

1 1025-S.E AMH H3166.2

2 **ESHB 1025 - H AMD 681 ADOPTED AS AMENDED BY 687 6-27-91**
3 By Representatives Cantwell and Forner

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. I.** SITING OF ESSENTIAL PUBLIC FACILITIES.

8 (1) The comprehensive plan of each county and city that is planning
9 under this chapter shall include a process for identifying and
10 siting essential public facilities. Essential public facilities
11 include those facilities that are typically difficult to site, such
12 as airports, state education facilities and state or regional
13 transportation facilities, state and local correctional facilities,
14 solid waste handling facilities, and in-patient facilities
15 including substance abuse facilities, mental health facilities, and
16 group homes.

17 (2) The office of financial management shall maintain a list
18 of those essential state public facilities that are required or
19 likely to be built within the next six years. The office of
20 financial management may at any time add facilities to the list.
21 No local comprehensive plan or development regulation may preclude
22 the siting of essential public facilities."

23 "NEW SECTION. **Sec. II.** COUNTY-WIDE PLANNING POLICIES. (1)

24 The legislature recognizes that counties are regional governments

1 within their boundaries, and cities are primary providers of urban
2 governmental services within urban growth areas. For the purposes
3 of this section, a "county-wide planning policy" is a written
4 policy statement or statements used solely for establishing a
5 county-wide framework from which county and city comprehensive
6 plans are developed and adopted pursuant to this chapter. This
7 framework shall ensure that city and county comprehensive plans are
8 consistent as required in RCW 36.70A.100. Nothing in this section
9 shall be construed to alter the land-use powers of cities.

10 (2) The legislative authority of a county that plans under RCW
11 36.70A.040 shall adopt a county-wide planning policy in cooperation
12 with the cities located in whole or in part within the county as
13 follows:

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

19 (b) The process and framework for adoption of a county-wide
20 planning policy specified in (a) of this subsection shall determine
21 the manner in which the county and the cities agree to all
22 procedures and provisions including but not limited to desired
23 planning policies, deadlines, ratification of final agreements and
24 demonstration thereof, and financing, if any, of all activities
25 associated therewith;

26 (c) If a county fails for any reason to convene a meeting with

1 representatives of cities as required in (a) of this subsection,
2 the governor may immediately impose any appropriate sanction or
3 sanctions on the county from those specified under section 26 of
4 this act;

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

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

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

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

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

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

3 (d) Policies for county-wide transportation facilities and
4 strategies;

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

8 (f) Policies for joint county and city planning within urban
9 growth areas;

10 (g) Policies for county-wide economic development and
11 employment; and

12 (h) An analysis of the fiscal impact.

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

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

25 (6) Cities and the governor may appeal an adopted county-wide
26 planning policy to the growth planning hearings board within sixty

1 days of the adoption of the county-wide planning policy.

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

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

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

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

22 (3) The department shall develop and administer a grant
23 program to provide direct financial assistance to counties and
24 cities for the preparation of comprehensive plans under this
25 chapter. The department may establish provisions for county and

1 city matching funds to conduct activities under this subsection.
2 Grants may be expended for any purpose directly related to the
3 preparation of a county or city comprehensive plan as the county or
4 city and the department may agree, including, without limitation,
5 the conducting of surveys, inventories and other data gathering and
6 management activities, the retention of planning consultants,
7 contracts with regional councils for planning and related services,
8 and other related purposes.

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

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

17 (b) Adopting by rule procedural criteria to assist counties
18 and cities in adopting comprehensive plans and development
19 regulations that meet the goals and requirements of this chapter.
20 These criteria shall reflect regional and local variations and the
21 diversity that exists among different counties and cities that plan
22 under this chapter.

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

1 (6) The department shall provide planning grants to enhance
2 citizen participation under RCW 36.70A.140."

3 "NEW SECTION. **Sec. IV.** STATE AGENCIES REQUIRED TO COMPLY
4 WITH COMPREHENSIVE PLANS. State agencies shall comply with the
5 local comprehensive plans and development regulations and
6 amendments thereto adopted pursuant to this chapter."

