall do so no more often than once every five
14 years as a part of the designation or review of urban growth areas
15 required by this chapter. The new community reserve shall be allocated
16 on a project-by-project basis, only after specific project approval
17 procedures have been adopted pursuant to this chapter as a development
18 regulation. When a new community reserve is established, urban growth
19 areas designated pursuant to this chapter shall accommodate the
20 unreserved portion of the twenty-year population projection.

21 Final approval of an application for a new fully contained
22 community shall be considered an adopted amendment to the comprehensive
23 plan prepared pursuant to RCW 36.70A.070 designating the new fully
24 contained community as an urban growth area.

25 NEW SECTION. **Sec. 17.** NEW MASTER PLANNED RESORTS. Counties that
26 are required or choose to plan under RCW 36.70A.040 may permit master
27 planned resorts which may constitute urban growth outside of urban
28 growth areas as limited by this section. A master planned resort means
29 a self-contained and fully integrated planned unit development, in a

1 setting of significant natural amenities, with primary focus on
2 destination resort facilities consisting of short-term visitor
3 accommodations associated with a range of developed on-site indoor or
4 outdoor recreational facilities. A master planned resort may include
5 other residential uses within its boundaries, but only if the
6 residential uses are integrated into and support the on-site
7 recreational nature of the resort.

8 A master planned resort may be authorized by a county only if:

9 (1) The comprehensive plan specifically identifies policies to
10 guide the development of master planned resorts;

11 (2) The comprehensive plan and development regulations include
12 restrictions that preclude new urban or suburban land uses in the
13 vicinity of the master planned resort, except in areas otherwise
14 designated for urban growth under RCW 36.70A.110;

15 (3) The county includes a finding as a part of the approval process
16 that the land is better suited, and has more long-term importance, for
17 the master planned resort than for the commercial harvesting of timber
18 or agricultural production, if located on land that otherwise would be
19 designated as forest land or agricultural land under RCW 36.70A.170;

20 (4) The county ensures that the resort plan is consistent with the
21 development regulations established for critical areas; and

22 (5) On-site and off-site infrastructure impacts are fully
23 considered and mitigated.

24 NEW SECTION. **Sec. 18.** PROTECTION OF PRIVATE PROPERTY. (1)

25 The state attorney general shall establish by October 1, 1991, an
26 orderly, consistent process, including a checklist if appropriate, that
27 better enables state agencies and local governments to evaluate
28 proposed regulatory or administrative actions to assure that such
29 actions do not result in an unconstitutional taking of private

1 property. It is not the purpose of this section to expand or reduce
2 the scope of private property protections provided in the state and
3 federal Constitutions. The attorney general shall review and update
4 the process at least on an annual basis to maintain consistency with
5 changes in case law.

6 (2) Local governments that are required or choose to plan under RCW
7 36.70A.040 and state agencies shall utilize the process established by
8 subsection (1) of this section to assure that proposed regulatory or
9 administrative actions do not result in an unconstitutional taking of
10 private property.

11 (3) The attorney general, in consultation with the Washington state
12 bar association, shall develop a continuing education course to
13 implement this section.

14 (4) The process used by government agencies shall be protected by
15 attorney client privilege. Nothing in this section grants a private
16 party the right to seek judicial relief requiring compliance with the
17 provisions of this section.

18 ****NEW SECTION. Sec. 19. OPEN SPACE PROTECTION. When open space is***
19 ***to be protected for the purpose of public use and access, a county or***
20 ***city shall acquire sufficient interest to prevent its development.***
21 ***This acquisition requirement does not apply to the land areas needed to***
22 ***protect critical areas. County and city governments may utilize a***
23 ***variety of methods to limit the future use of, or otherwise conserve,***
24 ***selected open space including, but not limited to, incentive zoning,***
25 ***the acquisition by gift, purchase, grant, bequest, devise, lease, or***
26 ***otherwise, the fee simple interest or lesser interest, transfer of***
27 ***development right, easement, covenant, or other contractual right.***
28

