
SUBSTITUTE HOUSE BILL 1673

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Pruitt, R. Meyers, Jacobsen, Heavey, Roland, Phillips, Hine, Paris, Fraser and Wineberry).

Read first time March 6, 1991.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.030,
2 36.70A.020, 36.70A.070, 82.02.050, 82.02.090, and 43.21C.031; adding
3 new sections to chapter 36.70A RCW; and creating a new section.

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

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

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

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

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

14 ((+2)) (3) "Agricultural land" means land primarily devoted to the
15 commercial production of horticultural, viticultural, floricultural,

1 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
2 straw, turf, seed, Christmas trees not subject to the excise tax
3 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
4 long-term commercial significance for agricultural production.

5 ~~((3))~~ (4) "Board" means the growth management board established
6 to review plans and regulations established under this chapter.

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

8 ~~((4))~~ (6) "Committee" means the interagency committee for outdoor
9 recreation established under chapter 43.99 RCW.

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

14 ~~((5))~~ (8) "Critical areas" include the following areas and
15 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
16 on aquifers used for potable water; (c) critical fish and wildlife
17 habitat ~~((conservation areas))~~; (d) frequently flooded areas; and (e)
18 geologically hazardous areas.

19 ~~((6))~~ (9) "Department" means the department of community
20 development.

21 ~~((7))~~ (10) "Development regulations" means any controls placed on
22 development or land use activities by a county or city, including, but
23 not limited to, zoning ordinances, official controls, planned unit
24 development ordinances, subdivision ordinances, and binding site plan
25 ordinances.

26 ~~((8))~~ (11) "Forest land" means land primarily useful for growing
27 trees, including Christmas trees subject to the excise tax imposed
28 under RCW 84.33.100 through 84.33.140, for commercial purposes, and
29 that has long-term commercial significance for growing trees
30 commercially.

1 (~~(9)~~) (12) "Geologically hazardous areas" means areas that
2 because of their susceptibility to erosion, sliding, earthquake, or
3 other geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health or
5 safety concerns.

6 (~~(10)~~) (13) "Long-term commercial significance" includes the
7 growing capacity, productivity, and soil composition of the land for
8 long-term commercial production, in consideration with the land's
9 proximity to population areas, and the possibility of more intense uses
10 of the land.

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

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

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

24 (17) "Open space lands" include land areas, the protection of which
25 would: (a) Conserve and enhance scenic, or viewshed resources; (b)
26 provide scenic amenities and community identity within and between
27 areas of urban development; (c) protect physical and/or visual buffers
28 within and between areas of urban and rural development, or along
29 transportation corridors; (d) protect lakes, rivers, streams,
30 watersheds, or water supply; (e) promote conservation of critical

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

10 (~~(12)~~) (18) "Public facilities" include streets, roads, highways,
11 sidewalks, street and road lighting systems, traffic signals, domestic
12 water systems, storm and sanitary sewer systems, parks and
13 recreational facilities, and schools.

14 (~~(13)~~) (19) "Public services" include fire protection and
15 suppression, law enforcement, public health, education, recreation,
16 environmental protection, and other governmental services.

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

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

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

1 (~~(14)~~) (23) "Urban growth" refers to growth that makes intensive
2 use of land for the location of buildings, structures, and impermeable
3 surfaces to such a degree as to be incompatible with the primary use of
4 such land for the production of food, other agricultural products, or
5 fiber, or the extraction of mineral resources. When allowed to spread
6 over wide areas, urban growth typically requires urban governmental
7 services. "Characterized by urban growth" refers to land having urban
8 growth located on it, or to land located in relationship to an area
9 with urban growth on it as to be appropriate for urban growth.

10 (~~(15)~~) (24) "Urban growth areas" means those areas designated by
11 a county pursuant to RCW 36.70A.110.

12 (~~(16)~~) (25) "Urban governmental services" include those
13 governmental services historically and typically delivered by cities,
14 and include storm and sanitary sewer systems, domestic water systems,
15 street cleaning services, fire and police protection services, public
16 transit services, and other public utilities associated with urban
17 areas and normally not associated with nonurban areas.