7 "NEW SECTION. **Sec. V.** GROWTH PLANNING HEARINGS BOARDS
8 CREATED. (1) There are hereby created three growth planning
9 hearings boards for the state of Washington. The boards shall be
10 established as follows:

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

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

17 (c) A Western Washington board with jurisdictional boundaries
18 including all counties that are required or choose to plan under
19 RCW 36.70A.040 and are located west of the crest of the Cascade
20 mountains and are not included in the Central Puget Sound board
21 jurisdictional boundaries. Skamania county, should it be required
22 or choose to plan under RCW 36.70A.040, may elect to be included
23 within the jurisdictional boundaries of either the Western or
24 Eastern board.

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

3 "NEW SECTION. **Sec. VI.** GROWTH PLANNING HEARINGS BOARDS--
4 MEMBER QUALIFICATIONS. (1) Each growth planning hearings board
5 shall consist of three members qualified by experience or training
6 in matters pertaining to land use planning and residing within the
7 jurisdictional boundaries of the applicable board. At least one
8 member of each board must be admitted to practice law in this state
9 and at least one member must have been a city or county elected
10 official. Each board shall be appointed by the governor and not
11 more than two members at the time of appointment or during their
12 term shall be members of the same political party. No more than
13 two members at the time of appointment or during their term shall
14 reside in the same county.

15 (2) Each member of a board shall be appointed for a term of
16 six years. A vacancy shall be filled by appointment by the
17 governor for the unexpired portion of the term in which the vacancy
18 occurs. The terms of the first three members of a board shall be
19 staggered so that one member is appointed to serve until July 1,
20 1994, one member until July 1, 1996, and one member until July 1,
21 1998."

22 "NEW SECTION. **Sec. VII.** CONDUCT, PROCEDURE, AND
23 COMPENSATION OF GROWTH PLANNING HEARINGS BOARDS. Each growth

1 planning hearings board shall be governed by the following rules on
2 conduct and procedure:

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

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

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

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

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

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

25 (6) All proceedings before the board or any of its members
26 shall be conducted in accordance with such administrative rules of

1 practice and procedure as the boards jointly prescribe. All three
2 boards shall jointly meet to develop and adopt joint rules of
3 practice and procedure, including rules regarding expeditious and
4 summary disposition of appeals. The boards shall publish such
5 rules and arrange for the reasonable distribution of the rules.
6 The administrative procedure act, chapter 34.05 RCW, shall govern
7 the administrative rules of practice and procedure adopted by the
8 boards.

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

12 "NEW SECTION. Sec. VIII. COMPREHENSIVE PLANS--DEVELOPMENT
13 REGULATIONS--TRANSMITTAL TO STATE. (1) Each county and city
14 proposing adoption of a comprehensive plan or development
15 regulations under this chapter shall notify the department of its
16 intent to adopt such plan or regulations at least sixty days prior
17 to final adoption. State agencies including the department may
18 provide comments to the county or city on the proposed
19 comprehensive plan, or proposed development regulations, during the
20 public review process prior to adoption.

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

25 (3) Any amendments for permanent changes to a comprehensive

1 plan or development regulation that are proposed by a county or
2 city to its adopted plan or regulations shall be submitted to the
3 department in the same manner as initial plans and development
4 regulations under this section. Any amendments to a comprehensive
5 plan or development regulations that are adopted by a county or
6 city shall be transmitted to the department in the same manner as
7 the initial plans and regulations under this section."

8 "NEW SECTION. Sec. IX. MATTERS SUBJECT TO BOARD REVIEW. (1)
9 A growth planning hearings board shall hear and determine only
10 those petitions alleging either: (a) That a state agency, county,
11 or city is not in compliance with the requirements of this chapter,
12 or chapter 43.21C RCW as it relates to plans, regulations, and
13 amendments thereto, adopted under RCW 36.70A.040; or (b) that the
14 twenty-year growth management planning population projections
15 adopted by the office of financial management pursuant to RCW
16 43.62.035 should be adjusted.

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

23 (3) For purposes of this section "person" means any
24 individual, partnership, corporation, association, governmental
25 subdivision or unit thereof, or public or private organization or

1 entity of any character.

