
HOUSE BILL 1208

State of Washington

55th Legislature

1997 Regular Session

By Representatives Koster, Smith, Boldt, Mulliken, Sherstad, Dunn and Mielke

Read first time 01/17/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to revoking the growth management act; amending RCW
2 35.58.2795, 36.70C.030, 36.79.150, 36.94.040, 36.105.070, 39.84.130,
3 43.88.110, 43.155.070, 43.160.060, 43.168.050, 43.210.010, 43.210.020,
4 47.26.080, 57.16.010, 58.17.060, 58.17.110, 66.08.190, 70.94.455,
5 70.94.527, 70.94.534, 70.94.743, 70.146.070, 76.09.050, 76.09.060,
6 81.104.080, 81.112.050, 82.02.020, 82.46.010, 82.46.030, 82.46.050,
7 84.40.030, and 86.12.200; reenacting and amending RCW 35.77.010,
8 36.81.121, 43.88.030, 82.46.040, and 82.46.060; repealing RCW
9 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.045, 36.70A.050,
10 36.70A.060, 36.70A.070, 36.70A.080, 36.70A.090, 36.70A.100, 36.70A.103,
11 36.70A.106, 36.70A.110, 36.70A.120, 36.70A.130, 36.70A.140, 36.70A.150,
12 36.70A.160, 36.70A.170, 36.70A.172, 36.70A.175, 36.70A.180, 36.70A.190,
13 36.70A.200, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280,
14 36.70A.290, 36.70A.300, 36.70A.305, 36.70A.310, 36.70A.320, 36.70A.330,
15 36.70A.340, 36.70A.345, 36.70A.350, 36.70A.360, 36.70A.365, 36.70A.367,
16 36.70A.370, 36.70A.380, 36.70A.385, 36.70A.390, 36.70A.400, 36.70A.410,
17 36.70A.420, 36.70A.430, 36.70A.450, 36.70A.460, 36.70A.470, 36.70A.480,
18 36.70A.481, 36.70A.490, 36.70A.500, 36.70A.510, 36.70A.800, 36.70A.900,
19 36.70A.901, 36.70A.902, 36.70B.010, 36.70B.020, 36.70B.030, 36.70B.040,
20 36.70B.050, 36.70B.060, 36.70B.070, 36.70B.080, 36.70B.090, 36.70B.100,
21 36.70B.110, 36.70B.120, 36.70B.130, 36.70B.140, 36.70B.150, 36.70B.160,

1 36.70B.170, 36.70B.180, 36.70B.190, 36.70B.200, 36.70B.210, 36.70B.220,
2 36.70B.230, 19.27.097, 35.13.005, 35.63.125, 35A.14.005, 35A.63.105,
3 36.70.545, 36.93.157, 36.93.230, 43.17.065, 43.17.250, 43.62.035,
4 43.63A.550, 47.80.010, 47.80.020, 47.80.030, 47.80.040, 47.80.050,
5 59.18.440, 59.18.450, 82.02.050, 82.02.060, 82.02.070, 82.02.080,
6 82.02.090, 82.08.180, 82.14.215, and 82.46.035; repealing 1990 1st
7 ex.s. c 17 s 64 (uncodified); and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** Statement of purpose. The legislature finds
10 that the growth management act, chapter 36.70A RCW, together with its
11 pendant implementing administrative boards, agencies, rules, and
12 regulations, has effectively replaced local government control over
13 local land use policy with centralized state level control, contrary to
14 our tradition of local control over local issues. This act is intended
15 to revoke the growth management act, chapter 36.70A RCW, and dissolve
16 all administrative boards and agencies created pursuant to that
17 chapter, invalidate administrative rules adopted under the authority of
18 that chapter, prohibit the recovery by the state of any moneys
19 distributed pursuant to the authority of that chapter, and relieve
20 local governments of all burdens and obligations imposed upon them by
21 that chapter. The legislature continues to encourage local governments
22 to plan for their anticipated growth, but intends that each local
23 government lay such plans as in its own judgment best fit its own
24 unique local needs and circumstances.

25 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
26 repealed:

- 27 (1) RCW 36.70A.010 and 1990 1st ex.s. c 17 s 1;
28 (2) RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2;
29 (3) RCW 36.70A.030 and 1995 c 382 s 9;
30 (4) RCW 36.70A.040 and 1995 c 400 s 1, 1993 sp.s. c 6 s 1, & 1990
31 1st ex.s. c 17 s 4;
32 (5) RCW 36.70A.045 and 1991 sp.s. c 32 s 15;
33 (6) RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5;
34 (7) RCW 36.70A.060 and 1991 sp.s. c 32 s 21 & 1990 1st ex.s. c 17
35 s 6;
36 (8) RCW 36.70A.070 and 1996 c 239 s 1;

- 1 (9) RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8;
- 2 (10) RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9;
- 3 (11) RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10;
- 4 (12) RCW 36.70A.103 and 1991 sp.s. c 32 s 4;
- 5 (13) RCW 36.70A.106 and 1991 sp.s. c 32 s 8;
- 6 (14) RCW 36.70A.110 and 1995 c 400 s 2, 1994 c 249 s 27, 1993 sp.s.
- 7 c 6 s 2, 1991 sp.s. c 32 s 29, & 1990 1st ex.s. c 17 s 11;
- 8 (15) RCW 36.70A.120 and 1993 sp.s. c 6 s 3 & 1990 1st ex.s. c 17 s
- 9 12;
- 10 (16) RCW 36.70A.130 and 1995 c 347 s 106 & 1990 1st ex.s. c 17 s
- 11 13;
- 12 (17) RCW 36.70A.140 and 1995 c 347 s 107 & 1990 1st ex.s. c 17 s
- 13 14;
- 14 (18) RCW 36.70A.150 and 1991 c 322 s 23 & 1990 1st ex.s. c 17 s 15;
- 15 (19) RCW 36.70A.160 and 1992 c 227 s 1 & 1990 1st ex.s. c 17 s 16;
- 16 (20) RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17;
- 17 (21) RCW 36.70A.172 and 1995 c 347 s 105;
- 18 (22) RCW 36.70A.175 and 1995 c 382 s 12;
- 19 (23) RCW 36.70A.180 and 1990 1st ex.s. c 17 s 19;
- 20 (24) RCW 36.70A.190 and 1991 sp.s. c 32 s 3 & 1990 1st ex.s. c 17
- 21 s 20;
- 22 (25) RCW 36.70A.200 and 1991 sp.s. c 32 s 1;
- 23 (26) RCW 36.70A.210 and 1994 c 249 s 28, 1993 sp.s. c 6 s 4, & 1991
- 24 sp.s. c 32 s 2;
- 25 (27) RCW 36.70A.250 and 1994 c 249 s 29 & 1991 sp.s. c 32 s 5;
- 26 (28) RCW 36.70A.260 and 1994 c 249 s 30 & 1991 sp.s. c 32 s 6;
- 27 (29) RCW 36.70A.270 and 1996 c 325 s 1, 1994 c 257 s 1, & 1991
- 28 sp.s. c 32 s 7;
- 29 (30) RCW 36.70A.280 and 1996 c 325 s 2, 1995 c 347 s 108, 1994 c
- 30 249 s 31, & 1991 sp.s. c 32 s 9;
- 31 (31) RCW 36.70A.290 and 1995 c 347 s 109;
- 32 (32) RCW 36.70A.300 and 1995 c 347 s 110 & 1991 sp.s. c 32 s 11;
- 33 (33) RCW 36.70A.305 and 1996 c 325 s 4;
- 34 (34) RCW 36.70A.310 and 1994 c 249 s 32 & 1991 sp.s. c 32 s 12;
- 35 (35) RCW 36.70A.320 and 1995 c 347 s 111 & 1991 sp.s. c 32 s 13;
- 36 (36) RCW 36.70A.330 and 1995 c 347 s 112 & 1991 sp.s. c 32 s 14;
- 37 (37) RCW 36.70A.340 and 1991 sp.s. c 32 s 26;
- 38 (38) RCW 36.70A.345 and 1994 c 249 s 33 & 1993 sp.s. c 6 s 5;
- 39 (39) RCW 36.70A.350 and 1991 sp.s. c 32 s 16;

- 1 (40) RCW 36.70A.360 and 1991 sp.s. c 32 s 17;
- 2 (41) RCW 36.70A.365 and 1995 c 190 s 1;
- 3 (42) RCW 36.70A.367 and 1996 c 167 s 2;
- 4 (43) RCW 36.70A.370 and 1991 sp.s. c 32 s 18;
- 5 (44) RCW 36.70A.380 and 1991 sp.s. c 32 s 39;
- 6 (45) RCW 36.70A.385 and 1995 c 399 s 43 & 1991 sp.s. c 32 s 20;
- 7 (46) RCW 36.70A.390 and 1992 c 207 s 6;
- 8 (47) RCW 36.70A.400 and 1993 c 478 s 11;
- 9 (48) RCW 36.70A.410 and 1993 c 478 s 23;
- 10 (49) RCW 36.70A.420 and 1994 c 258 s 1;
- 11 (50) RCW 36.70A.430 and 1994 c 258 s 2;
- 12 (51) RCW 36.70A.450 and 1995 c 49 s 3 & 1994 c 273 s 17;
- 13 (52) RCW 36.70A.460 and 1995 c 378 s 11;
- 14 (53) RCW 36.70A.470 and 1995 c 347 s 102;
- 15 (54) RCW 36.70A.480 and 1995 c 347 s 104;
- 16 (55) RCW 36.70A.481 and 1995 c 382 s 13;
- 17 (56) RCW 36.70A.490 and 1995 c 347 s 115;
- 18 (57) RCW 36.70A.500 and 1995 c 347 s 116;
- 19 (58) RCW 36.70A.510 and 1996 c 239 s 5;
- 20 (59) RCW 36.70A.800 and 1990 1st ex.s. c 17 s 86;
- 21 (60) RCW 36.70A.900 and 1990 1st ex.s. c 17 s 88;
- 22 (61) RCW 36.70A.901 and 1990 1st ex.s. c 17 s 89; and
- 23 (62) RCW 36.70A.902 and 1991 sp.s. c 32 s 40.

24 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
25 repealed:

- 26 (1) RCW 36.70B.010 and 1995 c 347 s 401;
- 27 (2) RCW 36.70B.020 and 1995 c 347 s 402;
- 28 (3) RCW 36.70B.030 and 1995 c 347 s 404;
- 29 (4) RCW 36.70B.040 and 1995 c 347 s 405;
- 30 (5) RCW 36.70B.050 and 1995 c 347 s 406;
- 31 (6) RCW 36.70B.060 and 1995 c 347 s 407;
- 32 (7) RCW 36.70B.070 and 1995 c 347 s 408 & 1994 c 257 s 4;
- 33 (8) RCW 36.70B.080 and 1995 c 347 s 410, 1995 c 347 s 409, & 1994
34 c 257 s 3;
- 35 (9) RCW 36.70B.090 and 1995 c 347 s 413;
- 36 (10) RCW 36.70B.100 and 1995 c 347 s 414;
- 37 (11) RCW 36.70B.110 and 1995 c 347 s 415;
- 38 (12) RCW 36.70B.120 and 1995 c 347 s 416;

- 1 (13) RCW 36.70B.130 and 1996 c 254 s 1 & 1995 c 347 s 417;
- 2 (14) RCW 36.70B.140 and 1995 c 347 s 418;
- 3 (15) RCW 36.70B.150 and 1995 c 347 s 419;
- 4 (16) RCW 36.70B.160 and 1995 c 347 s 420;
- 5 (17) RCW 36.70B.170 and 1995 c 347 s 502;
- 6 (18) RCW 36.70B.180 and 1995 c 347 s 503;
- 7 (19) RCW 36.70B.190 and 1995 c 347 s 504;
- 8 (20) RCW 36.70B.200 and 1995 c 347 s 505;
- 9 (21) RCW 36.70B.210 and 1995 c 347 s 506;
- 10 (22) RCW 36.70B.220 and 1996 c 206 s 9; and
- 11 (23) RCW 36.70B.230 and 1996 c 254 s 6.

12 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
13 repealed:

- 14 (1) RCW 19.27.097 and 1995 c 399 s 9, 1991 sp.s. c 32 s 28, & 1990
15 1st ex.s. c 17 s 63;
- 16 (2) RCW 35.13.005 and 1990 1st ex.s. c 17 s 30;
- 17 (3) RCW 35.63.125 and 1990 1st ex.s. c 17 s 22;
- 18 (4) RCW 35A.14.005 and 1990 1st ex.s. c 17 s 31;
- 19 (5) RCW 35A.63.105 and 1990 1st ex.s. c 17 s 23;
- 20 (6) RCW 36.70.545 and 1990 1st ex.s. c 17 s 24;
- 21 (7) RCW 36.93.157 and 1992 c 162 s 2;
- 22 (8) RCW 36.93.230 and 1991 sp.s. c 32 s 22;
- 23 (9) RCW 43.17.065 and 1995 c 226 s 24, 1993 c 280 s 37, 1991 c 314
24 s 28, & 1990 1st ex.s. c 17 s 77;
- 25 (10) RCW 43.17.250 and 1991 sp.s. c 32 s 25;
- 26 (11) RCW 43.62.035 and 1995 c 162 s 1, 1991 sp.s. c 32 s 30, & 1990
27 1st ex.s. c 17 s 32;
- 28 (12) RCW 43.63A.550 and 1990 1st ex.s. c 17 s 21;
- 29 (13) RCW 47.80.010 and 1990 1st ex.s. c 17 s 53;
- 30 (14) RCW 47.80.020 and 1990 1st ex.s. c 17 s 54;
- 31 (15) RCW 47.80.030 and 1994 c 158 s 4 & 1990 1st ex.s. c 17 s 55;
- 32 (16) RCW 47.80.040 and 1990 1st ex.s. c 17 s 56;
- 33 (17) RCW 47.80.050 and 1990 1st ex.s. c 17 s 57;
- 34 (18) RCW 59.18.440 and 1995 c 399 s 151 & 1990 1st ex.s. c 17 s 49;
- 35 (19) RCW 59.18.450 and 1990 1st ex.s. c 17 s 50;
- 36 (20) RCW 82.02.050 and 1994 c 257 s 24, 1993 sp.s. c 6 s 6, & 1990
37 1st ex.s. c 17 s 43;
- 38 (21) RCW 82.02.060 and 1990 1st ex.s. c 17 s 44;

- 1 (22) RCW 82.02.070 and 1990 1st ex.s. c 17 s 46;
2 (23) RCW 82.02.080 and 1990 1st ex.s. c 17 s 47;
3 (24) RCW 82.02.090 and 1990 1st ex.s. c 17 s 48;
4 (25) RCW 82.08.180 and 1991 sp.s. c 32 s 36;
5 (26) RCW 82.14.215 and 1991 sp.s. c 32 s 35;
6 (27) RCW 82.46.035 and 1992 c 221 s 3, 1991 sp.s. c 32 s 33, & 1990
7 1st ex.s. c 17 s 38; and
8 (28) 1990 1st ex.s. c 17 s 64 (uncodified).