18 (~~(17)~~) (26) "Wetland" or "wetlands" means areas that are
19 inundated or saturated by surface water or ground water at a frequency
20 and duration sufficient to support, and that under normal circumstances
21 do support, a prevalence of vegetation typically adapted for life in
22 saturated soil conditions. Wetlands generally include swamps, marshes,
23 bogs, and similar areas. Wetlands do not include those artificial
24 wetlands intentionally created from nonwetland sites, including, but
25 not limited to, irrigation and drainage ditches, grass-lined swales,
26 canals, detention facilities, wastewater treatment facilities, farm
27 ponds, and landscape amenities. However, wetlands may include those
28 artificial wetlands intentionally created from nonwetland areas created
29 to mitigate conversion of wetlands, if permitted by the county or city.

1 PART I

2 PLANNING GOALS

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

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

15 (1) Urban growth areas. ((~~Encourage~~)) Urban development shall
16 occur in urban growth areas where adequate public facilities and
17 services exist or can be provided in an efficient manner without
18 overloading existing public facilities and public services.

19 Urban growth areas should be compact, have concentrated employment
20 centers, and provide opportunities for people to live in a variety of
21 housing types close to where they work. Plans should ensure an
22 adequate supply of land for projected jobs considering the nature and
23 diversity of economic activity and for a variety of housing types.
24 Development densities should be sufficient to: (a) Protect open space,
25 natural features and parks, natural resource lands and critical areas
26 within and outside of urban growth areas; (b) promote affordable
27 housing; and (c) promote alternatives to single occupancy vehicle
28 travel. Large land areas characterized by significant natural

1 limitations such as steep slopes, seismic hazard areas, flood plains,
2 and wetlands should not be designated for urban growth.

3 New development should be designed to respect the planned and
4 existing character of neighborhoods and to mitigate the effect on the
5 environment, including air quality. Before new development is
6 approved, adequate solid waste facilities, and opportunities for
7 recycling and source reduction should be provided. Open spaces and
8 natural features should be preserved within urban areas.

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

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

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

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

1 such growth, and encourage growth in areas experiencing insufficient
2 economic growth, all within the capacities of the state's natural
3 resources, air quality, water supply, public services, and public
4 facilities. The plan should establish a predictable and efficient
5 development process by locating development in urban areas with
6 suitable and adequate sites capable of supporting the development.

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

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

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

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

1 cities. Open spaces and natural features should be preserved in urban
2 growth areas. Ensure that adequate park and recreational facilities,
3 sized to accommodate anticipated growth, are provide prospectively or
4 concurrently with approval of development which will increase demand
5 for parks and recreational facilities.

6 (10) Environment. Protect the environment and enhance the state's
7 high quality of life, including air and water quality, and the
8 availability of water. To the fullest extent possible, the plan shall
9 consolidate the requirements of RCW 43.21C.030 into the planning
10 process and the development regulations. At the earliest possible
11 point in the planning process, the significant adverse environmental
12 impacts and reasonable alternatives to mitigate cumulative impacts on
13 the environment should be identified.

14 (11) Citizen participation and coordination. (~~Encourage~~) Ensure
15 the involvement of citizens in the planning process and ensure
16 coordination between communities and jurisdictions to reconcile
17 conflicts.

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

23 (13) Historic preservation. Identify and encourage the
24 preservation of lands, districts, sites, and structures, that have
25 historical or archaeological significance.

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

29 (15) Water resources. Land use planning and all permit decisions
30 should both protect water quality and quantity and, if there is a

1 demand for additional water resources, the demand for water must be
2 compatible with water resource plans. New growth must be related to
3 water availability. Each county and its cities must integrate water
4 resource planning for consumptive and nonconsumptive uses into its land
5 use plan. Water is key for fish, wildlife, domestic use, industrial
6 use, power, agriculture, aesthetics, and recreation.