29 ****Sec. 19 was vetoed, see message at end of chapter.***

1 NEW SECTION. **Sec. 20.** ENVIRONMENTAL PLANNING PILOT PROJECTS. (1)

2 The legislature intends to determine whether the environmental review
3 process mandated under chapter 43.21C RCW may be enhanced and
4 simplified, and coordination improved, when applied to comprehensive
5 plans mandated by this chapter. The department of community
6 development shall undertake pilot projects on environmental review to
7 determine if the review process can be improved by fostering more
8 coordination and eliminating duplicative environmental analysis which
9 is made to assist decision makers approving comprehensive plans
10 pursuant to this chapter. Such pilot projects should be designed and
11 scoped to consider cumulative impacts resulting from plan decisions,
12 plan impacts on environmental quality, impacts on adjacent
13 jurisdictions, and similar factors in sufficient depth to simplify the
14 analysis of subsequent specific projects being carried out pursuant to
15 the approved plan.

16 (2) The legislature hereby authorizes the department of community
17 development to establish, in cooperation with business, industry,
18 cities, counties, and other interested parties, at least two but not
19 more than four pilot projects, one of which shall be with a county, on
20 enhanced draft and final nonproject environmental analysis of
21 comprehensive plans prepared pursuant to this chapter, for the purposes
22 outlined in subsection (1) of this section. The department of
23 community development may select appropriate geographic subareas within
24 a comprehensive plan if that will best serve the purposes of this
25 section and meet the requirements of chapter 43.21C RCW.

26 (3) An enhanced draft and final nonproject environmental analysis
27 prepared pursuant to this section shall follow the rules adopted
28 pursuant to chapter 43.21C RCW.

29 (4) Not later than December 31, 1993, the department of community
30 development shall evaluate the overall effectiveness of the pilot

1 projects under this section regarding preparing enhanced nonproject
2 environmental analysis for the approval process of comprehensive plans
3 and shall:

4 (a) Provide an interim report of its findings to the legislature
5 with such recommendations as may be appropriate, including the need, if
6 any, for further legislation;

7 (b) Consider adoption of any further rules or guidelines as may be
8 appropriate to assist counties and cities in meeting requirements of
9 chapter 43.21C RCW when considering comprehensive plans; and

10 (c) Prepare and circulate to counties and cities such instructional
11 manuals or other information derived from the pilot projects as will
12 assist all counties and cities in meeting the requirements and
13 objectives of chapter 43.21C RCW in the most expeditious and efficient
14 manner in the process of considering comprehensive plans pursuant to
15 this chapter.

16 (5) The department of community development shall submit a final
17 report to the legislature no later than December 31, 1995.

18 **Sec. 21.** RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each
19 amended to read as follows:

20 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS-
21 -DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses
22 to plan under RCW 36.70A.040, and each city within such county, shall
23 adopt development regulations on or before September 1, 1991, to assure
24 the conservation of agricultural, forest, and mineral resource lands
25 designated under RCW 36.70A.170. Regulations adopted under this
26 ((section)) subsection may not prohibit uses ((permitted)) legally
27 existing on any parcel prior to their adoption and shall remain in
28 effect until ((a)) the county or city adopts development regulations
29 pursuant to RCW 36.70A.120. Such regulations shall assure that the use

1 of lands adjacent to agricultural, forest, or mineral resource lands
2 shall not interfere with the continued use, in the accustomed manner
3 and in accordance with best management practices, of these designated
4 lands for the production of food, agricultural products, or timber, or
5 for the extraction of minerals. Counties and cities shall require that
6 all plats, short plats, development permits, and building permits
7 issued for development activities on, or within three hundred feet of,
8 lands designated as agricultural lands, forest lands, or mineral
9 resource lands, contain a notice that the subject property is within or
10 near designated agricultural lands, forest lands, or mineral resource
11 lands on which a variety of commercial activities may occur that are
12 not compatible with residential development for certain periods of
13 limited duration.

