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**SUBSTITUTE HOUSE BILL 1025**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

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

Read first time March 11, 1991.

1            AN ACT Relating to growth strategies; amending RCW 36.70A.010,  
2 36.70A.030, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.080, 36.70A.110,  
3 36.70A.130, 82.02.050, 82.02.090, 43.21C.031, 19.27.095, 58.17.033,  
4 58.17.170, 36.70A.140, 36.93.170, 36.93.180, 82.46.010, 35.21.685,  
5 36.32.415, 59.18.440, 36.70A.170, 36.70A.060, 36.70A.050, 36.70A.190,  
6 43.155.070, 70.146.070, 43.88.110, 36.79.150, 47.26.080, 82.46.035,  
7 66.08.190, 36.79.080, 36.81.121, 47.05.030, 47.26.084, 47.26.220,  
8 35.58.2795, 35.58.2796, 36.57A.060, and 47.80.040; adding a new section  
9 to chapter 8.26 RCW; adding a new section to chapter 19.85 RCW; adding  
10 a new section to chapter 35.02 RCW; adding new sections to chapter  
11 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding new  
12 sections to chapter 36.70A RCW; adding a new section to chapter 36.93  
13 RCW; adding a new section to chapter 43.01 RCW; adding a new section to  
14 chapter 43.17 RCW; adding a new section to chapter 43.31 RCW; adding a  
15 new section to chapter 43.63A RCW; adding a new chapter to Title 47  
16 RCW; adding a new section to chapter 82.08 RCW; adding a new section to  
17 chapter 82.14 RCW; and creating new sections.

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

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

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

1 the new system of land use planning must reflect and further the  
2 following values:

3 (1) Land use planning should respect local decision making -- land  
4 use planning and growth management should be based on activity in local  
5 communities, managed with attention to detail, where diverse citizen  
6 concerns can be effectively addressed. Planning should provide greater  
7 predictability in the development process by effectively resolving land  
8 use disputes earlier in the process.

9 (2) State government should provide a framework for local planning  
10 and environmental and natural resource protection -- state action  
11 should support local land use planning and conservation activities.  
12 The state should provide guidance and assistance for local planning,  
13 assurance of effective local action, and a means for resolving disputes  
14 concerning land use planning, development, and the maintenance and  
15 protection of critical areas, agricultural lands, forest lands, mineral  
16 resource lands, and open space. State government should act  
17 consistently with counties and cities, following common rules governing  
18 planning, land use, environmental protection, and natural resource  
19 conservation.

20 (3) Elected officials should be accountable for planning decisions  
21 -- land use planning decisions have long-term and complex impacts and  
22 affect numerous citizens and communities. Therefore, accountability  
23 for such decisions should rest with officials elected by and  
24 accountable to the public to the maximum extent feasible.

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

29 (5) Necessary regional and state public facilities should be  
30 located in a way that the burden of meeting public needs is shared

1 fairly by the communities in a region, and primary responsibility for  
2 locating needed facilities should rest with the publicly accountable  
3 officials in local regions.

4 (6) Encouraging strong economies in the state's diverse regions --  
5 the state has a continuing interest in furthering sustainable regional  
6 economic growth and vitality. Rapid economic growth has resulted in  
7 severe land use and environmental problems in fast-growing regions of  
8 the state. The long-term interest of the state's citizens is served  
9 best when all of the state's regions have vital economies. A vital  
10 regional economy is one which is diverse, competitive in global terms,  
11 economically and environmentally sustainable, offers opportunities for  
12 new enterprise, and provides ample family-wage employment for its  
13 citizens. The state should be an active participant in encouraging  
14 economic vitality in the state's regions, in partnership with counties,  
15 cities, citizens, and the private sector. Effective action to  
16 encourage economic development should include regional economic  
17 development planning, adequate infrastructure, and local and state  
18 action to increase the economic capacity of the state's regions.  
19 Further, the legislature finds that it is in the public interest that  
20 economic development programs be shared with communities experiencing  
21 insufficient economic growth.

22 It is the intent of the legislature to address growth management  
23 and planning issues from state, regional, and local perspectives, to  
24 establish certain requirements on a state-wide basis, to permit such  
25 requirements to be met by counties and cities with maximum local  
26 flexibility, to require consistency in the planning of adjacent  
27 jurisdictions, to encourage cooperative planning between adjacent  
28 jurisdictions, and between adjacent jurisdictions and tribal  
29 governments, to provide adequate time to conform with such  
30 requirements, to prevent new development which is inconsistent with

1 these requirements from taking place during the interim, and to provide  
2 resources to support such efforts in the form of both financial and  
3 technical assistance. It is the intent of the legislature to establish  
4 a process and system of planning and growth management emphasizing a  
5 shared responsibility between the state and counties and cities and  
6 including a fair and open process that allows counties and cities broad  
7 flexibility to meet the goals and requirements contained in this  
8 chapter in a manner best adapted to their local circumstances and  
9 diversity. It is not the intent of the legislature to establish a  
10 single comprehensive plan applicable without variation throughout the  
11 state. Instead, counties and cities are given broad flexibility to  
12 tailor a custom fit in their comprehensive plans to meet the goals and  
13 requirements contained in this chapter. It is the intent of the  
14 legislature to establish certain state-wide requirements and to  
15 designate a state role regarding natural resources of state-wide  
16 significance and where natural resources planning involves multiple  
17 jurisdictions.

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

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

22 (1) "Adjacent jurisdictions" include counties and cities that are  
23 located in the near vicinity of each other, and a county and the cities  
24 located within the county.

25 (2) "Adopt a comprehensive land use plan" means to enact a new  
26 comprehensive land use plan or to update an existing comprehensive land  
27 use plan.

28 ~~((+2))~~ (3) "Affordable housing" means housing for income groups  
29 who typically have difficulty renting or purchasing market rate

1 housing, and who have incomes that do not exceed eighty percent of the  
2 median income for the area. In order for housing to be affordable,  
3 total monthly housing costs must not exceed thirty percent of the  
4 household's gross monthly income.

5 (4) "Agricultural land" means land primarily devoted to the  
6 commercial production of horticultural, viticultural, floricultural,  
7 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
8 straw, turf, seed, Christmas trees not subject to the excise tax  
9 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
10 long-term commercial significance for agricultural production.

11 ((+3)) (5) "Board" means the growth management hearings board  
12 established to review plans and regulations established under this  
13 chapter.

14 (6) "City" means any city or town, including a code city.

15 ((+4)) (7) "Comprehensive land use plan," "comprehensive plan," or  
16 "plan" means a generalized coordinated land use policy statement of the  
17 governing body of a county or city that is adopted pursuant to this  
18 chapter.

19 ((+5)) (8) "Critical areas" include the following areas and  
20 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
21 on aquifers used for potable water; (c) critical fish and wildlife  
22 habitat ~~((conservation areas))~~; (d) frequently flooded areas; and (e)  
23 geologically hazardous areas.

24 ((+6)) (9) "Department" means the department of community  
25 development.

26 ((+7)) (10) "Development regulations" means any controls placed on  
27 development or land use activities by a county or city, including, but  
28 not limited to, zoning ordinances, official controls, planned unit  
29 development ordinances, subdivision ordinances, and binding site plan  
30 ordinances.

1        ~~((8))~~ (11) "Fair share housing" means housing of various types  
2 and densities, located within a community, that is affordable and  
3 available to low-income persons and persons with special needs, in  
4 proportion to the county or regional need. For purposes of fair share  
5 housing, a community is defined as an urban area and adjacent land  
6 within an adopted ten-year urban growth boundary, and may include more  
7 than one city.

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

12        ~~((9))~~ (13) "Geologically hazardous areas" means areas that  
13 because of their susceptibility to erosion, sliding, earthquake, or  
14 other geological events, are not suited to the siting of commercial,  
15 residential, or industrial development consistent with public health or  
16 safety concerns.

17        ~~((10))~~ (14) "Long-term commercial significance" includes the  
18 growing capacity, productivity, and soil composition of the land for  
19 long-term commercial production, in consideration with the land's  
20 proximity to population areas, and the possibility of more intense uses  
21 of the land.

22        ~~((11))~~ (15) "Mineral~~(s)~~ resource lands" include those lands  
23 identified and currently used or having potential for long-term  
24 commercial extraction of gravel, sand, rock, and valuable metallic  
25 substances.

26        (16) "Natural resources of state-wide significance" are natural  
27 resources that possess outstanding natural, ecological, or scenic  
28 values, and are of the highest quality and most significant of their  
29 type. Because of their quality, they are of interest to all residents  
30 of the state. They include but are not limited to: (a) Lands essential

1 for the protection, management, or public enjoyment of wildlife; (b)  
2 rivers or segments of rivers with exceptional scenic or ecological  
3 characteristics; (c) scenic landscapes of outstanding value; (d) high  
4 quality, regionally important wetland communities; (e) unique or rare  
5 ecological systems; (f) prime examples of native plant communities; (g)  
6 unique geological features; (h) significant shorelines, estuaries, or  
7 aquatic sites; (i) essential water resources; and (j) prime or  
8 outstanding features of the Washington landscape.

9 (17) "New fully contained community" means a comprehensive  
10 development providing for a mixture of land uses which includes the  
11 following: (a) A mix of jobs, housing, and public facilities needed  
12 for a self-contained community including a fair share of affordable  
13 housing; (b) preservation of open spaces within and around the  
14 community; (c) an internal and external transportation system  
15 supportive of pedestrian access and public transit; (d) the new  
16 infrastructure needed to serve the proposed community; and (e) the  
17 mitigation of off-site impacts.

18 (18) "Open space" includes land areas, the protection of which  
19 would: (a) Conserve and enhance scenic or viewshed resources; (b)  
20 provide scenic amenities and community identity within and between  
21 areas of urban development; (c) protect physical and/or visual buffers  
22 within and between areas of urban and rural development, or along  
23 transportation corridors; (d) protect lakes, rivers, streams,  
24 watersheds, or water supply; (e) promote conservation of soils, tidal  
25 marshes, beaches, or other shoreline areas; (f) enhance the value to  
26 the public of abutting or neighboring parks, forests, wildlife habitat,  
27 trails, or other open space; (g) enhance recreation opportunities,  
28 including public access to shoreline areas; (h) protect natural areas  
29 and environmental features with significant educational, scientific,  
30 wildlife habitat, or historic value; or (i) retain and preserve natural

1 areas and wildlife habitat important to the quality of life which are  
2 situated in an urban environment. Open space shall not include  
3 setbacks and coverage requirements.

4 ~~((12))~~ (19) "Public facilities" include streets, roads, highways,  
5 public transit facilities, sidewalks, trails, street and road lighting  
6 systems, traffic signals, domestic water systems, storm and sanitary  
7 sewer systems, parks and recreational facilities, and schools.

8 ~~((13))~~ (20) "Public services" include fire protection and  
9 suppression, law enforcement, public health, education, public transit  
10 services, recreation, environmental protection, and other governmental  
11 services.

12 (21) "Public utilities" means the facilities of a public service  
13 company, as that term is defined in RCW 80.04.010, and the facilities  
14 of a municipal corporation, mutual association, or cooperative that are  
15 used to provide the same kind of services as provided by a public  
16 service company.

17 (22) "Region" means one or more counties and the cities within the  
18 county or counties, including multicounty regions.

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

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

1        (~~(14)~~) (25) "Urban growth" refers to growth that makes intensive  
2 use of land for the location of buildings, structures, and impermeable  
3 surfaces to such a degree as to be incompatible with the primary use of  
4 such land for the production of food, other agricultural products, or  
5 fiber, or the extraction of mineral resources. When allowed to spread  
6 over wide areas, urban growth typically requires urban governmental  
7 services. "Characterized by urban growth" refers to land having urban  
8 growth located on it, or to land located in relationship to an area  
9 with urban growth on it as to be appropriate for urban growth.

10        (~~(15)~~) (26) "Urban growth areas" means those areas designated by  
11 a county pursuant to RCW 36.70A.110.

12        (~~(16)~~) (27) "Urban governmental services" include those  
13 governmental services historically and typically delivered by cities,  
14 and include storm and sanitary sewer systems, domestic water systems,  
15 street cleaning services, fire and police protection services, public  
16 transit services, and other public utilities associated with urban  
17 areas and normally not associated with nonurban areas.

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

PART I - PLANNING GOALS

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

PLANNING GOALS. The plans, regulations, and actions, including expenditures of state-appropriated funds, of state agencies, counties, and cities that are required or choose to plan under RCW 36.70A.040, and special districts located in counties that are required or choose to plan under RCW 36.70A.040, shall conform to and support the following goals ((are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals)) which are not listed in order of priority ((and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations))):

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

Urban growth areas should be compact, have concentrated employment centers, and provide opportunities for people to live in a variety of housing types close to where they work. Plans should ensure an adequate supply of land for projected jobs considering the nature and diversity of economic activity and for a variety of housing types. Development densities should be sufficient to: (a) Protect open space, natural features and parks, agricultural lands, forest lands, mineral resource lands, and critical areas within and outside of urban growth areas; (b) promote affordable housing; and (c) promote alternatives to single occupancy vehicle travel. Large land areas characterized by significant natural limitations such as steep slopes, seismic hazard

1 areas, flood plains, and wetlands should not be designated for urban  
2 growth even if located within an urban growth area.

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

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

11 (3) Transportation. (~~Encourage~~) (a) Coordinate the planning,  
12 programming, and development of transportation facilities and services  
13 between jurisdictions; (b) develop efficient multimodal transportation  
14 systems to move people and goods that are based on regional priorities  
15 (and), are coordinated with county and city comprehensive plans,  
16 include alternatives to single occupant automobile travel, and support  
17 the state's economic development objectives; (c) link transportation  
18 systems and land use to maintain acceptable levels of transportation  
19 service, to promote housing density, employment concentration and joint  
20 development to support efficiency and affordability of transit service,  
21 and institute policies complementary to demand-management strategies;  
22 (d) protect the natural environment and improve the built environment  
23 when planning, designing, constructing, and maintaining transportation  
24 facilities; and (e) preserve the operational and structural integrity  
25 of the transportation system.

26 (4) Housing. Encourage (~~the availability of affordable~~) housing  
27 (~~to~~) for all economic segments of the population of this state,  
28 participate in making available a fair share of affordable housing,  
29 including affordable housing for people with special needs, promote  
30 zoning classifications which allow a variety of residential densities

1 and housing types, (~~and~~) encourage preservation of existing housing  
2 stock, and assure that housing complies with local, state, and federal  
3 fair housing laws.