7 (16) Air quality. Land use planning and permit decisions must
8 ensure that air quality is maintained and enhanced and that additional
9 development does not cause a reduction in air quality.

10 PART II

11 LOCAL PLANNING

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

14 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of
15 a county or city that is required or chooses to plan under RCW
16 36.70A.040 shall consist of a map or maps, and descriptive text
17 covering objectives, principles, and standards used to develop the
18 comprehensive plan. The plan shall be an internally consistent
19 document and all elements shall be consistent with the future land use
20 map. A comprehensive plan shall be adopted and amended with public
21 participation as provided in RCW 36.70A.140.

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

24 (1) A land use element designating the proposed general
25 distribution and general location and extent of the uses of land, where
26 appropriate, for agriculture, timber production, housing, commerce,
27 industry, recreation, open spaces, public utilities, public facilities,
28 and other land uses. The land use element shall provide for sufficient

1 developable land and densities for a range of housing types. The land
2 use element shall include population densities, building intensities,
3 and estimates of future population growth. The land use element shall
4 include designation of natural resource lands and lands for outdoor
5 recreation as provided in RCW 36.70A.060. Each county shall include
6 urban growth areas as established in RCW 36.70A.110 in its
7 comprehensive land use plan. The land use element shall provide for
8 protection of the quality and quantity of ground and surface water used
9 for public water supplies and shall recognize that water availability
10 and quality are key factors in determining the extent, location,
11 distribution, and intensity of land uses. Where applicable, the land
12 use element shall review drainage, flooding, and storm water run-off in
13 the area and nearby jurisdictions and provide guidance for corrective
14 actions to mitigate or cleanse those discharges that pollute waters of
15 the state, including Puget Sound or waters entering Puget Sound. The
16 land use element shall provide for the protection of air quality by
17 limiting or conditioning development so that the development will not
18 cause either direct or indirect degradation of air quality.

19 (2) A housing element recognizing the vitality and character of
20 established residential neighborhoods that: (a) Includes an inventory
21 and analysis of existing and projected housing needs; (b) includes a
22 statement of goals, policies, and objectives for the preservation,
23 improvement, and development of housing and for meeting fair share
24 housing obligations within the county and/or jurisdictions; (c)
25 identifies sufficient land and densities for housing; (d) identifies
26 the existing and projected fair share accommodation of low-income
27 moderate-income housing, including, but not limited to, government-
28 assisted housing, housing for low-income families, manufactured
29 housing, multifamily housing, and group homes and foster care
30 facilities; ((and (d))) (e) makes adequate provisions for existing and

1 projected needs of all economic segments of the community; (f) promotes
2 housing that is affordable; and (g) minimizes the displacement of
3 residents from housing.

4 (3) A capital facilities plan element consisting of: (a) An
5 inventory of existing capital facilities owned by public entities,
6 showing the locations and capacities of the capital facilities; (b) a
7 forecast of the future needs for such capital facilities; (c) the
8 proposed locations and capacities of expanded or new capital
9 facilities; (d) at least a six-year plan that will finance such capital
10 facilities within projected funding capacities and clearly identifies
11 sources of public money for such purposes; ~~((and))~~ (e) an evaluation of
12 methods of meeting demands for capital facilities that are alternatives
13 to construction, such as conservation or demand management; and (f) a
14 requirement to reassess the land use element if probable funding falls
15 short of meeting existing needs and to ensure that the land use
16 element, capital facilities plan element, and financing plan within the
17 capital facilities plan element are coordinated and consistent.

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

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

27 (6) A transportation element that implements, and is consistent
28 with, the land use element. The transportation element shall include
29 the following subelements:

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

1 (b) Facilities and services needs, including:

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

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

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

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

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

16 (c) Finance, including:

17 (i) An analysis of funding capability to judge needs against
18 probable funding resources;

19 (ii) A multiyear financing plan based on the needs identified in
20 the comprehensive plan, the appropriate parts of which shall serve as
21 the basis for the six-year street, road, or transit program required by
22 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
23 35.58.2795 for public transportation systems;

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

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

1 (e) Demonstration that the transportation plan will eliminate or
2 reduce the severity and number of violations of the national ambient
3 air quality standards and will not allow for further degradation of air
4 quality;

5 (f) Demand-management strategies.

