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SENATE BILL 5369

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Erwin, Bailey, Skratek, Talmadge, Bluechel, Williams, Murray, Pelz, Gaspard and A. Smith; by request of Governor Gardner.

Read first time January 29, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.010,  
2 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.170,  
3 36.70A.060, 36.70A.110, 82.02.050, 19.27.095, 58.17.033, 36.70A.050,  
4 36.70A.190, 43.88.110, 82.44.150, 66.08.190, and 36.93.180; adding a  
5 new section to chapter 35.02 RCW; adding a new section to chapter 36.93  
6 RCW; adding a new section to chapter 43.99 RCW; adding a new section to  
7 chapter 43.63A RCW; adding new sections to chapter 36.70A RCW; adding  
8 a new section to chapter 82.08 RCW; and adding a new section to chapter  
9 82.14 RCW.

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

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

13 LEGISLATIVE FINDINGS. The legislature finds that uncoordinated and  
14 unplanned growth, together with a lack of common goals expressing the

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

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

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

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

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

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

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

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

12 It is the intent of the legislature to address growth management  
13 and planning issues from state, regional, and local perspectives, to  
14 establish certain requirements on a state-wide basis, to permit such  
15 requirements to be met by local governments with maximum local  
16 flexibility, to require consistency between local governments planning  
17 to encourage cooperative planning between local governments and between  
18 local and tribal governments, to provide adequate time to conform with  
19 such requirements, to prevent new development which is inconsistent  
20 with these requirements from taking place during the interim, and to  
21 provide resources to support such efforts in the form of both financial  
22 and technical assistance. It is the intent of the legislature to  
23 establish a process and system of planning and growth management  
24 emphasizing a shared responsibility between the state and local  
25 governments and including a fair and open process that allows local  
26 governments broad flexibility to meet the goals and requirements  
27 contained in this chapter in a manner best adapted to their local  
28 circumstances and diversity. It is not the intent of the legislature  
29 to establish a single comprehensive plan applicable without variation  
30 throughout the state. Instead, local governments are given the

1 flexibility to tailor a custom fit in their comprehensive plan to meet  
2 the goals and requirements contained in this chapter.

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

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

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

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

12 (~~(2)~~) (3) "Agricultural land" means land primarily devoted to the  
13 commercial production of horticultural, viticultural, floricultural,  
14 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
15 straw, turf, seed, Christmas trees not subject to the excise tax  
16 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
17 long-term commercial significance for agricultural production.

18 (~~(3)~~) (4) "Board" means the growth management board established  
19 to review plans and regulations established under this chapter.

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

21 (~~(4)~~) (6) "Committee" means the interagency committee for outdoor  
22 recreation established under chapter 43.99 RCW.

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

27 (~~(5)~~) (8) "Critical areas" include the following areas and  
28 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
29 on aquifers used for potable water; (c) critical fish and wildlife

1 habitat (~~(conservation areas)~~); (d) frequently flooded areas; and (e)  
2 geologically hazardous areas.

3 ~~((+6+))~~ (9) "Department" means the department of community  
4 development.

5 ~~((+7+))~~ (10) "Development regulations" means any controls placed on  
6 development or land use activities by a county or city, including, but  
7 not limited to, zoning ordinances, official controls, planned unit  
8 development ordinances, subdivision ordinances, and binding site plan  
9 ordinances.

10 ~~((+8+))~~ (11) "Forest land" means land primarily useful for growing  
11 trees, including Christmas trees subject to the excise tax imposed  
12 under RCW 84.33.100 through 84.33.140, for commercial purposes, and  
13 that has long-term commercial significance for growing trees  
14 commercially.

15 ~~((+9+))~~ (12) "Geologically hazardous areas" means areas that  
16 because of their susceptibility to erosion, sliding, earthquake, or  
17 other geological events, are not suited to the siting of commercial,  
18 residential, or industrial development consistent with public health or  
19 safety concerns.

20 ~~((+10+))~~ (13) "Long-term commercial significance" includes the  
21 growing capacity, productivity, and soil composition of the land for  
22 long-term commercial production, in consideration with the land's  
23 proximity to population areas, and the possibility of more intense uses  
24 of the land.

25 ~~((+11+))~~ (14) "Mineral~~((s))~~ resource lands" include those lands  
26 identified and devoted to the long-term commercial extraction of  
27 gravel, sand, rock, and valuable metallic substances.

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

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

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

25        ~~((12))~~ (18) "Public facilities" include streets, roads, highways,  
26 sidewalks, street and road lighting systems, traffic signals, domestic  
27 water systems, storm and sanitary sewer systems, parks and  
28 recreational facilities, and schools.

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

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

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

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

18       (~~(14)~~) (23) "Urban growth" refers to growth that makes intensive  
19 use of land for the location of buildings, structures, and impermeable  
20 surfaces to such a degree as to be incompatible with the primary use of  
21 such land for the production of food, other agricultural products, or  
22 fiber, or the extraction of mineral resources. When allowed to spread  
23 over wide areas, urban growth typically requires urban governmental  
24 services. "Characterized by urban growth" refers to land having urban  
25 growth located on it, or to land located in relationship to an area  
26 with urban growth on it as to be appropriate for urban growth.

27       (~~(15)~~) (24) "Urban growth areas" means those areas designated by  
28 a county pursuant to RCW 36.70A.110.

29       (~~(16)~~) (25) "Urban governmental services" include those  
30 governmental services historically and typically delivered by cities,



1 and include storm and sanitary sewer systems, domestic water systems,  
2 street cleaning services, fire and police protection services, public  
3 transit services, and other public utilities associated with urban  
4 areas and normally not associated with nonurban areas.

5 (~~(17)~~) (26) "Wetland" or "wetlands" means areas that are  
6 inundated or saturated by surface water or ground water at a frequency  
7 and duration sufficient to support, and that under normal circumstances  
8 do support, a prevalence of vegetation typically adapted for life in  
9 saturated soil conditions. Wetlands generally include swamps, marshes,  
10 bogs, and similar areas. Wetlands do not include those artificial  
11 wetlands intentionally created from nonwetland sites, including, but  
12 not limited to, irrigation and drainage ditches, grass-lined swales,  
13 canals, detention facilities, wastewater treatment facilities, farm  
14 ponds, and landscape amenities. However, wetlands may include those  
15 artificial wetlands intentionally created from nonwetland areas created  
16 to mitigate conversion of wetlands, if permitted by the county or city.

17 PART I

18 PLANNING GOALS

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

21 PLANNING GOALS. The following goals are adopted to guide the  
22 development and adoption of comprehensive plans and development  
23 regulations of those counties and cities that are required or choose to  
24 plan under RCW 36.70A.040. The following goals are not listed in order  
25 of priority and shall be used (~~exclusively~~) for the purpose of  
26 guiding the development of comprehensive plans and development  
27 regulations. However, plans, regulations, and actions, including

1 expenditures of state-appropriated funds, of state agencies, counties,  
2 and cities required or choosing to plan, and special districts shall  
3 conform to and support these goals:

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

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

19 New development should be designed to respect the planned and  
20 existing character of neighborhoods. Open spaces and natural features  
21 should be preserved within urban areas.

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

24 (3) Transportation. ((Encourage)) Develop efficient multimodal  
25 transportation systems that are based on regional priorities and  
26 coordinated with county and city comprehensive plans. Provide  
27 alternatives to single-occupant automobile travel in congested urban  
28 areas. Housing should be of sufficient density and employment centers  
29 should be concentrated to enable greater efficiency and affordability  
30 of transit service.

1 (4) Housing. Encourage ~~((the availability of))~~ and participate in  
2 making available affordable housing ~~((to))~~ for all economic segments of  
3 the population of this state, promote a variety of residential  
4 densities and housing types, ~~((and))~~ encourage preservation of existing  
5 housing stock, promote the state and federal fair housing goals, and  
6 provide for a fair share of housing needs.