9 **Sec. 5.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read
10 as follows:

11 By April 1st of each year, the legislative authority of each
12 municipality, as defined in RCW 35.58.272, and each regional transit
13 authority shall prepare a six-year transit development plan for that
14 calendar year and the ensuing five years. (~~The program shall be
15 consistent with the comprehensive plans adopted by counties, cities,
16 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
17 inherent authority of a first class city or charter county derived from
18 its charter, or chapter 36.70A RCW.~~) The program shall contain
19 information as to how the municipality intends to meet state and local
20 long-range priorities for public transportation, capital improvements,
21 significant operating changes planned for the system, and how the
22 municipality intends to fund program needs. The six-year plan for each
23 municipality and regional transit authority shall specifically set
24 forth those projects of regional significance for inclusion in the
25 transportation improvement program within that region. Each
26 municipality and regional transit authority shall file the six-year
27 program with the state department of transportation, the transportation
28 improvement board, and cities, counties, and regional planning councils
29 within which the municipality is located.

30 In developing its program, the municipality and the regional
31 transit authority shall consider those policy recommendations affecting
32 public transportation contained in the state transportation policy plan
33 approved by the state transportation commission and, where appropriate,
34 adopted by the legislature. The municipality shall conduct one or more
35 public hearings while developing its program and for each annual
36 update.

1 **Sec. 6.** RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are
2 each reenacted and amended to read as follows:

3 (1) The legislative body of each city and town, pursuant to one or
4 more public hearings thereon, shall prepare and adopt a comprehensive
5 transportation program for the ensuing six calendar years. ((If the
6 city or town has adopted a comprehensive plan pursuant to chapter 35.63
7 or 35A.63 RCW, the inherent authority of a first class city derived
8 from its charter, or chapter 36.70A RCW, the program shall be
9 consistent with this comprehensive plan.))

10 The program shall be filed with the secretary of transportation not
11 more than thirty days after its adoption. Annually thereafter the
12 legislative body of each city and town shall review the work
13 accomplished under the program and determine current city
14 transportation needs. Based on these findings each such legislative
15 body shall prepare and after public hearings thereon adopt a revised
16 and extended comprehensive transportation program before July 1st of
17 each year, and each one-year extension and revision shall be filed with
18 the secretary of transportation not more than thirty days after its
19 adoption. The purpose of this section is to assure that each city and
20 town shall perpetually have available advanced plans looking to the
21 future for not less than six years as a guide in carrying out a
22 coordinated transportation program. The program may at any time be
23 revised by a majority of the legislative body of a city or town, but
24 only after a public hearing.

25 The six-year plan for each city or town shall specifically set
26 forth those projects and programs of regional significance for
27 inclusion in the transportation improvement program within that region.

28 (2) Each six-year transportation program forwarded to the secretary
29 in compliance with subsection (1) of this section shall contain
30 information as to how a city or town will expend its moneys, including
31 funds made available pursuant to chapter 47.30 RCW, for nonmotorized
32 transportation purposes.

33 (3) Each six-year transportation program forwarded to the secretary
34 in compliance with subsection (1) of this section shall contain
35 information as to how a city or town shall act to preserve railroad
36 right-of-way in the event the railroad ceases to operate in the city's
37 or town's jurisdiction.

1 **Sec. 7.** RCW 36.70C.030 and 1995 c 347 s 704 are each amended to
2 read as follows:

3 (1) This chapter replaces the writ of certiorari for appeal of land
4 use decisions and shall be the exclusive means of judicial review of
5 land use decisions, except that this chapter does not apply to:

6 (a) Judicial review of:

7 (i) Land use decisions made by bodies that are not part of a local
8 jurisdiction;

9 (ii) Land use decisions of a local jurisdiction that are subject to
10 review by a quasi-judicial body created by state law, such as the
11 shorelines hearings board (~~(or the growth management hearings board)~~);

12 (b) Judicial review of applications for a writ of mandamus or
13 prohibition; or

14 (c) Claims provided by any law for monetary damages or
15 compensation. If one or more claims for damages or compensation are
16 set forth in the same complaint with a land use petition brought under
17 this chapter, the claims are not subject to the procedures and
18 standards, including deadlines, provided in this chapter for review of
19 the petition. The judge who hears the land use petition may, if
20 appropriate, preside at a trial for damages or compensation.

21 (2) The superior court civil rules govern procedural matters under
22 this chapter to the extent that the rules are consistent with this
23 chapter.

24 **Sec. 8.** RCW 36.79.150 and 1991 sp.s. c 32 s 31 are each amended to
25 read as follows:

26 (~~(1)~~) Whenever the board approves a rural arterial project it
27 shall determine the amount of rural arterial trust account funds to be
28 allocated for such project. The allocation shall be based upon
29 information contained in the six-year plan submitted by the county
30 seeking approval of the project and upon such further investigation as
31 the board deems necessary. The board shall adopt reasonable rules
32 pursuant to which rural arterial trust account funds allocated to a
33 project may be increased upon a subsequent application of the county
34 constructing the project. The rules adopted by the board shall take
35 into account, but shall not be limited to, the following factors:

36 (~~(a)~~) (1) The financial effect of increasing the original allocation
37 for the project upon other rural arterial projects either approved or
38 requested; (~~(b)~~) (2) whether the project for which an additional

1 allocation is requested can be reduced in scope while retaining a
2 usable segment; ~~((c))~~ (3) whether the original cost of the project
3 shown in the applicant's six-year program was based upon reasonable
4 engineering estimates; and ~~((d))~~ (4) whether the requested additional
5 allocation is to pay for an expansion in the scope of work originally
6 approved.

7 ~~((2) The board shall not allocate funds, nor make payments under
8 RCW 36.79.160, to any county or city identified by the governor under
9 RCW 36.70A.340.))~~

10 **Sec. 9.** RCW 36.81.121 and 1994 c 179 s 2 and 1994 c 158 s 8 are
11 each reenacted and amended to read as follows:

12 (1) Before July 1st of each year, the legislative authority of each
13 county, after one or more public hearings thereon, shall prepare and
14 adopt a comprehensive transportation program for the ensuing six
15 calendar years. ~~((If the county has adopted a comprehensive plan
16 pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a
17 charter county derived from its charter, or chapter 36.70A RCW, the
18 program shall be consistent with this comprehensive plan.))~~

19 The program shall include proposed road and bridge construction
20 work and other transportation facilities and programs deemed
21 appropriate, and for those counties operating ferries shall also
22 include a separate section showing proposed capital expenditures for
23 ferries, docks, and related facilities. Copies of the program shall be
24 filed with the county road administration board and with the state
25 secretary of transportation not more than thirty days after its
26 adoption by the legislative authority. The purpose of this section is
27 to assure that each county shall perpetually have available advanced
28 plans looking to the future for not less than six years as a guide in
29 carrying out a coordinated transportation program. The program may at
30 any time be revised by a majority of the legislative authority but only
31 after a public hearing thereon.

32 (2) Each six-year transportation program forwarded to the secretary
33 in compliance with subsection (1) of this section shall contain
34 information as to how a county will expend its moneys, including funds
35 made available pursuant to chapter 47.30 RCW, for nonmotorized
36 transportation purposes.

37 (3) Each six-year transportation program forwarded to the secretary
38 in compliance with subsection (1) of this section shall contain

1 information as to how a county shall act to preserve railroad right-of-
2 way in the event the railroad ceases to operate in the county's
3 jurisdiction.

4 (4) The six-year plan for each county shall specifically set forth
5 those projects and programs of regional significance for inclusion in
6 the transportation improvement program within that region.

7 **Sec. 10.** RCW 36.94.040 and 1990 1st ex.s. c 17 s 33 are each
8 amended to read as follows:

9 The sewerage and/or water general plan must incorporate the
10 provisions of existing comprehensive plans relating to sewerage and
11 water systems of cities, towns, municipalities, and private utilities,
12 to the extent they have been implemented.

13 In any county in which a metropolitan municipal corporation is
14 authorized to perform the sewerage disposal or water supply function,
15 any sewerage and/or water general plan shall be approved by the
16 metropolitan municipal corporation prior to adoption by the county.

17 **Sec. 11.** RCW 36.105.070 and 1991 c 363 s 105 are each amended to
18 read as follows:

19 (1) Within ninety days of the election at which a community council
20 is created, the county legislative authority shall adopt an ordinance
21 establishing policies and conditions and designating portions or
22 components of the county comprehensive plan and zoning ordinances that
23 serve as an overall guide and framework for the development of proposed
24 community comprehensive plans and proposed community zoning ordinances.
25 (~~The conditions and policies shall conform with the requirements of~~
26 ~~chapter 36.70A RCW.~~)

27 (2) Proposed community comprehensive plans and proposed community
28 zoning ordinances that are adopted by a community council shall be
29 submitted to the county legislative authority for its review of the
30 consistency of the proposed plans and proposed ordinances with the
31 ordinance adopted under subsection (1) of this section. The county
32 legislative authority shall either approve the proposed plans and
33 proposed ordinances as adopted, or refer the proposed plans and
34 proposed ordinances back to the community council with written findings
35 specifying the inconsistencies, within ninety days after they were
36 submitted. The county comprehensive plan, or subarea plan and
37 comprehensive plan, and zoning ordinances shall remain in effect in the

1 community until the proposed community comprehensive plans and proposed
2 community zoning ordinances have been approved as provided in this
3 subsection.

4 (3) Each proposed amendment to approved community comprehensive
5 plans or approved community zoning ordinances that is adopted by a
6 community council shall be submitted to the county legislative
7 authority for its review of the consistency of the amendment with the
8 ordinance adopted under subsection (1) of this section. The county
9 legislative authority shall either approve the proposed amendment as
10 adopted or refer the proposed amendment back to the community council
11 with written findings specifying the inconsistencies within ninety days
12 after the proposed amendment was submitted. The unamended community
13 comprehensive plans and unamended community zoning ordinances shall
14 remain in effect in the community until the proposed amendment has been
15 approved as provided in this subsection.

16 (4) If the county legislative authority amends the ordinance it
17 adopted under subsection (1) of this section, a community council shall
18 be given at least one hundred twenty days to amend its community
19 comprehensive plans and community zoning ordinances to be consistent
20 with this amended ordinance. However, the county legislative authority
21 may amend the community comprehensive plans and community zoning
22 ordinances to achieve consistency with this amended ordinance. Nothing
23 in this subsection shall preclude a community council from subsequently
24 obtaining approval of its proposed community comprehensive plans and
25 proposed community zoning ordinances.

26 (5) Approved community comprehensive plans and approved community
27 zoning ordinances shall be enforced by the county as if they had been
28 adopted by the county legislative authority. All quasi-judicial
29 actions and permits relating to these plans and ordinances shall be
30 made and decided by the county legislative authority or otherwise as
31 provided by the county legislative authority.

32 (6) The county shall provide administrative and staff support for
33 each community council within its boundaries.

34 **Sec. 12.** RCW 39.84.130 and 1993 c 139 s 1 are each amended to read
35 as follows:

36 No part of the proceeds received from the sale of any revenue bonds
37 under this chapter, of any revenues derived from any industrial
38 development facility acquired or held under this chapter, or of any

1 interest realized on moneys received under this chapter may be
2 commingled by the public corporation with funds of the municipality
3 creating the public corporation. However, those funds of the public
4 corporation, other than proceeds received from the sale of revenue
5 bonds, that are not otherwise encumbered for the payment of revenue
6 bonds and are not reasonably anticipated by the board of directors to
7 be necessary for administrative expenses of the public corporation may
8 be transferred to the creating municipality and used for ((growth
9 management,)) planning((,)) or other economic development purposes.