4 (5) Economic development. Encourage economic development  
5 throughout the state that is consistent with adopted comprehensive  
6 plans, promote economic opportunity for all citizens of this state,  
7 especially for unemployed and for disadvantaged persons, build a  
8 network of strong regional economies, identify and focus assistance on  
9 priority economic development areas where there is a need for growth  
10 and where there is the realistic capacity and broad local support for  
11 such growth, and encourage growth in areas experiencing insufficient  
12 economic growth, all within the capacities of the state's natural  
13 resources, air quality, water supply, public services, and public  
14 facilities. The plan should establish a predictable and efficient  
15 development process by locating development in urban growth areas with  
16 suitable and adequate sites capable of supporting development.

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. Secondary land uses on agricultural lands,  
27 forest lands, and mineral resource lands shall be permitted that are  
28 related to and are designed to support the primary use of such lands  
29 for commercial agricultural, forest, or mineral resource purposes.  
30 Limited secondary land uses on agricultural lands, forest lands, and

1 mineral resource lands may be permitted due to unique location factors  
2 of such lands, such as locating radio transmission towers. Encourage  
3 the conservation of productive forest lands and productive agricultural  
4 lands, and discourage incompatible uses.

5 (9) Open space and recreation. (~~Encourage the retention of open~~  
6 ~~space and development of recreational opportunities, conserve fish and~~  
7 ~~wildlife habitat, increase access to natural resource lands and water,~~  
8 ~~and develop parks.)) Protect open space and where possible link open  
9 space into regional and state-wide networks. Permanent open space  
10 networks should separate neighboring cities, where possible, and define  
11 distinct urban growth areas to prevent their merging into large  
12 continuous urban areas. Open space should be used to: Protect fish  
13 and wildlife habitat; protect environmentally sensitive land and water  
14 areas; provide park and outdoor recreational opportunities; protect  
15 scenic areas and viewsheds; accommodate nonmotorized recreational  
16 corridors and trails; ensure that adequate parks and recreation  
17 facilities, sized to accommodate anticipated growth, are provided  
18 prospectively or concurrently with approval of development that will  
19 increase demand for parks and recreational facilities; and protect  
20 views and vistas within and around cities.~~

21 (10) Environment. Protect the environment and enhance the state's  
22 high quality of life, including air and water quality, and the  
23 availability of water. The protection of air and water quality shall  
24 be safeguarded for the general good health of all the residents of the  
25 jurisdiction. All waste and refuse shall be disposed of through  
26 sanitary methods to ensure the protection of air and water quality. To  
27 the fullest extent possible, the plan shall consolidate the  
28 requirements of RCW 43.21C.030 into the planning process and the  
29 development regulations. At the earliest possible point in the  
30 planning process, the significant adverse environmental impacts and

1 reasonable alternatives to mitigate cumulative impacts on the  
2 environment should be identified.

3 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
4 the involvement of citizens in the planning process and ensure  
5 coordination between communities and jurisdictions to reconcile  
6 conflicts.

7 (12) Public facilities and services. Ensure that those public  
8 facilities and services necessary to support development shall be  
9 adequate to serve the development at the time the development is  
10 available for occupancy and use without decreasing current service  
11 levels below locally established minimum standards. Public facilities  
12 shall be sited in such a manner to best utilize existing public  
13 infrastructure including transportation facilities and services.  
14 Ensure the siting of regional and state public facilities, so that each  
15 county and city accepts its fair share of public facilities and no  
16 community is overburdened.

17 (13) Historic preservation. Identify and encourage the  
18 preservation of lands, districts, sites, and structures, that have  
19 historical or archaeological significance.

20 (14) Water resources. Land use planning and all permit decisions  
21 should both protect water quality and quantity and if there is a demand  
22 for additional water resources, the demand must be compatible with  
23 water resource plans. New growth must be related to water  
24 availability. New growth using water for domestic or industrial  
25 purposes should be located in the vicinity of where sufficient water  
26 resources exist without transporting water significant distances. Each  
27 county and its cities must integrate water resource planning for  
28 consumptive and nonconsumptive uses into its land use plan to,  
29 foremost, ensure the continuous ready supply of fresh and potable water  
30 in the amounts necessary to sustain the general good health of all of

1 its residents. Water is key for fish, wildlife, domestic use,  
2 industrial use, power, agriculture, aesthetics, and recreation.

3 (15) Air quality. Land use planning and permit decisions must  
4 ensure that air quality is maintained and enhanced and that additional  
5 development does not cause a reduction in air quality.

6 (16) Public utilities. Provide for adequate public utilities by  
7 assuring that land will be available for the location of public  
8 utilities, including location within transportation corridors, so that  
9 efficient, reliable, and cost-effective utility service can be  
10 provided.

11 (17) Financial support of public institutions. Ensure that state  
12 trust lands can be managed for the financial support of public  
13 institutions in accordance with federal law and state law  
14 constitutional and statutory requirements. Protect state trust lands  
15 from arbitrary or discriminatory land use actions.

16 PART II - LOCAL PLANNING

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

19 WHO MUST PLAN. (1) ~~((Each county that))~~ The following counties,  
20 and the cities located in whole or in part within such counties, shall  
21 adopt comprehensive land use plans and development regulations in  
22 accordance with this chapter: (a) The county has a population of one  
23 hundred thousand or more; (b) the county has both a population of fifty  
24 thousand or more and has had its population increase by more than ten  
25 percent in the previous ten years~~((, and the cities located within such~~  
26 ~~county,))~~); and (c) any other county regardless of its population that  
27 has had its population increase by more than twenty percent in the  
28 previous ten years~~((, and the cities located within such county, shall~~

1 ~~adopt comprehensive land use plans and development regulations under~~  
2 ~~this chapter. However, the county legislative authority of such a~~  
3 ~~county with a population of less than fifty thousand population may~~  
4 ~~adopt a resolution removing the county, and the cities located within~~  
5 ~~the county, from the requirements of adopting comprehensive land use~~  
6 ~~plans and development regulations under this chapter if this resolution~~  
7 ~~is adopted and filed with the department by December 31, 1990)). Once~~  
8 a county meets ((either)) one of these criteria, the requirement to  
9 conform with ((RCW 36.70A.040 through 36.70A.160)) this chapter remains  
10 in effect, even if the county no longer meets one of these criteria.

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

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

1 comprehensive plan within one year of the date its comprehensive plan  
2 is adopted.

3 (4) If after January 1, 1991, the office of financial management  
4 certifies that (~~the population of a county has changed sufficiently to~~  
5 ~~meet the requirements of subsection (1) of this section, and the county~~  
6 ~~legislative authority has not adopted a resolution removing the county~~  
7 ~~from these requirements as provided in subsection (1) of this section))~~  
8 a county, that previously had not been required to plan under this  
9 chapter as specified under subsection (1) or (2) of this section, meets  
10 the requirements of subsection (1) of this section to become required  
11 to plan under this chapter, the county and each city within such county  
12 shall adopt: (a) Development regulations under RCW 36.70A.060 within  
13 one year of the certification by the office of financial management;  
14 (b) a comprehensive land use plan under this chapter within three years  
15 of the certification by the office of financial management; and (c)  
16 development regulations pursuant to this chapter within one year of  
17 having adopted its comprehensive land use plan.

18 **Sec. 5.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
19 amended to read as follows:

20 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
21 a county or city that is required or chooses to plan under RCW  
22 36.70A.040 shall consist of a map or maps, and descriptive text  
23 covering objectives, principles, and standards used to develop the  
24 comprehensive plan. The plan shall be an internally consistent  
25 document and all elements shall be consistent with the future land use  
26 map. A comprehensive plan shall be adopted and amended with public  
27 participation as provided in RCW 36.70A.140.

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

1 (1) A land use element designating the proposed general  
2 distribution and general location and extent of the uses of land, where  
3 appropriate, for agriculture, timber production, housing, commerce,  
4 industry, recreation, open spaces, public utilities, public facilities,  
5 and other land uses. The land use element shall provide for sufficient  
6 developable land and densities for a range of housing types. The land  
7 use element shall include population densities, building intensities,  
8 and estimates of future population growth. The land use element shall  
9 include designation of agricultural lands, forest lands, mineral  
10 resource lands, critical areas, natural resources of state-wide  
11 significance, and lands for outdoor recreation as provided in section  
12 37 of this act. Each county shall include urban growth areas as  
13 established in RCW 36.70A.110 in its comprehensive land use plan. The  
14 land use element shall provide for protection of the quality and  
15 quantity of ground water and surface bodies of water used for public  
16 water supplies and shall recognize that water availability and quality  
17 are key factors in determining the extent, location, distribution, and  
18 intensity of land uses. Where applicable, the land use element shall  
19 review drainage, flooding, and storm water run-off in the area and  
20 nearby jurisdictions and provide guidance for corrective actions to  
21 mitigate or cleanse those discharges that pollute waters of the state,  
22 including Puget Sound or waters entering Puget Sound.

23 The element shall incorporate noise exposure standards as defined  
24 by the department of ecology, identification of sources, including  
25 those from transportation facilities, and noise mitigation measures.

26 The land use element shall provide for the protection of air  
27 quality by limiting or conditioning development so that the development  
28 will not cause either direct or indirect degradation of air quality.

29 (2) A housing element recognizing the vitality and character of  
30 established residential neighborhoods that: (a) Includes an inventory

1 and analysis of existing and projected housing needs including a jobs-  
2 housing balance consisting of at least a comparison between the supply  
3 of housing and the number of jobs projected in the next ten years in  
4 the community, as well as an assessment of whether the housing is  
5 affordable to the workers; (b) includes a statement of goals, policies,  
6 and objectives for the preservation, improvement, and development of  
7 housing and for meeting fair share affordable housing goals within the  
8 county and/or jurisdictions; (c) identifies sufficient land and  
9 densities for housing; (d) identifies and accommodates a fair share of  
10 low-income and moderate-income housing, including, but not limited to,  
11 government-assisted housing, housing for people with special needs,  
12 housing for low-income families, manufactured housing, multifamily  
13 housing, and group homes and foster care facilities; ((and (d))) (e)  
14 makes adequate provisions for existing and projected housing needs of  
15 all economic segments of the community; (f) promotes housing that is  
16 affordable; (g) identifies zoning restrictions that unduly limit  
17 density or which unreasonably increase housing development costs; (h)  
18 includes at least a ten-year plan for financing the preservation and  
19 development of affordable housing and for meeting the community's fair  
20 share affordable housing goals. The plan shall realistically project  
21 the amount of low-income housing units that will be needed in the  
22 community in the next ten years, and how much money could be raised to  
23 meet the housing need from bond sales, excess levies, real estate  
24 excise tax collections, impact fees, grants, and other funding sources;  
25 and (i) minimizes the displacement of residents from housing. In  
26 furtherance of affordable housing objectives, for land use and zoning  
27 purposes, manufactured housing that meets the definition of a  
28 designated manufactured home, as provided in RCW 35.63.160, shall be  
29 permitted as single-family housing. Cities and counties are also  
30 encouraged to facilitate the siting of mobile home parks in furtherance

1 of affordable housing objectives by decreasing lot size and setback  
2 requirements, and by allowing mobile home parks to be sited the same as  
3 other residential subdivisions.

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

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

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

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

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

1 (b) Facilities and services needs, including:

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

5 (ii) Level of service standards for all arterials and transit  
6 routes to serve as a gauge to judge performance of the system. These  
7 standards ~~((should))~~ shall, when practicable, address mode split and  
8 vehicle occupancy goals and also be regionally coordinated;

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

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

16 (v) Identification of transportation system management and system  
17 expansion needs ~~((and transportation system management needs))~~ to meet  
18 current and future demands, including system management or facilities  
19 needed for regional or state-wide purposes;

20 (vi) Identification of noise mitigation measures needed for  
21 existing or planned transportation facilities as identified in the land  
22 use element;

23 (c) Finance, including:

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

26 (ii) A multiyear financing plan based on the needs identified in  
27 the comprehensive plan, the appropriate parts of which shall serve as  
28 the basis for the six-year street, road, or transit program required by  
29 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
30 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) Demonstration that the transportation plan will eliminate or  
9 reduce the severity and number of violations of the national ambient  
10 air quality standards and will not allow for further degradation of air  
11 quality;

12 (f) Demand-management strategies.

13 After adoption of the comprehensive plan by ((jurisdictions))  
14 counties and cities required to plan or who choose to plan under RCW  
15 36.70A.040, ((local jurisdictions)) such counties and cities must adopt  
16 and enforce ordinances which prohibit development approval if the  
17 development causes the level of service on a transportation facility to  
18 decline below the standards adopted in the transportation element of  
19 the comprehensive plan, unless transportation improvements or  
20 strategies to accommodate the impacts of development are made  
21 concurrent with the development. ((These strategies)) Jurisdictions  
22 may exempt limited high density areas from the level of service  
23 standards requirement provided that the level of service for nonsingle  
24 occupant vehicles is improved through strategies which may include  
25 increased public ((transportation)) transit service, ride sharing  
26 programs, demand management, and other transportation systems  
27 management strategies. The purpose of the exemption is to permit  
28 higher density development in certain areas which is conducive to  
29 alternatives to the single-occupant vehicle, including public transit.  
30 For the purposes of this subsection (6) "concurrent with the

1 development" shall mean that improvements or strategies are in place at  
2 the time of development, or that a financial commitment is in place to  
3 complete the improvements or strategies within six years.

4 The transportation element described in this subsection, and the  
5 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
6 counties, and RCW 35.58.2795 for public transportation systems, must be  
7 consistent.

8 (7) An environmental management element that ensures that  
9 cumulative impacts and standards are considered and mitigation efforts  
10 are incorporated into land use, economic development, and  
11 infrastructure to protect, and when appropriate, to enhance  
12 environmental quality. Plans should minimize development and growth  
13 impacts on the environment so as not to degrade air, water, and natural  
14 resources below their current level. Plans should specify service  
15 standards for public facilities and services and mitigation polices to  
16 provide better certainty in the development process.

17 (8) An open space element that provides for local and regional  
18 parks, outdoor recreation facilities, trails, resource conservation  
19 areas, natural vistas, and greenbelts to separate designated urban  
20 growth areas. To the extent possible, open spaces should be linked in  
21 a coordinated regional and state-wide network and should be designated  
22 permanent open space only if funds or other compensatory techniques are  
23 available for acquisition consistent with section 42 of this act.