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

17 (6) Property rights. Private property shall not be taken for  
18 public use without just compensation having been made. The property  
19 rights of landowners shall be protected from arbitrary and  
20 discriminatory actions.

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

24 (8) Natural resource industries. Maintain and enhance natural  
25 resource-based industries, including productive timber, agricultural,  
26 and fisheries industries. Encourage the conservation of productive  
27 forest lands and productive agricultural lands, and discourage  
28 incompatible uses.

29 (9) Open space and recreation. ~~((Encourage the retention of open~~  
30 ~~space and development of recreational opportunities, conserve fish and~~

1 ~~wildlife habitat, increase access to natural resource lands and water,~~  
2 ~~and develop parks.))~~ Protect open space and where possible link open  
3 space into regional and state-wide networks. Permanent open space  
4 networks should separate neighboring cities, where possible, and define  
5 distinct urban growth areas to prevent their merging into large  
6 continuous urban areas. Open space should be used to: Protect fish  
7 and wildlife habitat; protect environmentally sensitive land and water  
8 areas; provide park and outdoor recreational opportunities; protect  
9 scenic areas and viewsheds; accommodate nonmotorized recreational  
10 corridors and trails; and protect views and vistas within and around  
11 cities.

12 (10) Environment. Protect the environment and enhance the state's  
13 high quality of life, including air and water quality, and the  
14 availability of water.

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

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

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

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

1       (15) Water Resources. Land use planning and permit decisions that  
2 will both protect water and create demand for water must be compatible  
3 with water resource plans. New growth must be related to water  
4 availability. Each county and its cities must integrate water resource  
5 planning for consumptive and nonconsumptive uses into its land use  
6 plan. Water is key for fish, wildlife, domestic use, industrial use,  
7 power, agriculture, aesthetics, and recreation.

8                                   PART II  
9                                   LOCAL PLANNING

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

12       WHO MUST PLAN. (1) ~~((Each county that))~~ The following counties,  
13 and the cities located in whole or in part within such counties, shall  
14 adopt comprehensive land use plans and development regulations in  
15 accordance with this chapter: (a) The county has a population of one  
16 hundred thousand or more; (b) the county has both a population of fifty  
17 thousand or more and has had its population increase by more than ten  
18 percent in the previous ten years~~((, and the cities located within such~~  
19 ~~county,))~~i and (c) any other county regardless of its population that  
20 has had its population increase by more than twenty percent in the  
21 previous ten years~~((, and the cities located within such county, shall~~  
22 ~~adopt comprehensive land use plans and development regulations under~~  
23 ~~this chapter. However, the county legislative authority of such a~~  
24 ~~county with a population of less than fifty thousand population may~~  
25 ~~adopt a resolution removing the county, and the cities located within~~  
26 ~~the county, from the requirements of adopting comprehensive land use~~  
27 ~~plans and development regulations under this chapter if this resolution~~

1 ~~is adopted and filed with the department by December 31, 1990~~). Once  
2 a county meets ~~((either))~~ one of these criteria, the requirement to  
3 conform with RCW 36.70A.040 through 36.70A.160 remains in effect, even  
4 if the county no longer meets one of these criteria.

5 (2) The county legislative authority of any county that does not  
6 meet the requirements of subsection (1) of this section may adopt a  
7 resolution indicating its intention to have subsection (1) of this  
8 section apply to the county. Each city, located in whole or in part  
9 within a county that chooses to plan under this subsection, shall adopt  
10 a comprehensive land use plan in accordance with this chapter. Once  
11 such a resolution has been adopted, the county cannot remove itself  
12 from the requirements of this chapter.

13 (3) Any county or city that is required to adopt a comprehensive  
14 land use plan under subsection (1) of this section shall adopt the plan  
15 and submit a copy of the plan to the department on or before July 1,  
16 1993, as specified in a schedule adopted by the department as provided  
17 in section 5 of this act. Any county or city that is required to adopt  
18 a comprehensive land use plan as a result of the actions taken under  
19 subsection (2) of this section shall adopt ~~((the))~~: (a) Development  
20 regulations under RCW 36.70A.060 within one year from the date the  
21 county legislative authority adopts the resolution under subsection (2)  
22 of this section; (b) its comprehensive plan not later than three years  
23 from the date the county legislative body takes action as required by  
24 subsection (2) of this section; and (c) development regulations  
25 implementing the comprehensive plan within one year of the date its  
26 comprehensive plan is adopted.

27 (4) If after January 1, 1991, the office of financial management  
28 certifies that ~~((the population of a county has changed sufficiently to~~  
29 ~~meet the requirements of subsection (1) of this section, and the county~~  
30 ~~legislative authority has not adopted a resolution removing the county~~

1 ~~from these requirements as provided in subsection (1) of this section)~~  
2 a county, that previously had not been required to plan under this  
3 chapter as specified under subsection (1) or (2) of this section, meets  
4 the requirements of subsection (1) of this section to become required  
5 to plan under this chapter, the county and each city within such county  
6 shall adopt: (a) Development regulations under RCW 36.70A.060 within  
7 one year of the certification by the office of financial management;  
8 (b) a comprehensive land use plan under this chapter within three years  
9 of the certification by the office of financial management; and (c)  
10 development regulations pursuant to this chapter within one year of  
11 having adopted its comprehensive land use plan.

12 NEW SECTION. **Sec. 5.** PHASING OF COMPREHENSIVE PLANS SUBMITTAL.  
13 The department may adopt a schedule by September 1, 1991, to permit  
14 phasing of comprehensive land use plan submittal for counties and  
15 cities planning under RCW 36.70A.040. The department shall assess  
16 local progress toward meeting the deadline for completion of  
17 comprehensive plans and set a schedule which provides for the  
18 expeditious completion, submittal, and review of comprehensive plans  
19 prepared under this act. The department shall report annually to the  
20 governor and the legislature before December 31st each year from 1991  
21 until 1995 on local government progress in preparing comprehensive  
22 plans under the provisions of this chapter.

23 **Sec. 6.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
24 amended to read as follows:

25 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
26 a county or city that is required or chooses to plan under RCW  
27 36.70A.040 shall consist of a map or maps, and descriptive text  
28 covering objectives, principles, and standards used to develop the

1 comprehensive plan. The plan shall be an internally consistent  
2 document and all elements shall be consistent with the future land use  
3 map. A comprehensive plan shall be adopted and amended with public  
4 participation as provided in RCW 36.70A.140.

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

7 (1) A land use element designating the proposed general  
8 distribution and general location and extent of the uses of land, where  
9 appropriate, for agriculture, timber production, housing, commerce,  
10 industry, recreation, open spaces, public utilities, public facilities,  
11 and other land uses. The land use element shall provide for sufficient  
12 developable land and densities for a range of housing types. The land  
13 use element shall include population densities, building intensities,  
14 and estimates of future population growth. The land use element shall  
15 include designation of natural resource lands and lands for outdoor  
16 recreation as provided in RCW 36.70A.060. Each county shall include  
17 urban growth areas as established in RCW 36.70A.110 in its  
18 comprehensive land use plan. The land use element shall provide for  
19 protection of the quality and quantity of ground and surface water used  
20 for public water supplies and shall recognize that water availability  
21 and quality are key factors in determining the extent, location,  
22 distribution, and intensity of land uses. Where applicable, the land  
23 use element shall review drainage, flooding, and storm water run-off in  
24 the area and nearby jurisdictions and provide guidance for corrective  
25 actions to mitigate or cleanse those discharges that pollute waters of  
26 the state, including Puget Sound or waters entering Puget Sound.