10 **Sec. 13.** RCW 43.88.030 and 1994 c 247 s 7 and 1994 c 219 s 2 are
11 each reenacted and amended to read as follows:

12 (1) The director of financial management shall provide all agencies
13 with a complete set of instructions for submitting biennial budget
14 requests to the director at least three months before agency budget
15 documents are due into the office of financial management. The
16 director shall provide agencies that are required under RCW 44.40.070
17 to develop comprehensive six-year program and financial plans with a
18 complete set of instructions for submitting these program and financial
19 plans at the same time that instructions for submitting other budget
20 requests are provided. The budget document or documents shall consist
21 of the governor's budget message which shall be explanatory of the
22 budget and shall contain an outline of the proposed financial policies
23 of the state for the ensuing fiscal period, as well as an outline of
24 the proposed six-year financial policies where applicable, and shall
25 describe in connection therewith the important features of the budget.
26 The message shall set forth the reasons for salient changes from the
27 previous fiscal period in expenditure and revenue items and shall
28 explain any major changes in financial policy. Attached to the budget
29 message shall be such supporting schedules, exhibits and other
30 explanatory material in respect to both current operations and capital
31 improvements as the governor shall deem to be useful to the
32 legislature. The budget document or documents shall set forth a
33 proposal for expenditures in the ensuing fiscal period, or six-year
34 period where applicable, based upon the estimated revenues as approved
35 by the economic and revenue forecast council or upon the estimated
36 revenues of the office of financial management for those funds,
37 accounts, and sources for which the office of the economic and revenue
38 forecast council does not prepare an official forecast, including those

1 revenues anticipated to support the six-year programs and financial
2 plans under RCW 44.40.070. In estimating revenues to support financial
3 plans under RCW 44.40.070, the office of financial management shall
4 rely on information and advice from the interagency revenue task force.
5 Revenues shall be estimated for such fiscal period from the source and
6 at the rates existing by law at the time of submission of the budget
7 document, including the supplemental budgets submitted in the even-
8 numbered years of a biennium. However, the estimated revenues for use
9 in the governor's budget document may be adjusted to reflect budgetary
10 revenue transfers and revenue estimates dependent upon budgetary
11 assumptions of enrollments, workloads, and caseloads. All adjustments
12 to the approved estimated revenues must be set forth in the budget
13 document. The governor may additionally submit, as an appendix to each
14 supplemental, biennial, or six-year agency budget or to the budget
15 document or documents, a proposal for expenditures in the ensuing
16 fiscal period from revenue sources derived from proposed changes in
17 existing statutes.

18 Supplemental and biennial documents shall reflect a six-year
19 expenditure plan consistent with estimated revenues from existing
20 sources and at existing rates for those agencies required to submit
21 six-year program and financial plans under RCW 44.40.070. Any
22 additional revenue resulting from proposed changes to existing statutes
23 shall be separately identified within the document as well as related
24 expenditures for the six-year period.

25 The budget document or documents shall also contain:

26 (a) Revenues classified by fund and source for the immediately past
27 fiscal period, those received or anticipated for the current fiscal
28 period, those anticipated for the ensuing biennium, and those
29 anticipated for the ensuing six-year period to support the six-year
30 programs and financial plans required under RCW 44.40.070;

31 (b) The undesignated fund balance or deficit, by fund;

32 (c) Such additional information dealing with expenditures,
33 revenues, workload, performance, and personnel as the legislature may
34 direct by law or concurrent resolution;

35 (d) Such additional information dealing with revenues and
36 expenditures as the governor shall deem pertinent and useful to the
37 legislature;

38 (e) Tabulations showing expenditures classified by fund, function,
39 activity and object;

1 (f) A delineation of each agency's activities, including those
2 activities funded from nonbudgeted, nonappropriated sources, including
3 funds maintained outside the state treasury;

4 (g) Identification of all proposed direct expenditures to implement
5 the Puget Sound water quality plan under chapter 90.70 RCW, shown by
6 agency and in total; and

7 (h) Tabulations showing each postretirement adjustment by
8 retirement system established after fiscal year 1991, to include, but
9 not be limited to, estimated total payments made to the end of the
10 previous biennial period, estimated payments for the present biennium,
11 and estimated payments for the ensuing biennium.

12 (2) The budget document or documents shall include detailed
13 estimates of all anticipated revenues applicable to proposed operating
14 or capital expenditures and shall also include all proposed operating
15 or capital expenditures. The total of beginning undesignated fund
16 balance and estimated revenues less working capital and other reserves
17 shall equal or exceed the total of proposed applicable expenditures.
18 The budget document or documents shall further include:

19 (a) Interest, amortization and redemption charges on the state
20 debt;

21 (b) Payments of all reliefs, judgments and claims;

22 (c) Other statutory expenditures;

23 (d) Expenditures incident to the operation for each agency;

24 (e) Revenues derived from agency operations;

25 (f) Expenditures and revenues shall be given in comparative form
26 showing those incurred or received for the immediately past fiscal
27 period and those anticipated for the current biennium and next ensuing
28 biennium, as well as those required to support the six-year programs
29 and financial plans required under RCW 44.40.070;

30 (g) A showing and explanation of amounts of general fund and other
31 funds obligations for debt service and any transfers of moneys that
32 otherwise would have been available for appropriation;

33 (h) Common school expenditures on a fiscal-year basis;

34 (i) A showing, by agency, of the value and purpose of financing
35 contracts for the lease/purchase or acquisition of personal or real
36 property for the current and ensuing fiscal periods; and

37 (j) A showing and explanation of anticipated amounts of general
38 fund and other funds required to amortize the unfunded actuarial
39 accrued liability of the retirement system specified under chapter

1 41.45 RCW, and the contributions to meet such amortization, stated in
2 total dollars and as a level percentage of total compensation.

3 (3) A separate capital budget document or schedule shall be
4 submitted that will contain the following:

5 (a) A statement setting forth a long-range facilities plan for the
6 state that identifies and includes the highest priority needs within
7 affordable spending levels;

8 (b) A capital program consisting of proposed capital projects for
9 the next biennium and the two biennia succeeding the next biennium
10 consistent with the long-range facilities plan. Inasmuch as is
11 practical, and recognizing emergent needs, the capital program shall
12 reflect the priorities, projects, and spending levels proposed in
13 previously submitted capital budget documents in order to provide a
14 reliable long-range planning tool for the legislature and state
15 agencies;

16 (c) A capital plan consisting of proposed capital spending for at
17 least four biennia succeeding the next biennium;

18 (d) A statement of the reason or purpose for a project;

19 (e) ~~((Verification that a project is consistent with the provisions
20 set forth in chapter 36.70A RCW;~~

21 ~~(f))~~) A statement about the proposed site, size, and estimated life
22 of the project, if applicable;

23 ~~((g))~~) (f) Estimated total project cost;

24 ~~((h))~~) (g) For major projects valued over five million dollars,
25 estimated costs for the following project components: Acquisition,
26 consultant services, construction, equipment, project management, and
27 other costs included as part of the project. Project component costs
28 shall be displayed in a standard format defined by the office of
29 financial management to allow comparisons between projects;

30 ~~((i))~~) (h) Estimated total project cost for each phase of the
31 project as defined by the office of financial management;

32 ~~((j))~~) (i) Estimated ensuing biennium costs;

33 ~~((k))~~) (j) Estimated costs beyond the ensuing biennium;

34 ~~((l))~~) (k) Estimated construction start and completion dates;

35 ~~((m))~~) (l) Source and type of funds proposed;

36 ~~((n))~~) (m) Estimated ongoing operating budget costs or savings
37 resulting from the project, including staffing and maintenance costs;

38 ~~((o))~~) (n) For any capital appropriation requested for a state
39 agency for the acquisition of land or the capital improvement of land

1 in which the primary purpose of the acquisition or improvement is
2 recreation or wildlife habitat conservation, the capital budget
3 document, or an omnibus list of recreation and habitat acquisitions
4 provided with the governor's budget document, shall identify the
5 projected costs of operation and maintenance for at least the two
6 biennia succeeding the next biennium. Omnibus lists of habitat and
7 recreation land acquisitions shall include individual project cost
8 estimates for operation and maintenance as well as a total for all
9 state projects included in the list. The document shall identify the
10 source of funds from which the operation and maintenance costs are
11 proposed to be funded;

12 (~~(p)~~) (o) Such other information bearing upon capital projects as
13 the governor deems to be useful;

14 (~~(q)~~) (p) Standard terms, including a standard and uniform
15 definition of maintenance for all capital projects;

16 (~~(r)~~) (q) Such other information as the legislature may direct by
17 law or concurrent resolution.

18 For purposes of this subsection (3), the term "capital project"
19 shall be defined subsequent to the analysis, findings, and
20 recommendations of a joint committee comprised of representatives from
21 the house capital appropriations committee, senate ways and means
22 committee, legislative transportation committee, legislative evaluation
23 and accountability program committee, and office of financial
24 management.

25 (4) No change affecting the comparability of agency or program
26 information relating to expenditures, revenues, workload, performance
27 and personnel shall be made in the format of any budget document or
28 report presented to the legislature under this section or RCW
29 43.88.160(1) relative to the format of the budget document or report
30 which was presented to the previous regular session of the legislature
31 during an odd-numbered year without prior legislative concurrence.
32 Prior legislative concurrence shall consist of (a) a favorable majority
33 vote on the proposal by the standing committees on ways and means of
34 both houses if the legislature is in session or (b) a favorable
35 majority vote on the proposal by members of the legislative evaluation
36 and accountability program committee if the legislature is not in
37 session.

1 **Sec. 14.** RCW 43.88.110 and 1994 c 219 s 5 are each amended to read
2 as follows:

3 This section sets forth the expenditure programs and the allotment
4 and reserve procedures to be followed by the executive branch for
5 public funds.

6 (1) Allotments of an appropriation for any fiscal period shall
7 conform to the terms, limits, or conditions of the appropriation.

8 (2) The director of financial management shall provide all agencies
9 with a complete set of operating and capital instructions for preparing
10 a statement of proposed expenditures at least thirty days before the
11 beginning of a fiscal period. The set of instructions need not include
12 specific appropriation amounts for the agency.

13 (3) Within forty-five days after the beginning of the fiscal period
14 or within forty-five days after the governor signs the omnibus biennial
15 appropriations act, whichever is later, all agencies shall submit to
16 the governor a statement of proposed expenditures at such times and in
17 such form as may be required by the governor.

18 (4) The office of financial management shall develop a method for
19 monitoring capital appropriations and expenditures that will capture at
20 least the following elements:

21 (a) Appropriations made for capital projects including
22 transportation projects;

23 (b) Estimates of total project costs including past, current,
24 ensuing, and future biennial costs;

25 (c) Comparisons of actual costs to estimated costs;

26 (d) Comparisons of estimated construction start and completion
27 dates with actual dates;

28 (e) Documentation of fund shifts between projects.

29 This data may be incorporated into the existing accounting system
30 or into a separate project management system, as deemed appropriate by
31 the office of financial management.

32 (5) The office of financial management, prior to approving
33 allotments for major capital construction projects valued over five
34 million dollars, shall institute procedures for reviewing such projects
35 at the predesign stage that will reduce long-term costs and increase
36 facility efficiency. The procedures shall include, but not be limited
37 to, the following elements:

38 (a) Evaluation of facility program requirements and consistency
39 with long-range plans;

1 (b) Utilization of a system of cost, quality, and performance
2 standards to compare major capital construction projects; and

3 (c) A requirement to incorporate value-engineering analysis and
4 constructability review into the project schedule.

5 (6) No expenditure may be incurred or obligation entered into for
6 such major capital construction projects including, without exception,
7 land acquisition, site development, predesign, design, construction,
8 and equipment acquisition and installation, until the allotment of the
9 funds to be expended has been approved by the office of financial
10 management. This limitation does not prohibit the continuation of
11 expenditures and obligations into the succeeding biennium for projects
12 for which allotments have been approved in the immediate prior
13 biennium.

14 (7) If at any time during the fiscal period the governor projects
15 a cash deficit in a particular fund or account as defined by RCW
16 43.88.050, the governor shall make across-the-board reductions in
17 allotments for that particular fund or account so as to prevent a cash
18 deficit, unless the legislature has directed the liquidation of the
19 cash deficit over one or more fiscal periods. Except for the
20 legislative and judicial branches and other agencies headed by elective
21 officials, the governor shall review the statement of proposed
22 operating expenditures for reasonableness and conformance with
23 legislative intent. Once the governor approves the statements of
24 proposed operating expenditures, further revisions shall be made only
25 at the beginning of the second fiscal year and must be initiated by the
26 governor. However, changes in appropriation level authorized by the
27 legislature, changes required by across-the-board reductions mandated
28 by the governor, and changes caused by executive increases to spending
29 authority(~~(, and changes caused by executive decreases to spending~~
30 ~~authority for failure to comply with the provisions of chapter 36.70A~~
31 ~~RCW)) may require additional revisions. Revisions shall not be made~~
32 ~~retroactively. Revisions caused by executive increases to spending~~
33 ~~authority shall not be made after June 30, 1987. However, the governor~~
34 ~~may assign to a reserve status any portion of an agency appropriation~~
35 ~~withheld as part of across-the-board reductions made by the governor~~
36 ~~and any portion of an agency appropriation conditioned on a contingent~~
37 ~~event by the appropriations act. The governor may remove these amounts~~
38 ~~from reserve status if the across-the-board reductions are subsequently~~
39 ~~modified or if the contingent event occurs. The director of financial~~

1 management shall enter approved statements of proposed expenditures
2 into the state budgeting, accounting, and reporting system within
3 forty-five days after receipt of the proposed statements from the
4 agencies. If an agency or the director of financial management is
5 unable to meet these requirements, the director of financial management
6 shall provide a timely explanation in writing to the legislative fiscal
7 committees.

8 (8) It is expressly provided that all agencies shall be required to
9 maintain accounting records and to report thereon in the manner
10 prescribed in this chapter and under the regulations issued pursuant to
11 this chapter. Within ninety days of the end of the fiscal year, all
12 agencies shall submit to the director of financial management their
13 final adjustments to close their books for the fiscal year. Prior to
14 submitting fiscal data, written or oral, to committees of the
15 legislature, it is the responsibility of the agency submitting the data
16 to reconcile it with the budget and accounting data reported by the
17 agency to the director of financial management.

18 (9) The director of financial management shall monitor agency
19 operating expenditures against the approved statement of proposed
20 expenditures and shall provide the legislature with quarterly
21 explanations of major variances.