24 (9) A fair share element for siting state and regional public  
25 facilities for: (a) Holding or housing persons who have been arrested  
26 or convicted of crimes; and (b) the reduction, recycling, or disposal  
27 of solid waste.

28 (10) An historic sites and buildings element that includes but is  
29 not limited to, sites listed in or eligible for the Washington state

1 register of historic places, the national register of historic places,  
2 or for designation under a local historic preservation ordinance.

3 (11) An economic development element that includes:

4 (a) An analysis of the economic patterns, potentials, strengths,  
5 and weaknesses;

6 (b) Methods to strengthen the economic base of the county or city,  
7 particularly the exporting of goods and services;

8 (c) An analysis of the need for sites of suitable sizes, types,  
9 locations, and service levels for industrial and commercial uses;

10 (d) Compatible uses on or near sites that are zoned for industrial  
11 or commercial activity;

12 (e) Integration of the economic development element with the land  
13 use element and other elements of the comprehensive plan, especially  
14 the capital financing plan;

15 (f) Efforts to encourage economic growth state-wide by establishing  
16 rural-urban links where appropriate;

17 (g) Consideration of matching the fiscal impact of the  
18 comprehensive plan with the resources available to the county or city;  
19 and

20 (h) Coordination of the economic development element of the  
21 comprehensive plan with the regional economic development plan.

22 (12) A private property element that establishes an orderly,  
23 consistent process that better enables government agencies to evaluate  
24 whether proposed regulatory or administrative actions may result in a  
25 taking of private property or violation of due process. It is not the  
26 purpose of this subsection to expand or reduce the scope of private  
27 property protections provided in the state and federal Constitutions.

28 **Sec. 6.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each  
29 amended to read as follows:

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

5           (a) Conservation;

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

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

8           (d) Cultural resources; and

9           (e) A design element that enables communities to harmoniously fit  
10 new development with planned or existing community character and  
11 vision.

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

14           **Sec. 7.** RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each  
15 amended to read as follows:

16           COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is  
17 required or chooses to ~~((adopt a comprehensive land use))~~ plan under  
18 RCW 36.70A.040 shall designate an urban growth area or areas in its  
19 comprehensive plan within which urban growth shall be encouraged and  
20 outside of which growth can occur only if it is not urban in nature.  
21 Each city that is located in such a county shall be included within an  
22 urban growth area. An urban growth area may include more than a single  
23 city. An urban growth area may include territory that is located  
24 outside of a city only if such territory already is characterized by  
25 urban growth ~~((or))~~, is adjacent to territory already characterized by  
26 urban growth, or meets the conditions for establishing new fully  
27 contained communities under section 10 of this act.

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

1 shall include areas and densities sufficient to permit the urban growth  
2 that is projected to occur in the county for the succeeding (~~twenty-~~  
3 ~~year~~) ten-year period. Additionally, the county shall include a  
4 second-tier area to accommodate urban growth that is projected to occur  
5 in the county for a twenty-year period. The ten-year tier must be  
6 developed substantially before suburban or urban development is  
7 permitted beyond the ten-year tier. The ten-year and twenty-year urban  
8 growth area tiers in a county shall be established in such a manner as  
9 to not permit a significantly greater extent of urban growth than is  
10 projected to occur in the county within those time periods. Each urban  
11 growth area shall permit urban densities and shall include greenbelt  
12 and open space areas. Within one year of July 1, 1990, each county  
13 required to designate urban growth areas shall begin consulting with  
14 each city located within its boundaries and each city shall propose the  
15 location of an urban growth area. The county and cities located within  
16 the county shall attempt to reach agreement (~~with each city~~) on the  
17 location of ((an)) urban growth areas (~~within which the city is~~  
18 located)) within the county. If such an agreement is not reached  
19 (~~with each city located within the urban growth area~~), the county  
20 shall justify in writing why it so designated the area or areas an  
21 urban growth area or urban growth areas. A city may object formally  
22 (~~with~~) to the department over the designation of the urban growth  
23 area within which it is located. Where appropriate, the department  
24 shall attempt to resolve the conflicts, including the use of mediation  
25 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) Areas for potential annexation or potential incorporation shall  
6 be designated in portions of urban growth areas outside of cities.  
7 These areas shall relate the potential annexation or incorporation  
8 areas with local development patterns, address density, and identify  
9 the needed service providers without proliferating special purpose  
10 districts, and may include possible sequences or timing for the  
11 potential annexations or incorporations.

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

14 (6) At its option, a county may refer to any or all of the urban  
15 growth areas that it establishes as urban service areas.

16 **Sec. 8.** RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each  
17 amended to read as follows:

18 URBAN GROWTH AREA REVIEW. (1) Each comprehensive land use plan and  
19 development regulations shall be subject to continuing evaluation and  
20 review by the county or city that adopted them.

21 Any amendment or revision to a comprehensive land use plan shall  
22 conform to this chapter, and any change to development regulations  
23 shall be consistent with and implement the comprehensive plan.

24 (2) Each county and city shall establish procedures whereby  
25 proposed amendments or revisions of the comprehensive plan are  
26 considered by the governing body of the county or city no more  
27 frequently than once every year. All proposals shall be considered by  
28 the governing body concurrently so the cumulative effect of the various  
29 proposals can be ascertained. However, a county or city may adopt

1 amendments or revisions to its comprehensive plan that conform with  
2 this chapter whenever an emergency exists.

3 (3) Each county that designates urban growth areas under RCW  
4 36.70A.110 shall review, at least every ten years, its designated urban  
5 growth area or areas, and the densities permitted within both the  
6 incorporated and unincorporated portions of each urban growth area, but  
7 may make such reviews more frequently than once every ten years. In  
8 conjunction with this review by the county, each city located within an  
9 urban growth area shall review the densities permitted within its  
10 boundaries, and the extent to which the urban growth occurring within  
11 the county has located within each city and the unincorporated portions  
12 of the urban growth areas. The county comprehensive plan designating  
13 urban growth areas, and the densities permitted in the urban growth  
14 areas by the comprehensive plans of the county and each city located  
15 within the urban growth areas, shall be revised to accommodate the  
16 urban growth projected to occur in the county for the succeeding  
17 twenty-year period.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.02 RCW  
19 to read as follows:

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

23 NEW SECTION. **Sec. 10.** NEW FULLY CONTAINED COMMUNITIES. A county  
24 required or choosing to plan under RCW 36.70A.040 may establish a  
25 process for reviewing proposals for new fully contained communities  
26 within either the ten-year or twenty-year tiers of its urban growth  
27 areas. A new fully contained community may be permitted by a county  
28 when the new fully contained community is included in either the ten-

1 year or twenty-year portion of an urban growth area described in its  
2 comprehensive plan prepared pursuant to RCW 36.70A.040 and is  
3 consistent with the requirements of this chapter. However, a new fully  
4 contained community may be approved only if the following criteria are  
5 met:

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

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

11 (3) Buffers are provided between the new fully contained community  
12 and adjacent urban development;

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

14 (5) Sufficient affordable housing is provided within the new fully  
15 contained community;

16 (6) Environmental protections have been adequately addressed and  
17 provided for;

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

21 (8) Provision is made to minimize impacts on designated  
22 agricultural lands, forest lands, and mineral resource lands; and

23 (9) The plan for the new fully contained community is consistent  
24 with the development regulations established for the protection for  
25 critical areas by the county pursuant to RCW 36.70A.170.

26 NEW SECTION. **Sec. 11.** RECREATIONAL FACILITIES. Counties that are  
27 required or choose to plan under RCW 36.70A.040 may permit recreational  
28 development outside of urban growth areas, including overnight  
29 accommodations and related visitor accommodations associated with

1 recreational activities, that does not involve the subdivision or short  
2 subdivision of land and which is under single, contiguous, private or  
3 public ownership, if the county: (1) Specifically identifies and  
4 limits such uses in its comprehensive plan; (2) includes a finding that  
5 such land is better suited for and has more long-term importance for  
6 such particular recreational uses than for the commercial growing of  
7 trees, if such lands otherwise would be designated as forest land; (3)  
8 is not located on agricultural lands; (4) includes a finding that such  
9 use does not adversely affect critical areas; and (5) does not permit  
10 other urban or suburban land uses that are not associated directly with  
11 the recreational development.

12 NEW SECTION. **Sec. 12.** PLANS AND REGULATIONS--SPECIAL DISTRICTS  
13 MUST CONFORM. (1) All special districts shall perform all of their  
14 activities which affect land use in conformity with the land use plans  
15 and zoning ordinances of the county or city having jurisdiction in the  
16 area where the activities occur.

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

1 hospitals; (h) schools; and (i) transportation facilities or services,  
2 including public transit.

3 **Sec. 13.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
4 amended to read as follows:

5 HOUSING REPLACEMENT FEE. (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 that new development reducing the supply of low-income housing  
13 contribute to the cost to the community of the development of  
14 replacement low-income housing; and

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

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

24 (3) The impact fees:

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

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

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

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

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

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

18 (c) Additional public facility improvements required to serve new  
19 development; and

20 (d) Cumulative significant adverse environmental impacts.

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

26 (5) Any jurisdiction authorized to impose impact fees under this  
27 section may also impose a housing replacement fee on any development  
28 activity that involves the demolition of a structure previously used as  
29 low-income housing or the conversion of any such structure to use other  
30 than low-income housing. The housing replacement fee may not exceed

1 the estimated cost to the jurisdiction of offsetting the impact of the  
2 development activity on the supply of low-income housing in the area in  
3 which the development is located. Any housing replacement fee shall be  
4 calculated by the jurisdiction in accordance with standards adopted by  
5 ordinance or regulation. All replacement housing fees shall be used to  
6 provide or finance low-income housing in the manner authorized by RCW  
7 35.21.685 or 36.32.415.

8 After July 1, 1993, continued authorization to collect housing  
9 replacement fees shall be contingent on the jurisdiction adopting or  
10 revising a comprehensive plan in compliance with RCW 36.70A.070, and in  
11 compliance with the local jurisdiction's fair share affordable housing  
12 goal pursuant to chapter 36.70A RCW.

13 **Sec. 14.** RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each  
14 amended to read as follows:

15 IMPACT FEES--DEFINITIONS. Unless the context clearly requires  
16 otherwise, the following definitions shall apply in RCW 82.02.050  
17 through 82.02.090:

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

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

25 (3) "Impact fee" means a payment of money imposed upon development  
26 as a condition of development approval to pay for public facilities  
27 needed to serve new growth and development, and that is reasonably  
28 related to the new development that creates additional demand and need  
29 for public facilities, that is a proportionate share of the cost of the

1 public facilities, and that is used for facilities that reasonably  
2 benefit the new development. "Impact fee" does not include a  
3 reasonable permit or application fee.

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

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

11 (6) "Project improvements" mean site improvements and facilities  
12 that are planned and designed to provide service for a particular  
13 development project and that are necessary for the use and convenience  
14 of the occupants or users of the project, and are not system  
15 improvements. No improvement or facility included in a capital  
16 facilities plan approved by the governing body of the county, city, or  
17 town shall be considered a project improvement.

18 (7) "Public facilities" means the following capital facilities  
19 owned or operated by government entities: (a) Public streets and  
20 roads, sidewalks, bicycle trails, and transit stops; (b) publicly owned  
21 parks, open space, and recreation facilities; (c) school facilities;  
22 (~~and~~) (d) low-income housing; (e) fire protection facilities in  
23 jurisdictions that are not part of a fire district; and (f) mass  
24 transit systems and alternative transportation accommodations.

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

1 (9) "System improvements" mean public facilities that are included  
2 in the capital facilities plan and are designed to provide service to  
3 service areas within the community at large, in contrast to project  
4 improvements.

5 **Sec. 15.** RCW 43.21C.031 and 1983 c 117 s 1 are each amended to  
6 read as follows:

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

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

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

24 (3) The subjects listed in RCW 43.21C.030(2)(c) need not be treated  
25 as separate sections of an environmental impact statement. Discussions  
26 of significant short-term and long-term environmental impacts,  
27 significant irrevocable commitments of natural resources, significant  
28 alternatives including mitigation measures, and significant  
29 environmental impacts which cannot be mitigated should be consolidated

1 or included, as applicable, in those sections of an environmental  
2 impact statement where the responsible official decides they logically  
3 belong.

4 NEW SECTION. **Sec. 16.** VESTING DOCTRINE. The following rule is  
5 adopted for the vesting of rights in counties and cities that plan  
6 under this chapter: A right shall vest upon the issuance of a valid  
7 permit or preliminary plat approval. This rule shall cease to be  
8 effective on the effective date of the final ordinance containing  
9 development regulations adopted under RCW 36.70A.120, that implement in  
10 whole the comprehensive plan adopted under this chapter within the  
11 entire planning jurisdiction of each county and city that plan under  
12 this chapter.

13 **Sec. 17.** RCW 19.27.095 and 1987 c 104 s 1 are each amended to read  
14 as follows:

15 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY  
16 LOCAL ORDINANCE. (1) Except as provided in section 16 of this act, a  
17 valid and fully complete building permit application for a structure,  
18 that is permitted under the zoning or other land use control ordinances  
19 in effect on the date of the application shall be considered under the  
20 building permit ordinance in effect at the time of application, and the  
21 zoning or other land use control ordinances in effect on the date of  
22 application.

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

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

1       **Sec. 18.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read  
2 as follows:

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

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

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

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

15       **Sec. 19.** RCW 58.17.170 and 1981 c 293 s 10 are each amended to  
16 read as follows:

17       SUBDIVISION, ZONING CONTROLS. When the legislative body of the  
18 city, town or county finds that the subdivision proposed for final plat  
19 approval conforms to all terms of the preliminary plat approval, and  
20 that said subdivision meets the requirements of this chapter, other  
21 applicable state laws, and any local ordinances adopted under this  
22 chapter which were in effect at the time of preliminary plat approval,  
23 it shall suitably inscribe and execute its written approval on the face  
24 of the plat. The original of said final plat shall be filed for record  
25 with the county auditor. One reproducible copy shall be furnished to  
26 the city, town or county engineer. One paper copy shall be filed with  
27 the county assessor. Paper copies shall be provided to such other  
28 agencies as may be required by ordinance. Any lots in a final plat  
29 filed for record shall be a valid land use notwithstanding any change

1 in zoning laws for a period of five years from the date of filing, but  
2 during this five-year period are subject to any changed conditions on  
3 the valid land use contained in the current zoning or other land use  
4 control ordinances as long as the valid land use remains possible.  
5 These conditions include, but are not limited to, setback requirements  
6 and height limitations. A subdivision shall be governed by the terms  
7 of approval of the final plat, and the statutes, ordinances, and  
8 regulations in effect at the time of approval under RCW 58.17.150 (1)  
9 and (3) for a period of five years after final plat approval unless the  
10 legislative body finds that a change in conditions creates a serious  
11 threat to the public health or safety in the subdivision.