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

20 The transportation element described in this subsection, and the
21 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
22 counties, and RCW 35.58.2795 for public transportation systems, must be
23 consistent.

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

27 (8) An environmental management element that ensures that
28 cumulative impacts and standards are considered and mitigation efforts
29 are incorporated into land use, economic development, and
30 infrastructure to protect, and when appropriate, to enhance

1 environmental quality. Plans should minimize development and growth
2 impacts on the environment so as not to degrade air, water, and natural
3 resources below their current level. Plans should specify service
4 standards for public facilities and services and mitigation polices to
5 provide better certainty in the development process.

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

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

12 (11) A fair share element for siting state and regional public
13 facilities.

14 **Sec. 4.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each
15 amended to read as follows:

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

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

19 (b) To promote orderly growth and development by establishing
20 standards by which counties, cities, and towns may require, by
21 ordinance, that new growth and development pay a proportionate share of
22 the cost of new facilities needed to serve new growth and development;
23 and

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

27 (2) Counties, cities, and towns that are required or choose to plan
28 under RCW 36.70A.040 are authorized to impose impact fees on
29 development activity as part of the financing for public facilities,

1 provided that the financing for system improvements to serve new
2 development must provide for a balance between impact fees and other
3 sources of public funds and cannot rely solely on impact fees.

4 (3) The impact fees:

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

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

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

11 (4) Impact fees may be collected and spent only for the public
12 facilities defined in RCW 82.02.090 which are addressed by a capital
13 facilities plan element of a comprehensive land use plan adopted
14 pursuant to the provisions of RCW 36.70A.070 or the provisions for
15 comprehensive plan adoption contained in chapter 36.70, 35.63, or
16 35A.63 RCW or in the inherent authority of a charter county or charter
17 city derived from its charter. After July 1, 1993, continued
18 authorization to collect and expend impact fees shall be contingent on
19 the county, city, or town adopting or revising a comprehensive plan in
20 compliance with RCW 36.70A.070, and on the capital facilities plan
21 identifying:

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

25 (b) Additional demands placed on existing public facilities by new
26 development; ~~((and))~~

27 (c) Additional public facility improvements required to serve new
28 development; and

29 (d) Cumulative significant adverse environmental impacts.

1 If the capital facilities plan of the county, city, or town is
2 complete other than for the inclusion of those elements which are the
3 responsibility of a special district, the county, city, or town may
4 impose impact fees to address those public facility needs for which the
5 county, city, or town is responsible.

6 **Sec. 5.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each
7 amended to read as follows:

8 Unless the context clearly requires otherwise, the following
9 definitions shall apply in RCW 82.02.050 through 82.02.090:

10 (1) "Development activity" means any construction or expansion of
11 a building, structure, or use, any change in use of a building or
12 structure, or any changes in the use of land, that creates additional
13 demand and need for public facilities.

14 (2) "Development approval" means any written authorization from a
15 county, city, or town which authorizes the commencement of development
16 activity.

17 (3) "Impact fee" means a payment of money imposed upon development
18 as a condition of development approval to pay for public facilities
19 needed to serve new growth and development, and that is reasonably
20 related to the new development that creates additional demand and need
21 for public facilities, that is a proportionate share of the cost of the
22 public facilities, and that is used for facilities that reasonably
23 benefit the new development. "Impact fee" does not include a
24 reasonable permit or application fee.

25 (4) "Owner" means the owner of record of real property, although
26 when real property is being purchased under a real estate contract, the
27 purchaser shall be considered the owner of the real property if the
28 contract is recorded.

1 (5) "Proportionate share" means that portion of the cost of public
2 facility improvements that are reasonably related to the service
3 demands and needs of new development.