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

29 **Sec. 15.** RCW 43.155.070 and 1996 c 168 s 3 are each amended to
30 read as follows:

31 (1) To qualify for loans or pledges under this chapter the board
32 must determine that a local government meets all of the following
33 conditions:

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

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

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

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

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

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

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

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

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

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

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

32 ~~(g) ((The relative benefit of the project to the community,~~
33 ~~considering the present level of economic activity in the community and~~
34 ~~the existing local capacity to increase local economic activity in~~
35 ~~communities that have low economic growth; and~~

36 ~~(h))) Other criteria that the board considers advisable.~~

37 (3) Existing debt or financial obligations of local governments
38 shall not be refinanced under this chapter. Each local government
39 applicant shall provide documentation of attempts to secure additional

1 local or other sources of funding for each public works project for
2 which financial assistance is sought under this chapter.

3 (4) Before November 1 of each year, the board shall develop and
4 submit to the appropriate fiscal committees of the senate and house of
5 representatives a description of the loans made under RCW 43.155.065,
6 43.155.068, and subsection (7) of this section during the preceding
7 fiscal year and a prioritized list of projects which are recommended
8 for funding by the legislature, including one copy to the staff of each
9 of the committees. The list shall include, but not be limited to, a
10 description of each project and recommended financing, the terms and
11 conditions of the loan or financial guarantee, the local government
12 jurisdiction and unemployment rate, demonstration of the jurisdiction's
13 critical need for the project and documentation of local funds being
14 used to finance the public works project. The list shall also include
15 measures of fiscal capacity for each jurisdiction recommended for
16 financial assistance, compared to authorized limits and state averages,
17 including local government sales taxes; real estate excise taxes;
18 property taxes; and charges for or taxes on sewerage, water, garbage,
19 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) Subsection (5) of this section does not apply to loans made
27 under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

28 (7)(a) Loans made for the purpose of capital facilities plans shall
29 be exempted from subsection (5) of this section. In no case shall the
30 total amount of funds utilized for capital facilities plans and
31 emergency loans exceed the limitation in RCW 43.155.065.

32 (b) For the purposes of this section "capital facilities plans"
33 means those plans required by ~~((the growth management act, chapter~~
34 ~~36.70A RCW, and plans required by))~~ the public works board ~~((for local~~
35 ~~governments not subject to the growth management act))~~.

36 (8) To qualify for loans or pledges for solid waste or recycling
37 facilities under this chapter, a city or county must demonstrate that
38 the solid waste or recycling facility is consistent with and necessary

1 to implement the comprehensive solid waste management plan adopted by
2 the city or county under chapter 70.95 RCW.

3 **Sec. 16.** RCW 43.160.060 and 1996 c 51 s 5 are each amended to read
4 as follows:

5 The board is authorized to make direct loans to political
6 subdivisions of the state for the purposes of assisting the political
7 subdivisions in financing the cost of public facilities, including
8 development of land and improvements for public facilities, as well as
9 the construction, rehabilitation, alteration, expansion, or improvement
10 of the facilities. A grant may also be authorized for purposes
11 designated in this chapter, but only when, and to the extent that, a
12 loan is not reasonably possible, given the limited resources of the
13 political subdivision and the finding by the board that unique
14 circumstances exist. The board shall not obligate more than twenty
15 percent of its biennial appropriation as grants.

16 Application for funds shall be made in the form and manner as the
17 board may prescribe. In making grants or loans the board shall conform
18 to the following requirements:

19 (1) The board shall not provide financial assistance:

20 (a) For a project the primary purpose of which is to facilitate or
21 promote a retail shopping development or expansion.

22 (b) For any project that evidence exists would result in a
23 development or expansion that would displace existing jobs in any other
24 community in the state.

25 (c) For the acquisition of real property, including buildings and
26 other fixtures which are a part of real property.

27 (2) The board shall only provide financial assistance:

28 (a) For those projects which would result in specific private
29 developments or expansions (i) in manufacturing, production, food
30 processing, assembly, warehousing, and industrial distribution; (ii)
31 for processing recyclable materials or for facilities that support
32 recycling, including processes not currently provided in the state,
33 including but not limited to, de-inking facilities, mixed waste paper,
34 plastics, yard waste, and problem-waste processing; (iii) for
35 manufacturing facilities that rely significantly on recyclable
36 materials, including but not limited to waste tires and mixed waste
37 paper; or (iv) ~~((which support the relocation of businesses from~~
38 ~~nondistressed urban areas to distressed rural areas; or (v))~~) which

1 substantially support the trading of goods or services outside of the
2 state's borders.

3 (b) For projects which it finds will improve the opportunities for
4 the successful maintenance, establishment, or expansion of industrial
5 or commercial plants or will otherwise assist in the creation or
6 retention of long-term economic opportunities.

7 (c) When the application includes convincing evidence that a
8 specific private development or expansion is ready to occur and will
9 occur only if the public facility improvement is made.

10 (3) The board shall prioritize each proposed project according to
11 the ~~((relative benefits provided to the community by the jobs the
12 project would create, not just the total))~~ number of jobs it would
13 create after the project is completed and according to the unemployment
14 rate in the area in which the jobs would be located. As long as there
15 is more demand for financial assistance than there are funds available,
16 the board is instructed to fund projects in order of their priority.

17 (4) A responsible official of the political subdivision shall be
18 present during board deliberations and provide information that the
19 board requests.

20 Before any financial assistance application is approved, the
21 political subdivision seeking the assistance must demonstrate to the
22 community economic revitalization board that no other timely source of
23 funding is available to it at costs reasonably similar to financing
24 available from the community economic revitalization board.

25 **Sec. 17.** RCW 43.168.050 and 1993 c 512 s 12 are each amended to
26 read as follows:

27 (1) The committee may only approve an application providing a loan
28 for a project which the committee finds:

29 (a) Will result in the creation of employment opportunities, the
30 maintenance of threatened employment, or development or expansion of
31 business ownership by minorities and women;

32 (b) Has been approved by the director as conforming to federal
33 rules and regulations governing the spending of federal community
34 development block grant funds;

35 (c) Will be of public benefit and for a public purpose, and that
36 the benefits, including increased or maintained employment, improved
37 standard of living, the employment of disadvantaged workers, and

1 development or expansion of business ownership by minorities and women,
2 will primarily accrue to residents of the area;

3 (d) Will probably be successful;

4 (e) Would probably not be completed without the loan because other
5 capital or financing at feasible terms is unavailable or the return on
6 investment is inadequate.

7 (2) The committee shall, subject to federal block grant criteria,
8 give higher priority to economic development projects that contain
9 provisions for child care.

10 (3) The committee may not approve an application if it fails to
11 provide for adequate reporting or disclosure of financial data to the
12 committee. The committee may require an annual or other periodic audit
13 of the project books.

14 (4) The committee may require that the project be managed in whole
15 or in part by a local development organization and may prescribe a
16 management fee to be paid to such organization by the recipient of the
17 loan or grant.

18 (5)(a) Except as provided in (b) of this subsection, the committee
19 shall not approve any application which would result in a loan or grant
20 in excess of three hundred fifty thousand dollars.

21 (b) The committee may approve an application which results in a
22 loan or grant of up to seven hundred thousand dollars if the
23 application has been approved by the director.

24 (6) The committee shall fix the terms and rates pertaining to its
25 loans.

26 (7) Should there be more demand for loans than funds available for
27 lending, the committee shall provide loans for those projects which
28 will lead to the greatest amount of employment or benefit to a
29 community. In determining the "greatest amount of employment or
30 benefit" the committee shall also consider the employment which would
31 be saved by its loan (~~and the benefit relative to the community, not~~
32 ~~just the total number of new jobs or jobs saved~~)).

33 (8) To the extent permitted under federal law the committee shall
34 require applicants to provide for the transfer of all payments of
35 principal and interest on loans to the Washington state development
36 loan fund created under this chapter. Under circumstances where the
37 federal law does not permit the committee to require such transfer, the
38 committee shall give priority to applications where the applicants on
39 their own volition make commitments to provide for the transfer.

1 (9) The committee shall not approve any application to finance or
2 help finance a shopping mall.

3 (10) For loans not made to minority and women-owned businesses, the
4 committee shall make at least eighty percent of the appropriated funds
5 available to projects located in distressed areas, and may make up to
6 twenty percent available to projects located in areas not designated as
7 distressed. For loans not made to minority and women-owned businesses,
8 the committee shall not make funds available to projects located in
9 areas not designated as distressed if the fund's net worth is less than
10 seven million one hundred thousand dollars.

11 (11) If an objection is raised to a project on the basis of unfair
12 business competition, the committee shall evaluate the potential impact
13 of a project on similar businesses located in the local market area.
14 A grant may be denied by the committee if a project is not likely to
15 result in a net increase in employment within a local market area.

16 (12) For loans to minority and women-owned businesses who do not
17 meet the credit criteria, the committee may consider nontraditional
18 credit standards to offset past discrimination that has precluded full
19 participation of minority or women-owned businesses in the economy.
20 For applicants with high potential who do not meet the credit criteria,
21 the committee shall consider developing alternative borrowing methods.
22 For applicants denied loans due to credit problems, the committee shall
23 provide financial counseling within available resources and provide
24 referrals to credit rehabilitation services. In circumstances of
25 competing applications, priority shall be given to members of eligible
26 groups which previously have been least served by this fund.

27 **Sec. 18.** RCW 43.210.010 and 1990 1st ex.s. c 17 s 65 are each
28 amended to read as follows:

29 The legislature finds:

30 (1) The exporting of goods and services from Washington to
31 international markets is an important economic stimulus to the growth,
32 development, and stability of the state's businesses (~~(in both urban~~
33 ~~and rural areas)), and that these economic activities create needed~~
34 jobs for Washingtonians.

35 (2) Impediments to the entry of many small and medium-sized
36 businesses into export markets have restricted growth in exports from
37 the state.

1 (3) Particularly significant impediments for many small and medium-
2 sized businesses are the lack of easily accessible information about
3 export opportunities and financing alternatives.

4 (4) There is a need for a small business export finance assistance
5 center which will specialize in providing export assistance to small
6 and medium-sized businesses throughout the state in acquiring
7 information about export opportunities and financial alternatives for
8 exporting.

9 **Sec. 19.** RCW 43.210.020 and 1990 1st ex.s. c 17 s 66 are each
10 amended to read as follows:

11 A nonprofit corporation, to be known as the small business export
12 finance assistance center, and branches subject to its authority, may
13 be formed under chapter 24.03 RCW for the following public purposes:

14 (1) To assist small and medium-sized businesses in (~~both urban and~~
15 ~~rural areas in~~) the financing of export transactions.

16 (2) To provide, singly or in conjunction with other organizations,
17 information and assistance to these businesses about export
18 opportunities and financing alternatives.

19 (3) To provide information to and assist those businesses
20 interested in exporting products, including the opportunities available
21 to them in organizing export trading companies under the United States
22 export trading company act of 1982, for the purpose of increasing their
23 comparative sales volume and ability to export their products to
24 foreign markets.

25 **Sec. 20.** RCW 47.26.080 and 1994 c 179 s 8 are each amended to read
26 as follows:

27 There is hereby created in the motor vehicle fund the urban
28 arterial trust account. The intent of the urban arterial trust account
29 program is to improve the urban arterial street system of the state by
30 improving mobility and safety while supporting an environment essential
31 to the quality of life of the citizens of the state of Washington. To
32 be eligible to receive these funds, a project must be consistent with
33 (~~the Growth Management Act,~~): The Clean Air Act including
34 conformity(~~(7)~~); and the Commute Trip Reduction Law. The project shall
35 consider safety, mobility, and physical characteristics of the roadway
36 and must be partially funded by local government.

1 All moneys deposited in the motor vehicle fund to be credited to
2 the urban arterial trust account shall be expended for the construction
3 and improvement of city arterial streets and county arterial roads
4 within urban areas, for expenses of the transportation improvement
5 board in accordance with RCW 47.26.140, or for the payment of principal
6 or interest on bonds issued for the purpose of constructing or
7 improving city arterial streets and county arterial roads within urban
8 areas, or for reimbursement to the state, counties, cities, and towns
9 in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any
10 payments made on principal or interest on urban arterial trust account
11 bonds from motor vehicle or special fuel tax revenues which were
12 distributable to the state, counties, cities, and towns.

13 ~~((The board shall not allocate funds, nor make payments of the
14 funds under RCW 47.26.260, to any county, city, or town identified by
15 the governor under RCW 36.70A.340.))~~

16 **Sec. 21.** RCW 57.16.010 and 1996 c 230 s 501 are each amended to
17 read as follows:

18 Before ordering any improvements or submitting to vote any
19 proposition for incurring any indebtedness, the district commissioners
20 shall adopt a general comprehensive plan for the type or types of
21 facilities the district proposes to provide. A district may prepare a
22 separate general comprehensive plan for each of these services and
23 other services that districts are permitted to provide, or the district
24 may combine any or all of its comprehensive plans into a single general
25 comprehensive plan.

26 (1) For a general comprehensive plan of a water supply system, the
27 commissioners shall investigate the several portions and sections of
28 the district for the purpose of determining the present and reasonably
29 foreseeable future needs thereof; shall examine and investigate,
30 determine, and select a water supply or water supplies for such
31 district suitable and adequate for present and reasonably foreseeable
32 future needs thereof; and shall consider and determine a general system
33 or plan for acquiring such water supply or water supplies, and the
34 lands, waters, and water rights and easements necessary therefor, and
35 for retaining and storing any such waters, and erecting dams,
36 reservoirs, aqueducts, and pipe lines to convey the same throughout
37 such district. There may be included as part of the system the
38 installation of fire hydrants at suitable places throughout the

1 district. The commissioners shall determine a general comprehensive
2 plan for distributing such water throughout such portion of the
3 district as may then reasonably be served by means of subsidiary
4 aqueducts and pipe lines, and a long-term plan for financing the
5 planned projects and the method of distributing the cost and expense
6 thereof, including the creation of local improvement districts or
7 utility local improvement districts, and shall determine whether the
8 whole or part of the cost and expenses shall be paid from revenue or
9 general obligation bonds.