27 (2) A housing element recognizing the vitality and character of  
28 established residential neighborhoods that: (a) Includes an inventory  
29 and analysis of existing and projected housing needs; (b) includes a  
30 statement of goals, policies, and objectives for the preservation,



1 improvement, and development of housing and for meeting fair share  
2 housing obligations within the county and/or jurisdictions; (c)  
3 identifies sufficient land and densities for housing; (d) identifies  
4 the existing and projected fair share accommodation of low-income  
5 moderate-income housing, including, but not limited to, government-  
6 assisted housing, housing for low-income families, manufactured  
7 housing, multifamily housing, and group homes and foster care  
8 facilities; (~~(and (d))~~) (e) makes adequate provisions for existing and  
9 projected needs of all economic segments of the community; (f) promotes  
10 housing that is affordable; and (g) minimizes the displacement of  
11 residents from housing.

12 (3) A capital facilities plan element consisting of: (a) An  
13 inventory of existing capital facilities owned by public entities,  
14 showing the locations and capacities of the capital facilities; (b) a  
15 forecast of the future needs for such capital facilities; (c) the  
16 proposed locations and capacities of expanded or new capital  
17 facilities; (d) at least a six-year plan that will finance such capital  
18 facilities within projected funding capacities and clearly identifies  
19 sources of public money for such purposes; and (e) a requirement to  
20 reassess the land use element if probable funding falls short of  
21 meeting existing needs and to ensure that the land use element, capital  
22 facilities plan element, and financing plan within the capital  
23 facilities plan element are coordinated and consistent.

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

28 (5) Counties shall include a rural element including lands that  
29 are not designated for urban growth, agriculture, forest, or mineral  
30 resources. The rural element shall permit land uses that are

1 compatible with the rural character of such lands and provide for a  
2 variety of rural densities and do not foster urban growth.

3 (6) A transportation element that implements, and is consistent  
4 with, the land use element. The transportation element shall include  
5 the following subelements:

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

7 (b) Facilities and services needs, including:

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

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

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

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

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

22 (c) Finance, including:

23 (i) An analysis of funding capability to judge needs against  
24 probable funding resources;

25 (ii) A multiyear financing plan based on the needs identified in  
26 the comprehensive plan, the appropriate parts of which shall serve as  
27 the basis for the six-year street, road, or transit program required by  
28 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
29 35.58.2795 for public transportation systems;

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

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

8 (e) Demand-management strategies.

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

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

27 (7) A design element that enables communities to harmoniously fit  
28 new development with planned or existing community character and  
29 vision.

1       (8) An environmental management element that minimizes development  
2 and growth impacts on the environment and enhances the quality of air,  
3 water, and land resources.

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

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

9       (11) A fair share element for siting state and regional public  
10 facilities.

11       **Sec. 7.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each  
12 amended to read as follows:

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

17       (a) Conservation;

18       (b) Solar energy; ~~((and))~~

19       (c) ~~((Recreation))~~ Human resource development;

20       (d) Historic preservation;

21       (e) Cultural resources; and

22       (f) Economic development.

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

25       **Sec. 8.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each  
26 amended to read as follows:

1 NATURAL RESOURCE LANDS AND CRITICAL AREAS--DESIGNATIONS. (1) On  
2 or before September 1, 1991, each county, and each city, shall  
3 designate where appropriate:

4 (a) Agricultural lands that are not already characterized by urban  
5 growth and that have long-term significance for the commercial  
6 production of food or other agricultural products;

7 (b) Forest lands that are not already characterized by urban growth  
8 and that have long-term significance for the commercial production of  
9 timber;

10 (c) Mineral resource lands that are not already characterized by  
11 urban growth and that have long-term significance for the extraction of  
12 minerals; and

13 (d) Critical areas.

14 (2) In making the designations required by this section, counties  
15 and cities shall (~~consider the guidelines~~) comply with the minimum  
16 standards established pursuant to RCW 36.70A.050.

17 (3) Once classified, such lands shall be protected according to RCW  
18 36.70A.060 or section 10 of this act.

19 **Sec. 9.** RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each  
20 amended to read as follows:

21 NATURAL RESOURCE LANDS AND CRITICAL AREAS--DEVELOPMENT REGULATIONS.

22 (1) Each county that is required or chooses to plan under RCW  
23 36.70A.040, and each city within such county, shall adopt development  
24 regulations on or before September 1, 1991, to assure the conservation  
25 of agricultural, forest, and mineral resource lands designated under  
26 RCW 36.70A.170. Regulations adopted under this (~~section~~) subsection  
27 may not prohibit (~~uses permitted~~) ongoing activities allowed prior to  
28 their adoption and shall remain in effect until ((a)) the county or  
29 city adopts development regulations pursuant to RCW 36.70A.120. Such

1 regulations shall assure that the use of lands adjacent to  
2 agricultural, forest, or mineral resource lands shall not interfere  
3 with the continued use, in the accustomed manner, of these designated  
4 lands for the production of food, agricultural products, or timber, or  
5 for the extraction of minerals.

6 (2) Each county that is required or chooses to plan under RCW  
7 36.70A.040, and each city within such county, shall adopt development  
8 regulations on or before September 1, 1991, precluding land uses or  
9 development that is incompatible with the critical areas that are  
10 required to be designated under RCW 36.70A.170.

11 ~~((+2))~~ (3) Such counties and cities shall review these  
12 designations and development regulations when adopting their  
13 comprehensive plans under RCW 36.70A.040 and implementing development  
14 regulations under RCW 36.70A.120 and may alter such designations and  
15 development regulations to insure consistency.

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

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

5 (3) Each county and city under this section shall perform their  
6 activities, including adoption of development regulations, and make  
7 capital budget decisions in conformity with their designations under  
8 RCW 36.70A.170.

9 NEW SECTION. **Sec. 11.** OPEN SPACE LANDS--IDENTIFICATION. In  
10 addition to designation of natural resource lands and critical areas as  
11 required under RCW 36.70A.170, every county and city requiring or  
12 choosing to plan under this chapter shall identify existing open space  
13 lands permanently protected by the county or city by June 30, 1992.  
14 This identification shall be consistent with the requirements contained  
15 in RCW 36.70A.160.

16 **Sec. 12.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each  
17 amended to read as follows:

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

1 urban growth, or meets the conditions for establishing new communities  
2 under section 13 of this act.

3 (2) Based upon the population forecast made for the county by the  
4 office of financial management, the urban growth areas in the county  
5 shall include areas and densities sufficient to permit the urban growth  
6 that is projected to occur in the county for the succeeding (~~twenty-~~  
7 ~~year~~) ten-year period. Additionally, the county shall include a  
8 second-tier area to accommodate urban growth that is projected to occur  
9 in the county for a twenty-year period. Each urban growth area shall  
10 permit urban densities and shall include greenbelt and open space  
11 areas. Within one year of July 1, 1990, each county required to  
12 designate urban growth areas shall begin consulting with each city and  
13 federally recognized tribal government located within its boundaries  
14 and each city shall propose the location of an urban growth area. The  
15 county, cities, and federally recognized Indian tribes electing to  
16 participate in the process of designation located within the county  
17 shall attempt to reach agreement (~~(with each city)~~) on the location of  
18 (~~(an)~~) urban growth areas (~~(within which the city is located)~~). If  
19 such an agreement is not reached (~~(with each city located within the~~  
20 ~~urban growth area)~~), the county shall justify in writing why it so  
21 designated the area an urban growth area. A city or federally  
22 recognized tribal government may object formally (~~(with)~~) to the  
23 department over the designation of the urban growth area within which  
24 it is located. Where appropriate, the department shall attempt to  
25 resolve the conflicts, including the use of mediation services.