14 (2) Each county (~~(that is required or chooses to plan under RCW~~
15 ~~36.70A.040,))~~) and (~~(each))~~) city (~~(within such county,))~~) shall adopt
16 development regulations (~~(on or before September 1, 1991, precluding~~
17 ~~land uses or development))~~) that (~~(is incompatible with the))~~) protect
18 critical areas that are required to be designated under RCW 36.70A.170.
19 For counties and cities that are required or choose to plan under RCW
20 36.70A.040, such development regulations shall be adopted on or before
21 September 1, 1991. For the remainder of the counties and cities, such
22 development regulations shall be adopted on or before March 1, 1992.

23 (~~(+2))~~) (3) Such counties and cities shall review these
24 designations and development regulations when adopting their
25 comprehensive plans under RCW 36.70A.040 and implementing development
26 regulations under RCW 36.70A.120 and may alter such designations and
27 development regulations to insure consistency.

28 (4) Forest land and agricultural land located within urban growth
29 areas shall not be designated by a county or city as forest land or
30 agricultural land of long-term commercial significance under RCW

1 36.70A.170 unless the city or county has enacted a program authorizing
2 transfer or purchase of development rights.

3 NEW SECTION. **Sec. 22.** A new section is added to chapter 36.93 RCW
4 to read as follows:

5 POWER TO DISBAND BOUNDARY REVIEW BOARD. When a county and the
6 cities and towns within the county have adopted a comprehensive plan
7 and consistent development regulations pursuant to the provisions of
8 chapter 36.70A RCW, the county may, at the discretion of the county
9 legislative authority, disband the boundary review board in that
10 county.

11 **Sec. 23.** RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each
12 amended to read as follows:

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

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

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

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

24 (d) A county, city, or town that is required or chooses to plan
25 under RCW 36.70A.040 must have adopted a comprehensive plan in
26 conformance with the requirements of chapter 36.70A RCW, after it is
27 required that the comprehensive plan be adopted, and must have adopted
28 development regulations in conformance with the requirements of chapter

1 36.70A RCW, after it is required that development regulations be
2 adopted.

3 (2) The board shall develop a priority process for public works
4 projects as provided in this section. The intent of the priority
5 process is to maximize the value of public works projects accomplished
6 with assistance under this chapter. The board shall attempt to assure
7 a geographical balance in assigning priorities to projects. The board
8 shall consider at least the following factors in assigning a priority
9 to a project:

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

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

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

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

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

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

24 (g) The relative benefit of the project to the community,
25 considering the present level of economic activity in the community and
26 the existing local capacity to increase local economic activity in
27 communities that have low economic growth; and

28 (h) Other criteria that the board considers advisable.

29 (3) Existing debt or financial obligations of local governments
30 shall not be refinanced under this chapter. Each local government

1 applicant shall provide documentation of attempts to secure additional
2 local or other sources of funding for each public works project for
3 which financial assistance is sought under this chapter.

4 (4) Before November 1 of each year, the board shall develop and
5 submit to the chairs of the ways and means committees of the senate and
6 house of representatives a description of the emergency loans made
7 under RCW 43.155.065 during the preceding fiscal year and a prioritized
8 list of projects which are recommended for funding by the legislature,
9 including one copy to the staff of each of the committees. The list
10 shall include, but not be limited to, a description of each project and
11 recommended financing, the terms and conditions of the loan or
12 financial guarantee, the local government jurisdiction and unemployment
13 rate, demonstration of the jurisdiction's critical need for the project
14 and documentation of local funds being used to finance the public works
15 project. The list shall also include measures of fiscal capacity for
16 each jurisdiction recommended for financial assistance, compared to
17 authorized limits and state averages, including local government sales
18 taxes; real estate excise taxes; property taxes; and charges for or
19 taxes on sewerage, water, garbage, and other utilities.