10 (2) For a general comprehensive plan for a sewer system, the
11 commissioners shall investigate all portions and sections of the
12 district and select a general comprehensive plan for a sewer system for
13 the district suitable and adequate for present and reasonably
14 foreseeable future needs thereof. The general comprehensive plan shall
15 provide for treatment plants and other methods for the disposal of
16 sewage and industrial and other liquid wastes now produced or which may
17 reasonably be expected to be produced within the district and shall,
18 for such portions of the district as may then reasonably be served,
19 provide for the acquisition or construction and installation of
20 laterals, trunk sewers, intercepting sewers, syphons, pumping stations
21 or other sewage collection facilities, septic tanks, septic tank
22 systems or drainfields, and systems for the transmission and treatment
23 of wastewater. The general comprehensive plan shall provide a long-
24 term plan for financing the planned projects and the method of
25 distributing the cost and expense of the sewer system, including the
26 creation of local improvement districts or utility local improvement
27 districts; and provide whether the whole or some part of the cost and
28 expenses shall be paid from revenue or general obligation bonds.

29 (3) For a general comprehensive plan for a drainage system, the
30 commissioners shall investigate all portions and sections of the
31 district and adopt a general comprehensive plan for a drainage system
32 for the district suitable and adequate for present and future needs
33 thereof. The general comprehensive plan shall provide for a system to
34 collect, treat, and dispose of storm water or surface waters, including
35 use of natural systems and the construction or provision of culverts,
36 storm water pipes, ponds, and other systems. The general comprehensive
37 plan shall provide for a long-term plan for financing the planned
38 projects and provide for a method of distributing the cost and expense
39 of the drainage system, including local improvement districts or

1 utility local improvement districts, and provide whether the whole or
2 some part of the cost and expenses shall be paid from revenue or
3 general obligation bonds.

4 (4) For a general comprehensive plan for street lighting, the
5 commissioners shall investigate all portions and sections of the
6 district and adopt a general comprehensive plan for street lighting for
7 the district suitable and adequate for present and future needs
8 thereof. The general comprehensive plan shall provide for a system or
9 systems of street lighting, provide for a long-term plan for financing
10 the planned projects, and provide for a method of distributing the cost
11 and expense of the street lighting system, including local improvement
12 districts or utility local improvement districts, and provide whether
13 the whole or some part of the cost and expenses shall be paid from
14 revenue or general obligation bonds.

15 (5) The commissioners may employ such engineering and legal service
16 as in their discretion is necessary in carrying out their duties.

17 (6) Any general comprehensive plan or plans shall be adopted by
18 resolution and submitted to an engineer designated by the legislative
19 authority of the county in which fifty-one percent or more of the area
20 of the district is located, and to the director of health of the county
21 in which the district or any portion thereof is located, and must be
22 approved in writing by the engineer and director of health, except that
23 a comprehensive plan relating to street lighting shall not be submitted
24 to or approved by the director of health. The general comprehensive
25 plan shall be approved, conditionally approved, or rejected by the
26 director of health and by the designated engineer within sixty days of
27 their respective receipt of the plan. (~~However, this sixty-day time~~
28 ~~limitation may be extended by the director of health or engineer for up~~
29 ~~to an additional sixty days if sufficient time is not available to~~
30 ~~review adequately the general comprehensive plans.))~~

31 Before becoming effective, the general comprehensive plan shall
32 also be submitted to, and approved by resolution of, the legislative
33 authority of every county within whose boundaries all or a portion of
34 the district lies. The ((general)) governing body may not impose
35 requirements restricting the maximum size of the water supply
36 facilities provided for in the comprehensive plan (~~shall be approved,~~
37 ~~conditionally approved, or rejected by each of the county legislative~~
38 ~~authorities pursuant to the criteria in RCW 57.02.040 for approving the~~
39 ~~formation, reorganization, annexation, consolidation, or merger of~~

1 ~~districts. The resolution, ordinance, or motion of the legislative~~
2 ~~body that rejects the comprehensive plan or a part thereof shall~~
3 ~~specifically state in what particular the comprehensive plan or part~~
4 ~~thereof rejected fails to meet these criteria. The general~~
5 ~~comprehensive plan shall not provide for the extension or location of~~
6 ~~facilities that are inconsistent with the requirements of RCW~~
7 ~~36.70A.110)). Nothing in this chapter shall preclude a county from~~
8 ~~rejecting a proposed plan because it is in conflict with the criteria~~
9 ~~in RCW 57.02.040. Each general comprehensive plan shall be deemed~~
10 ~~approved if the county legislative authority fails to reject or~~
11 ~~conditionally approve the plan within ninety days of the plan's~~
12 ~~submission to the county legislative authority or within thirty days of~~
13 ~~a hearing on the plan when the hearing is held within ninety days of~~
14 ~~submission to the county legislative authority. ((However, a county~~
15 ~~legislative authority may extend this ninety-day time limitation by up~~
16 ~~to an additional ninety days where a finding is made that ninety days~~
17 ~~is insufficient to review adequately the general comprehensive plan.~~
18 ~~In addition,)) The commissioners and the county legislative authority~~
19 ~~may mutually agree to an extension of the deadlines in this section.~~

20 If the district includes portions or all of one or more cities or
21 towns, the general comprehensive plan shall be submitted also to, and
22 approved by resolution of, the legislative authorities of the cities
23 and towns before becoming effective. The general comprehensive plan
24 shall be deemed approved by the city or town legislative authority if
25 the city or town legislative authority fails to reject or conditionally
26 approve the plan within ninety days of the plan's submission to the
27 city or town or within thirty days of a hearing on the plan when the
28 hearing is held within ninety days of submission to the county
29 legislative authority. ((However, a city or town legislative authority
30 may extend this time limitation by up to an additional ninety days
31 where a finding is made that insufficient time exists to adequately
32 review the general comprehensive plan within these time limitations.
33 In addition, the commissioners and the city or town legislative
34 authority may mutually agree to an extension of the deadlines in this
35 section.))

36 Before becoming effective, the general comprehensive plan shall be
37 approved by any state agency whose approval may be required by
38 applicable law. Before becoming effective, any amendment to,
39 alteration of, or addition to, a general comprehensive plan shall also

1 be subject to such approval as if it were a new general comprehensive
2 plan. However, only if the amendment, alteration, or addition affects
3 a particular city or town, shall the amendment, alteration, or addition
4 be subject to approval by such particular city or town governing body.

5 **Sec. 22.** RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each
6 amended to read as follows:

7 (1) The legislative body of a city, town, or county shall adopt
8 regulations and procedures, and appoint administrative personnel for
9 the summary approval of short plats and short subdivisions or
10 alteration or vacation thereof. When an alteration or vacation
11 involves a public dedication, the alteration or vacation shall be
12 processed as provided in RCW 58.17.212 or 58.17.215. Such regulations
13 shall be adopted by ordinance and (~~shall provide that a short plat and~~
14 ~~short subdivision may be approved only if written findings that are~~
15 ~~appropriate, as provided in RCW 58.17.110, are made by the~~
16 ~~administrative personnel, and~~) may contain wholly different
17 requirements than those governing the approval of preliminary and final
18 plats of subdivisions and may require surveys and monumentations and
19 shall require filing of a short plat, or alteration or vacation
20 thereof, for record in the office of the county auditor: PROVIDED,
21 That such regulations must contain a requirement that land in short
22 subdivisions may not be further divided in any manner within a period
23 of five years without the filing of a final plat, except that when the
24 short plat contains fewer than four parcels, nothing in this section
25 shall prevent the owner who filed the short plat from filing an
26 alteration within the five-year period to create up to a total of four
27 lots within the original short plat boundaries: PROVIDED FURTHER, That
28 such regulations are not required to contain a penalty clause as
29 provided in RCW 36.32.120 and may provide for wholly injunctive relief.

30 An ordinance requiring a survey shall require that the survey be
31 completed and filed with the application for approval of the short
32 subdivision.

33 (2) Cities, towns, and counties shall include in their short plat
34 regulations and procedures pursuant to subsection (1) of this section
35 provisions for considering sidewalks and other planning features that
36 assure safe walking conditions for students who walk to and from
37 school.

1 **Sec. 23.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
2 as follows:

3 (1) The city, town, or county legislative body shall inquire into
4 the public use and interest proposed to be served by the establishment
5 of the subdivision and dedication. It shall determine: (a) If
6 appropriate provisions are made for, but not limited to, the public
7 health, safety, and general welfare, for open spaces, drainage ways,
8 streets (~~(or roads)~~), alleys, other public ways, (~~(transit stops,~~
9 ~~potable)~~) water supplies, sanitary wastes, parks (~~(and recreation)~~),
10 playgrounds, sites for schools and schoolgrounds, and shall consider
11 all other relevant facts, including sidewalks and other planning
12 features that assure safe walking conditions for students who (~~(only)~~)
13 walk to and from school; and (b) whether the public interest will be
14 served by the subdivision and dedication.

15 (2) A proposed subdivision and dedication shall (~~(not)~~) be approved
16 (~~(unless)~~) if the city, town, or county legislative body (~~(makes~~
17 ~~written findings)~~) finds that: (a) Appropriate provisions are made for
18 the public health, safety, and general welfare and for such open
19 spaces, drainage ways, streets (~~(or roads)~~), alleys, other public ways,
20 (~~(transit stops, potable)~~) water supplies, sanitary wastes, parks (~~(and~~
21 ~~recreation)~~), playgrounds, sites for schools and schoolgrounds and all
22 other relevant facts, including sidewalks and other planning features
23 that assure safe walking conditions for students who (~~(only)~~) walk to
24 and from school; and (b) the public use and interest will be served by
25 the platting of such subdivision and dedication. If it finds that the
26 proposed subdivision and dedication does not make such appropriate
27 provisions (~~(and)~~) or that the public use and interest will not be
28 served, then the legislative body (~~(shall approve)~~) may disapprove the
29 proposed subdivision and dedication. Dedication of land to any public
30 body(~~(, provision of public improvements to serve the subdivision, and/~~
31 ~~or impact fees imposed under RCW 82.02.050 through 82.02.090)~~) may be
32 required as a condition of subdivision approval. Dedications shall be
33 clearly shown on the final plat. (~~(No dedication, provision of public~~
34 ~~improvements, or impact fees imposed under RCW 82.02.050 through~~
35 ~~82.02.090 shall be allowed that constitutes an unconstitutional taking~~
36 ~~of private property.)~~) The legislative body shall not as a condition
37 to the approval of any subdivision require a release from damages to be
38 procured from other property owners.

1 (3) If the preliminary plat includes a dedication of a public park
2 with an area of less than two acres and the donor has designated that
3 the park be named in honor of a deceased individual of good character,
4 the city, town, or county legislative body must adopt the designated
5 name.

6 **Sec. 24.** RCW 66.08.190 and 1995 c 159 s 1 are each amended to read
7 as follows:

8 When excess funds are distributed, all moneys subject to
9 distribution shall be disbursed as follows:

10 (1) Three-tenths of one percent to border areas under RCW
11 66.08.195; and

12 (2) From the amount remaining after distribution under subsection
13 (1) of this section, fifty percent to the general fund of the state,
14 ten percent to the counties of the state, and forty percent to the
15 incorporated cities and towns of the state.

16 (~~The governor may notify and direct the state treasurer to
17 withhold the revenues to which the counties and cities are entitled
18 under this section if the counties or cities are found to be in
19 noncompliance pursuant to RCW 36.70A.340.~~)

20 **Sec. 25.** RCW 70.94.455 and 1991 c 199 s 503 are each amended to
21 read as follows:

22 After January 1, 1992, no used solid fuel burning device shall be
23 installed in new or existing buildings unless such device is either
24 Oregon department of environmental quality phase II or United States
25 environmental protection agency certified or a pellet stove either
26 certified or exempt from certification by the United States
27 environmental protection agency.

28 (1) By July 1, 1992, the state building code council shall adopt
29 rules requiring an adequate source of heat other than wood stoves in
30 all new and substantially remodeled residential and commercial
31 construction. This rule shall apply (~~(a) to areas designated by a
32 county to be an urban growth area under chapter 36.70A RCW; and (b))~~)
33 to areas designated by the environmental protection agency as being in
34 nonattainment for particulate matter.

35 (2) For purposes of this section, "substantially remodeled" means
36 any alteration or restoration of a building exceeding sixty percent of
37 the appraised value of such building within a twelve-month period.

1 **Sec. 26.** RCW 70.94.527 and 1996 c 186 s 513 are each amended to
2 read as follows:

3 (1) Each county with a population over one hundred fifty thousand,
4 and each city or town within those counties containing a major employer
5 shall, by October 1, 1992, adopt by ordinance and implement a commute
6 trip reduction plan for all major employers. The plan shall be
7 developed in cooperation with local transit agencies, (~~regional~~
8 ~~transportation planning organizations as established in RCW~~
9 ~~47.80.020,~~) major employers, and the owners of and employers at major
10 worksites. The plan shall be designed to achieve reductions in the
11 proportion of single-occupant vehicle commute trips and the commute
12 trip vehicle miles traveled per employee by employees of major public
13 and private sector employers in the jurisdiction.

14 (2) All other counties, and cities and towns in those counties, may
15 adopt and implement a commute trip reduction plan.

16 (3) The department of ecology may, after consultation with the
17 department of transportation, as part of the state implementation plan
18 for areas that do not attain the national ambient air quality standards
19 for carbon monoxide or ozone, require municipalities other than those
20 identified in subsection (1) of this section to adopt and implement
21 commute trip reduction plans if the department determines that such
22 plans are necessary for attainment of said standards.