26 (3) Urban growth should be located first in areas already  
27 characterized by urban growth that have existing public facility and  
28 service capacities to serve such development, and second in areas  
29 already characterized by urban growth that will be served by a  
30 combination of both existing public facilities and services and any



1 additional needed public facilities and services that are provided by  
2 either public or private sources. Further, it is appropriate that  
3 urban government services be provided by cities, and urban government  
4 services should not be provided in rural areas.

5 (4) The annexation and incorporation plan elements required in RCW  
6 36.70A.070 shall include a map or maps defining all those portions of  
7 the designated urban growth area for potential annexation or  
8 incorporation. These elements shall also relate potential annexation  
9 and incorporation to the area development pattern, address density,  
10 identify the needed service providers without proliferating special  
11 purpose districts, and include the sequence or timing of the annexation  
12 and incorporation.

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

15 NEW SECTION. Sec. 13. NEW COMMUNITIES. A county required or  
16 choosing to plan pursuant to the provisions of RCW 36.70A.040 shall  
17 establish a process for reviewing proposals for new communities. A new  
18 community may be permitted by a county when the new community is  
19 included in its comprehensive plan prepared pursuant to RCW 36.70A.040  
20 and is consistent with the requirements of this chapter. However, new  
21 communities may only be approved if the following criteria are met:

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

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

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

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

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

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

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

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

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

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

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

1 suppression; (e) libraries; (f) schools; and (g) transportation,  
2 including mass transit.

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

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

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

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

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

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

22 (3) The impact fees:

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

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

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

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

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

15 (b) Additional demands placed on existing public facilities by new  
16 development; and

17 (c) Additional public facility improvements required to serve new  
18 development.

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

24 NEW SECTION. Sec. 16. A new section is added to chapter 35.02 RCW  
25 to read as follows:

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

1        NEW SECTION.    **Sec. 17.**    REGIONAL PLANS.    In counties required to  
2 plan under the provisions of this chapter, a regional plan or strategy  
3 shall be developed by the county and the cities within the county and  
4 as a tribal option any relevant tribal government to set major  
5 directions and policies for fair share siting of public facilities by  
6 September 1, 1992.    A regional plan or strategy for economic  
7 development and/or open space may be added at the option of the county  
8 and participating cities.    State agencies shall participate in and  
9 cooperate with regional open space and fair share planning processes to  
10 the maximum extent feasible.    Counties may join together to develop  
11 multicounty regions for these planning purposes at the option of the  
12 county governing bodies of the participating counties.    These policies  
13 shall be reflected in the individual county and city comprehensive plan  
14 elements on open space and fair share siting.    After the adoption of  
15 such plans, the comprehensive plans prepared under this chapter of  
16 participating counties and cities shall be consistent for the subjects  
17 covered by the plans.

18        NEW SECTION.    **Sec. 18.**    A new section is added to chapter 43.63A  
19 RCW to read as follows:

20        REGIONAL ECONOMIC DEVELOPMENT PLANS.    A regional economic  
21 development plan authorized under section 17 of this act shall include,  
22 but is not limited to, the following contents:

23        (1) An economic profile and forecast of the region;

24        (2) A set of economic development goals, objectives, and policies  
25 for the region;

26        (3) An identification of priority development areas, as defined by  
27 the department, where there is a need for economic growth and where  
28 there is the physical capacity, realistic ability, and local support to  
29 attract such growth; and

1 (4) A biennial regional economic development strategy that  
2 evaluates the results of the preceding economic development strategies;  
3 establishes short-term priorities; identifies tasks and  
4 responsibilities for implementation of adopted goals, objectives, and  
5 policies; and targets implementation efforts to priority development  
6 areas.

7 The plan element, including biennial strategy, must be developed  
8 with the full consultation, involvement, and support of cities,  
9 economic development organizations, and businesses within the region;  
10 and must be consistent with comprehensive plans required by counties  
11 and cities within the region. The department shall adopt guidelines,  
12 definitions, and procedural rules, as necessary, to implement this  
13 section.

14 NEW SECTION. **Sec. 19.** VESTING DOCTRINE. The following rule is  
15 adopted for the vesting of rights in counties and cities that plan  
16 under this chapter: A right shall vest upon the issuance of a valid  
17 permit or preliminary plat approval. This rule shall cease to be  
18 effective on the effective date of the final ordinance containing  
19 development regulations adopted under RCW 36.70A.120, that implement in  
20 whole the comprehensive plan adopted under this chapter within the  
21 entire planning jurisdiction of each county and city that plan under  
22 this chapter.

23 **Sec. 20.** RCW 19.27.095 and 1987 c 104 s 1 are each amended to read  
24 as follows:

25 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY  
26 LOCAL ORDINANCE. (1) Except as provided in section 19 of this act, a  
27 valid and fully complete building permit application for a structure,  
28 that is permitted under the zoning or other land use control ordinances

1 in effect on the date of the application shall be considered under the  
2 building permit ordinance in effect at the time of application, and the  
3 zoning or other land use control ordinances in effect on the date of  
4 application.

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

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

9 **Sec. 21.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read  
10 as follows:

11 PROPOSED DIVISION OF LAND--REQUIREMENTS DEFINED BY LOCAL ORDINANCE.

12 (1) Except as provided in section 19 of this act, a proposed division  
13 of land, as defined in RCW 58.17.020, shall be considered under the  
14 subdivision or short subdivision ordinance, and zoning or other land  
15 use control ordinances, in effect on the land at the time a fully  
16 completed application for preliminary plat approval of the subdivision,  
17 or short plat approval of the short subdivision, has been submitted to  
18 the appropriate county, city, or town official.

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

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

23 PART III  
24 STATE ROLE

25 NEW SECTION. **Sec. 22.** STATE AGENCIES REQUIRED TO PLAN CONSISTENT  
26 WITH PLANNING GOALS. State agencies proposing development shall: (1)

1 Plan in conformance with the planning goals contained in RCW  
2 36.70A.020; (2) comply with local comprehensive plans and development  
3 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.120; (3)  
4 comply with amendments to comprehensive land use plans as provided for  
5 in RCW 36.70A.130; and (4) comply with development regulations adopted  
6 pursuant to RCW 36.70A.060 and section 10 of this act.

7 **Sec. 23.** RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each  
8 amended to read as follows:

9 MINIMUM STANDARDS TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL  
10 LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in  
11 RCW 36.70A.030, the department shall adopt ~~((guidelines))~~ by June 1,  
12 1991, minimum standards, under chapter 34.05 RCW, ~~((no later than~~  
13 ~~September 1, 1990,))~~ to guide the classification of: (a) Agricultural  
14 lands; (b) forest lands; (c) mineral resource lands; and (d) critical  
15 areas. The department shall consult with the department of agriculture  
16 regarding ~~((guidelines))~~ minimum standards for agricultural lands, the  
17 department of natural resources regarding forest lands and mineral  
18 resource lands, and the department of ecology regarding critical areas.

19 (2) In carrying out its duties under this section, the department  
20 shall consult with interested parties, including but not limited to:  
21 (a) Representatives of cities; (b) representatives of counties; (c)  
22 representatives of developers; (d) representatives of builders; (e)  
23 representatives of owners of agricultural lands, forest lands, and  
24 mining lands; (f) representatives of local economic development  
25 officials; (g) representatives of environmental organizations; (h)  
26 representatives of special districts; (i) representatives of the  
27 governor's office and federal and state agencies; and (j)  
28 representatives of Indian tribes. In addition to the consultation  
29 required under this subsection, the department shall conduct public



1 hearings in the various regions of the state. The department shall  
2 consider the public input obtained at such public hearings when  
3 adopting the ~~((guidelines))~~ minimum standards.