20 (5) The board shall not sign contracts or otherwise financially
21 obligate funds from the public works assistance account before the
22 legislature has appropriated funds for a specific list of public works
23 projects. The legislature may remove projects from the list
24 recommended by the board. The legislature shall not change the order
25 of the priorities recommended for funding by the board.

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

28 **Sec. 24.** RCW 70.146.070 and 1986 c 3 s 10 are each amended to read
29 as follows:

1 When making grants or loans for water pollution control facilities,
2 the department shall consider the following:

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

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

6 (3) Actions required under federal and state permits and compliance
7 orders;

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

10 (5) The extent to which the applicant county or city, or if the
11 applicant is another public body, the extent to which the county or
12 city in which the applicant public body is located, has established
13 programs to mitigate nonpoint pollution of the surface or subterranean
14 water sought to be protected by the water pollution control facility
15 named in the application for state assistance; and

16 (6) The recommendations of the Puget Sound water quality authority
17 and any other board, council, commission, or group established by the
18 legislature or a state agency to study water pollution control issues
19 in the state.

20 A county, city, or town that is required or chooses to plan under
21 RCW 36.70A.040 may not receive a grant or loan for water pollution
22 control facilities unless it has adopted a comprehensive plan in
23 conformance with the requirements of chapter 36.70A RCW, after it is
24 required that the comprehensive plan be adopted, or unless it has
25 adopted development regulations in conformance with the requirements of
26 chapter 36.70A RCW, after it is required that development regulations
27 be adopted.

28 NEW SECTION. Sec. 25. A new section is added to chapter 43.01 RCW
29 to read as follows:

1 COUNTY-WIDE PLANNING POLICY INCENTIVES. Whenever a state agency is
2 considering awarding grants or loans for a county, city, or town to
3 finance public facilities, it shall consider whether the county, city,
4 or town that is requesting the grant or loan is a party to a county-
5 wide planning policy under section 2 of this act relating to the type
6 of public facility for which the grant or loan is sought, and shall
7 accord additional preference to the county, city, or town if such
8 county-wide planning policy exists. Whenever a state agency is
9 considering awarding grants or loans to a special district for public
10 facilities, it shall consider whether the county, city, or town in
11 whose planning jurisdiction the proposed facility is located is a party
12 to a county-wide planning policy under section 2 of this act relating
13 to the type of public facility for which the grant or loan is sought.

14 NEW SECTION. **Sec. 26.** NONCOMPLIANCE AND SANCTIONS. Upon receipt
15 from the board of a finding that a state agency, county, or city is in
16 noncompliance under section 14 of this act, or as a result of failure
17 to meet the requirements of section 2 of this act, the governor may
18 either:

19 (1) Notify and direct the director of the office of financial
20 management to revise allotments in appropriation levels;

21 (2) Notify and direct the state treasurer to withhold the portion
22 of revenues to which the county or city is entitled under one or more
23 of the following: The motor vehicle fuel tax, as provided in chapter
24 82.36 RCW; the transportation improvement account, as provided in RCW
25 47.26.084; the urban arterial trust account, as provided in RCW
26 47.26.080; the rural arterial trust account, as provided in RCW
27 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the
28 liquor profit tax, as provided in RCW 66.08.190; and the liquor excise
29 tax, as provided in RCW 82.08.170; or

1 (3) File a notice of noncompliance with the secretary of state and
2 the county or city, which shall temporarily rescind the county or
3 city's authority to collect the real estate excise tax under RCW
4 82.46.030 until the governor files a notice rescinding the notice of
5 noncompliance.