23 (4) A commute trip reduction plan shall be consistent with the
24 guidelines established under RCW 70.94.537 and shall include but is not
25 limited to (a) goals for reductions in the proportion of single-
26 occupant vehicle commute trips and the commute trip vehicle miles
27 traveled per employee; (b) designation of commute trip reduction zones;
28 (c) requirements for major public and private sector employers to
29 implement commute trip reduction programs; (d) a commute trip reduction
30 program for employees of the county, city, or town; (e) a review of
31 local parking policies and ordinances as they relate to employers and
32 major worksites and any revisions necessary to comply with commute trip
33 reduction goals and guidelines; (f) an appeals process by which major
34 employers, who as a result of special characteristics of their business
35 or its locations would be unable to meet the requirements of a commute
36 trip reduction plan, may obtain waiver or modification of those
37 requirements; and (g) means for determining base year values of the
38 proportion of single-occupant vehicle commute trips and the commute
39 trip vehicle miles traveled per employee and progress toward meeting

1 commute trip reduction plan goals on an annual basis. Goals which are
2 established shall take into account existing transportation demand
3 management efforts which are made by major employers. Each
4 jurisdiction shall ensure that employers shall receive full credit for
5 the results of transportation demand management efforts and commute
6 trip reduction programs which have been implemented by major employers
7 prior to the base year. The goals for miles traveled per employee for
8 all major employers shall not be less than a fifteen percent reduction
9 from the base year value of the commute trip reduction zone in which
10 their worksite is located by January 1, 1995, twenty-five percent
11 reduction from the base year values by January 1, 1997, and thirty-five
12 percent reduction from the base year values by January 1, 1999.

13 (5) A county, city, or town may, as part of its commute trip
14 reduction plan, require commute trip reduction programs for employers
15 with ten or more full time employees at major worksites in federally
16 designated nonattainment areas for carbon monoxide and ozone. The
17 county, city or town shall develop the programs in cooperation with
18 affected employers and provide technical assistance to the employers in
19 implementing such programs.

20 (6) The commute trip reduction plans adopted by counties, cities,
21 and towns under this chapter shall be consistent with and may be
22 incorporated in applicable state or regional transportation plans and
23 local comprehensive plans and shall be coordinated, and consistent
24 with, the commute trip reduction plans of counties, cities, or towns
25 with which the county, city, or town has, in part, common borders or
26 related regional issues. Such regional issues shall include assuring
27 consistency in the treatment of employers who have worksites subject to
28 the requirements of this chapter in more than one jurisdiction.
29 Counties, cities, or towns adopting commute trip reduction plans may
30 enter into agreements through the interlocal cooperation act or by
31 resolution or ordinance as appropriate with other jurisdictions, local
32 transit agencies, or regional transportation planning organizations to
33 coordinate the development and implementation of such plans. Counties,
34 cities, or towns adopting a commute trip reduction plan shall review it
35 annually and revise it as necessary (~~to be consistent with applicable~~
36 ~~plans developed under RCW 36.70A.070~~)).

37 (7) Each county, city, or town implementing a commute trip
38 reduction program shall, within thirty days submit a summary of its

1 plan along with certification of adoption to the commute trip reduction
2 task force established under RCW 70.94.537.

3 (8) Each county, city, or town implementing a commute trip
4 reduction program shall submit an annual progress report to the commute
5 trip reduction task force established under RCW 70.94.537. The report
6 shall be due July 1, 1994, and each July 1 thereafter through July 1,
7 2000. The report shall describe progress in attaining the applicable
8 commute trip reduction goals for each commute trip reduction zone and
9 shall highlight any problems being encountered in achieving the goals.
10 The information shall be reported in a form established by the commute
11 trip reduction task force.

12 (9) Any waivers or modifications of the requirements of a commute
13 trip reduction plan granted by a jurisdiction shall be submitted for
14 review to the commute trip reduction task force established under RCW
15 70.94.537. The commute trip reduction task force may not deny the
16 granting of a waiver or modification of the requirements of a commute
17 trip reduction plan by a jurisdiction but they may notify the
18 jurisdiction of any comments or objections.

19 (10) Each county, city, or town implementing a commute trip
20 reduction program shall count commute trips eliminated through work-at-
21 home options or alternate work schedules as one and two-tenths vehicle
22 trips eliminated for the purpose of meeting trip reduction goals.

23 (11) Plans implemented under this section shall not apply to
24 commute trips for seasonal agricultural employees.

25 (12) Plans implemented under this section shall not apply to
26 construction worksites when the expected duration of the construction
27 project is less than two years.

28 **Sec. 27.** RCW 70.94.534 and 1991 c 202 s 14 are each amended to
29 read as follows:

30 (1) Each jurisdiction implementing a commute trip reduction plan
31 under this chapter (~~(or as part of a plan or ordinance developed under~~
32 ~~RCW 36.70A.070))~~) shall review each employer's initial commute trip
33 reduction program to determine if the program is likely to meet the
34 applicable commute trip reduction goals. The employer shall be
35 notified by the jurisdiction of its findings. If the jurisdiction
36 finds that the program is not likely to meet the applicable commute
37 trip reduction goals, the jurisdiction will work with the employer to
38 modify the program as necessary. The jurisdiction shall complete

1 review of each employer's initial commute trip reduction program within
2 three months of receipt.

3 (2) Each jurisdiction shall annually review each employer's
4 progress toward meeting the applicable commute trip reduction goals.
5 If it appears an employer is not likely to meet the applicable commute
6 trip reduction goals, the jurisdiction shall work with the employer to
7 make modifications to the commute trip reduction program.

8 (3) If an employer fails to meet the applicable commute trip
9 reduction goals, the jurisdiction shall propose modifications to the
10 program and direct the employer to revise its program within thirty
11 days to incorporate those modifications or modifications which the
12 jurisdiction determines to be equivalent.

13 (4) Each jurisdiction implementing a commute trip reduction plan
14 pursuant to this chapter may impose civil penalties, in the manner
15 provided in chapter 7.80 RCW, for failure by an employer to implement
16 a commute trip reduction program or to modify its commute trip
17 reduction program as required in subsection (3) of this section. No
18 major employer shall be liable for civil penalties under this chapter
19 if failure to achieve a commute trip reduction program goal was the
20 result of an inability to reach agreement with a certified collective
21 bargaining agent under applicable laws where the issue was raised by
22 the employer and pursued in good faith.

23 **Sec. 28.** RCW 70.94.743 and 1991 c 199 s 402 are each amended to
24 read as follows:

25 (1) Consistent with the policy of the state to reduce outdoor
26 burning to the greatest extent practical:

27 (a) Outdoor burning shall not be allowed in any area of the state
28 where federal or state ambient air quality standards are exceeded for
29 pollutants emitted by outdoor burning.

30 (b) Outdoor burning shall not be allowed in any urban growth area
31 (~~as defined by RCW 36.70A.030~~), or any city of the state having a
32 population greater than ten thousand people if such cities are
33 threatened to exceed state or federal air quality standards, and
34 alternative disposal practices consistent with good solid waste
35 management are reasonably available or practices eliminating production
36 of organic refuse are reasonably available. In no event shall such
37 burning be allowed after December 31, 2000.

1 (2) "Outdoor burning" means the combustion of material of any type
2 in an open fire or in an outdoor container without providing for the
3 control of combustion or the control of emissions from the combustion.

4 (3) This section shall not apply to silvicultural burning used to
5 improve or maintain fire dependent ecosystems for rare plants or
6 animals within state, federal, and private natural area preserves,
7 natural resource conservation areas, parks, and other wildlife areas.

8 **Sec. 29.** RCW 70.146.070 and 1991 sp.s. c 32 s 24 are each amended
9 to read as follows:

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

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

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

15 (3) Actions required under federal and state permits and compliance
16 orders;

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

19 (5) The extent to which the applicant county or city, or if the
20 applicant is another public body, the extent to which the county or
21 city in which the applicant public body is located, has established
22 programs to mitigate nonpoint pollution of the surface or subterranean
23 water sought to be protected by the water pollution control facility
24 named in the application for state assistance; and

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

29 ~~((A county, city, or town that is required or chooses to plan under
30 RCW 36.70A.040 may not receive a grant or loan for water pollution
31 control facilities unless it has adopted a comprehensive plan in
32 conformance with the requirements of chapter 36.70A RCW, after it is
33 required that the comprehensive plan be adopted, or unless it has
34 adopted development regulations in conformance with the requirements of
35 chapter 36.70A RCW, after it is required that development regulations
36 be adopted.))~~

1 **Sec. 30.** RCW 76.09.050 and 1994 c 264 s 49 are each amended to
2 read as follows:

3 (1) The board shall establish by rule which forest practices shall
4 be included within each of the following classes:

5 Class I: Minimal or specific forest practices that have no direct
6 potential for damaging a public resource that may be conducted without
7 submitting an application or a notification;

8 Class II: Forest practices which have a less than ordinary
9 potential for damaging a public resource that may be conducted without
10 submitting an application and may begin five calendar days, or such
11 lesser time as the department may determine, after written notification
12 by the operator, in the manner, content, and form as prescribed by the
13 department, is received by the department. However, the work may not
14 begin until all forest practice fees required under RCW 76.09.065 have
15 been received by the department. Class II shall not include forest
16 practices:

17 (a) On lands platted after January 1, 1960, or being converted to
18 another use;

19 (b) Which require approvals under the provisions of the hydraulics
20 act, RCW 75.20.100;

21 (c) Within "shorelines of the state" as defined in RCW 90.58.030;
22 or

23 (d) Excluded from Class II by the board;

24 Class III: Forest practices other than those contained in Class I,
25 II, or IV. A Class III application must be approved or disapproved by
26 the department within thirty calendar days from the date the department
27 receives the application. However, the applicant may not begin work on
28 that forest practice until all forest practice fees required under RCW
29 76.09.065 have been received by the department;

30 Class IV: Forest practices other than those contained in Class I
31 or II: (a) On lands platted after January 1, 1960, (b) on lands being
32 converted to another use, (c) on lands which, pursuant to RCW 76.09.070
33 as now or hereafter amended, are not to be reforested because of the
34 likelihood of future conversion to urban development, and/or (d) which
35 have a potential for a substantial impact on the environment and
36 therefore require an evaluation by the department as to whether or not
37 a detailed statement must be prepared pursuant to the state
38 environmental policy act, chapter 43.21C RCW. Such evaluation shall be
39 made within ten days from the date the department receives the

1 application: PROVIDED, That nothing herein shall be construed to
2 prevent any local or regional governmental entity from determining that
3 a detailed statement must be prepared for an action pursuant to a Class
4 IV forest practice taken by that governmental entity concerning the
5 land on which forest practices will be conducted. A Class IV
6 application must be approved or disapproved by the department within
7 thirty calendar days from the date the department receives the
8 application, unless the department determines that a detailed statement
9 must be made, in which case the application must be approved or
10 disapproved by the department within sixty calendar days from the date
11 the department receives the application, unless the commissioner of
12 public lands, through the promulgation of a formal order, determines
13 that the process cannot be completed within such period. However, the
14 applicant may not begin work on that forest practice until all forest
15 practice fees required under RCW 76.09.065 have been received by the
16 department.

17 Forest practices under Classes I, II, and III are exempt from the
18 requirements for preparation of a detailed statement under the state
19 environmental policy act.

20 (2) No Class II, Class III, or Class IV forest practice shall be
21 commenced or continued after January 1, 1975, unless the department has
22 received a notification with regard to a Class II forest practice or
23 approved an application with regard to a Class III or Class IV forest
24 practice containing all information required by RCW 76.09.060 as now or
25 hereafter amended: PROVIDED, That any person commencing a forest
26 practice during 1974 may continue such forest practice until April 1,
27 1975, if such person has submitted an application to the department
28 prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest
29 practices regulations necessary for the scheduled implementation of
30 this chapter and RCW 90.48.420 have not been adopted in time to meet
31 such schedules, the department shall have the authority to regulate
32 forest practices and approve applications on such terms and conditions
33 consistent with this chapter and RCW 90.48.420 and the purposes and
34 policies of RCW 76.09.010 until applicable forest practices regulations
35 are in effect.

36 (3) If a notification or application is delivered in person to the
37 department by the operator or the operator's agent, the department
38 shall immediately provide a dated receipt thereof. In all other cases,
39 the department shall immediately mail a dated receipt to the operator.

1 (4) Forest practices shall be conducted in accordance with the
2 forest practices regulations, orders and directives as authorized by
3 this chapter or the forest practices regulations, and the terms and
4 conditions of any approved applications.

5 (5) The department of natural resources shall notify the applicant
6 in writing of either its approval of the application or its disapproval
7 of the application and the specific manner in which the application
8 fails to comply with the provisions of this section or with the forest
9 practices regulations. Except as provided otherwise in this section,
10 if the department fails to either approve or disapprove an application
11 or any portion thereof within the applicable time limit, the
12 application shall be deemed approved and the operation may be
13 commenced: PROVIDED, That this provision shall not apply to
14 applications which are neither approved nor disapproved pursuant to the
15 provisions of subsection (7) of this section: PROVIDED, FURTHER, That
16 if seasonal field conditions prevent the department from being able to
17 properly evaluate the application, the department may issue an approval
18 conditional upon further review within sixty days: PROVIDED, FURTHER,
19 That the department shall have until April 1, 1975, to approve or
20 disapprove an application involving forest practices allowed to
21 continue to April 1, 1975, under the provisions of subsection (2) of
22 this section. Upon receipt of any notification or any satisfactorily
23 completed application the department shall in any event no later than
24 two business days after such receipt transmit a copy to the departments
25 of ecology and fish and wildlife, and to the county(~~(, city, or town)~~)
26 in whose jurisdiction the forest practice is to be commenced. Any
27 comments by such agencies shall be directed to the department of
28 natural resources.