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

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

10 If adjusted by a board, a county growth management planning
11 population projection shall only be used for the planning purposes
12 set forth in this chapter and shall be known as a "board adjusted
13 population projection". None of these changes shall affect the
14 official state and county population forecasts prepared by the
15 office of financial management, which shall continue to be used for
16 state budget and planning purposes."

17 "NEW SECTION. Sec. X. PETITIONS TO GROWTH PLANNING HEARINGS
18 BOARDS--EVIDENCE TO BE CONSIDERED BY BOARD. (1) All requests for
19 review to a growth planning hearings board shall be initiated by
20 filing a petition that includes a detailed statement of issues
21 presented for resolution by the board.

22 (2) All petitions relating to whether or not an adopted
23 comprehensive plan, development regulation, or permanent amendment
24 thereto, is in compliance with the goals and requirements of this
25 chapter must be filed within sixty days after publication by the

1 legislative bodies of the county or city. The date of publication
2 for a city shall be the date the city publishes the ordinance, or
3 summary of the ordinance, adopting the comprehensive plan or
4 development regulations, or amendment thereto, as is required to be
5 published. Promptly after adoption, a county shall publish a
6 notice that it has adopted the comprehensive plan or development
7 regulations, or amendment thereto. The date of publication for a
8 county shall be the date the county publishes the notice that it
9 has adopted the comprehensive plan or development regulations, or
10 amendment thereto.

11 (3) Unless the board dismisses the petition as frivolous or
12 finds that the person filing the petition lacks standing, the board
13 shall, within ten days of receipt of the petition, set a time for
14 hearing the matter.

15 (4) The board shall base its decision on the record developed
16 by the city, county, or the state and supplemented with additional
17 evidence if the board determines that such additional evidence
18 would be necessary or of substantial assistance to the board in
19 reaching its decision.

20 (5) The board, shall consolidate, when appropriate, all
21 petitions involving the review of the same comprehensive plan or
22 the same development regulation or regulations."

23 "NEW SECTION. **Sec. XI.** FINAL ORDERS. (1) The board shall
24 issue a final order within one hundred eighty days of receipt of
25 the petition for review, or, when multiple petitions are filed,

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

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

18 "NEW SECTION. **Sec. XII.** LIMITATIONS ON APPEAL BY THE STATE.

19 A request for review by the state to a growth planning hearings
20 board may be made only by the governor, or with the governor's
21 consent the head of an agency, or by the commissioner of public
22 lands as relating to state trust lands, for the review of whether:

23 (1) A county or city that is required or chooses to plan under RCW
24 36.70A.040 has failed to adopt a comprehensive plan or development
25 regulations, or county-wide planning policies within the time

1 limits established by this chapter; or (2) a county or city that is
2 required or chooses to plan under this chapter has adopted a
3 comprehensive plan, development regulations, or county-wide
4 planning policies, that are not in compliance with the requirements
5 of this chapter."

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

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

23 (2) The board shall conduct a hearing and issue a finding of
24 compliance or noncompliance. A hearing under this subsection shall

1 be given the highest priority of business to be conducted by the
2 board, and a finding shall be issued within forty-five days of the
3 filing of the motion under subsection (1) of this section with the
4 board.

5 (3) If the board finds that the state agency, county, or city
6 is not in compliance, the board shall transmit its finding to the
7 governor. The board may recommend to the governor that the
8 sanctions authorized by this chapter be imposed."

9 "NEW SECTION. **Sec. XV.** PHASING OF COMPREHENSIVE PLANS
10 SUBMITTAL. The department may adopt a schedule to permit phasing
11 of comprehensive plan submittal for counties and cities planning
12 under RCW 36.70A.040. This schedule shall not permit a
13 comprehensive plan to be submitted greater than one hundred eighty
14 days past the date that the plan was required to be submitted and
15 shall be used to facilitate expeditious review and
16 interjurisdictional coordination of comprehensive plans and
17 development regulations."

18 "NEW SECTION. **Sec. XVI.** NEW FULLY CONTAINED COMMUNITIES. A
19 county required or choosing to plan under RCW 36.70A.040 may
20 establish a process as part of its urban growth areas, that are
21 designated under RCW 36.70A.110, for reviewing proposals to
22 authorize new fully contained communities located outside of the
23 initially designated urban growth areas.