12 **Sec. 20.** RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each  
13 amended to read as follows:

14 NEIGHBORHOOD PARTICIPATION. Each county and city that is required  
15 or chooses to plan under RCW 36.70A.040 shall establish procedures  
16 providing for early and continuous public participation in the  
17 development and amendment of comprehensive land use plans and  
18 development regulations implementing such plans. The procedures shall  
19 provide for broad dissemination of proposals and alternatives,  
20 opportunity for written comments, public meetings after effective  
21 notice, provision for open discussion, communication programs,  
22 information services, and consideration of and response to public  
23 comments. Errors in exact compliance with the established procedures  
24 shall not render the comprehensive land use plan or development  
25 regulations invalid if the spirit of the procedures is observed.

26 Every city with a population of twenty-five thousand or more that  
27 plans under RCW 36.70A.040 shall establish a neighborhood inclusion  
28 process. The process shall allow neighborhood groups an opportunity to  
29 develop a neighborhood plan that addresses how their neighborhood can

1 help the city meet its overall goals and requirements for growth  
2 management. The neighborhood plan must be consistent with the goals,  
3 requirements, and priorities of the city. The city shall: (1) Provide  
4 neighborhood groups with a listing of what the city is required to do  
5 in order to comply with growth management provisions; (2) assist  
6 neighborhood groups with the development of the neighborhood plan when  
7 possible; (3) establish timelines for when the neighborhood plans must  
8 be submitted to the city for review; and (4) help in the development of  
9 impact mitigation measures for the neighborhood when a neighborhood  
10 increases its density, or when state or regional public facilities are  
11 sited in the neighborhood. If the neighborhood plan does not proceed  
12 in a timely manner, the city may assume control over the process and  
13 complete the plan.

14 Every city with a population of twenty-five thousand or more shall  
15 establish citizen advisory councils to assist in the development of the  
16 comprehensive land use plans and development regulations. Counties and  
17 cities jurisdictions may establish citizen advisory councils. The  
18 councils shall be consulted on the development of methods to meet fair  
19 share housing goals, and be consulted at key planning milestones.

20 The department shall hold community forums throughout the state in  
21 order to disseminate information concerning neighborhood participation  
22 in growth management. These forums may be held jointly with a city or  
23 county. Information may include community options for increasing  
24 densities including impact mitigation measures when greater densities  
25 are accepted, the implementation of design and review standards, and  
26 working with government to minimize conflicts over the siting of public  
27 facilities in the community.

28 **Sec. 21.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read  
29 as follows:

1 FACTORS FOR BOUNDARY REVIEW BOARD TO CONSIDER. In reaching a  
2 decision on a proposal or an alternative, the board shall consider the  
3 factors affecting such proposal, which shall include, but not be  
4 limited to the following:

5 (1) Population and territory; population density; land area and  
6 land uses; comprehensive plans and zoning, as adopted under chapter  
7 35.63, 35A.63, or 36.70 RCW; per capita assessed valuation; topography,  
8 natural boundaries and drainage basins, proximity to other populated  
9 areas; the existence and preservation of prime agricultural soils and  
10 productive agricultural uses; the likelihood of significant growth in  
11 the area and in adjacent incorporated and unincorporated areas during  
12 the next ten years; location and most desirable future location of  
13 community facilities;

14 (2) Municipal services; need for municipal services; effect of  
15 ordinances, governmental codes, regulations and resolutions on existing  
16 uses; present cost and adequacy of governmental services and controls  
17 in area; prospects of governmental services from other sources;  
18 probable future needs for such services and controls; probable effect  
19 of proposal or alternative on cost and adequacy of services and  
20 controls in area and adjacent area; the effect on the finances, debt  
21 structure, and contractual obligations and rights of all affected  
22 governmental units; the added net costs for a city, town, or special  
23 district to provide services and facilities in an area that it proposes  
24 to annex; and

25 (3) The effect of the proposal or alternative on adjacent areas, on  
26 mutual economic and social interests, and on the local governmental  
27 structure of the county.

28 The provisions of chapter 43.21C RCW, State Environmental Policy,  
29 shall not apply to incorporation proceedings covered by chapter 35.02  
30 RCW.

1       **Sec. 22.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read  
2 as follows:

3       OBJECTIVES OF BOUNDARY REVIEW BOARD. The decisions of the boundary  
4 review board shall attempt to achieve the following objectives:

5       (1) Preservation of natural neighborhoods and communities;

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

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

9       (4) Prevention of abnormally irregular boundaries;

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

13       (6) Dissolution of inactive special purpose districts;

14       (7) Adjustment of impractical boundaries;

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

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

20       (10) Evaluation of whether the proposed annexation by a city or  
21 town, or proposed incorporation of a city or town, in a county that is  
22 required or chooses to plan under RCW 36.70A.040, is located within an  
23 urban growth area and is consistent with the annexation and  
24 incorporation portions of the urban growth area. Cities and towns  
25 located in a county that is required or chooses to plan under RCW  
26 36.70A.040 shall not annex areas outside of an urban growth area. A  
27 city or town shall not be incorporated outside of an urban growth area  
28 in any county that is required or chooses to plan under RCW 36.70A.040.

1        NEW SECTION.    **Sec. 23.**    A new section is added to chapter 36.93 RCW  
2 to read as follows:

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

8        NEW SECTION.    **Sec. 24.**    A new section is added to chapter 35.13 RCW  
9 to read as follows:

10       CITY ANNEXATIONS.    Each unincorporated area that as of January 1,  
11 1991, lies wholly within the boundaries of a city or town shall become  
12 part of the city or town within whose boundaries the unincorporated  
13 area lies, and shall be incorporated as of the effective date of this  
14 act into the city or town without any action by the city or town  
15 council.    Land which is owned by a county and used for the purposes of  
16 an agricultural fair under chapter 15.76 or 36.37 RCW, or a county  
17 park, shall not be annexed under this section without the consent of a  
18 majority of the members of the county legislative authority of the  
19 county that owns the land.    For purposes of this section, an  
20 unincorporated area that is bounded completely by both a state  
21 boundary, or a body or bodies of navigable water, and a city or town  
22 shall not be construed to lie wholly within the boundaries of a city or  
23 town.    Annexations under this section shall not be reviewed by a  
24 boundary review board or other annexation review board.

25       NEW SECTION.    **Sec. 25.**    A new section is added to chapter 35.13 RCW  
26 to read as follows:

27       CITY ANNEXATIONS.    (1) A city or town shall not annex territory  
28 under any method where, after the proposed annexation has occurred, any

1 closed plane figure of unincorporated area could be drawn that includes  
2 a portion of the boundary of the newly annexed area so that eighty  
3 percent or more of the figure's perimeter is conterminous with any of  
4 the annexing city's or town's boundaries. In addition, a city or town  
5 shall not annex unincorporated territory under any method of annexation  
6 if, as a result of the annexation, an area would become entirely  
7 surrounded by a body or bodies of navigable water and the annexing city  
8 or town, unless the annexation reduced the size of an area that prior  
9 to the annexation was entirely surrounded by a body or bodies of  
10 navigable water and the annexing city or town.

11 (2) However, a city or town may annex territory that lies within a  
12 corridor of unincorporated territory which existed before the effective  
13 date of this act where, after the annexation has occurred, a closed  
14 plane figure could be drawn that is prohibited under subsection (1) of  
15 this section, if, after the proposed annexation has occurred, another  
16 closed plane figure cannot be drawn within the corridor so that a  
17 greater percentage of the perimeter is conterminous with a portion of  
18 the boundaries of the city or town than was the case with the perimeter  
19 of the original figure.

20 NEW SECTION. **Sec. 26.** A new section is added to chapter 35A.14  
21 RCW to read as follows:

22 CITY ANNEXATIONS. Each unincorporated area that as of January 1,  
23 1991, lies wholly within the boundaries of a code city shall become  
24 part of the city within whose boundaries the unincorporated area lies,  
25 and shall be incorporated as of the effective date of this act into the  
26 city without any action by the city council required. Land which is  
27 owned by a county and used for the purposes of an agricultural fair  
28 under chapter 15.76 or 36.37 RCW, or a county park, shall not be  
29 annexed under this section without the consent of a majority of the

1 members of the county legislative authority of the county that owns the  
2 land. For purposes of this section, an unincorporated area that is  
3 bounded completely by both a state boundary, or a body or bodies of  
4 navigable water, and a city shall not be construed to lie wholly within  
5 the boundaries of a city. Annexations under this section shall not be  
6 reviewed by a boundary review board or other annexation review board.

7 NEW SECTION. **Sec. 27.** A new section is added to chapter 35A.14  
8 RCW to read as follows:

9 CITY ANNEXATIONS. (1) A code city shall not annex territory under  
10 any method where, after the proposed annexation has occurred, any  
11 closed plane figure of unincorporated area could be drawn that includes  
12 a portion of the boundary of the newly annexed area so that eighty  
13 percent or more of the figure's perimeter is coterminous with any of  
14 the annexing city's boundaries. In addition, a code city shall not  
15 annex unincorporated territory under any method of annexation if, as a  
16 result of the annexation, an area would become entirely surrounded by  
17 a body or bodies of navigable water and the annexing city, unless the  
18 annexation reduced the size of an area that prior to the annexation was  
19 entirely surrounded by a body or bodies of navigable water and the  
20 annexing city.

21 (2) However, a code city may annex territory that lies within a  
22 corridor of unincorporated territory which existed before the effective  
23 date of this act where, after the annexation has occurred, a closed  
24 plane figure could be drawn that is prohibited under subsection (1) of  
25 this section, if, after the proposed annexation has occurred, another  
26 closed plane figure cannot be drawn within the corridor so that a  
27 greater percentage of the perimeter is coterminous with a portion of  
28 the boundaries of the city than was the case with the perimeter of the  
29 original figure.

PART III - HOUSING

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**Sec. 28.** RCW 82.46.010 and 1990 1st ex.s. c 17 s 36 are each amended to read as follows:

REAL ESTATE EXCISE TAX--HOUSING PROJECTS. (1) The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After July 1, 1990, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under RCW 36.70A.040 shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan, housing projects, and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to July 1, 1990, may continue to be used for that purpose until all outstanding debt is retired, or (b) committed prior to July 1, 1990, by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

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

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

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

8 (5) As used in this section, "city" means any city or town; and  
9 "housing project" includes the construction, reconstruction,  
10 acquisition, or rehabilitation of housing to serve low-income persons  
11 by the city or county, or as provided in RCW 35.21.685 and 36.32.415.

12 NEW SECTION. Sec. 29. FAIR SHARE HOUSING. (1) The department  
13 shall establish by rule in consultation with counties and cities the  
14 process for determining a community's fair share housing goal. The  
15 process shall utilize county-wide data provided by the office of  
16 financial management to establish the fair share affordable housing  
17 goal in each community in the county, except that the department may  
18 aggregate data from more than one county where it deems appropriate.  
19 The process shall include a review of the amount and condition of  
20 existing housing stock, the projected need for affordable housing in  
21 the community, per capita income, population density, amount of  
22 developable land in the urban growth area, and the projected number of  
23 jobs in the community in the next ten years. The department may add  
24 additional criteria as deemed necessary. Each community's fair share  
25 affordable housing goal shall include housing that is affordable to  
26 very low-income and low-income households, and persons with special  
27 housing needs. The department shall also encourage cooperative efforts  
28 between communities to meet their fair share affordable housing goal.

1 (2) The department shall require each community to submit a report  
2 every four years that describes the progress that is being made to meet  
3 its fair share affordable housing goal. Communities that exceed their  
4 fair share affordable housing goals shall receive preference points in  
5 applications for grants or loans under the public works assistance  
6 account and the housing trust fund. In determining whether a community  
7 is making a good faith effort to meet its fair share affordable housing  
8 goals, the department may consider a community's effort in reducing  
9 minimum lot and frontage sizes, the amount of local effort compared to  
10 the tax capacity, the submission of any bond and levy measures to the  
11 voters for affordable housing, the identification and elimination of  
12 restrictive zoning or regulations that unreasonably impacts affordable  
13 housing, the enactment of density bonuses and land use techniques such  
14 as cluster housing and planned unit developments, the adoption of a  
15 current use classification for assessing low-income housing, and  
16 efforts to preserve federally assisted housing developments.

17 NEW SECTION. **Sec. 30.** A new section is added to chapter 8.26 RCW  
18 to read as follows:

19 REPLACEMENT HOUSING. Whenever the state or a local public agency  
20 demolishes or otherwise eliminates low-income housing as defined in RCW  
21 36.32.415 for a public works project, it shall deposit moneys in a  
22 local jurisdiction housing replacement fund in an amount equal to the  
23 cost of providing an equal number of new low-income rental housing  
24 units in the same location. The moneys may only be used for acquiring,  
25 constructing, or rehabilitating low-income housing stock. Nothing in  
26 this section shall require a state or local public agency to pay an  
27 impact fee for demolishing housing that constitutes a nuisance or a  
28 health or safety hazard to the community.

1       **Sec. 31.** RCW 35.21.685 and 1986 c 248 s 1 are each amended to read  
2 as follows:

3       LOW-INCOME HOUSING. A city or town may assist in the development  
4 or preservation of publicly or privately owned housing for persons of  
5 low income by providing loans or grants (~~(of general municipal funds)~~)  
6 to the owners or developers of the housing. The loans or grants shall  
7 be pursuant to a plan or program authorized by the legislative  
8 authority of the city or town(~~(. They may be made)~~) to finance all or  
9 a portion of the cost of construction, reconstruction, acquisition, or  
10 rehabilitation of housing that will be occupied by ~~((a))~~ one or more  
11 persons or ~~((family))~~ families of low income or relocation assistance  
12 for such persons or families. As used in this section, "low income"  
13 means income that does not exceed eighty percent of the median income  
14 for the county or, if applicable, the standard metropolitan statistical  
15 area in which the city or town is located. For the purpose of this  
16 section, "owner" includes a lessee under a ground lease or a master  
17 lease. Housing constructed or rehabilitated with loans or grants made  
18 under this section shall not be considered public works or improvements  
19 subject to competitive bidding or a purchase of services subject to the  
20 prohibition against advance payment for services: PROVIDED, That  
21 whenever feasible the borrower or grantee shall make every reasonable  
22 and practicable effort to utilize a competitive public bidding process.