6 **Sec. 27.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read
7 as follows:

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

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

18 (2) Within forty-five days after the beginning of the fiscal period
19 or within forty-five days after the governor signs the omnibus biennial
20 appropriations act, whichever is later, all agencies shall submit to
21 the governor a statement of proposed expenditures at such times and in
22 such form as may be required by the governor. If at any time during
23 the fiscal period the governor projects a cash deficit as defined by
24 RCW 43.88.050, the governor shall make across-the-board reductions in
25 allotments so as to prevent a cash deficit, unless the legislature has
26 directed the liquidation of the cash deficit over one or more fiscal
27 periods. Except for the legislative and judicial branches and other
28 agencies headed by elective officials, the governor shall review the
29 statement of proposed expenditures for reasonableness and conformance

1 with legislative intent. Once the governor approves the statements of
2 proposed expenditures, further revisions shall be made only at the
3 beginning of the second fiscal year and must be initiated by the
4 governor. However, changes in appropriation level authorized by the
5 legislature, changes required by across-the-board reductions mandated
6 by the governor, ~~((and))~~ changes caused by executive increases to
7 spending authority, and changes caused by executive decreases to
8 spending authority for failure to comply with the provisions of chapter
9 36.70A RCW may require additional revisions. Revisions shall not be
10 made retroactively. Revisions caused by executive increases to spending
11 authority shall not be made after June 30, 1987. However, the governor
12 may assign to a reserve status any portion of an agency appropriation
13 withheld as part of across-the-board reductions made by the governor
14 and any portion of an agency appropriation conditioned on a contingent
15 event by the appropriations act. The governor may remove these amounts
16 from reserve status if the across-the-board reductions are subsequently
17 modified or if the contingent event occurs. The director of financial
18 management shall enter approved statements of proposed expenditures
19 into the state budgeting, accounting, and reporting system within
20 forty-five days after receipt of the proposed statements from the
21 agencies. If an agency or the director of financial management is
22 unable to meet these requirements, the director of financial management
23 shall provide a timely explanation in writing to the legislative fiscal
24 committees.

25 (3) It is expressly provided that all agencies shall be required to
26 maintain accounting records and to report thereon in the manner
27 prescribed in this chapter and under the regulations issued pursuant to
28 this chapter. Within ninety days of the end of the fiscal year, all
29 agencies shall submit to the director of financial management their
30 final adjustments to close their books for the fiscal year. Prior to

1 submitting fiscal data, written or oral, to committees of the
2 legislature, it is the responsibility of the agency submitting the data
3 to reconcile it with the budget and accounting data reported by the
4 agency to the director of financial management. The director of
5 financial management shall monitor agency expenditures against the
6 approved statement of proposed expenditures and shall provide the
7 legislature with quarterly explanations of major variances.

8 (4) The director of financial management may exempt certain public
9 funds from the allotment controls established under this chapter if it
10 is not practical or necessary to allot the funds. Allotment control
11 exemptions expire at the end of the fiscal biennium for which they are
12 granted. The director of financial management shall report any
13 exemptions granted under this subsection to the legislative fiscal
14 committees.

15 **Sec. 28.** RCW 19.27.097 and 1990 1st ex.s. c 17 s 63 are each
16 amended to read as follows:

17 (1) Each applicant for a building permit of a building
18 necessitating potable water shall provide evidence of an adequate water
19 supply for the intended use of the building. Evidence may be in the
20 form of a water right permit from the department of ecology, a letter
21 from an approved water purveyor stating the ability to provide water,
22 or another form sufficient to verify the existence of an adequate water
23 supply. In addition to other authorities, the county or city may
24 impose conditions on building permits requiring connection to an
25 existing public water system where the existing system is willing and
26 able to provide safe and reliable potable water to the applicant with
27 reasonable economy and efficiency. An application for a water right
28 shall not be sufficient proof of an adequate water supply.

1 (2) Within counties not required or not choosing to plan pursuant
2 to RCW 36.70A.040, the county and the state may mutually determine
3 those areas in the county in which the requirements of subsection (1)
4 of this section shall not apply. The departments of health and ecology
5 shall coordinate on the implementation of this section. Should the
6 county and the state fail to mutually determine those areas to be
7 designated pursuant to this subsection, the county may petition the
8 department of community development to mediate or, if necessary, make
9 the determination.