24 (1) A new fully contained community may be approved in a

1 county planning under this chapter if criteria including but not
2 limited to the following are met:

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

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

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

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

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

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

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

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

19 (i) The plan for the new fully contained community is
20 consistent with the development regulations established for the
21 protection of critical areas by the county pursuant to RCW
22 36.70A.170.

23 (2) New fully contained communities may be approved outside
24 established urban growth areas only if a county reserves a portion
25 of the twenty-year population projection and offsets the urban
26 growth area accordingly for allocation to new fully contained

1 communities that meet the requirements of this chapter. Any county
2 electing to establish a new community reserve shall do so no more
3 often than once every five years as a part of the designation or
4 review of urban growth areas required by this chapter. The new
5 community reserve shall be allocated on a project-by-project basis,
6 only after specific project approval procedures have been adopted
7 pursuant to this chapter as a development regulation. When a new
8 community reserve is established, urban growth areas designated
9 pursuant to this chapter shall accommodate the unreserved portion
10 of the twenty-year population projection.

11 Final approval of an application for a new fully contained
12 community shall be considered an adopted amendment to the
13 comprehensive plan prepared pursuant to RCW 36.70A.070 designating
14 the new fully contained community as an urban growth area."

15 "NEW SECTION. **Sec. XVII.** NEW MASTER PLANNED RESORTS.
16 Counties that are required or choose to plan under RCW 36.70A.040
17 may permit master planned resorts which may constitute urban growth
18 outside of urban growth areas as limited by this section. A master
19 planned resort means a self-contained and fully integrated planned
20 unit development, in a setting of significant natural amenities,
21 with primary focus on destination resort facilities consisting of
22 short-term visitor accommodations associated with a range of
23 developed on-site indoor or outdoor recreational facilities. A
24 master planned resort may include other residential uses within its
25 boundaries, but only if the residential uses are integrated into

1 and support the on-site recreational nature of the resort.

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

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

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

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

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

17 (5) On-site and off-site infrastructure impacts are fully
18 considered and mitigated."

19 "NEW SECTION. **Sec. XVIII.** PROTECTION OF PRIVATE PROPERTY.

20 (1) The state attorney general shall establish by October 1,
21 1991, an orderly, consistent process, including a checklist if
22 appropriate, that better enables state agencies and local
23 governments to evaluate proposed regulatory or administrative
24 actions to assure that such actions do not result in an

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

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

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

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

18 "NEW SECTION. **Sec. XIX.** OPEN SPACE PROTECTION. When open
19 space is to be protected for the purpose of public use and access,
20 a county or city shall acquire sufficient interest to prevent its
21 development. This acquisition requirement does not apply to the
22 land areas needed to protect critical areas. County and city
23 governments may utilize a variety of methods to limit the future
24 use of, or otherwise conserve, selected open space including, but
25 not limited to, incentive zoning, the acquisition by gift,

1 purchase, grant, bequest, devise, lease, or otherwise, the fee
2 simple interest or lesser interest, transfer of development right,
3 easement, covenant, or other contractual right."

4 "NEW SECTION. **Sec. XX.** ENVIRONMENTAL PLANNING PILOT
5 PROJECTS. (1) The legislature intends to determine whether the
6 environmental review process mandated under chapter 43.21C RCW may
7 be enhanced and simplified, and coordination improved, when applied
8 to comprehensive plans mandated by this chapter. The department of
9 community development shall undertake pilot projects on
10 environmental review to determine if the review process can be
11 improved by fostering more coordination and eliminating duplicative
12 environmental analysis which is made to assist decision makers
13 approving comprehensive plans pursuant to this chapter. Such pilot
14 projects should be designed and scoped to consider cumulative
15 impacts resulting from plan decisions, plan impacts on
16 environmental quality, impacts on adjacent jurisdictions, and
17 similar factors in sufficient depth to simplify the analysis of
18 subsequent specific projects being carried out pursuant to the
19 approved plan.

20 (2) The legislature hereby authorizes the department of
21 community development to establish, in cooperation with business,
22 industry, cities, counties, and other interested parties, at least
23 two but not more than four pilot projects, one of which shall be
24 with a county, on enhanced draft and final nonproject environmental
25 analysis of comprehensive plans prepared pursuant to this chapter,

1 for the purposes outlined in subsection (1) of this section. The
2 department of community development may select appropriate
3 geographic subareas within a comprehensive plan if that will best
4 serve the purposes of this section and meet the requirements of
5 chapter 43.21C RCW.