29 (6) If the county(~~(, city, or town)~~) believes that an application
30 is inconsistent with this chapter, the forest practices regulations, or
31 any local authority consistent with RCW 76.09.240 as now or hereafter
32 amended, it may so notify the department and the applicant, specifying
33 its objections.

34 (7) The department shall not approve portions of applications to
35 which a county(~~(, city, or town)~~) objects if:

36 (a) The department receives written notice from the county(~~(, city,
37 or town)~~) of such objections within fourteen business days from the
38 time of transmittal of the application to the county, (~~(city, or~~

1 ~~town,~~) or one day before the department acts on the application,
2 whichever is later; and

3 (b) The objections relate to lands either:

4 (i) Platted after January 1, 1960; or

5 (ii) Being converted to another use.

6 The department shall either disapprove those portions of such
7 application or appeal the county(~~(, city, or town)~~) objections to the
8 appeals board. If the objections related to subparagraphs (b) (i) and
9 (ii) of this subsection are based on local authority consistent with
10 RCW 76.09.240 (~~(as now or hereafter amended)~~), the department shall
11 disapprove the application until such time as the county(~~(, city, or~~
12 ~~town)~~) consents to its approval or such disapproval is reversed on
13 appeal. The applicant shall be a party to all department appeals of
14 county(~~(, city, or town)~~) objections. Unless the county(~~(, city, or~~
15 ~~town)~~) either consents or has waived its rights under this subsection,
16 the department shall not approve portions of an application affecting
17 such lands until the minimum time for county(~~(, city, or town)~~)
18 objections has expired.

19 (8) In addition to any rights under the above paragraph, the
20 county(~~(, city, or town)~~) may appeal any department approval of an
21 application with respect to any lands within its jurisdiction. The
22 appeals board may suspend the department's approval in whole or in part
23 pending such appeal where there exists potential for immediate and
24 material damage to a public resource.

25 (9) Appeals under this section shall be made to the appeals board
26 in the manner and time provided in RCW 76.09.220(8). In such appeals
27 there shall be no presumption of correctness of either the county(~~(,~~
28 ~~city, or town)~~) or the department position.

29 (10) The department shall, within four business days notify the
30 county(~~(, city, or town)~~) of all notifications, approvals, and
31 disapprovals of an application affecting lands within the county,
32 (~~(city, or town,~~) except to the extent the county(~~(, city, or town)~~)
33 has waived its right to such notice.

34 (11) A county(~~(, city, or town)~~) may waive in whole or in part its
35 rights under this section, and may withdraw or modify any such waiver,
36 at any time by written notice to the department.

37 **Sec. 31.** RCW 76.09.060 and 1993 c 443 s 4 are each amended to read
38 as follows:

1 (1) The department shall prescribe the form and contents of the
2 notification and application. The forest practices rules shall specify
3 by whom and under what conditions the notification and application
4 shall be signed or otherwise certified as acceptable. The application
5 or notification shall be delivered in person to the department, sent by
6 first class mail to the department or electronically filed in a form
7 defined by the department. The form for electronic filing shall be
8 readily convertible to a paper copy, which shall be available to the
9 public pursuant to chapter 42.17 RCW. The information required may
10 include, but is not limited to:

11 (a) Name and address of the forest landowner, timber owner, and
12 operator;

13 (b) Description of the proposed forest practice or practices to be
14 conducted;

15 (c) Legal description of the land on which the forest practices are
16 to be conducted;

17 (d) Planimetric and topographic maps showing location and size of
18 all lakes and streams and other public waters in and immediately
19 adjacent to the operating area and showing all existing and proposed
20 roads and major tractor roads;

21 (e) Description of the silvicultural, harvesting, or other forest
22 practice methods to be used, including the type of equipment to be used
23 and materials to be applied;

24 (f) Proposed plan for reforestation and for any revegetation
25 necessary to reduce erosion potential from roadsides and yarding roads,
26 as required by the forest practices rules;

27 (g) Soil, geological, and hydrological data with respect to forest
28 practices;

29 (h) The expected dates of commencement and completion of all forest
30 practices specified in the application;

31 (i) Provisions for continuing maintenance of roads and other
32 construction or other measures necessary to afford protection to public
33 resources;

34 (j) An affirmation that the statements contained in the
35 notification or application are true; and

36 (k) All necessary application or notification fees.

37 (2) Long range plans may be submitted to the department for review
38 and consultation.

1 (3) The application for a forest practice or the notification of a
2 class II forest practice shall indicate whether any land covered by the
3 application or notification will be converted or is intended to be
4 converted to a use other than commercial timber production within three
5 years after completion of the forest practices described in it.

6 (a) If the application states that any such land will be or is
7 intended to be so converted:

8 (i) The reforestation requirements of this chapter and of the
9 forest practices rules shall not apply if the land is in fact so
10 converted unless applicable alternatives or limitations are provided in
11 forest practices rules issued under RCW 76.09.070 as now or hereafter
12 amended;

13 (ii) Completion of such forest practice operations shall be deemed
14 conversion of the lands to another use for purposes of chapters 84.33
15 and 84.34 RCW unless the conversion is to a use permitted under a
16 current use tax agreement permitted under chapter 84.34 RCW;

17 (iii) The forest practices described in the application are subject
18 to applicable county, city, (~~town,~~) and regional governmental
19 authority permitted under RCW 76.09.240 (~~as now or hereafter amended~~)
20 as well as the forest practices rules.

21 (b) If the application or notification does not state that any land
22 covered by the application or notification will be or is intended to be
23 so converted:

24 (i) For six years after the date of the application the county,
25 city, (~~town,~~) and regional governmental entities may deny any or all
26 applications for permits or approvals, including building permits and
27 subdivision approvals, relating to nonforestry uses of land subject to
28 the application;

29 (ii) Failure to comply with the reforestation requirements
30 contained in any final order or decision shall constitute a removal of
31 designation under the provisions of RCW 84.33.140, and a change of use
32 under the provisions of RCW 84.34.080, and, if applicable, shall
33 subject such lands to the payments and/or penalties resulting from such
34 removals or changes; and

35 (iii) Conversion to a use other than commercial timber operations
36 within three years after completion of the forest practices without the
37 consent of the county(~~, city, or town~~) or municipality shall
38 constitute a violation of each of the county, municipal (~~city, town~~),

1 and regional authorities to which the forest practice operations would
2 have been subject if the application had so stated.

3 (c) The application or notification shall be either signed by the
4 landowner or accompanied by a statement signed by the landowner
5 indicating his or her intent with respect to conversion and
6 acknowledging that he or she is familiar with the effects of this
7 subsection.

8 (4) Whenever an approved application authorizes a forest practice
9 which, because of soil condition, proximity to a water course or other
10 unusual factor, has a potential for causing material damage to a public
11 resource, as determined by the department, the applicant shall, when
12 requested on the approved application, notify the department two days
13 before the commencement of actual operations.

14 (5) Before the operator commences any forest practice in a manner
15 or to an extent significantly different from that described in a
16 previously approved application or notification, there shall be
17 submitted to the department a new application or notification form in
18 the manner set forth in this section.

19 (6) The notification to or the approval given by the department to
20 an application to conduct a forest practice shall be effective for a
21 term of two years from the date of approval or notification and shall
22 not be renewed unless a new application is filed and approved or a new
23 notification has been filed. At the option of the applicant, an
24 application or notification may be submitted to cover a single forest
25 practice or a number of forest practices within reasonable geographic
26 or political boundaries as specified by the department. An application
27 or notification that covers more than one forest practice may have an
28 effective term of more than two years. The board shall adopt rules
29 that establish standards and procedures for approving an application or
30 notification that has an effective term of more than two years. Such
31 rules shall include extended time periods for application or
32 notification approval or disapproval. On an approved application with
33 a term of more than two years, the applicant shall inform the
34 department before commencing operations.

35 (7) Notwithstanding any other provision of this section, no prior
36 application or notification shall be required for any emergency forest
37 practice necessitated by fire, flood, windstorm, earthquake, or other
38 emergency as defined by the board, but the operator shall submit an

1 application or notification, whichever is applicable, to the department
2 within forty-eight hours after commencement of such practice.

3 **Sec. 32.** RCW 81.104.080 and 1991 c 318 s 7 are each amended to
4 read as follows:

5 Where applicable, regional transportation plans and local
6 comprehensive plans shall address the relationship between urban growth
7 and an effective high capacity transportation system plan, and provide
8 for cooperation between local jurisdictions and transit agencies.

9 (1) Regional high capacity transportation plans shall be included
10 in the designated regional transportation planning organization's
11 regional transportation plan review and update process to facilitate
12 development of a coordinated multimodal transportation system and to
13 meet federal funding requirements.

14 (2) Interlocal agreements between transit authorities, cities, and
15 counties shall set forth conditions for assuring land uses compatible
16 with development of high capacity transportation systems. These
17 include developing sufficient land use densities through local actions
18 in high capacity transportation corridors and near passenger stations,
19 preserving transit rights of way, and protecting the region's
20 environmental quality. The implementation program for high capacity
21 transportation systems shall favor cities and counties with supportive
22 land use plans. In developing local actions intended to carry out
23 these policies cities and counties shall insure the opportunity for
24 public comment and participation in the siting of such facilities,
25 including stations or transfer facilities. Agencies providing high
26 capacity transportation services, in cooperation with public and
27 private interests, shall promote transit-compatible land uses and
28 development which includes joint development.

29 (3) Interlocal agreements shall (~~be consistent with state planning~~
30 ~~goals as set forth in chapter 36.70A RCW. Agreements shall also~~)
31 include plans for concentrated employment centers, mixed-use
32 development, and housing densities that support high capacity
33 transportation systems.

34 (4) Agencies providing high capacity transportation service and
35 other transit agencies shall develop a cooperative process for the
36 planning, development, operations, and funding of feeder transportation
37 systems. Feeder systems may include existing and future intercity

1 passenger systems and alternative technology people mover systems which
2 may be developed by the private or public sector.

3 (5) Cities and counties along corridors designated in a high
4 capacity transportation system plan shall enter into agreements with
5 their designated regional transportation planning organizations, for
6 the purpose of participating in a right of way preservation review
7 process which includes activities to promote the preservation of the
8 high capacity transportation rights of way. The regional
9 transportation planning organization shall serve as the coordinator of
10 the review process.

11 (a) Cities and counties shall forward all development proposals for
12 projects within and adjoining to the rights of way proposed for
13 preservation to the designated regional transportation planning
14 organizations, which shall distribute the proposals for review by
15 parties to the right of way preservation review process.

16 (b) The regional transportation planning organizations shall also
17 review proposals for conformance with the regional transportation plan
18 and associated regional development strategies. The designated
19 regional transportation planning organization shall within ninety days
20 compile local and regional agency comments and communicate the same to
21 the originating jurisdiction and the joint regional policy committee.

22 **Sec. 33.** RCW 81.112.050 and 1992 c 101 s 5 are each amended to
23 read as follows:

24 (1) At the time of formation, the area to be included within the
25 boundary of the authority shall be that area set forth in the system
26 plan adopted by the joint regional policy committee. Prior to
27 submitting the system and financing plan to the voters, the authority
28 may make adjustments to the boundaries as deemed appropriate but must
29 assure that, to the extent possible, the boundaries: (a) Include the
30 largest-population urban growth area designated by each county (~~under~~
31 ~~chapter 36.70A RCW~~); and (b) follow election precinct boundaries. If
32 a portion of any city is determined to be within the service area, the
33 entire city must be included within the boundaries of the authority.

34 (2) After voters within the authority boundaries have approved the
35 system and financing plan, elections to add areas contiguous to the
36 authority boundaries may be called by resolution of the regional
37 transit authority, after consultation with affected transit agencies
38 and with the concurrence of the legislative authority of the city or

1 town if the area is incorporated, or with the concurrence of the county
2 legislative authority if the area is unincorporated. Only those areas
3 that would benefit from the services provided by the authority may be
4 included and services or projects proposed for the area must be
5 consistent with the regional transportation plan. The election may
6 include a single ballot proposition providing for annexation to the
7 authority boundaries and imposition of the taxes at rates already
8 imposed within the authority boundaries.

9 **Sec. 34.** RCW 82.02.020 and 1996 c 230 s 1612 are each amended to
10 read as follows:

11 Except only as expressly provided in RCW 67.28.180 and 67.28.190
12 and the provisions of chapter 82.14 RCW, the state preempts the field
13 of imposing taxes upon retail sales of tangible personal property, the
14 use of tangible personal property, parimutuel wagering authorized
15 pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county,
16 town, or other municipal subdivision shall have the right to impose
17 taxes of that nature. (~~Except as provided in RCW 82.02.050 through~~
18 ~~82.02.090,~~) No county, city, town, or other municipal corporation
19 shall impose any tax, fee, or charge, either direct or indirect, on the
20 construction or reconstruction of residential buildings, commercial
21 buildings, industrial buildings, or on any other building or building
22 space or appurtenance thereto, or on the development, subdivision,
23 classification, or reclassification of land. However, this section
24 does not preclude dedications of land or easements under RCW 58.17.110
25 within the proposed development or plat which the county, city, town,
26 or other municipal corporation can demonstrate are reasonably necessary
27 as a direct result of the proposed development or plat to which the
28 dedication of land or easement is to apply.

29 This section does not prohibit voluntary agreements with counties,
30 cities, towns, or other municipal corporations that allow a payment in
31 lieu of a dedication of land or to mitigate a direct impact that has
32 been identified as a consequence of a proposed development,
33 subdivision, or plat. A local government shall not use such voluntary
34 agreements for local off-site transportation improvements within the
35 geographic boundaries of the area or areas covered by an adopted
36 transportation program authorized by chapter 39.92 RCW. Any such
37 voluntary agreement is subject to the following provisions:

1 (1) The payment shall be held in a reserve account and may only be
2 expended to fund a capital improvement agreed upon by the parties to
3 mitigate the identified, direct impact;

4 (2) The payment shall be expended in all cases within five years of
5 collection; and

6 (3) Any payment not so expended shall be refunded with interest at
7 the rate applied to judgments to the property owners of record at the
8 time of the refund; however, if the payment is not expended within five
9 years due to delay attributable to the developer, the payment shall be
10 refunded without interest.