23       **Sec. 32.** RCW 36.32.415 and 1986 c 248 s 2 are each amended to read  
24 as follows:

25       LOW-INCOME HOUSING. A county may assist in the development or  
26 preservation of publicly or privately owned housing for persons of low  
27 income by providing loans or grants (~~(of general county funds)~~) to the  
28 owners or developers of the housing. The loans or grants shall be made  
29 pursuant to a plan or program authorized by the legislative authority

1 of a county(~~(. They may be made)~~) to finance all or a portion of the  
2 cost of construction, reconstruction, acquisition, or rehabilitation of  
3 housing that will be occupied by ~~((a))~~ one or more persons or  
4 ~~((family))~~ families of low income or relocation assistance for such  
5 persons or families. As used in this section, "low income" means  
6 income that does not exceed eighty percent of the median income for the  
7 county or, if applicable, the standard metropolitan statistical area in  
8 which the county is located. For the purpose of this section, "owner"  
9 includes a lessee under a ground lease or master lease. Housing  
10 constructed or rehabilitated with loans or grants made under this  
11 section shall not be considered public works or improvements subject to  
12 competitive bidding or a purchase of services subject to the  
13 prohibition against advance payment for services: PROVIDED, That  
14 whenever feasible the borrower or grantee shall make every reasonable  
15 and practicable effort to utilize a competitive public bidding process.

16 **Sec. 33.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each  
17 amended to read as follows:

18 HOUSING RELOCATION ASSISTANCE. (1) Any city, town, or county(~~(, or~~  
19 ~~municipal corporation)~~) that is required to or chooses to develop a  
20 comprehensive plan under RCW ~~((36.70A.040(1)))~~ 36.70A.040 is authorized  
21 to require, after reasonable notice to the public and a public hearing,  
22 property owners to provide their portion of reasonable relocation  
23 assistance to low-income tenants upon the demolition, substantial  
24 rehabilitation whether due to code enforcement or any other reason, or  
25 change of use of residential property, or upon the removal of use  
26 restrictions in an assisted-housing development. No city, town, or  
27 county(~~(, or municipal corporation)~~) may require property owners to  
28 provide relocation assistance to low-income tenants, as defined in this  
29 chapter, upon the demolition, substantial rehabilitation, upon the

1 change of use of residential property, or upon the removal of use  
2 restrictions in an assisted-housing development, except as expressly  
3 authorized herein or when authorized or required by state or federal  
4 law. As used in this section, "assisted housing development" means a  
5 multifamily rental housing development that either receives government  
6 assistance and is defined as federally assisted housing in RCW  
7 59.28.020, or that receives other federal, state, or local government  
8 assistance and is subject to use restrictions.

9 (2) As used in this section, "low-income tenants" means tenants  
10 whose combined total income per dwelling unit is at or below fifty  
11 percent of the median income, adjusted for family size, in the county  
12 where the tenants reside.

13 The department of community development shall adopt rules defining  
14 county median income in accordance with the definitions promulgated by  
15 the federal department of housing and urban development.

16 (3) A requirement that property owners provide relocation  
17 assistance shall include the amounts of such assistance to be provided  
18 to low-income tenants. In determining such amounts, the  
19 (~~jurisdiction~~) county or city imposing the requirement shall  
20 evaluate, and receive public testimony on, what relocation expenses  
21 displaced tenants would reasonably incur in that jurisdiction  
22 including:

23 (a) Actual physical moving costs and expenses;

24 (b) Advance payments required for moving into a new residence such  
25 as the cost of first and last month's rent and security and damage  
26 deposits;

27 (c) Utility connection fees and deposits; and

28 (d) Anticipated additional rent and utility costs in the residence  
29 for one year after relocation.

1 (4)(a) Relocation assistance provided to low-income tenants under  
2 this section shall not exceed two thousand dollars for each dwelling  
3 unit displaced by actions of the property owner under subsection (1) of  
4 this section. A city, town, or county(~~(, or municipal corporation)~~)  
5 may make future annual adjustments to the maximum amount of relocation  
6 assistance required under this subsection in order to reflect any  
7 changes in the housing component of the consumer price index as  
8 published by the United States department of labor, bureau of labor  
9 statistics.

10 (b) The property owner's portion of any relocation assistance  
11 provided to low-income tenants under this section shall not exceed one-  
12 half of the required relocation assistance under (a) of this subsection  
13 in cash or services. A city, town, or county may authorize the cash  
14 portion of the relocation assistance provided by the property owner to  
15 be in the form of foregone rent, and may establish a value on services  
16 provided by the landlord, such as moving, that assist the tenants to  
17 relocate.

18 (c) The portion of relocation assistance not covered by the  
19 property owner under (b) of this subsection shall be paid by the city,  
20 town, or county(~~(, or municipal corporation)~~) authorized to require  
21 relocation assistance under subsection (1) of this section. The  
22 relocation assistance may be paid from proceeds collected from the  
23 excise tax imposed under RCW 82.46.010.

24 (5) A city, town, or county(~~(, or municipal corporation)~~) requiring  
25 the provision of relocation assistance under this section shall adopt  
26 policies, procedures, or regulations to implement such requirement.  
27 Such policies, procedures, or regulations shall include provisions for  
28 administrative hearings to resolve disputes between tenants and  
29 property owners relating to relocation assistance or unlawful detainer

1 actions during relocation, and shall require a decision within thirty  
2 days of a request for a hearing by either a tenant or property owner.

3 Judicial review of an administrative hearing decision relating to  
4 relocation assistance may be had by filing a petition, within ten days  
5 of the decision, in the superior court in the county where the  
6 residential property is located. Judicial review shall be confined to  
7 the record of the administrative hearing and the court may reverse the  
8 decision only if the administrative findings, inferences, conclusions,  
9 or decision is:

10 (a) In violation of constitutional provisions;

11 (b) In excess of the authority or jurisdiction of the  
12 administrative hearing officer;

13 (c) Made upon unlawful procedure or otherwise is contrary to law;  
14 or

15 (d) Arbitrary and capricious.

16 (6) Any city, town, or county(~~(, or municipal corporation)~~) may  
17 require relocation assistance, under the terms of this section, for  
18 otherwise eligible tenants whose living arrangements are exempted from  
19 the provisions of this chapter under RCW 59.18.040(3) and if the living  
20 arrangement is considered to be a rental or lease pursuant to RCW  
21 67.28.180(1).

22 (7)(a) Persons who move from a dwelling unit prior to the  
23 application by the owner of the dwelling unit for any governmental  
24 permit necessary for the demolition, substantial rehabilitation, or  
25 change of use of residential property or prior to any notification or  
26 filing required for condominium conversion shall not be entitled to the  
27 assistance authorized by this section.

28 (b) Persons who move into a dwelling unit after the application for  
29 any necessary governmental permit or after any required condominium  
30 conversion notification or filing shall not be entitled to the

1 assistance authorized by this section if such persons receive written  
2 notice from the property owner prior to taking possession of the  
3 dwelling unit that specifically describes the activity or condition  
4 that may result in their temporary or permanent displacement and  
5 advises them of their ineligibility for relocation assistance.

6 PART IV - RESOURCE LANDS, CRITICAL AREAS, AND OPEN SPACE

7 **Sec. 34.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each  
8 amended to read as follows:

9 FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS-  
10 -DESIGNATIONS. (1) On or before September 1, 1991, each county, and  
11 each city, shall designate where appropriate:

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

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

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

21 (d) Critical areas.

22 (2) In making the designations required by this section, counties  
23 and cities shall consider the guidelines established pursuant to RCW  
24 36.70A.050.

25 (3) Once classified, such lands shall be protected according to RCW  
26 36.70A.060 or section 36 of this act.

1       **Sec. 35.** RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each  
2 amended to read as follows:

3       FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS-  
4 -DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses  
5 to plan under RCW 36.70A.040, and each city within such county, shall  
6 adopt development regulations on or before September 1, 1991, to assure  
7 the conservation of agricultural, forest, and mineral resource lands  
8 designated under RCW 36.70A.170. Regulations adopted under this  
9 ~~((section))~~ subsection may not prohibit uses ~~((permitted))~~ legally  
10 existing on any parcel prior to their adoption unless provisions are  
11 made for amortizing the use and shall remain in effect until ~~((a))~~ the  
12 county or city adopts development regulations pursuant to RCW  
13 36.70A.120. Such regulations shall assure that the use of lands  
14 adjacent to agricultural, forest, or mineral resource lands shall not  
15 interfere with the continued use, in the accustomed manner and in  
16 accordance with best management practices, of these designated lands  
17 for the production of food, agricultural products, or timber, or for  
18 the extraction of minerals.

19       (2) Each county that is required or chooses to plan under RCW  
20 36.70A.040, and each city within such county, shall adopt development  
21 regulations on or before September 1, 1991, precluding land uses or  
22 development that is incompatible with the critical areas that are  
23 required to be designated under RCW 36.70A.170.

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

1        NEW SECTION.    **Sec. 36.**    FOREST, AGRICULTURE, AND MINERAL RESOURCE  
2 LANDS AND CRITICAL AREAS--REMAINING JURISDICTIONS TO ADOPT DEVELOPMENT  
3 REGULATIONS.    (1) Each county and city not subject to RCW 36.70A.060  
4 shall adopt development regulations on or before September 1, 1992, to  
5 assure the conservation of agricultural, forest, and mineral resource  
6 lands designated under RCW 36.70A.170.    Regulations adopted under this  
7 subsection may not prohibit uses legally existing on any parcel prior  
8 to their adoption unless provisions are made for amortizing the use and  
9 shall remain in effect until the county or city adopts development  
10 regulations under this section.    Such regulations shall assure that the  
11 use of lands adjacent to agricultural, forest, or mineral resource  
12 lands shall not interfere with the continued use, in the accustomed  
13 manner, of these designated lands for the production of food,  
14 agricultural products, or timber, or for the extraction of minerals.

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

19        (3) Each county and city under this section shall perform its  
20 activities, including adoption of development regulations, and make  
21 capital budget decisions in conformity with their designations under  
22 RCW 36.70A.170.

23        NEW SECTION.    **Sec. 37.**    OPEN SPACE LANDS--IDENTIFICATION.    In  
24 addition to designation of agricultural lands, forest lands, mineral  
25 resource lands, and critical areas as required under RCW 36.70A.170,  
26 every county and city required or choosing to plan under RCW 36.70A.040  
27 shall identify existing open space lands permanently protected by the  
28 county or city by June 30, 1992.    This identification shall be  
29 consistent with the requirements contained in RCW 36.70A.160.

1        NEW SECTION.    **Sec. 38.**    EXTENSION OF TIME TO DESIGNATE AND PROTECT  
2    FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS.  
3    The department may extend the date by which a county or city is  
4    required to designate agricultural lands, forest lands, mineral  
5    resource lands, and critical areas under RCW 36.70A.170, or the date by  
6    which a county or city is required to protect such lands and critical  
7    areas under RCW 36.70A.060, if the county or city demonstrates that it  
8    is proceeding in an orderly fashion, and is making a good faith effort,  
9    to meet these requirements.    An extension may be for up to an  
10   additional one hundred eighty days.    The length of an extension shall  
11   be based upon the difficulty of the effort to conform with these  
12   requirements.

13        **Sec. 39.**    RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each  
14   amended to read as follows:

15        MINIMUM GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL  
16   LANDS AND CRITICAL AREAS.    (1) Subject to the definitions provided in  
17   RCW 36.70A.030, the department shall adopt guidelines, under chapter  
18   34.05 RCW, no later than September 1, 1990, to guide the classification  
19   of:    (a) Agricultural lands; (b) forest lands; (c) mineral resource  
20   lands; and (d) critical areas.    The department shall consult with the  
21   department of agriculture regarding guidelines for agricultural lands,  
22   the department of natural resources regarding forest lands and mineral  
23   resource lands, and the department of ecology regarding critical areas.

24        (2) In carrying out its duties under this section, the department  
25   shall consult with interested parties, including but not limited to:  
26   (a) Representatives of cities; (b) representatives of counties; (c)  
27   representatives of developers; (d) representatives of builders; (e)  
28   representatives of owners of agricultural lands, forest lands, and  
29   mining lands; (f) representatives of local economic development

1 officials; (g) representatives of environmental organizations; (h)  
2 representatives of special districts; (i) representatives of the  
3 governor's office and federal and state agencies; and (j)  
4 representatives of Indian tribes. In addition to the consultation  
5 required under this subsection, the department shall conduct public  
6 hearings in the various regions of the state. The department shall  
7 consider the public input obtained at such public hearings when  
8 adopting the guidelines.

9 (3) The guidelines under subsection (1) of this section shall be  
10 minimum guidelines that apply to all (~~jurisdictions~~) counties and  
11 cities, but also shall allow for regional differences that exist in  
12 Washington state. The intent of these guidelines is to assist counties  
13 and cities in designating the classification of agricultural lands,  
14 forest lands, mineral resource lands, and critical areas under RCW  
15 36.70A.170.

16 (4) The guidelines established by the department under this section  
17 regarding classification of forest lands shall not be inconsistent with  
18 guidelines adopted by the department of natural resources.

19 (5) Once classified, such lands shall be protected according to RCW  
20 36.70A.060 and section 36 of this act.

21 NEW SECTION. Sec. 40. OPEN SPACE MAP. (1) To assist counties and  
22 cities in carrying out the goals and requirements of this chapter, the  
23 committee created in section 43 of this act shall prepare a state-wide  
24 open space map identifying existing areas of protected open space lands  
25 and networks as described in RCW 36.70A.020.

26 (2) The committee shall prepare the map and submit it to the  
27 governor and the joint select committee on growth management by  
28 December 1, 1992. The committee shall distribute the map to all

1 counties and cities planning under RCW 36.70A.040 to adopt  
2 comprehensive land use plans under this chapter.

3 (3) The process shall consist of:

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

6 (b) The identification, in those counties or cities planning under  
7 RCW 36.70A.040, of existing open space lands protected by counties and  
8 cities.