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

9 (4) Not later than December 31, 1993, the department of
10 community development shall evaluate the overall effectiveness of
11 the pilot projects under this section regarding preparing enhanced
12 nonproject environmental analysis for the approval process of
13 comprehensive plans and shall:

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

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

21 (c) Prepare and circulate to counties and cities such
22 instructional manuals or other information derived from the pilot
23 projects as will assist all counties and cities in meeting the
24 requirements and objectives of chapter 43.21C RCW in the most
25 expeditious and efficient manner in the process of considering
26 comprehensive plans pursuant to this chapter.

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

3 "Sec. XXI. RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are
4 each amended to read as follows:

5 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL
6 AREAS--DEVELOPMENT REGULATIONS. (1) Each county that is required
7 or chooses to plan under RCW 36.70A.040, and each city within such
8 county, shall adopt development regulations on or before September
9 1, 1991, to assure the conservation of agricultural, forest, and
10 mineral resource lands designated under RCW 36.70A.170.
11 Regulations adopted under this (~~section~~) subsection may not
12 prohibit uses (~~permitted~~) legally existing on any parcel prior to
13 their adoption and shall remain in effect until (~~a~~) the county or
14 city adopts development regulations pursuant to RCW 36.70A.120.
15 Such regulations shall assure that the use of lands adjacent to
16 agricultural, forest, or mineral resource lands shall not interfere
17 with the continued use, in the accustomed manner and in accordance
18 with best management practices, of these designated lands for the
19 production of food, agricultural products, or timber, or for the
20 extraction of minerals. Counties and cities shall require that all
21 plats, short plats, development permits, and building permits
22 issued for development activities on, or within three hundred feet
23 of, lands designated as agricultural lands, forest lands, or
24 mineral resource lands, contain a notice that the subject property
25 is within or near designated agricultural lands, forest lands, or

1 mineral resource lands on which a variety of commercial activities
2 may occur that are not compatible with residential development for
3 certain periods of limited duration.

4 ~~(2)~~ Each county ~~((that is required or chooses to plan under~~
5 ~~RCW 36.70A.040,))~~ and ~~((each))~~ city ~~((within such county,))~~ shall
6 adopt development regulations ~~((on or before September 1, 1991,~~
7 ~~precluding land uses or development))~~ that ~~((is incompatible with~~
8 ~~the))~~ protect critical areas that are required to be designated
9 under RCW 36.70A.170. For counties and cities that are required or
10 choose to plan under RCW 36.70A.040, such development regulations
11 shall be adopted on or before September 1, 1991. For the remainder
12 of the counties and cities, such development regulations shall be
13 adopted on or before March 1, 1992.

14 ~~((2))~~ (3) Such counties and cities shall review these
15 designations and development regulations when adopting their
16 comprehensive plans under RCW 36.70A.040 and implementing
17 development regulations under RCW 36.70A.120 and may alter such
18 designations and development regulations to insure consistency.

19 (4) Forest land and agricultural land located within urban
20 growth areas shall not be designated by a county or city as forest
21 land or agricultural land of long-term commercial significance
22 under RCW 36.70A.170 unless the city or county has enacted a
23 program authorizing transfer or purchase of development rights."

24 "NEW SECTION. Sec. XXII. A new section is added to chapter
25 36.93 RCW to read as follows:

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

7 "**Sec. XXIII.** RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are
8 each amended to read as follows:

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

13 (a) The city or county must be imposing a tax under chapter
14 82.46 RCW at a rate of at least one-quarter of one percent;

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

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

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

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

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

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

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

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

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

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

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

25 (g) The relative benefit of the project to the community,
26 considering the present level of economic activity in the community

1 and the existing local capacity to increase local economic activity
2 in communities that have low economic growth; and

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

4 (3) Existing debt or financial obligations of local
5 governments shall not be refinanced under this chapter. Each local
6 government applicant shall provide documentation of attempts to
7 secure additional local or other sources of funding for each public
8 works project for which financial assistance is sought under this
9 chapter.