10 (3) Buildings that do not need potable water facilities are exempt
11 from the provisions of this section. The department of ecology, after
12 consultation with local governments, may adopt rules to implement this
13 section, which may recognize differences between high-growth and low-
14 growth counties.

15 **Sec. 29.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each
16 amended to read as follows:

17 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is
18 required or chooses to adopt a comprehensive land use plan under RCW
19 36.70A.040 shall designate an urban growth area or areas within which
20 urban growth shall be encouraged and outside of which growth can occur
21 only if it is not urban in nature. Each city that is located in such
22 a county shall be included within an urban growth area. An urban
23 growth area may include more than a single city. An urban growth area
24 may include territory that is located outside of a city only if such
25 territory already is characterized by urban growth or is adjacent to
26 territory already characterized by urban growth.

27 (2) Based upon the population (~~forecast~~) growth management
28 planning population projection made for the county by the office of
29 financial management, the urban growth areas in the county shall

1 include areas and densities sufficient to permit the urban growth that
2 is projected to occur in the county for the succeeding twenty-year
3 period. Each urban growth area shall permit urban densities and shall
4 include greenbelt and open space areas. Within one year of July 1,
5 1990, each county required to designate urban growth areas shall begin
6 consulting with each city located within its boundaries and each city
7 shall propose the location of an urban growth area. The county shall
8 attempt to reach agreement with each city on the location of an urban
9 growth area within which the city is located. If such an agreement is
10 not reached with each city located within the urban growth area, the
11 county shall justify in writing why it so designated the area an urban
12 growth area. A city may object formally with the department over the
13 designation of the urban growth area within which it is located. Where
14 appropriate, the department shall attempt to resolve the conflicts,
15 including the use of mediation services.

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

25 **Sec. 30.** RCW 43.62.035 and 1990 1st ex.s. c 17 s 32 are each
26 amended to read as follows:

27 DETERMINING POPULATION. The office of financial management shall
28 determine the population of each county of the state annually as of
29 April 1st of each year and on or before July 1st of each year shall

1 file a certificate with the secretary of state showing its
2 determination of the population for each county. The office of
3 financial management also shall determine the percentage increase in
4 population for each county over the preceding ten-year period, as of
5 April 1st, and shall file a certificate with the secretary of state by
6 July 1st showing its determination. At least once every ten years the
7 office of financial management shall prepare ~~((a))~~ twenty-year growth
8 management planning population ~~((forecast))~~ projections required by RCW
9 36.70A.110 for each county that adopts a comprehensive plan under RCW
10 36.70A.040 and shall review these projections with such counties before
11 final adoption.

12 **Sec. 31.** RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each
13 amended to read as follows:

14 RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a
15 rural arterial project it shall determine the amount of rural arterial
16 trust account funds to be allocated for such project. The allocation
17 shall be based upon information contained in the six-year plan
18 submitted by the county seeking approval of the project and upon such
19 further investigation as the board deems necessary. The board shall
20 adopt reasonable rules pursuant to which rural arterial trust account
21 funds allocated to a project may be increased upon a subsequent
22 application of the county constructing the project. The rules adopted
23 by the board shall take into account, but shall not be limited to, the
24 following factors: ~~((+1))~~ (a) The financial effect of increasing the
25 original allocation for the project upon other rural arterial projects
26 either approved or requested; ~~((+2))~~ (b) whether the project for which
27 an additional allocation is requested can be reduced in scope while
28 retaining a usable segment; ~~((+3))~~ (c) whether the original cost of
29 the project shown in the applicant's six-year program was based upon

1 reasonable engineering estimates; and ~~((+4))~~ (d) whether the requested
2 additional allocation is to pay for an expansion in the scope of work
3 originally approved.