4 (3) The ~~((guidelines))~~ rules under subsection (1) of this section  
5 shall be minimum ~~((guidelines))~~ standards that apply to all  
6 ~~((jurisdictions))~~ counties and cities, but also shall allow for  
7 regional differences that exist in Washington state. The intent of  
8 these ~~((guidelines))~~ minimum standards is to ~~((assist))~~ guide counties  
9 and cities in designating the classification of agricultural lands,  
10 forest lands, mineral resource lands, and critical areas under RCW  
11 36.70A.170.

12 (4) The ~~((guidelines))~~ minimum standards established by the  
13 department under this section regarding classification of forest lands  
14 shall not be inconsistent with guidelines adopted by the department of  
15 natural resources.

16 (5) Once classified, such lands shall be protected according to RCW  
17 36.70A.060 or section 10 of this act.

18 NEW SECTION. Sec. 24. RULE MAKING. (1) In addition to the rules  
19 adopted by the department under RCW 36.70A.050 regarding natural  
20 resource lands and critical areas as defined in RCW 36.70A.030, the  
21 department shall adopt guidelines, requirements, and minimum standards  
22 as rules under chapter 34.05 RCW to assist local governments in  
23 implementing this chapter.

24 (2) As used in this chapter, the term "guidelines" is intended to  
25 describe performance standards or parameters which guide local planning  
26 while at the same time allow the exercise of local government direction  
27 in choosing among planning and regulatory options. Guidelines are  
28 intended to encourage creative and locally appropriate responses to  
29 achieving the goals established in RCW 36.70A.020.

1 (3) As used in this chapter, the terms "requirements" and "minimum  
2 standards" are intended to prescribe specific standards, requirements,  
3 or procedures that must be followed by local governments in complying  
4 with this chapter.

5 (4) In addition to other guidelines required to be developed by the  
6 department, guidelines shall be adopted for the following processes in  
7 the following priority order:

8 (a) To designate and manage urban growth areas, including the  
9 phasing of development, determining service levels, and cumulative  
10 effects;

11 (b) To integrate transportation and transit into land use planning  
12 and site planning;

13 (c) To address the fair sharing and siting of regionally needed  
14 facilities;

15 (d) To address housing supply, density, and fair sharing of housing  
16 needs, including low-income and moderate-income housing;

17 (e) To address the following plan elements: Land use, annexation  
18 and incorporation, and open space and outdoor recreation;

19 (f) To address regional open space and economic development plans;

20 (g) To address the need for buffers to minimize conflicts adjacent  
21 to resource lands;

22 (h) To assess the adequacy of public facilities and the phasing of  
23 growth and development approvals;

24 (i) To address mobility and facility needs for low-income and  
25 physically challenged persons; and

26 (j) Other processes as determined by the department.

27 (5) In addition to other requirements and minimum standards  
28 required to be developed by the department, requirements and minimum  
29 standards shall be adopted for the following:

1 (a) Interim controls to protect critical areas and natural resource  
2 lands state-wide; and

3 (b) Procedures, which may include timeframes.

4 (6) Guidelines, requirements, and minimum standards and regulations  
5 adopted under this act shall be issued in a timely manner so that local  
6 governments are afforded sufficient time to comply with the  
7 requirements of this act.

8 (7) In carrying out its responsibilities under this section, the  
9 department shall coordinate with other state agencies and consult with  
10 interested parties as provided in RCW 36.70A.050. Advisory groups  
11 shall be used in development of the rules under this act.

12 NEW SECTION. **Sec. 25.** CERTIFICATION OF REGIONAL ECONOMIC  
13 DEVELOPMENT PLANS. The department shall develop a process for  
14 certifying regional economic development plans prepared pursuant to  
15 sections 17 and 18 of this act. Counties not required or choosing to  
16 plan pursuant to the requirements of RCW 36.70A.040 may also prepare  
17 regional economic development plans, following the provisions contained  
18 in section 18 of this act. The department shall adopt guidelines for  
19 such plans as provided in section 24 of this act. The department shall  
20 certify regional economic development plans at the request of the  
21 county or counties which compose the region.

22 NEW SECTION. **Sec. 26.** A new section is added to chapter 43.99 RCW  
23 to read as follows:

24 STATE OPEN SPACE PLAN. (1) To assist local governments in carrying  
25 out the goals and requirements of chapter 36.70A RCW, the interagency  
26 committee for outdoor recreation shall prepare a state-wide open space  
27 plan identifying existing areas of protected open space lands and  
28 networks as described in RCW 36.70A.020.

1 (2) For the purposes of preparing the plan, the committee shall, in  
2 addition to the members specified in RCW 43.99.110, include the  
3 directors of ecology and community development, or their designees, and  
4 one representative of the association of Washington cities and one  
5 representative of the Washington state association of counties as  
6 voting members. The committee shall prepare the plan by December 1,  
7 1992, and shall distribute the plan to all counties and cities required  
8 to adopt comprehensive land use plans under this chapter.

9 (3) The process shall consist of:

10 (a) The identification by the committee of existing open space  
11 lands protected by state agencies; and

12 (b) The identification, in those counties or cities required or  
13 choosing to plan under this chapter, of existing open space lands  
14 protected by counties and cities.

15 (4) The committee shall assist the department in developing  
16 guidelines pursuant to RCW 36.70A.070(9) to encourage open space  
17 networks which link together existing lands identified in subsection  
18 (3) of this section.

19 (5) In preparing the plan, the committee shall cooperate to the  
20 maximum degree feasible with counties and cities preparing  
21 comprehensive plans under section 10 of this act and with counties and  
22 cities designating and adopting development regulations to protect  
23 natural resource lands and critical areas under section 10 of this act.  
24 The plan is to be prepared using existing resources information  
25 available from federal, state, and local governments, including the  
26 designations of critical areas and natural resource lands required  
27 under chapter 36.70A RCW, and the identification of open space  
28 corridors provided for in RCW 36.70A.160. The committee shall provide  
29 opportunities for public review and comment during preparation of the  
30 plan.

1        NEW SECTION.     **Sec. 27.**    OPEN SPACE PLAN--STATE AGENCIES SHALL  
2 COOPERATE.    To foster the efforts of counties and cities to identify  
3 and protect open space networks in their comprehensive plans and  
4 development regulations as required in RCW 36.70A.160 and this act, all  
5 state agencies with natural resources land management, regulation, or  
6 planning authorities shall cooperate with county and city efforts to  
7 protect open space lands and networks.

8        NEW SECTION.     **Sec. 28.**     COMPREHENSIVE PLANS--DEVELOPMENT  
9 REGULATIONS--REVIEW AND COMMENT.    (1) Each county and city preparing a  
10 comprehensive plan and/or development regulations under this chapter  
11 shall submit its final draft plan and development regulations to the  
12 department before adoption.    The county or city shall also then submit  
13 a copy of those documents to adjacent jurisdictions.

14        (2) Counties must submit the regional plans under section 17 of  
15 this act to the department for preadoption review.

16        (3) The department shall review plans and development regulations  
17 for compliance with the goals and requirements of this chapter.    The  
18 department shall compile its comments and forward the comments to the  
19 county or city within sixty days of receiving the draft plan and  
20 regulations, or the department may be presumed to agree with the plan  
21 and regulations as submitted.    This presumption of agreement shall not  
22 apply to changes in comprehensive plans or development regulations made  
23 after submission under this section.

24        (4) In addition to the comments provided under this section,  
25 counties and cities are encouraged to seek comments from the  
26 department, other state agencies, and adjacent jurisdictions on  
27 proposed comprehensive plans and development regulations, and any  
28 amendments proposed after initial adoption, throughout their

1 development. This consultation should supplement the public  
2 involvement opportunities under RCW 36.70A.140.