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

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

8 (6) Subsections (4) and (5) of this section do not apply to
9 loans made for emergency public works projects under RCW
10 43.155.065."

11 "**Sec. XXIV.** RCW 70.146.070 and 1986 c 3 s 10 are each amended
12 to read as follows:

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

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

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

18 (3) Actions required under federal and state permits and
19 compliance orders;

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

22 (5) The extent to which the applicant county or city, or if
23 the applicant is another public body, the extent to which the
24 county or city in which the applicant public body is located, has
25 established programs to mitigate nonpoint pollution of the surface

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

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

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

15 "NEW SECTION. Sec. XXV. A new section is added to chapter
16 43.01 RCW to read as follows:

17 COUNTY-WIDE PLANNING POLICY INCENTIVES. Whenever a state
18 agency is considering awarding grants or loans for a county, city,
19 or town to finance public facilities, it shall consider whether the
20 county, city, or town that is requesting the grant or loan is a
21 party to a county-wide planning policy under section 2 of this act
22 relating to the type of public facility for which the grant or loan
23 is sought, and shall accord additional preference to the county,
24 city, or town if such county-wide planning policy exists. Whenever
25 a state agency is considering awarding grants or loans to a special

1 district for public facilities, it shall consider whether the
2 county, city, or town in whose planning jurisdiction the proposed
3 facility is located is a party to a county-wide planning policy
4 under section 2 of this act relating to the type of public facility
5 for which the grant or loan is sought."

6 "NEW SECTION. Sec. XXVI. NONCOMPLIANCE AND SANCTIONS. Upon
7 receipt from the board of a finding that a state agency, county, or
8 city is in noncompliance under section 14 of this act, or as a
9 result of failure to meet the requirements of section 2 of this
10 act, the governor may either:

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

13 (2) Notify and direct the state treasurer to withhold the
14 portion of revenues to which the county or city is entitled under
15 one or more of the following: The motor vehicle fuel tax, as
16 provided in chapter 82.36 RCW; the transportation improvement
17 account, as provided in RCW 47.26.084; the urban arterial trust
18 account, as provided in RCW 47.26.080; the rural arterial trust
19 account, as provided in RCW 36.79.150; the sales and use tax, as
20 provided in chapter 82.14 RCW; the liquor profit tax, as provided
21 in RCW 66.08.190; and the liquor excise tax, as provided in RCW
22 82.08.170; or

23 (3) File a notice of noncompliance with the secretary of state
24 and the county or city, which shall temporarily rescind the county
25 or city's authority to collect the real estate excise tax under RCW

1 82.46.030 until the governor files a notice rescinding the notice
2 of noncompliance."

3 "Sec. XXVII. RCW 43.88.110 and 1987 c 502 s 5 are each
4 amended to read as follows:

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

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

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

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

1 timely explanation in writing to the legislative fiscal committees.

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

16 (4) The director of financial management may exempt certain
17 public funds from the allotment controls established under this
18 chapter if it is not practical or necessary to allot the funds.
19 Allotment control exemptions expire at the end of the fiscal
20 biennium for which they are granted. The director of financial
21 management shall report any exemptions granted under this
22 subsection to the legislative fiscal committees."

23 "Sec. XXVIII. RCW 19.27.097 and 1990 1st ex.s. c 17 s 63 are
24 each amended to read as follows:

25 (1) Each applicant for a building permit of a building

1 necessitating potable water shall provide evidence of an adequate
2 water supply for the intended use of the building. Evidence may be
3 in the form of a water right permit from the department of ecology,
4 a letter from an approved water purveyor stating the ability to
5 provide water, or another form sufficient to verify the existence
6 of an adequate water supply. In addition to other authorities, the
7 county or city may impose conditions on building permits requiring
8 connection to an existing public water system where the existing
9 system is willing and able to provide safe and reliable potable
10 water to the applicant with reasonable economy and efficiency. An
11 application for a water right shall not be sufficient proof of an
12 adequate water supply.