4 (2) The board shall not allocate funds, nor make payments under RCW
5 36.79.160, to any county or city identified by the governor under
6 section 26 of this act.

7 **Sec. 32.** RCW 47.26.080 and 1988 c 167 s 13 are each amended to
8 read as follows:

9 URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor
10 vehicle fund the urban arterial trust account. All moneys deposited in
11 the motor vehicle fund to be credited to the urban arterial trust
12 account shall be expended for the construction and improvement of city
13 arterial streets and county arterial roads within urban areas, for
14 expenses of the transportation improvement board, or for the payment of
15 principal or interest on bonds issued for the purpose of constructing
16 or improving city arterial streets and county arterial roads within
17 urban areas, or for reimbursement to the state, counties, cities, and
18 towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of
19 any payments made on principal or interest on urban arterial trust
20 account bonds from motor vehicle or special fuel tax revenues which
21 were distributable to the state, counties, cities, and towns.

22 The board shall not allocate funds, nor make payments of the funds
23 under RCW 47.26.260, to any county, city, or town identified by the
24 governor under section 26 of this act.

25 **Sec. 33.** RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each
26 amended to read as follows:

27 ADDITIONAL TAX--CERTAIN COUNTIES--BALLOT PROPOSITION--USE LIMITED
28 TO CAPITAL PROJECTS. (1) The governing body of any county or any city

1 that plans under RCW 36.70A.040(1) may impose an additional excise tax
2 on each sale of real property in the unincorporated areas of the county
3 for the county tax and in the corporate limits of the city for the city
4 tax at a rate not exceeding one-quarter of one percent of the selling
5 price. Any county choosing to plan under RCW 36.70A.040(2) and any
6 city within such a county may only adopt an ordinance imposing the
7 excise tax authorized by this section if the ordinance is first
8 authorized by a proposition approved by a majority of the voters of the
9 taxing district voting on the proposition at a general election held
10 within the district or at a special election within the taxing district
11 called by the district for the purpose of submitting such proposition
12 to the voters.

13 (2) Revenues generated from the tax imposed under subsection (1) of
14 this section shall be used by such counties and cities solely for
15 financing capital projects specified in a capital facilities plan
16 element of a comprehensive plan.

17 (3) Revenues generated by the tax imposed by this section shall be
18 deposited in a separate account.

19 (4) As used in this section, "city" means any city or town.

20 (5) When the governor files a notice of noncompliance under section
21 26 of this act with the secretary of state and the appropriate county
22 or city, the county or city's authority to impose the additional excise
23 tax under this section shall be temporarily rescinded until the
24 governor files a subsequent notice rescinding the notice of
25 noncompliance.

26 **Sec. 34.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read
27 as follows:

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

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

6 (2) From the amount remaining after distribution under subsection
7 (1) of this section, fifty percent to the general fund of the state,
8 ten percent to the counties of the state, and forty percent to the
9 incorporated cities and towns of the state.

10 (3) The governor may notify and direct the state treasurer to
11 withhold the revenues to which the counties and cities are entitled
12 under this section if the counties or cities are found to be in
13 noncompliance pursuant to section 26 of this act.

14 NEW SECTION. Sec. 35. A new section is added to chapter 82.14 RCW
15 to read as follows:

16 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and
17 direct the state treasurer to withhold the revenues to which the county
18 or city is entitled under this chapter if a county or city is found to
19 be in noncompliance pursuant to section 26 of this act.

20 NEW SECTION. Sec. 36. A new section is added to chapter 82.08 RCW
21 to read as follows:

22 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and
23 direct the state treasurer to withhold the revenues to which the
24 counties, cities, and towns are entitled under RCW 82.08.170 if the
25 counties, cities, or towns are found to be in noncompliance pursuant to
26 section 26 of this act.