11 No county, city, town, or other municipal corporation shall require
12 any payment as part of such a voluntary agreement which the county,
13 city, town, or other municipal corporation cannot establish is
14 reasonably necessary as a direct result of the proposed development or
15 plat.

16 Nothing in this section prohibits cities, towns, counties, or other
17 municipal corporations from collecting reasonable fees from an
18 applicant for a permit or other governmental approval to cover the cost
19 to the city, town, county, or other municipal corporation of processing
20 applications, inspecting and reviewing plans, or preparing detailed
21 statements required by chapter 43.21C RCW.

22 This section does not limit the existing authority of any county,
23 city, town, or other municipal corporation to impose special
24 assessments on property specifically benefitted thereby in the manner
25 prescribed by law.

26 Nothing in this section prohibits counties, cities, or towns from
27 imposing or permits counties, cities, or towns to impose water, sewer,
28 natural gas, drainage utility, and drainage system charges: PROVIDED,
29 That no such charge shall exceed the proportionate share of such
30 utility or system's capital costs which the county, city, or town can
31 demonstrate are attributable to the property being charged: PROVIDED
32 FURTHER, That these provisions shall not be interpreted to expand or
33 contract any existing authority of counties, cities, or towns to impose
34 such charges.

35 Nothing in this section prohibits a transportation benefit district
36 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits
37 the legislative authority of a county, city, or town from approving the
38 imposition of such fees within a transportation benefit district.

1 Nothing in this section prohibits counties, cities, or towns from
2 imposing transportation impact fees authorized pursuant to chapter
3 39.92 RCW.

4 ~~((Nothing in this section prohibits counties, cities, or towns from
5 requiring property owners to provide relocation assistance to tenants
6 under RCW 59.18.440 and 59.18.450.))~~

7 This section does not apply to special purpose districts formed and
8 acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority
9 conferred by these titles affected.

10 **Sec. 35.** RCW 82.46.010 and 1994 c 272 s 1 are each amended to read
11 as follows:

12 (1) The legislative authority of any county or city shall identify
13 in the adopted budget the capital projects funded in whole or in part
14 from the proceeds of the tax authorized in this section, and shall
15 indicate that such tax is intended to be in addition to other funds
16 that may be reasonably available for such capital projects.

17 (2) The legislative authority of any county or any city may impose
18 an excise tax on each sale of real property in the unincorporated areas
19 of the county for the county tax and in the corporate limits of the
20 city for the city tax at a rate not exceeding one-quarter of one
21 percent of the selling price. ~~((The revenues from this tax shall be
22 used by any city or county with a population of five thousand or less
23 and any city or county that does not plan under RCW 36.70A.040 for any
24 capital purpose identified in a capital improvements plan and local
25 capital improvements, including those listed in RCW 35.43.040.~~

26 ~~After April 30, 1992, revenues generated from the tax imposed under
27 this subsection in counties over five thousand population and cities
28 over five thousand population that are required or choose to plan under
29 RCW 36.70A.040 shall be used solely for financing capital projects
30 specified in a capital facilities plan element of a comprehensive plan
31 and housing relocation assistance under RCW 59.18.440 and 59.18.450.
32 However, revenues (a) pledged by such counties and cities to debt
33 retirement prior to April 30, 1992, may continue to be used for that
34 purpose until the original debt for which the revenues were pledged is
35 retired, or (b) committed prior to April 30, 1992, by such counties or
36 cities to a project may continue to be used for that purpose until the
37 project is completed.))~~

1 (3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the
2 legislative authority of any county or any city may impose an
3 additional excise tax on each sale of real property in the
4 unincorporated areas of the county for the county tax and in the
5 corporate limits of the city for the city tax at a rate not exceeding
6 one-half of one percent of the selling price.

7 (4) Taxes imposed under this section shall be collected from
8 persons who are taxable by the state under chapter 82.45 RCW upon the
9 occurrence of any taxable event within the unincorporated areas of the
10 county or within the corporate limits of the city, as the case may be.

11 (5) Taxes imposed under this section shall comply with all
12 applicable rules, regulations, laws, and court decisions regarding real
13 estate excise taxes as imposed by the state under chapter 82.45 RCW.

14 (6) As used in this section, "city" means any city or town and
15 "capital project" means those public works projects of a local
16 government for planning, acquisition, construction, reconstruction,
17 repair, replacement, rehabilitation, or improvement of streets; roads;
18 highways; sidewalks; street and road lighting systems; traffic signals;
19 bridges; domestic water systems; storm and sanitary sewer systems;
20 parks; recreational facilities; law enforcement facilities; fire
21 protection facilities; trails; libraries; administrative and/or
22 judicial facilities; river and/or waterway flood control projects by
23 those jurisdictions that, prior to June 11, 1992, have expended funds
24 derived from the tax authorized by this section for such purposes; and,
25 until December 31, 1995, housing projects for those jurisdictions that,
26 prior to June 11, 1992, have expended or committed to expend funds
27 derived from the tax authorized by this section or the tax authorized
28 by RCW 82.46.035 for such purposes.

29 **Sec. 36.** RCW 82.46.030 and 1992 c 221 s 2 are each amended to read
30 as follows:

31 (1) The county treasurer shall place one percent of the proceeds of
32 the taxes imposed under this chapter in the county current expense fund
33 to defray costs of collection.

34 (2) The remaining proceeds from the county tax under RCW
35 (~~82.46.010(1)~~) 82.46.010(2) shall be placed in a county capital
36 improvements fund. The remaining proceeds from city or town taxes
37 under RCW (~~82.46.010(1)~~) 82.46.010(2) shall be distributed to the
38 respective cities and towns monthly and placed by the city treasurer in

1 a municipal capital improvements fund. These capital improvements
2 funds shall be used by the respective jurisdictions for local
3 improvements, including those listed in RCW 35.43.040.

4 (3) This section does not limit the existing authority of any city,
5 town, or county to impose special assessments on property specially
6 benefited thereby in the manner prescribed by law.

7 **Sec. 37.** RCW 82.46.040 and 1990 1st ex.s. c 17 s 39 and 1990 1st
8 ex.s. c 5 s 4 are each reenacted and amended to read as follows:

9 Any tax imposed under (~~this chapter or~~) RCW 82.46.010 or
10 82.46.070 and any interest or penalties thereon is a specific lien upon
11 each piece of real property sold from the time of sale until the tax is
12 paid, which lien may be enforced in the manner prescribed for the
13 foreclosure of mortgages.

14 **Sec. 38.** RCW 82.46.050 and 1990 1st ex.s. c 17 s 40 are each
15 amended to read as follows:

16 The taxes levied under (~~this chapter~~) RCW 82.46.010 are the
17 obligation of the seller and may be enforced through an action of debt
18 against the seller or in the manner prescribed for the foreclosure of
19 mortgages. Resort to one course of enforcement is not an election not
20 to pursue the other.

21 **Sec. 39.** RCW 82.46.060 and 1990 1st ex.s. c 17 s 41 and 1990 1st
22 ex.s. c 5 s 5 are each reenacted and amended to read as follows:

23 Any taxes imposed under (~~this chapter or~~) RCW 82.46.010 or
24 82.46.070 shall be paid to and collected by the treasurer of the county
25 within which is located the real property which was sold. The
26 treasurer shall act as agent for any city within the county imposing
27 the tax. The county treasurer shall cause a stamp evidencing
28 satisfaction of the lien to be affixed to the instrument of sale or
29 conveyance prior to its recording or to the real estate excise tax
30 affidavit in the case of used mobile home sales. A receipt issued by
31 the county treasurer for the payment of the tax imposed under (~~this~~
32 ~~chapter or~~) RCW 82.46.010 or 82.46.070 shall be evidence of the
33 satisfaction of the lien imposed in RCW 82.46.040 and may be recorded
34 in the manner prescribed for recording satisfactions of mortgages. No
35 instrument of sale or conveyance evidencing a sale subject to the tax
36 may be accepted by the county auditor for filing or recording until the

1 tax is paid and the stamp affixed thereto; in case the tax is not due
2 on the transfer, the instrument shall not be accepted until suitable
3 notation of this fact is made on the instrument by the treasurer.

4 **Sec. 40.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to
5 read as follows:

6 All property shall be valued at one hundred percent of its true and
7 fair value in money and assessed on the same basis unless specifically
8 provided otherwise by law.

9 Taxable leasehold estates shall be valued at such price as they
10 would bring at a fair, voluntary sale for cash without any deductions
11 for any indebtedness owed including rentals to be paid.

12 The true and fair value of real property for taxation purposes
13 (including property upon which there is a coal or other mine, or stone
14 or other quarry) shall be based upon the following criteria:

15 (1) Any sales of the property being appraised or similar properties
16 with respect to sales made within the past five years. The appraisal
17 shall be consistent with the comprehensive land use plan, (~~development~~
18 ~~regulations under chapter 36.70A RCW,~~) zoning, and any other
19 governmental policies or practices in effect at the time of appraisal
20 that affect the use of property, as well as physical and environmental
21 influences. The appraisal shall also take into account: (a) In the
22 use of sales by real estate contract as similar sales, the extent, if
23 any, to which the stated selling price has been increased by reason of
24 the down payment, interest rate, or other financing terms; and (b) the
25 extent to which the sale of a similar property actually represents the
26 general effective market demand for property of such type, in the
27 geographical area in which such property is located. Sales involving
28 deed releases or similar seller-developer financing arrangements shall
29 not be used as sales of similar property.

30 (2) In addition to sales as defined in subsection (1),
31 consideration may be given to cost, cost less depreciation,
32 reconstruction cost less depreciation, or capitalization of income that
33 would be derived from prudent use of the property. In the case of
34 property of a complex nature, or being used under terms of a franchise
35 from a public agency, or operating as a public utility, or property not
36 having a record of sale within five years and not having a significant
37 number of sales of similar property in the general area, the provisions
38 of this subsection (2) shall be the dominant factors in valuation.

1 When provisions of this subsection (2) are relied upon for establishing
2 values the property owner shall be advised upon request of the factors
3 used in arriving at such value.

4 (3) In valuing any tract or parcel of real property, the value of
5 the land, exclusive of structures thereon shall be determined; also the
6 value of structures thereon, but the valuation shall not exceed the
7 value of the total property as it exists. In valuing agricultural
8 land, growing crops shall be excluded.

9 **Sec. 41.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to read
10 as follows:

11 The county legislative authority of any county may adopt a
12 comprehensive flood control management plan for any drainage basin that
13 is located wholly or partially within the county.

14 A comprehensive flood control management plan shall include the
15 following elements:

16 (1) Designation of areas that are susceptible to periodic flooding,
17 from inundation by bodies of water or surface water runoff, or both,
18 including the river's meander belt or floodway;

19 (2) Establishment of a comprehensive scheme of flood control
20 protection and improvements for the areas that are subject to such
21 periodic flooding, that includes: (a) Determining the need for, and
22 desirable location of, flood control improvements to protect or
23 preclude flood damage to structures, works, and improvements, based
24 upon a cost/benefit ratio between the expense of providing and
25 maintaining these improvements and the benefits arising from these
26 improvements; (b) establishing the level of flood protection that each
27 portion of the system of flood control improvements will be permitted;
28 (c) identifying alternatives to in-stream flood control work; (d)
29 identifying areas where flood waters could be directed during a flood
30 to avoid damage to buildings and other structures; and (e) identifying
31 sources of revenue that will be sufficient to finance the comprehensive
32 scheme of flood control protection and improvements;

33 (3) Establishing land use regulations that preclude the location of
34 structures, works, or improvements in critical portions of such areas
35 subject to periodic flooding, including a river's meander belt or
36 floodway, and permitting only flood-compatible land uses in such areas;

1 (4) Establishing restrictions on construction activities in areas
2 subject to periodic floods that require the flood proofing of those
3 structures that are permitted to be constructed or remodeled; and

4 (5) Establishing restrictions on land clearing activities and
5 development practices that exacerbate flood problems by increasing the
6 flow or accumulation of flood waters, or the intensity of drainage, on
7 low-lying areas. Land clearing activities do not include forest
8 practices as defined in chapter 76.09 RCW.

9 A comprehensive flood control management plan shall be subject to
10 the minimum requirements for participation in the national flood
11 insurance program, requirements exceeding the minimum national flood
12 insurance program that have been adopted by the department of ecology
13 for a specific flood plain pursuant to RCW 86.16.031, and rules adopted
14 by the department of ecology pursuant to RCW 86.26.050 relating to
15 flood plain management activities. (~~When a county plans under chapter
16 36.70A RCW, it may incorporate the portion of its comprehensive flood
17 control management plan relating to land use restrictions in its
18 comprehensive plan and development regulations adopted pursuant to
19 chapter 36.70A RCW.~~)

20 NEW SECTION. **Sec. 42.** All administrative boards and agencies
21 created under the authority of chapter 36.70A RCW are dissolved.

22 NEW SECTION. **Sec. 43.** All administrative rules adopted under the
23 authority of chapter 36.70A RCW are invalid, null and void, and of no
24 effect.

25 NEW SECTION. **Sec. 44.** No state officer or agency may attempt to
26 recover any moneys distributed pursuant to the authority of chapter
27 36.70A RCW.

28 NEW SECTION. **Sec. 45.** This act shall be known and cited as "The
29 Local Control of Local Government Act of 1997."

30 NEW SECTION. **Sec. 46.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 47.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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