13 (2) Within counties not required or not choosing to plan
14 pursuant to RCW 36.70A.040, the county and the state may mutually
15 determine those areas in the county in which the requirements of
16 subsection (1) of this section shall not apply. The departments of
17 health and ecology shall coordinate on the implementation of this
18 section. Should the county and the state fail to mutually
19 determine those areas to be designated pursuant to this subsection,
20 the county may petition the department of community development to
21 mediate or, if necessary, make the determination.

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

1 "Sec. XXIX. RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are
2 each amended to read as follows:

3 COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that
4 is required or chooses to adopt a comprehensive land use plan under
5 RCW 36.70A.040 shall designate an urban growth area or areas within
6 which urban growth shall be encouraged and outside of which growth
7 can occur only if it is not urban in nature. Each city that is
8 located in such a county shall be included within an urban growth
9 area. An urban growth area may include more than a single city.
10 An urban growth area may include territory that is located outside
11 of a city only if such territory already is characterized by urban
12 growth or is adjacent to territory already characterized by urban
13 growth.

14 (2) Based upon the population (~~forecast~~) growth management
15 planning population projection made for the county by the office of
16 financial management, the urban growth areas in the county shall
17 include areas and densities sufficient to permit the urban growth
18 that is projected to occur in the county for the succeeding twenty-
19 year period. Each urban growth area shall permit urban densities
20 and shall include greenbelt and open space areas. Within one year
21 of July 1, 1990, each county required to designate urban growth
22 areas shall begin consulting with each city located within its
23 boundaries and each city shall propose the location of an urban
24 growth area. The county shall attempt to reach agreement with each
25 city on the location of an urban growth area within which the city
26 is located. If such an agreement is not reached with each city

1 located within the urban growth area, the county shall justify in
2 writing why it so designated the area an urban growth area. A city
3 may object formally with the department over the designation of the
4 urban growth area within which it is located. Where appropriate,
5 the department shall attempt to resolve the conflicts, including
6 the use of mediation services.

7 (3) Urban growth should be located first in areas already
8 characterized by urban growth that have existing public facility
9 and service capacities to serve such development, and second in
10 areas already characterized by urban growth that will be served by
11 a combination of both existing public facilities and services and
12 any additional needed public facilities and services that are
13 provided by either public or private sources. Further, it is
14 appropriate that urban government services be provided by cities,
15 and urban government services should not be provided in rural
16 areas."

17 "Sec. XXX. RCW 43.62.035 and 1990 1st ex.s. c 17 s 32 are
18 each amended to read as follows:

19 DETERMINING POPULATION. The office of financial management
20 shall determine the population of each county of the state annually
21 as of April 1st of each year and on or before July 1st of each year
22 shall file a certificate with the secretary of state showing its
23 determination of the population for each county. The office of
24 financial management also shall determine the percentage increase
25 in population for each county over the preceding ten-year period,

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

8 "Sec. XXXI. RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are
9 each amended to read as follows:

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

1 cost of the project shown in the applicant's six-year program was
2 based upon reasonable engineering estimates; and ~~((+4))~~ (d)
3 whether the requested additional allocation is to pay for an
4 expansion in the scope of work originally approved.

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

8 "Sec. XXXII. RCW 47.26.080 and 1988 c 167 s 13 are each
9 amended to read as follows:

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

24 The board shall not allocate funds, nor make payments of the
25 funds under RCW 47.26.260, to any county, city, or town identified

1 by the governor under section 26 of this act."

2 "Sec. XXXIII. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are
3 each amended to read as follows:

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

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

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

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

1 (5) When the governor files a notice of noncompliance under
2 section 26 of this act with the secretary of state and the
3 appropriate county or city, the county or city's authority to
4 impose the additional excise tax under this section shall be
5 temporarily rescinded until the governor files a subsequent notice
6 rescinding the notice of noncompliance."

7 **"Sec. XXXIV.** RCW 66.08.190 and 1988 c 229 s 4 are each
8 amended to read as follows:

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

12 (1) Three-tenths of one percent to the department of
13 community development to be allocated to border areas under RCW
14 66.08.195; and

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

19 (3) The governor may notify and direct the state treasurer to
20 withhold the revenues to which the counties and cities are entitled
21 under this section if the counties or cities are found to be in
22 noncompliance pursuant to section 26 of this act."