1 NEW SECTION. **Sec. 37.** TEMPORARY COMMITTEE ON NATURAL RESOURCES OF
2 STATE-WIDE SIGNIFICANCE. (1) There is created a temporary committee
3 consisting of the commissioner of public lands, the director of parks
4 and recreation, the director of wildlife, the director of fisheries,
5 the director of ecology, the director of community development, the
6 director of the interagency committee for outdoor recreation, or their
7 designees, one representative from the association of Washington
8 cities, one representative from the Washington state association of
9 counties, and by appointment of the governor, three members of the
10 public. In selecting the three members of the public to serve on this
11 committee, the governor shall keep in mind the diversity of the state's
12 natural resources and the diverse needs of state residents. The
13 director of community development shall serve as the chair of the
14 committee and the department shall provide staff to the committee.
15 Members employed by the state shall serve without additional pay, and
16 participation in the work of the committee shall be deemed performance
17 of their employment. Members from the public at large shall be
18 compensated in accordance with RCW 43.03.240 and shall be entitled to
19 reimbursement individually for travel expenses incurred in performance
20 of their duties as members of the committee in accordance with RCW
21 43.03.050 and 43.03.060.

22 (2) This section shall expire January 1, 1992.

23 NEW SECTION. **Sec. 38.** LEGISLATIVE REPORT ON NATURAL RESOURCES OF
24 STATE-WIDE SIGNIFICANCE. (1) The committee established in section 37
25 of this act shall submit to the legislature a report on or before
26 December 31, 1991, that develops recommendations on: (a) Criteria that
27 could be used in identifying natural resources of state-wide
28 significance; (b) minimum standards to protect natural resources of
29 state-wide significance within the jurisdictions of cities or counties

1 and means for resolving issues of protection between jurisdictions; (c)
2 the need for acquisition of natural resources of state-wide
3 significance; and (d) issues regarding designation of mineral resource
4 lands of long-term commercial significance within and outside urban
5 growth areas. In carrying out the responsibilities under this
6 subsection, the committee shall consult with interested parties and
7 shall conduct public hearings in various regions of the state. The
8 committee shall consider the input obtained at such public hearings
9 when developing the recommendations.

10 (2) For purposes of this section, natural resources of state-wide
11 significance are those natural resources that possess outstanding
12 natural, ecological, or scenic values, and are of the highest quality
13 and most significant of their type. Because of their quality, they are
14 of interest to all resident of the state.

15 (3) This section shall expire January 1, 1992.

16 NEW SECTION. **Sec. 39.** A new section is added to chapter 36.70A
17 RCW to read as follows:

18 The department may extend the date by which a county or city is
19 required to designate agricultural lands, forest lands, mineral
20 resource lands, and critical areas under RCW 36.70A.170, or the date by
21 which a county or city is required to protect such lands and critical
22 areas under RCW 36.70A.060, if the county or city demonstrates that it
23 is proceeding in an orderly fashion, and is making a good faith effort,
24 to meet these requirements. An extension may be for up to an
25 additional one hundred eighty days. The length of an extension shall
26 be based on the difficulty of the effort to conform with these
27 requirements.

1 terms are left undefined, and because the language is vague, this
2 section is likely to result in significant court action. Such
3 litigation could result in a reduction of existing local authority to
4 protect open space -- thus producing a consequence that is the direct
5 opposite of the section's intent. I intend to insist that we take
6 actions that ensure that the existing authority of local governments to
7 protect open space are not compromised in any way.

8 I support the intent of the negotiators to address the relationship
9 between open space designation and protection of private property
10 rights, and I believe that we can come to consensus on how to clarify
11 this issue.

12 Clearly, it is better to negotiate than to litigate. And this
13 issue is far too important to leave to the uncertainties of the
14 judicial system. If we want clear and effective protection for open
15 space, we have more work to do, and I am committed to working with
16 legislators to make sure it gets done in the next legislative session.

17 With the exception of section 19, I am approving Reengrossed
18 Substitute House Bill No. 1025."