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

13 (5) In preparing the map, the committee shall cooperate to the  
14 maximum degree feasible with counties and cities preparing  
15 comprehensive plans under RCW 36.70A.040 and with counties and cities  
16 designating and adopting development regulations to protect forest,  
17 agricultural, and mineral resource lands and critical areas. The map  
18 is to be prepared using existing resources information available from  
19 federal, state, and local governments, including the designations of  
20 forest, agricultural, and mineral resource lands, and critical areas  
21 required under this chapter, designations of natural resources of  
22 state-wide significance required under section 45 of this act, and the  
23 identification of open space corridors provided for in RCW 36.70A.160.  
24 The committee shall provide opportunities for public review and comment  
25 during preparation of the map.

26 NEW SECTION. **Sec. 41.** OPEN SPACE MAP--STATE AGENCIES SHALL  
27 COOPERATE. To foster the efforts of counties and cities to identify  
28 and protect open space networks in their comprehensive plans and  
29 development regulations as required in RCW 36.70A.160 and this act, all

1 state agencies with natural resources land management, regulation, or  
2 planning authorities shall cooperate with county and city efforts to  
3 protect open space lands and networks.

4 NEW SECTION. **Sec. 42.** OPEN SPACE PROTECTION. When permanent open  
5 space protection is desired and is not necessary for protection of  
6 forest, agriculture, and mineral resources lands or critical areas, a  
7 county or city shall do so by a permanent conveyance of sufficient  
8 interest to prevent its development. Local governments may utilize a  
9 variety of methods to limit the future use of or otherwise conserve  
10 selected open space including incentive zoning, the acquisition by  
11 gift, purchase, grant, bequest, devise, lease, or otherwise, the fee  
12 simple or lesser interest, transfer of development right, easement,  
13 covenant, or other contractual right.

14 NEW SECTION. **Sec. 43.** COMMITTEE ON NATURAL RESOURCES OF STATE-  
15 WIDE SIGNIFICANCE. There is created a committee consisting of the  
16 commissioner of public lands, the director of parks and recreation, the  
17 director of wildlife, the director of fisheries, the director of  
18 ecology, the director of community development, or their designees, one  
19 representative from the association of Washington cities, one  
20 representative from the Washington state association of counties, one  
21 representative from the Washington state public ports association, and  
22 by appointment of the governor, three members of the public. In  
23 selecting the three members of the public to serve on this committee,  
24 the governor shall keep in mind the diversity of the state's natural  
25 resources and the diverse needs of state residents. The director of  
26 community development shall serve as the chair of the committee and the  
27 department shall provide staff to the committee. Members employed by  
28 the state shall serve without additional pay, and participation in the

1 work of the committee shall be deemed performance of their employment.  
2 Members from the public at large shall be compensated in accordance  
3 with RCW 43.03.240 and shall be entitled to reimbursement individually  
4 for travel expenses incurred in performance of their duties as members  
5 of the committee in accordance with RCW 43.03.050 and 43.03.060.

6 NEW SECTION. **Sec. 44.** COMMITTEE ON NATURAL RESOURCES OF STATE-  
7 WIDE SIGNIFICANCE. (1) The committee established in section 43 of  
8 this act shall: (a) Develop recommendations on criteria to be used in  
9 identifying natural resources of state-wide significance; (b) develop  
10 recommendations on minimum standards to be used by counties and cities  
11 to protect natural resources of state-wide significance within their  
12 jurisdictions; and (c) assist the department in reviewing plans and  
13 development regulations as provided in section 54(2) of this act. In  
14 carrying out the responsibilities under (a) and (b) of this  
15 subsection, the committee shall consult with interested parties and  
16 shall conduct public hearings in the various regions of the state. The  
17 committee shall consider the public input obtained at such public  
18 hearings when developing the recommendations. These recommendations  
19 shall be submitted to the department on or before September 1, 1991.

20 (2) The department shall prepare final draft rules, under chapter  
21 34.05 RCW, on criteria for identifying natural resources of state-wide  
22 significance and minimum standards for protecting natural resources of  
23 state-wide significance based on the recommendations prepared by the  
24 committee under subsection (1) of this section. These rules shall be  
25 submitted to the joint select committee on growth management created in  
26 section 58 of this act for review and shall take effect on May 1, 1992,  
27 unless they are rejected by the legislature during the 1992 session.

1        NEW SECTION.    **Sec. 45.**    DESIGNATION OF NATURAL RESOURCES OF STATE-  
2 WIDE SIGNIFICANCE.    (1)(a) Every county and city shall identify and  
3 designate natural resources of state-wide significance located in its  
4 jurisdiction based on the criteria adopted by the department pursuant  
5 to section 44(2) of this act, to the extent that such natural resources  
6 occur within the county or city.    Counties and cities may request  
7 assistance in identifying these natural resources from the departments  
8 of wildlife, ecology, fisheries, and natural resources, and the parks  
9 and recreation commission. If requested, these agencies shall, to the  
10 maximum extent feasible, provide assessments of which natural resources  
11 within the county's or city's jurisdiction meet the criteria  
12 established under section 44(2) of this act.

13        (b) When a county or a city designates a natural resource of state-  
14 wide significance that is not wholly contained in the jurisdiction  
15 making the designation, the county or city shall notify other counties  
16 and/or cities that may share a common interest in the designation.

17        (2) Every county and city that designates natural resources of  
18 state-wide significance shall adopt development regulations on or  
19 before September 1, 1992, precluding land uses or development  
20 incompatible with the level of protection required by the minimum  
21 standards adopted under section 44(2) of this act.

22        NEW SECTION.    **Sec. 46.**    INTERJURISDICTIONAL COORDINATION.    When a  
23 natural resource of state-wide significance designated under section 45  
24 of this act or a critical area designated under RCW 36.70A.170 crosses  
25 a city or county border, or where a designated natural resource of  
26 state-wide significance or critical area borders two or more counties  
27 or cities, these jurisdictions shall enter into negotiations to arrive  
28 at a mutually acceptable set of development regulations that preclude  
29 land uses or development that is incompatible with these designations.

1 If the counties or cities cannot reach agreement, then the proposal  
2 from the jurisdiction with the strictest provisions for the protection  
3 of the shared natural resource of state-wide significance or critical  
4 area shall be adopted by all counties or cities involved in the  
5 negotiations, except that if a jurisdiction believes that other  
6 counties or cities have not negotiated in good faith to reach an  
7 agreement, the counties or cities may prepare alternative development  
8 regulations and request that the department review the adequacy of the  
9 alternative as provided in section 54(3) of this act.

10 NEW SECTION. **Sec. 47.** STATE TRUST LANDS. Nothing in this act  
11 shall be construed as affecting the state's obligation to manage  
12 federally granted trust lands for the primary benefit of the designated  
13 beneficiary.

14 PART V - REGIONAL PLANNING

15 NEW SECTION. **Sec. 48.** REGIONAL PLANS AND AGREEMENTS. It is  
16 recognized that counties are the regional governments within their  
17 boundaries and cities are the primary providers of urban services  
18 within urban growth areas.

19 The officials of each county are encouraged to meet regularly with  
20 officials of cities and special districts, and other counties, to seek  
21 agreements on common activities and plans. The officials of counties  
22 and cities are encouraged to meet regularly while preparing their  
23 comprehensive plans under this chapter to achieve coordination between  
24 their plans.

25 When reviewing the extent to which comprehensive plans meet the  
26 coordination requirement contained in RCW 36.70A.100, the growth  
27 management board shall afford substantial weight to the content of

1 regional plans and agreements that have been agreed to by: (1) A  
2 county and a substantial number of cities within the county; (2) a  
3 county and the city or cities with a substantial portion of the city  
4 population within the county; or (3) two or more counties and a  
5 substantial number of cities, or the city or cities with a substantial  
6 portion of the city population, within each of the counties.

7 It is most appropriate that regional plans be agreed to relating to  
8 major directions and policies for fair share siting of public  
9 facilities described under RCW 36.70A.070(9) and open space and  
10 greenbelt areas.

11 NEW SECTION. **Sec. 49.** A new section is added to chapter 43.63A  
12 RCW to read as follows:

13 REGIONAL ECONOMIC DEVELOPMENT PLANS. A regional economic  
14 development plan shall be developed by regions formed under section 48  
15 of this act or developed voluntarily by counties and cities not  
16 planning under RCW 36.70A.040 and shall include, but is not limited to,  
17 the following contents:

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

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

21 (3) An identification of priority development areas, as defined by  
22 the state agency coordinating council created in section 51 of this  
23 act, where there is a need for economic growth and where there is the  
24 physical capacity, realistic ability, and local support to attract such  
25 growth; and

26 (4) An identification of any economic development-related project  
27 of regional or state significance. When such a project is identified,  
28 the regional plan shall identify the financial impacts caused by the  
29 project and propose alternatives to address these impacts, including

1 financing for infrastructure and transportation and public facilities  
2 necessitated by the project. The alternatives should include state  
3 assistance the region will seek to help offset the impacts of the  
4 project.

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

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

18 PART VI - STATE AGENCY PLANNING AND REVIEW

19 NEW SECTION. **Sec. 50.** STATE AGENCIES REQUIRED TO PLAN CONSISTENT  
20 WITH PLANNING GOALS. (1) State agencies proposing development shall:  
21 (a) Plan in conformance with the planning goals contained in RCW  
22 36.70A.020; (b) notify the state agency coordinating council of the  
23 proposed development; (c) comply with local comprehensive plans and  
24 development regulations adopted pursuant to RCW 36.70A.040 and  
25 36.70A.120; (d) comply with amendments to comprehensive land use plans  
26 as provided for in RCW 36.70A.130; and (e) comply with development  
27 regulations adopted pursuant to RCW 36.70A.060 and section 36 of this  
28 act.

1 (2) The state shall also protect private property by evaluating  
2 whether proposed regulatory or administrative actions may result in a  
3 taking of private property or violation of due process. It is not the  
4 purpose of this subsection to expand or reduce the scope of private  
5 property protections provided in the state and federal Constitutions.

6 NEW SECTION. **Sec. 51.** STATE AGENCY COORDINATING COUNCIL CREATED.

7 (1) There is hereby created in the office of the governor the state  
8 agency coordinating council. The council shall be comprised of twelve  
9 members as follows:

- 10 (a) The secretary of transportation;
- 11 (b) The director of community development;
- 12 (c) The director of ecology;
- 13 (d) The director of trade and economic development;
- 14 (e) The director of agriculture;
- 15 (f) The commissioner of public lands;
- 16 (g) The director of the parks and recreation commission;
- 17 (h) The director of the office of financial management;
- 18 (i) The director of wildlife;
- 19 (j) The state treasurer;
- 20 (k) The director of fisheries; and
- 21 (l) The governor, who shall chair the council.

22 (2) The council may create an advisory committee to represent the  
23 private sector, the environmental community, cities and counties, the  
24 general public, and others as determined by the council.

25 (3) Staffing shall be provided by the state agencies on the  
26 council. Staffing shall be coordinated by the chair.

27 NEW SECTION. **Sec. 52.** STATE AGENCY COORDINATING COUNCIL--DUTIES.

28 The state agency coordinating council shall:

1 (1) Make recommendations to the legislature and governor regarding:

2 (a) Developing a capital investment strategy that can coordinate  
3 the infrastructure planning and financing of all state agencies based  
4 on defined state policies and criteria, and coordinating state  
5 infrastructure planning and financing with regional organizations and  
6 local governments;

7 (b) Adopting a state policy of catching up and keeping up with  
8 infrastructure needs to sustain a healthy economy and a high quality of  
9 life. Given limited resources, the state should ensure that public  
10 infrastructure spending is efficient and serves desired growth  
11 strategies;

12 (c) Changing state agency programs and existing funds to  
13 reprioritize these programs and funds once a state capital investment  
14 strategy is adopted;

15 (d) Creating a new growth management financing account which would  
16 finance infrastructure needs based on regional economic planning under  
17 section 49 of this act;

18 (e) Providing incentives to counties and cities to comply with  
19 growth management requirements, including counties and cities not  
20 required to plan under RCW 36.70A.040; and

21 (2) Make agencies more responsive to businesses by directing and  
22 advising state agencies on improving the state permit process.  
23 Specific timeframes should be established by rule for the processing of  
24 permits.

25 (3) Identify priority development areas for the purposes of  
26 regional planning under section 49 of this act, and coordinate state  
27 assistance to economic development-related projects of regional or  
28 state significance under section 49(4) of this act.

29 (4) Coordinate state agencies in delivering economic development  
30 services and in enacting regulations so that the services and

1 regulations are provided or enacted consistently and efficiently across  
2 agency lines. This shall include attempting to balance the state's  
3 need for environmental protection through regulation with the economic  
4 development needs of the state and counties and cities.

5 (5) Advise the governor on growth management issues, particularly  
6 ensuring that state agencies comply with section 50 of this act.

7 (6) Mediate issues or disputes among state agencies regarding the  
8 siting of regional and state public facilities.

9 NEW SECTION. **Sec. 53.** LIMITATIONS ON STATE RULE MAKING. In  
10 addition to the requirement for adopting guidelines to assist the  
11 designation of agricultural lands, forest lands, mineral resource  
12 lands, and critical areas, as specified under RCW 36.70A.050, the  
13 department shall adopt advisory guidelines, advisory model elements,  
14 and benchmarks to assist and provide guidance for counties and cities  
15 to adopt creative and locally appropriate comprehensive plans and  
16 development regulations meeting the goals and requirements of this  
17 chapter. The advisory guidelines shall reflect regional and local  
18 variations and the diversity that exist among the different counties  
19 and cities that plan under this chapter. The advisory model elements  
20 shall include options reflecting the regional and local variations and  
21 diversity that exist among the different counties and cities that plan  
22 under this chapter. The advisory model elements shall contain those  
23 items that, if included in a county's or city's comprehensive plan and  
24 development regulations, would meet the goals and requirements of this  
25 chapter.

26 The department shall obtain input from counties, cities, and  
27 citizens throughout the state to assist in its development of these  
28 model elements and benchmarks.

1        NEW SECTION.        **Sec. 54.**        COMPREHENSIVE PLANS--DEVELOPMENT

2 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a  
3 comprehensive plan and/or development regulations, or amendments  
4 thereto, under this chapter shall submit its final draft plan and  
5 development regulations, or amendments, to the department before  
6 adoption. In addition, the county or city shall submit a copy of those  
7 documents to adjacent jurisdictions.