4 (6) "Project improvements" mean site improvements and facilities
5 that are planned and designed to provide service for a particular
6 development project and that are necessary for the use and convenience
7 of the occupants or users of the project, and are not system
8 improvements. No improvement or facility included in a capital
9 facilities plan approved by the governing body of the county, city, or
10 town shall be considered a project improvement.

11 (7) "Public facilities" means the following capital facilities
12 owned or operated by government entities: (a) Public streets and
13 roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned
14 parks, open space, and recreation facilities; (c) school facilities;
15 (~~and~~) (d) fire protection facilities in jurisdictions that are not
16 part of a fire district; and (e) mass transit systems and alternative
17 transportation accommodations.

18 (8) "Service area" means a geographic area defined by a county,
19 city, town, or intergovernmental agreement in which a defined set of
20 public facilities provide service to development within the area.
21 Service areas shall be designated on the basis of sound planning or
22 engineering principles.

23 (9) "System improvements" mean public facilities that are included
24 in the capital facilities plan and are designed to provide service to
25 service areas within the community at large, in contrast to project
26 improvements.

27 NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW
28 to read as follows:

1 The department of community development, in consultation with the
2 department of ecology and the Washington state energy office, shall
3 establish a methodology for determining the air quality impacts of new
4 development. The methodology shall measure all direct and indirect
5 sources of air pollution that are generated by various types of
6 residential, commercial, and industrial development and their
7 associated transportation systems. The department shall also develop
8 model strategies for mitigating air quality impacts of new development.

9 **Sec. 7.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read
10 as follows:

11 (1) An environmental impact statement (the detailed statement
12 required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for
13 legislation and other major actions having a probable significant,
14 adverse environmental impact. Actions categorically exempt under RCW
15 43.21C.110(1)(a) do not require environmental review or the preparation
16 of an environmental impact statement under this chapter.

17 (2)(a) Except as provided in (b) of this subsection, an
18 environmental impact statement is required to analyze only those
19 probable adverse environmental impacts which are significant.
20 Beneficial environmental impacts may be discussed. The responsible
21 official shall consult with agencies and the public to identify such
22 impacts and limit the scope of an environmental impact statement.

23 (b) An environmental impact statement for a comprehensive plan and
24 development regulations considered for adoption under RCW 36.70A.040
25 shall analyze the significant adverse environmental impacts of the
26 proposed plan and regulations.

27 (3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated
28 as separate sections of an environmental impact statement. Discussions
29 of significant short-term and long-term environmental impacts,

1 significant irrevocable commitments of natural resources, significant
2 alternatives including mitigation measures, and significant
3 environmental impacts which cannot be mitigated should be consolidated
4 or included, as applicable, in those sections of an environmental
5 impact statement where the responsible official decides they logically
6 belong.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.70A RCW
8 to read as follows:

9 NATURAL RESOURCE LANDS AND CRITICAL AREAS--REMAINING JURISDICTIONS
10 TO ADOPT DEVELOPMENT REGULATIONS. (1) Each county and city not subject
11 to RCW 36.70A.060 shall adopt development regulations on or before
12 September 1, 1992, to assure the conservation of agricultural, forest,
13 and mineral resource lands designated under RCW 36.70A.170.
14 Regulations adopted under this subsection may not prohibit ongoing
15 activities allowed prior to their adoption and shall remain in effect
16 until the county or city adopts development regulations under this
17 section. Such regulations shall assure that the use of lands adjacent
18 to agricultural, forest, or mineral resource lands shall not interfere
19 with the continued use, in the accustomed manner, of these designated
20 lands for the production of food, agricultural products, or timber, or
21 for the extraction of minerals.

22 (2) Each county and city covered by this section shall adopt
23 development regulations on or before September 1, 1992, precluding land
24 uses or development that is incompatible with the critical areas that
25 are required to be designated under RCW 36.70A.170.

26 (3) Each county and city under this section shall perform its
27 activities, including adoption of development regulations, and make
28 capital budget decisions in conformity with its designation under RCW
29 36.70A.170.

1 NEW SECTION. **Sec. 9.** HEADINGS. Part and section headings as used
2 in this act do not constitute any part of the law.