3 NEW SECTION. **Sec. 29.** FILING OF PLANS AND DEVELOPMENT  
4 REGULATIONS--AMENDMENTS. (1) Each county and city planning under this  
5 chapter shall send a complete and accurate copy of its comprehensive  
6 plan and/or development regulations, or amendment thereof, to the  
7 department within thirty working days after final adoption. The period  
8 for filing requests for review of comprehensive plans or development  
9 regulations with the board shall start once the department has received  
10 a complete submission of all required materials.

11 (2) Any amendments proposed by a county or city local government to  
12 its adopted plan or regulations shall be submitted for comment and  
13 filed with the department after adoption in the same manner as for  
14 initial plans and regulations under this section.

15 NEW SECTION. **Sec. 30.** DEPARTMENT REQUEST FOR BOARD REVIEW OF  
16 COMPREHENSIVE PLANS, DEVELOPMENT REGULATIONS, OR AMENDMENTS. (1) When  
17 a county or city comprehensive plan, development regulations, or  
18 amendments to such plans or regulations are received by the department  
19 pursuant to section 29 of this act, the department shall review the  
20 plan, development regulations, or amendment for compliance with the  
21 goals and requirements of this chapter. Within ninety days of adoption  
22 by the county or city, the department shall determine if the plan,  
23 regulations, or amendment is in compliance with the goals and  
24 requirements of this chapter. If the plan, development regulations, or  
25 amendment is not in compliance, the department shall seek review of the  
26 plan, regulations, or amendment by the growth management board  
27 established in section 33 of this act, pursuant to the requirements of  
28 sections 34 and 35 of this act. The department shall send a copy of

1 the request for review to the county or city that has submitted the  
2 plan, regulations, or amendment within five days of seeking such a  
3 review from the board.

4 **Sec. 31.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each  
5 amended to read as follows:

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

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

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

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

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

10 (5) The department shall provide mediation services to resolve  
11 disputes between counties ~~((and))~~, cities, and adjacent jurisdictions  
12 regarding, among other things, coordination of regional issues and  
13 designation of urban growth areas.

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

16 (7) The department may also provide planning grants and technical  
17 assistance to federally recognized Indian tribes located in a county or  
18 counties required or choosing to plan under RCW 36.70A.040.

19 NEW SECTION. Sec. 32. MONITORING AND EVALUATION. The department  
20 shall establish a system for monitoring the effectiveness of state,  
21 regional, county and city efforts to prepare and to implement  
22 comprehensive plans and development regulations in compliance with the  
23 goals contained in RCW 36.70A.020, and the designation and protection  
24 of natural resource lands and critical areas required in this chapter.

25 PART IV

26 GROWTH MANAGEMENT BOARD



1        NEW SECTION.        **Sec. 33.**        BOARD ESTABLISHED--MEMBERSHIP--CHAIR--

2 QUORUM FOR DECISION--EXPENSES OF MEMBERS.    (1) The growth management  
3 board is a quasi-judicial board hereby established within the  
4 environmental hearings office under RCW 43.21B.005, to review plans and  
5 development regulations pursuant to this chapter.    The board shall  
6 consist of six members appointed by the governor.    Initial members  
7 shall be appointed to staggered terms as follows:    Two members shall be  
8 appointed to two-year terms, two members to four-year terms, and two  
9 members to six-year terms.    Thereafter, members shall be appointed to  
10 six-year terms.    The governor shall appoint one of the members as  
11 chairperson.    The governor may remove a member only for cause.

12        (2) Any member or members of the board, or other person or persons  
13 designated by the chairperson, may hold hearings and take testimony so  
14 long as a full and complete record is transmitted to the board as  
15 required under RCW 34.05.461.    In addition to the board's staff, the  
16 chairperson may designate a list of presiding officers who are  
17 qualified to hold such hearings.

18        (3) The board may authorize by rule initial orders to be entered by  
19 those presiding officers who are not members of the board.    The board  
20 may also provide by rule that initial orders in specified classes of  
21 cases may become final without further board action.    However, if a  
22 member of the board determines that an initial order should be  
23 reviewed, or a party to the proceedings files a petition for  
24 administrative review of the initial order, the initial order shall not  
25 become final until the board has approved it.

26        (4) Four or more members of the board shall constitute a quorum for  
27 issuance of final orders by the board.    A decision of the board must be  
28 agreed to by at least four members to be final.

29        (5) Board members shall receive compensation, travel, and  
30 subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

1        NEW SECTION.    **Sec. 34.**    MATTERS SUBJECT TO BOARD REVIEW--FINAL

2    ORDERS.    (1) The board has the power to review the following matters:

3        (a) The consistency of plans and development regulations subject to  
4    this chapter with the goals and requirements of this chapter, and the  
5    rules adopted under this chapter;

6        (b) Compliance by counties, cities, special districts, and state  
7    agencies with the interjurisdictional requirements under this chapter,  
8    including interjurisdictional consistency, and designation of urban  
9    growth areas;

10       (c) Compliance by counties, cities, special districts, or state  
11    agencies with the requirements of this chapter, including deadlines and  
12    other matters relating to implementation; and

13       (d) Determination of issues related to consistency of state agency  
14    or special district proposals to locate facilities with plans and  
15    development regulations subject to this chapter. Any decisions by the  
16    board relating to location of state facilities shall require  
17    consistency to the maximum extent practicable, as determined by the  
18    board.

19       (2) The board shall review the matter brought before it and issue  
20    a final order, as appropriate, affirming, reversing, or remanding the  
21    plan, regulation, or other decision subject to review under this  
22    chapter. The board shall issue a final order within one hundred eighty  
23    days of a request for review, unless an extension is justified for  
24    reasons beyond the control of the board. Such a final order shall be  
25    based exclusively on whether the plan, regulation, or other decision  
26    subject to review under this chapter is consistent with the goals and  
27    requirements of this chapter.

28       (3) The board shall consolidate all requests for review for each  
29    plan and for development regulations.

1        NEW SECTION.     **Sec. 35.**     WHO MAY REQUEST REVIEW OF PLANS AND

2 REGULATIONS--PROCEDURE. (1) The following persons may request review  
3 of comprehensive plans or development regulations adopted by counties  
4 or cities required or choosing to plan subject to this chapter, review  
5 of development actions taken under such comprehensive plans and  
6 development regulations, or review of other matters related to  
7 consistency with this chapter:

8        (a) The department may seek review of comprehensive plans and/or  
9 development regulations subject to this chapter;

10       (b) Adjacent jurisdictions and the department may seek review  
11 concerning matters related to interjurisdictional consistency  
12 requirements affecting plans;

13       (c) Any jurisdiction may seek review concerning matters related to  
14 consistency of state agency or special district proposals with plans  
15 and development regulations subject to this chapter; and

16       (d) Any person who appeared before a local government and presented  
17 testimony orally or in writing or submitted comments in writing to a  
18 county, city, or state agency, may seek review concerning a  
19 comprehensive plan, or development regulation, or amendment thereof,  
20 subject to this chapter.

21       (2) Requests for review of plans and development regulations or  
22 review of consistency of state agency or special district proposals  
23 shall be filed with the board within ninety days after adoption by the  
24 county, city, or state agency.

25       (3) Concurrently with the filing of any request for review with the  
26 board as provided in this section, the requesting party shall file a  
27 copy of the request with the department.

28       (4) The board shall initially schedule review proceedings on such  
29 requests for review without regard as to the merits of the request.

1 If, upon reviewing the request, the board finds that the request should  
2 be denied, it shall remove the request from its review schedule.

3 (5) The review proceedings authorized in this section are subject  
4 to the provisions of chapter 34.05 RCW pertaining to procedures in  
5 adjudicative proceedings. Judicial review of such proceedings of the  
6 board may be had as provided in chapter 34.05 RCW.