8        (2) The department shall review plans and development regulations,  
9 or amendments, for compliance with the goals and requirements of this  
10 chapter. The department shall compile its comments and forward the  
11 comments to the county or city within sixty days of receiving the draft  
12 plan and regulations, or amendments, or the department may be presumed  
13 to agree with the plan and regulations, or amendments, as submitted.  
14 This presumption of agreement shall not apply to changes in the  
15 proposed comprehensive plans or development regulations, or amendments,  
16 made after submission under this section.

17        (3)(a) The department, with assistance from the committee  
18 established under section 43 of this act, shall prepare an assessment  
19 of the degree to which these documents: (a) Meet the minimum  
20 standards required for protection of natural resources of state-wide  
21 significance; (b) cumulatively provide adequate protection for  
22 resources of state-wide significance; and (c) preclude land uses or  
23 development incompatible with critical areas.

24        (b) If a county or city would be required to adopt stricter  
25 development regulations under section 46 of this act than it believes  
26 are necessary, the department shall review the county's or city's  
27 proposed alternative development regulations as part of the assessment  
28 in subsection (3) of this section. Where the department finds that the  
29 proposed alternative development regulations adequately preclude land  
30 uses or development incompatible with critical areas and/or natural

1 resources of state-wide significance, it shall recommend that the  
2 proposed alternative regulations provided for under section 46 of this  
3 act be adopted by the county or city. This recommendation shall be  
4 included in the comments prepared by the department.

5 (4) In addition to the comments provided under this section,  
6 counties and cities are encouraged to seek comments from the  
7 department, other state agencies, and adjacent jurisdictions on  
8 proposed comprehensive plans and development regulations, and any  
9 amendments proposed after initial adoption, throughout their  
10 development. This consultation should supplement the public  
11 involvement opportunities under RCW 36.70A.140.

12 NEW SECTION. **Sec. 55.** FILING OF PLANS AND DEVELOPMENT  
13 REGULATIONS--AMENDMENTS. (1) Each county and city planning under this  
14 chapter shall send a complete and accurate copy of its comprehensive  
15 plan and/or development regulations, or amendment thereof, to the  
16 department within thirty working days after final adoption. The period  
17 for filing requests for review of comprehensive plans or development  
18 regulations with the board shall start once the department has received  
19 a complete submission of all required materials.

20 (2) Any amendments that are adopted by a county or city to its  
21 adopted plan or regulations shall be submitted for comment and filed  
22 with the department after adoption in the same manner as for initial  
23 plans and regulations under this section.

24 **Sec. 56.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each  
25 amended to read as follows:

26 TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The  
27 department shall establish a program of technical and financial  
28 assistance and incentives to counties and cities to encourage and

1 facilitate the adoption and implementation of comprehensive plans and  
2 development regulations throughout the state.

3 (2) The department shall develop a priority list and establish  
4 funding levels for planning and technical assistance grants both for  
5 counties and cities that plan under RCW 36.70A.040 and for counties and  
6 cities that take actions under this chapter relating to agricultural  
7 lands, forest lands, mineral resource lands, and critical areas.  
8 Priority for assistance shall be based on a county's or city's  
9 population growth rates, commercial and industrial development rates,  
10 the existence and quality of a comprehensive plan and development  
11 regulations, the need for the assistance, the extent to which the  
12 county and adjacent jurisdictions are engaging in cooperative regional  
13 planning efforts, and other relevant factors.

14 (3) The department shall develop and administer a grant program to  
15 provide direct financial assistance to counties and cities for (~~the~~  
16 ~~preparation of comprehensive plans~~)) activities under this chapter.  
17 The department may establish provisions for county and city matching  
18 funds to conduct activities under this subsection. Grants may be  
19 expended for any purpose directly related to the preparation of a  
20 county or city comprehensive plan, development regulations, and actions  
21 relating to agricultural lands, forest lands, mineral resource lands,  
22 and critical areas as the county or city and the department may agree,  
23 including, without limitation, the conducting of surveys, inventories  
24 and other data gathering and management activities, the retention of  
25 planning consultants, contracts with regional councils for planning and  
26 related services, and other related purposes.

27 (4) The department shall establish a program of technical  
28 assistance utilizing department staff, the staff of other state  
29 agencies, and the technical resources of counties and cities to help in  
30 (~~the development of~~)) preparing comprehensive plans and development

1 regulations, and taking actions relating to agricultural lands, forest  
2 lands, mineral resource lands, and critical areas, required under this  
3 chapter. The technical assistance may include, but not be limited to,  
4 model land use ordinances, regional education and training programs,  
5 and information for local and regional inventories.

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

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

11 NEW SECTION. Sec. 57. MONITORING AND EVALUATION. The department  
12 shall establish a system for monitoring the effectiveness of state,  
13 regional, county and city efforts to prepare and to implement  
14 comprehensive plans and development regulations in compliance with the  
15 goals contained in RCW 36.70A.020, and the designation and protection  
16 of agricultural lands, forest lands, mineral resource lands, and  
17 critical areas required in this chapter.

18 NEW SECTION. Sec. 58. MONITORING BY THE LEGISLATURE. A joint  
19 select committee on growth management is created that is composed of  
20 sixteen members. The speaker of the house of representatives shall  
21 appoint four members from each of the two major caucuses in the house  
22 of representatives and the president of the senate shall appoint four  
23 members from each of the two major caucuses in the senate. A  
24 staggering of the chair of the committee shall occur so that a member  
25 of each of the four caucuses serves as the chair for a one-year term  
26 once every four years.

27 The committee shall: (1) Advise the department on any matters  
28 concerning growth management within the jurisdiction of the department;

1 (2) review and make recommendations to the legislature on the goals,  
2 guidelines, and rules adopted by the department and on proposals to  
3 improve the growth management regulatory process; and (3) monitor the  
4 cumulative effects of the efforts of counties and cities to implement  
5 the goals and requirements of this chapter.

6 NEW SECTION. **Sec. 59.** AIR QUALITY IMPACTS. The department of  
7 community development, in consultation with the department of ecology  
8 and the Washington state energy office, shall establish a methodology  
9 for determining the air quality impacts of new development. The  
10 methodology shall measure all direct and indirect sources of air  
11 pollution that are generated by various types of residential,  
12 commercial, and industrial development and their associated  
13 transportation systems. The department shall also develop model  
14 strategies for mitigating air quality impacts of new development.

15 NEW SECTION. **Sec. 60.** A new section is added to chapter 43.17 RCW  
16 to read as follows:

17 REGULATORY AGENCY STAFF DESIGNATIONS. (1) All state agencies shall  
18 designate a staff person within the agency who is knowledgeable  
19 regarding the agency's regulations that affect businesses. When  
20 requested, this designated staff person shall provide a list of all  
21 applicable agency regulations that apply to a specific business. The  
22 designated staff person shall, upon request, provide a written  
23 statement listing all requirements that must be satisfied to obtain a  
24 specified permit or other approval.

25 (2) The designated staff person under subsection (1) of this  
26 section shall provide a list of agency regulations that apply to a  
27 specific business to the business assistance center when so requested  
28 by the business assistance center.



1 environmental hearings office under RCW 43.21B.005. The board shall  
2 consist of five members, three full time and two part time members:

3 (a) The full-time members shall be appointed by the governor and  
4 subject to confirmation by the senate. Initial members shall be  
5 appointed to staggered terms as follows: One member shall be appointed  
6 to a four-year term and two members to six-year terms. Thereafter,  
7 members shall be appointed to six-year terms. The governor shall  
8 appoint one of the full-time members as chairperson. The governor may  
9 remove a member only for cause.

10 (b) The part-time members shall be selected on a rotating basis by  
11 the board chairperson from a list provided by the applicable  
12 associations. One part-time member shall represent counties or cities,  
13 and the other part-time member shall represent the private sector or  
14 the general public.

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

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

1 (4) Three or more members of the board shall constitute a quorum  
2 for issuance of final orders by the board. A decision of the board  
3 must be agreed to by at least three members to be final.

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

6 NEW SECTION. **Sec. 64.** MATTERS SUBJECT TO BOARD REVIEW--FINAL  
7 ORDERS. (1) The board shall review the following matters if requested  
8 by the governor, a regional planning organization, or a county or city  
9 that plans under this chapter:

10 (a) The consistency of plans and development regulations subject to  
11 this chapter with the goals and requirements of this chapter, and the  
12 rules adopted under this chapter;

13 (b) Compliance by counties, cities, special districts, and state  
14 agencies with the interjurisdictional requirements under this chapter,  
15 including interjurisdictional consistency, and designation of urban  
16 growth areas;

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

20 (d) Determination of issues related to consistency of state agency  
21 or special district proposals to locate facilities with plans and  
22 development regulations subject to this chapter. Any decisions by the  
23 board relating to location of state facilities shall require  
24 consistency to the maximum extent practicable, as determined by the  
25 board.

26 (2) The board shall also review the requests by:

27 (a) Any person requesting review of any matter in subsection (1) of  
28 this section if that person testified orally or in writing to a local  
29 government regarding the matter on which a review is being requested;

1 (b) Any person requesting review of any matter in subsection (1) of  
2 this section if the governor certifies the request within thirty days  
3 of the filing of the request with the board. The person requesting  
4 board review under this subsection shall file a copy of the request  
5 with the board and the governor within thirty days of the action on  
6 which a board review is requested; or

7 (c) Any person aggrieved by the granting, denying, or rescinding of  
8 a permit based on rules adopted under this chapter.

9 (3) The board shall review the matter brought before it, as  
10 provided in this section, and issue a final order, as appropriate,  
11 affirming, reversing, or remanding the plan, regulation, or other  
12 decision subject to review under this chapter. The board shall issue  
13 a final order within one hundred eighty days of a request for review,  
14 unless an extension is justified for reasons beyond the control of the  
15 board. Such a final order shall be based exclusively on whether the  
16 plan, regulation, or other decision subject to review under this  
17 chapter is consistent with the goals and requirements of this chapter.

18 (4) The board, when appropriate, shall consolidate all requests for  
19 review for each plan and for development regulations.

20 (5) The review proceedings authorized in this section are subject  
21 to the provisions of chapter 34.05 RCW pertaining to procedures in  
22 adjudicative proceedings.

23 (6) Unless clearly contrary to sections 63 and 64 of this act, the  
24 following are applicable to the board created in section 63 of this  
25 act: RCW 43.21B.040, 43.21B.060, 43.21B.090, and 43.21B.100.

26 NEW SECTION. **Sec. 65.** LIMITATIONS ON APPEAL BY THE STATE. (1) An  
27 appeal by the state to the growth management hearings board may be made  
28 only by the governor, or by the commissioner of public lands only as  
29 relating to state trust lands, for the growth management hearings

1 board's review of whether: (a) A county or city that is required or  
2 chooses to plan under RCW 36.70A.040 has failed to adopt the  
3 comprehensive plans or development regulations that are required by  
4 this chapter; (b) a county or city that is required or chooses to plan  
5 under this chapter has adopted comprehensive plans or development  
6 regulations that do not conform with the goals and requirements of this  
7 chapter, as limited in subsection (2) of this section; or (c) where  
8 comprehensive plans and development regulations have been adopted  
9 conforming with the goals and requirements of this chapter, a  
10 substantial pattern of abuse exists by the county or city issuing  
11 permits not conforming with its comprehensive plans and development  
12 regulations. The department shall make recommendations to the governor  
13 on such appeals and the department of transportation shall make  
14 recommendations on such appeals relating to transportation matters.

15 An appeal by the governor or commissioner of public lands shall be  
16 in writing and shall detail the alleged violation and include a finding  
17 that the violation is of such significance as to warrant review by the  
18 growth management hearings board.

19 (2) An appeal by the governor or the commissioner of public lands,  
20 relating to whether comprehensive plans or development regulations  
21 conform with the goals and requirements of this chapter, must be filed  
22 with the growth management hearings board within ninety days of  
23 submittal of the plans or development regulations, or amendments to the  
24 plans or development regulations, to the department and is limited to  
25 allegations that the comprehensive plans or development regulations:

26 (a) Do not prevent low density sprawl by failing to provide: (i)  
27 Concentrated employment centers and sufficient residential densities to  
28 facilitate public transit; (ii) an adequate balance of housing and job  
29 opportunities; or (iii) restrictions precluding suburban or urban

1 development beyond the ten-year tier, until the ten-year tier has been  
2 developed substantially;

3 (b) Do not permit a mix of housing types providing for the fair  
4 share distribution of housing opportunities for persons of low and  
5 moderate income within the urban growth areas;

6 (c) Do not prevent the loss of agricultural lands or forest lands  
7 with long-term commercial significance;

8 (d) Do not prevent the substantial loss of critical areas;

9 (e) Do not reduce the impact of flooding by protecting storm water  
10 and drainage systems or natural systems that lessen surface water  
11 runoff, including wetland areas;

12 (f) Do not include a capital facilities plan element or  
13 transportation element that is coordinated or consistent with the land  
14 use element or do not include a feasible plan to adequately finance the  
15 capital facilities plan element or transportation element;

16 (g) Do not preclude patterns of development that increase air and  
17 water pollution beyond state or federal standards;

18 (h) Do not relieve traffic congestion by failing to: (i) Implement  
19 demand management strategies; (ii) protect and coordinate existing and  
20 future rights of way and corridors for public transit and carpools; or  
21 (iii) implement regional transportation plans;

22 (i) Do not include adequate open space or greenbelt areas;

23 (j) Were prepared without adequate public participation;

24 (k) Were arbitrary or discriminatory in planning for or regulating  
25 state trust lands; or

26 (l) Do not adequately protect natural resources of state-wide  
27 significance.

28 NEW SECTION. **Sec. 66.** PRESUMPTION OF VALIDITY--BURDEN OF PROOF--  
29 PLANS AND REGULATIONS. Comprehensive plans and development regulations

1 adopted under this chapter are presumed valid upon adoption. In any  
2 request for review of a comprehensive plan or development regulation  
3 permitted under this chapter, the requesting party shall have the  
4 burden of demonstrating that the comprehensive plan or development  
5 regulation is not consistent with the goals or requirements of this  
6 chapter, or the rules adopted under this chapter. In reviews of  
7 development regulations, when consistency of the development regulation  
8 with the plan of the affected jurisdiction is at issue, the requesting  
9 party must also bear the burden of demonstrating that the development  
10 regulation is not consistent with the comprehensive plan.