23 **"NEW SECTION. Sec. XXXV.** A new section is added to chapter
24 82.14 RCW to read as follows:

1 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify
2 and direct the state treasurer to withhold the revenues to which
3 the county or city is entitled under this chapter if a county or
4 city is found to be in noncompliance pursuant to section 26 of this
5 act."

6 "NEW SECTION. **Sec. XXXVI.** A new section is added to chapter
7 82.08 RCW to read as follows:

8 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify
9 and direct the state treasurer to withhold the revenues to which
10 the counties, cities, and towns are entitled under RCW 82.08.170 if
11 the counties, cities, or towns are found to be in noncompliance
12 pursuant to section 26 of this act."

13 "NEW SECTION. **Sec. XXXVII.** TEMPORARY COMMITTEE ON NATURAL
14 RESOURCES OF STATE-WIDE SIGNIFICANCE. (1) There is created a
15 temporary committee consisting of the commissioner of public lands,
16 the director of parks and recreation, the director of wildlife, the
17 director of fisheries, the director of ecology, the director of
18 community development, the director of the interagency committee
19 for outdoor recreation, or their designees, one representative from
20 the association of Washington cities, one representative from the
21 Washington state association of counties, and by appointment of the
22 governor, three members of the public. In selecting the three
23 members of the public to serve on this committee, the governor
24 shall keep in mind the diversity of the state's natural resources

1 and the diverse needs of state residents. The director of
2 community development shall serve as the chair of the committee and
3 the department shall provide staff to the committee. Members
4 employed by the state shall serve without additional pay, and
5 participation in the work of the committee shall be deemed
6 performance of their employment. Members from the public at large
7 shall be compensated in accordance with RCW 43.03.240 and shall be
8 entitled to reimbursement individually for travel expenses incurred
9 in performance of their duties as members of the committee in
10 accordance with RCW 43.03.050 and 43.03.060.

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

12 "NEW SECTION. **Sec. XXXVIII.** LEGISLATIVE REPORT ON NATURAL
13 RESOURCES OF STATE-WIDE SIGNIFICANCE. (1) The committee
14 established in section 37 of this act shall submit to the
15 legislature a report on or before December 31, 1991, that develops
16 recommendations on: (a) Criteria that could be used in identifying
17 natural resources of state-wide significance; (b) minimum standards
18 to protect natural resources of state-wide significance within the
19 jurisdictions of cities or counties and means for resolving issues
20 of protection between jurisdictions; (c) the need for acquisition
21 of natural resources of state-wide significance; and (d) issues
22 regarding designation of mineral resource lands of long-term
23 commercial significance within and outside urban growth areas. In
24 carrying out the responsibilities under this subsection, the
25 committee shall consult with interested parties and shall conduct

1 public hearings in various regions of the state. The committee
2 shall consider the input obtained at such public hearings when
3 developing the recommendations.

4 (2) For purposes of this section, natural resources of state-
5 wide significance are those natural resources that possess
6 outstanding natural, ecological, or scenic values, and are of the
7 highest quality and most significant of their type. Because of
8 their quality, they are of interest to all resident of the state.

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

10 "NEW SECTION. **Sec. XXXIX.** HEADINGS. Section headings as
11 used in this act do not constitute any part of the law."

12 "NEW SECTION. **Sec. XL.** CODIFICATION. Sections 1, 2, 4
13 through 20, and 26 of this act are each added to chapter 36.70A
14 RCW."

15 "NEW SECTION. **Sec. XLI.** This act is necessary for the
16 immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public
18 institutions, and shall take effect immediately."

1 **ESHB 1025** - H AMD
2 By Representative

3

4 On page 1, line 1 of the title, after "strategies;" strike the
5 remainder of the title and insert "amending RCW 36.70A.190,
6 36.70A.060, 43.155.070, 70.146.070, 43.88.110, 19.27.097,
7 36.70A.110, 43.62.035, 36.79.150, 47.26.080, 82.46.035, and
8 66.08.190; adding a new section to chapter 36.93 RCW; adding a new
9 section to chapter 43.01 RCW; adding a new section to chapter 82.14
10 RCW; adding a new section to chapter 82.08 RCW; adding new sections
11 to chapter 36.70A RCW; creating new sections; and declaring an
12 emergency."