7 NEW SECTION. **Sec. 36.** PRESUMPTION OF VALIDITY--BURDEN OF PROOF--  
8 PLANS AND REGULATIONS. Comprehensive plans and development regulations  
9 adopted under this chapter are presumed valid upon adoption. In any  
10 request for review of a comprehensive plan or development regulation  
11 permitted under this chapter, the requesting party shall have the  
12 burden of demonstrating that the comprehensive plan or development  
13 regulation is not consistent with the goals or requirements of this  
14 chapter, or the rules adopted under this chapter. In reviews of  
15 development regulations, when consistency of the development regulation  
16 with the plan of the affected jurisdiction is at issue, the requesting  
17 party must also bear the burden of demonstrating that the development  
18 regulation is not consistent with the comprehensive plan.

19 NEW SECTION. **Sec. 37.** NONCOMPLIANCE AND SANCTIONS. (1) The  
20 department may find a county, city, or state agency in noncompliance  
21 if:

22 (a) A county or city that is required to plan under RCW 36.70A.040  
23 does not complete its comprehensive land use plan by the dates required  
24 or by the department's schedule for submittal;

25 (b) The board has heard an appeal and issued a final order on a  
26 county's or city's comprehensive plan, development regulations, or a  
27 state agency's plans or actions, and the county, city, or state agency  
28 has not complied with the order within one year. If the department

1 finds a county, city, or state agency in noncompliance, the department  
2 may request the governor to invoke one or more of the sanctions  
3 provided in subsection (2) of this section. The department shall  
4 attempt to resolve issues causing noncompliance prior to requesting the  
5 governor to invoke one or more of the sanctions.

6 (2) If requested, the governor may either:

7 (a) Notify and direct the director of the office of financial  
8 management to revise allotments in appropriation levels; or

9 (b) Notify and direct the state treasurer to withhold the portion  
10 of revenues to which the county or city is entitled under one or more  
11 of the following: Motor vehicle excise tax, as provided in RCW  
12 82.44.150; sales and use tax, as provided in chapter 82.14 RCW; liquor  
13 profit tax, as provided in RCW 66.08.190; and liquor excise tax, as  
14 provided in RCW 82.08.170.

15 **Sec. 38.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read  
16 as follows:

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

22 (1) The director of financial management shall provide all agencies  
23 with a complete set of instructions for preparing a statement of  
24 proposed expenditures at least thirty days before the beginning of a  
25 fiscal period. The set of instructions need not include specific  
26 appropriation amounts for the agency.

27 (2) Within forty-five days after the beginning of the fiscal period  
28 or within forty-five days after the governor signs the omnibus biennial  
29 appropriations act, whichever is later, all agencies shall submit to

1 the governor a statement of proposed expenditures at such times and in  
2 such form as may be required by the governor. If at any time during  
3 the fiscal period the governor projects a cash deficit as defined by  
4 RCW 43.88.050, the governor shall make across-the-board reductions in  
5 allotments so as to prevent a cash deficit, unless the legislature has  
6 directed the liquidation of the cash deficit over one or more fiscal  
7 periods. Except for the legislative and judicial branches and other  
8 agencies headed by elective officials, the governor shall review the  
9 statement of proposed expenditures for reasonableness and conformance  
10 with legislative intent. Once the governor approves the statements of  
11 proposed expenditures, further revisions shall be made only at the  
12 beginning of the second fiscal year and must be initiated by the  
13 governor. However, changes in appropriation level authorized by the  
14 legislature, changes required by across-the-board reductions mandated  
15 by the governor, ~~((and))~~ changes caused by executive increases to  
16 spending authority, and changes caused by executive decreases to  
17 spending authority for failure to comply with the provisions of chapter  
18 36.70A RCW may require additional revisions. Revisions shall not be  
19 made retroactively. Revisions caused by executive increases to spending  
20 authority shall not be made after June 30, 1987. However, the governor  
21 may assign to a reserve status any portion of an agency appropriation  
22 withheld as part of across-the-board reductions made by the governor  
23 and any portion of an agency appropriation conditioned on a contingent  
24 event by the appropriations act. The governor may remove these amounts  
25 from reserve status if the across-the-board reductions are subsequently  
26 modified or if the contingent event occurs. The director of financial  
27 management shall enter approved statements of proposed expenditures  
28 into the state budgeting, accounting, and reporting system within  
29 forty-five days after receipt of the proposed statements from the  
30 agencies. If an agency or the director of financial management is

1 unable to meet these requirements, the director of financial management  
2 shall provide a timely explanation in writing to the legislative fiscal  
3 committees.

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

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

24 **Sec. 39.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to  
25 read as follows:

26 APPORTIONMENT AND DISTRIBUTION OF MOTOR VEHICLE EXCISE TAXES  
27 GENERALLY. (1) The director of licensing shall, on the twenty-fifth  
28 day of February, May, August, and November of each year, advise the  
29 state treasurer of the total amount of motor vehicle excise taxes

1 remitted to the department during the preceding calendar quarter ending  
2 on the last day of March, June, September, and December, respectively,  
3 except for those payable under RCW 82.44.030, from motor vehicle owners  
4 residing within each municipality which has levied a tax under RCW  
5 35.58.273, which amount of excise taxes shall be determined by the  
6 director as follows:

7       The total amount of motor vehicle excise taxes remitted to the  
8 department, except those payable under RCW 82.44.030, from each county  
9 shall be multiplied by a fraction, the numerator of which is the  
10 population of the municipality residing in such county, and the  
11 denominator of which is the total population of the county in which  
12 such municipality or portion thereof is located. The product of this  
13 computation shall be the amount of excise taxes from motor vehicle  
14 owners residing within such municipality or portion thereof. Where the  
15 municipality levying a tax under RCW 35.58.273 is located in more than  
16 one county, the above computation shall be made by county, and the  
17 combined products shall provide the total amount of motor vehicle  
18 excise taxes from motor vehicle owners residing in the municipality as  
19 a whole. Population figures required for these computations shall be  
20 supplied to the director by the office of financial management, who  
21 shall adjust the fraction annually.

22       (2) On the first day of the months of January, April, July, and  
23 October of each year, the state treasurer based upon information  
24 provided by the department shall, from motor vehicle excise taxes  
25 deposited in the general fund, under RCW 82.44.110(7), make the  
26 following deposits:

27       (a) To the high capacity transportation account created in RCW  
28 47.78.010, a sum equal to four and five-tenths percent of the special  
29 excise tax levied under RCW 35.58.273 by those municipalities  
30 authorized to levy a special excise tax within a class AA county, or



1 within a class A county contiguous to a class AA county, or within a  
2 second class county contiguous to a class A county that is contiguous  
3 to a class AA county;

4 (b) To the central Puget Sound public transportation account  
5 created in RCW 82.44.180, for revenues distributed after December 31,  
6 1992, within a class AA county or within a class A county contiguous to  
7 a class AA county, a sum equal to the difference between (i) the  
8 special excise tax levied and collected under RCW 35.58.273 by those  
9 municipalities authorized to levy and collect a special excise tax  
10 subject to the requirements of subsections (3) and (4) of this section  
11 and (ii) the special excise tax that the municipality would otherwise  
12 have been eligible to levy and collect at a tax rate of .815 percent  
13 and been able to match with locally generated tax revenues, other than  
14 the excise tax imposed under RCW 35.58.273, budgeted for any public  
15 transportation purpose. Before this deposit, the sum shall be reduced  
16 by an amount equal to the amount distributed under (a) of this  
17 subsection for each of the municipalities within the counties to which  
18 this subsection (2)(b) applies; however, any transfer under this  
19 subsection (2)(b) must be greater than zero;

20 (c) To the public transportation systems account created in RCW  
21 82.44.180, for revenues distributed after December 31, 1992, within  
22 counties not described in (b) of this subsection, a sum equal to the  
23 difference between (i) the special excise tax levied and collected  
24 under RCW 35.58.273 by those municipalities authorized to levy and  
25 collect a special excise tax subject to the requirements of subsections  
26 (3) and (4) of this section and (ii) the special excise tax that the  
27 municipality would otherwise have been eligible to levy and collect at  
28 a tax rate of .815 percent and been able to match with locally  
29 generated tax revenues, other than the excise tax imposed under RCW  
30 35.58.273, budgeted for any public transportation purpose. Before this

1 deposit, the sum shall be reduced by an amount equal to the amount  
2 distributed under (a) of this subsection for each of the municipalities  
3 within the counties to which this subsection (2)(c) applies; however,  
4 any transfer under this subsection (2)(c) must be greater than zero;  
5 and

6 (d) To the transportation fund created in RCW 82.44.180, for  
7 revenues distributed after June 30, 1991, a sum equal to the difference  
8 between (i) the special excise tax levied and collected under RCW  
9 35.58.273 by those municipalities authorized to levy and collect a  
10 special excise tax subject to the requirements of subsections (3) and  
11 (4) of this section and (ii) the special excise tax that the  
12 municipality would otherwise have been eligible to levy and collect at  
13 a tax rate of .815 percent notwithstanding the requirements set forth  
14 in subsections (3) through (6) of this section, reduced by an amount  
15 equal to distributions made under (a), (b), and (c) of this subsection.

16 (3) On the first day of the months of January, April, July, and  
17 October of each year, the state treasurer, based upon information  
18 provided by the department, shall remit motor vehicle excise tax  
19 revenues imposed and collected under RCW 35.58.273 as follows:

20 (a) The amount required to be remitted by the state treasurer to  
21 the treasurer of any municipality levying the tax shall not exceed in  
22 any calendar year the amount of locally-generated tax revenues,  
23 excluding the excise tax imposed under RCW 35.58.273 for the purposes  
24 of this section, which shall have been budgeted by the municipality to  
25 be collected in such calendar year for any public transportation  
26 purposes including but not limited to operating costs, capital costs,  
27 and debt service on general obligation or revenue bonds issued for  
28 these purposes; and

29 (b) In no event may the amount remitted in a single calendar  
30 quarter exceed the amount collected on behalf of the municipality under

1 RCW 35.58.273 during the calendar quarter next preceding the  
2 immediately preceding quarter.

3 (4) At the close of each calendar year accounting period, but not  
4 later than April 1, each municipality that has received motor vehicle  
5 excise taxes under subsection (3) of this section shall transmit to the  
6 director of licensing and the state auditor a written report showing by  
7 source the previous year's budgeted tax revenues for public  
8 transportation purposes as compared to actual collections. Any  
9 municipality that has not submitted the report by April 1 shall cease  
10 to be eligible to receive motor vehicle excise taxes under subsection  
11 (3) of this section until the report is received by the director of  
12 licensing. If a municipality has received more or less money under  
13 subsection (3) of this section for the period covered by the report  
14 than it is entitled to receive by reason of its locally-generated  
15 collected tax revenues, the director of licensing shall, during the  
16 next ensuing quarter that the municipality is eligible to receive motor  
17 vehicle excise tax funds, increase or decrease the amount to be  
18 remitted in an amount equal to the difference between the locally-  
19 generated budgeted tax revenues and the locally-generated collected tax  
20 revenues. In no event may the amount remitted for a calendar year  
21 exceed the amount collected on behalf of the municipality under RCW  
22 35.58.273 during that same calendar year. At the time of the next  
23 fiscal audit of each municipality, the state auditor shall verify the  
24 accuracy of the report submitted and notify the director of licensing  
25 of any discrepancies.

26 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and  
27 required to be remitted under this section shall be remitted without  
28 legislative appropriation.

29 (6) Any municipality levying and collecting a tax under RCW  
30 35.58.273 which does not have an operating, public transit system or a

1 contract for public transportation services in effect within one year  
2 from the initial effective date of the tax shall return to the state  
3 treasurer all motor vehicle excise taxes received under subsection (3)  
4 of this section.

5 (7) The governor may notify and direct the state treasurer to  
6 withhold the revenues to which a county or city is entitled under  
7 subsection (2) of this section if a county or city is found to be in  
8 noncompliance pursuant to section 37 of this act.

9 **Sec. 40.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read  
10 as follows:

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

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

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

20 (3) The governor may notify and direct the state treasurer to  
21 withhold the revenues to which the counties and cities are entitled  
22 under this section if the counties or cities are found to be in  
23 noncompliance pursuant to section 37 of this act.

24 NEW SECTION. **Sec. 41.** A new section is added to chapter 82.14 RCW  
25 to read as follows:

26 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
27 direct the state treasurer to withhold the revenues to which the county

1 or city is entitled under this chapter if a county or city is found to  
2 be in noncompliance pursuant to section 37 of this act.

3 NEW SECTION. **Sec. 42.** A new section is added to chapter 82.08 RCW  
4 to read as follows:

5 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
6 direct the state treasurer to withhold the revenues to which the  
7 counties and cities are entitled under RCW 82.08.170 if the counties or  
8 cities are found to be in noncompliance pursuant to section 37 of this  
9 act.

10 NEW SECTION. **Sec. 43.** BOARD MAY ADOPT PROCEDURAL RULES. The  
11 board may adopt rules under chapter 34.05 RCW governing the  
12 administrative practice and procedure in and before the board.

13 NEW SECTION. **Sec. 44.** OTHER APPEAL RIGHTS. (1) Any party  
14 aggrieved by a final decision of the hearings board may appeal the  
15 decision to Thurston county superior court.

16 (2) Failing to obtain review under this chapter of a plan,  
17 regulation, or amendment thereto, development action, or other matter  
18 concerning compliance with the requirements of this chapter, rules  
19 adopted under this chapter, or order of the board shall not affect  
20 other appeal rights otherwise available by law.

21 NEW SECTION. **Sec. 45.** RULE OF CONSTRUCTION. This chapter is  
22 exempted from the rule of strict construction, and shall be liberally  
23 construed to give full effect to the objectives and purposes for which  
24 it was enacted. In addition, construction of this act shall emphasize  
25 the protection of the environment.



1 (2) Use of physical boundaries, including but not limited to bodies  
2 of water, highways, and land contours;

3 (3) Creation and preservation of logical service areas;

4 (4) Prevention of abnormally irregular boundaries;

5 (5) Discouragement of multiple incorporations of small cities and  
6 encouragement of incorporation of cities in excess of ten thousand  
7 population in heavily populated urban areas;

8 (6) Dissolution of inactive special purpose districts;

9 (7) Adjustment of impractical boundaries;

10 (8) Incorporation as cities or towns or annexation to cities or  
11 towns of unincorporated areas which are urban in character; (~~and~~)

12 (9) Protection of agricultural and rural lands which are designated  
13 for long term productive agricultural and resource use by a  
14 comprehensive plan adopted by the county legislative authority; and

15 (10) Evaluation of whether annexation or incorporation is  
16 consistent with local government urban growth area designations and  
17 plan elements on annexation and incorporation. However, annexation or  
18 incorporation shall not occur outside of an urban growth area.

19 NEW SECTION. Sec. 50. A new section is added to chapter 36.93 RCW  
20 to read as follows:

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

26 NEW SECTION. Sec. 51. SEVERABILITY. If any provision of this act  
27 or its application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 52.** HEADINGS. Part and section headings as  
4 used in this act do not constitute any part of the law.

5 NEW SECTION. **Sec. 53.** Sections 5, 10, 11, 13, 14, 17, 19, 22, 24,  
6 25, 27 through 30, 32 through 37, 43 through 48, and 52 of this act are  
7 each added to chapter 36.70A RCW.