11 NEW SECTION. **Sec. 67.** BOARD MAY ADOPT PROCEDURAL RULES. The  
12 board may adopt rules under chapter 34.05 RCW governing the  
13 administrative practice and procedure in and before the board.

14 NEW SECTION. **Sec. 68.** OTHER APPEAL RIGHTS. (1) Any party  
15 aggrieved by a final decision of the hearings board may appeal the  
16 decision to Thurston county superior court.

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

22 PART VIII - INCENTIVES AND SANCTIONS

23 **Sec. 69.** RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each  
24 amended to read as follows:

25 BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING  
26 LOANS. (1) To qualify for loans or pledges under this chapter the

1 board must determine that a local government meets all of the following  
2 conditions:

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

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

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

10 (d) A county, city, or town that is required or chooses to plan  
11 under RCW 36.70A.040 must have adopted a comprehensive plan in  
12 conformance with the requirements of chapter 36.70A RCW, after it is  
13 required that the comprehensive plan be adopted, and must have adopted  
14 development regulations in conformance with the requirements of chapter  
15 36.70A RCW, after it is required that development regulations be  
16 adopted.

17 (2) The board shall develop a priority process for public works  
18 projects as provided in this section. The intent of the priority  
19 process is to maximize the value of public works projects accomplished  
20 with assistance under this chapter. The board shall attempt to assure  
21 a geographical balance in assigning priorities to projects. The board  
22 shall consider at least the following factors in assigning a priority  
23 to a project:

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

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

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

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

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

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

8 (g) The relative benefit of the project to the community,  
9 considering the present level of economic activity in the community and  
10 the existing local capacity to increase local economic activity in  
11 communities that have low economic growth; ((and))

12 (h) The existence of a regional plan or agreement as provided in  
13 section 48 of this act; and

14 (i) Other criteria that the board considers advisable.

15 (3) Existing debt or financial obligations of local governments  
16 shall not be refinanced under this chapter. Each local government  
17 applicant shall provide documentation of attempts to secure additional  
18 local or other sources of funding for each public works project for  
19 which financial assistance is sought under this chapter.

20 (4) Before November 1 of each year, the board shall develop and  
21 submit to the chairs of the ways and means committees of the senate and  
22 house of representatives a description of the emergency loans made  
23 under RCW 43.155.065 during the preceding fiscal year and a prioritized  
24 list of projects which are recommended for funding by the legislature,  
25 including one copy to the staff of each of the committees. The list  
26 shall include, but not be limited to, a description of each project and  
27 recommended financing, the terms and conditions of the loan or  
28 financial guarantee, the local government jurisdiction and unemployment  
29 rate, demonstration of the jurisdiction's critical need for the project  
30 and documentation of local funds being used to finance the public works

1 project. The list shall also include measures of fiscal capacity for  
2 each jurisdiction recommended for financial assistance, compared to  
3 authorized limits and state averages, including local government sales  
4 taxes; real estate excise taxes; property taxes; and charges for or  
5 taxes on sewerage, water, garbage, and other utilities.

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

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

14 **Sec. 70.** RCW 70.146.070 and 1986 c 3 s 10 are each amended to read  
15 as follows:

16 DEPARTMENT TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN  
17 MAKING GRANTS OR LOANS. When making grants or loans for water  
18 pollution control facilities, the department shall consider the  
19 following:

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

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

23 (3) Actions required under federal and state permits and compliance  
24 orders;

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

27 (5) The extent to which the applicant county or city, or if the  
28 applicant is another public body, the extent to which the county or  
29 city in which the applicant public body is located, has established

1 programs to mitigate nonpoint pollution of the surface or subterranean  
2 water sought to be protected by the water pollution control facility  
3 named in the application for state assistance; ((and))

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

8 (7) The existence of regional plan or agreement as provided in  
9 section 48 of this act.

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

18 NEW SECTION. Sec. 71. A new section is added to chapter 43.01 RCW  
19 to read as follows:

20 REGIONAL PLANNING INCENTIVES. Whenever a state agency is  
21 considering awarding grants or loans for a county, city, or town to  
22 finance public facilities, it shall consider whether the county, city,  
23 or town that is requesting the grant or loan is a party to a regional  
24 plan or agreement under section 48 of this act relating to the type of  
25 public facility for which the grant or loan is sought, and shall accord  
26 additional preference to the county, city, or town if such a regional  
27 agreement or plan exists. Whenever a state agency is considering  
28 awarding grants or loans to a special district for public facilities,  
29 it shall consider whether the county, city, or town in whose planning

1 jurisdiction the proposed facility is located is a party to a regional  
2 plan or agreement under section 48 of this act relating to the type of  
3 public facility for which the grant or loan is sought, and shall accord  
4 additional preference to the special district if such a regional  
5 agreement or plan exists.

6 NEW SECTION. **Sec. 72.** NONCOMPLIANCE AND SANCTIONS. (1) The  
7 department may find a county, city, or state agency in noncompliance  
8 if:

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

12 (b) The board has heard an appeal and issued a final order on a  
13 county's or city's comprehensive plan, development regulations, or a  
14 state agency's plans or actions, and the county, city, or state agency  
15 has not complied with the order within one year. If the department  
16 finds a county, city, or state agency in noncompliance, the department  
17 may request the governor to invoke one or more of the sanctions  
18 provided in subsection (2) of this section. The department shall  
19 attempt to resolve issues causing noncompliance prior to requesting the  
20 governor to invoke one or more of the sanctions.

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

22 (a) Notify and direct the director of the office of financial  
23 management to revise allotments in appropriation levels;

24 (b) Notify and direct the state treasurer to withhold the portion  
25 of revenues to which the county or city is entitled under one or more  
26 of the following: The motor vehicle fuel tax, as provided in chapter  
27 82.36 RCW; the transportation improvement account as provided in RCW  
28 47.26.084; the urban arterial trust account as provided in RCW  
29 47.26.080; the rural arterial trust account as provided in RCW

1 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the  
2 liquor profit tax, as provided in RCW 66.08.190; and the liquor excise  
3 tax, as provided in RCW 82.08.170; or

4 (c) File a notice of noncompliance with the secretary of state and  
5 the county or city, which shall temporarily rescind the county or  
6 city's authority to collect the real estate excise tax under RCW  
7 82.46.030 until the governor files a notice rescinding the notice of  
8 noncompliance.

9 **Sec. 73.** RCW 43.88.110 and 1987 c 502 s 5 are each amended to read  
10 as follows:

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

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

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

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

28 (3) It is expressly provided that all agencies shall be required to  
29 maintain accounting records and to report thereon in the manner  
30 prescribed in this chapter and under the regulations issued pursuant to

1 this chapter. Within ninety days of the end of the fiscal year, all  
2 agencies shall submit to the director of financial management their  
3 final adjustments to close their books for the fiscal year. Prior to  
4 submitting fiscal data, written or oral, to committees of the  
5 legislature, it is the responsibility of the agency submitting the data  
6 to reconcile it with the budget and accounting data reported by the  
7 agency to the director of financial management. The director of  
8 financial management shall monitor agency expenditures against the  
9 approved statement of proposed expenditures and shall provide the  
10 legislature with quarterly explanations of major variances.

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

18 **Sec. 74.** RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each  
19 amended to read as follows:

20 RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a  
21 rural arterial project it shall determine the amount of rural arterial  
22 trust account funds to be allocated for such project. The allocation  
23 shall be based upon information contained in the six-year plan  
24 submitted by the county seeking approval of the project and upon such  
25 further investigation as the board deems necessary. The board shall  
26 adopt reasonable rules pursuant to which rural arterial trust account  
27 funds allocated to a project may be increased upon a subsequent  
28 application of the county constructing the project. The rules adopted  
29 by the board shall take into account, but shall not be limited to, the

1 following factors: ~~((+1))~~ (a) The financial effect of increasing the  
2 original allocation for the project upon other rural arterial projects  
3 either approved or requested; ~~((+2))~~ (b) whether the project for which  
4 an additional allocation is requested can be reduced in scope while  
5 retaining a usable segment; ~~((+3))~~ (c) whether the original cost of  
6 the project shown in the applicant's six-year program was based upon  
7 reasonable engineering estimates; and ~~((+4))~~ (d) whether the requested  
8 additional allocation is to pay for an expansion in the scope of work  
9 originally approved.

10 (2) The board shall not allocate funds, nor make payments under RCW  
11 36.79.160, to any county or city identified by the governor as not  
12 being in compliance with section 72 of this act.

13 **Sec. 75.** RCW 47.26.080 and 1988 c 167 s 13 are each amended to  
14 read as follows:

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

1       The board shall not allocate funds, nor make payments of the funds  
2 under RCW 47.26.260, to any county or city identified by the governor  
3 as not being in compliance with section 72 of this act.

4       **Sec. 76.** RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each  
5 amended to read as follows:

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

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

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

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

27       (5) When the governor files a notice of noncompliance based on  
28 section 72 of this act with the secretary of state and the appropriate  
29 county or city, the county or city's authority to impose the additional

1 excise tax under this section shall be temporarily rescinded until the  
2 governor files a subsequent notice rescinding the notice of  
3 noncompliance.

4 **Sec. 77.** RCW 66.08.190 and 1988 c 229 s 4 are each amended to read  
5 as follows:

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

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

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

15 (3) The governor may notify and direct the state treasurer to  
16 withhold the revenues to which the counties and cities are entitled  
17 under this section if the counties or cities are found to be in  
18 noncompliance pursuant to section 72 of this act.

19 NEW SECTION. **Sec. 78.** A new section is added to chapter 82.14 RCW  
20 to read as follows:

21 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
22 direct the state treasurer to withhold the revenues to which the county  
23 or city is entitled under this chapter if a county or city is found to  
24 be in noncompliance pursuant to section 72 of this act.

25 NEW SECTION. **Sec. 79.** A new section is added to chapter 82.08 RCW  
26 to read as follows:

1 WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and  
2 direct the state treasurer to withhold the revenues to which the  
3 counties and cities are entitled under RCW 82.08.170 if the counties or  
4 cities are found to be in noncompliance pursuant to section 72 of this  
5 act.

6 PART IX - TRANSPORTATION

7 **Sec. 80.** RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each  
8 amended to read as follows:

9 PROJECT CRITERIA--RURAL ARTERIAL PROGRAM. In preparing their  
10 respective six-year programs relating to rural arterial improvements,  
11 counties shall select specific priority improvement projects for each  
12 functional class of arterial based on the rating of each arterial  
13 section proposed to be improved in relation to other arterial sections  
14 within the same functional class, taking into account the following:

- 15 (1) Its structural ability to carry loads imposed upon it;
- 16 (2) Its capacity to ~~((move traffic at reasonable speeds;~~  
17 ~~(3)))~~ provide efficient, dependable, and rapid accessibility for  
18 movement of people and goods including access management provisions  
19 under chapter 47.26 RCW;
- 20 (3) Its consistency with local and regional transportation and land  
21 use plans;
- 22 (4) Its consistency with state, regional, and local transit plans,  
23 where applicable;
- 24 (5) Its consistency with state, regional, and local freight rail  
25 considerations;
- 26 (6) Its adequacy of alignment and related geometrics;
- 27 ~~((4))~~ (7) Its accident experience; and
- 28 ~~((5))~~ (8) Its fatal accident experience.

1 With assistance from regional transportation planning  
2 organizations, where applicable, adjacent counties, and the county road  
3 administration board, long-term plans shall be used to guide  
4 development of the six-year programs. The six-year construction  
5 programs shall remain flexible and subject to annual revision as  
6 provided in RCW 36.81.121.

7 **Sec. 81.** RCW 36.81.121 and 1990 1st ex.s. c 17 s 58 are each  
8 amended to read as follows:

9 SIX-YEAR COUNTY ROAD PLANS. (1) Before July 1st of each year, the  
10 legislative authority of each county with the advice and assistance of  
11 the county road engineer, and pursuant to one or more public hearings  
12 thereon, shall prepare and adopt a comprehensive road program for the  
13 ensuing six calendar years. If the county has adopted a comprehensive  
14 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of  
15 a charter county derived from its charter, or chapter 36.70A RCW, the  
16 program shall be consistent with this comprehensive plan.

17 The program shall include proposed road and bridge construction  
18 work, and for those counties operating ferries shall also include a  
19 separate section showing proposed capital expenditures for ferries,  
20 docks, and related facilities. Copies of the program shall be filed  
21 with the county road administration board (~~and with~~), the state  
22 secretary of transportation, and the regional transportation planning  
23 organization, where applicable, not more than thirty days after its  
24 adoption by the legislative authority. The purpose of this section is  
25 to assure that each county shall perpetually have available advanced  
26 plans looking to the future for not less than six years as a guide in  
27 carrying out a coordinated road construction program that reflects the  
28 transportation goals set forth in chapter 36.70A RCW. The program may

1 at any time be revised by a majority of the legislative authority but  
2 only after a public hearing thereon.

3 (2) The six-year program of each county having an urban area within  
4 its boundaries shall contain a separate section setting forth the six-  
5 year program for arterial road construction based upon its long-range  
6 construction plan and formulated in accordance with regulations of the  
7 transportation improvement board. The six-year program for arterial  
8 road construction shall be submitted to the transportation improvement  
9 board forthwith after its annual revision and adoption by the  
10 legislative authority of each county. The six-year program for  
11 arterial road construction shall be based upon estimated revenues  
12 available for such construction together with such additional sums as  
13 the legislative authority of each county may request for urban  
14 arterials from the urban arterial trust account or the transportation  
15 improvement account for the six-year period. The arterial road  
16 construction program shall provide for a more rapid rate of completion  
17 of the long-range construction needs of principal arterial roads than  
18 for minor and collector arterial roads, pursuant to regulations of the  
19 transportation improvement board.

20 (3) Each six-year program forwarded to the secretary in compliance  
21 with subsection (1) of this section shall contain information as to how  
22 a county will expend its moneys, including funds made available  
23 pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and  
24 equestrian purposes.

25 **Sec. 82.** RCW 47.05.030 and 1987 c 179 s 2 are each amended to read  
26 as follows:

27 PRIORITY PROGRAMMING FOR STATE HIGHWAYS. The transportation  
28 commission shall adopt and periodically revise, after consultation with  
29 the legislative transportation committee, a comprehensive six-year

1 program and financial plan for highway improvements specifying program  
2 objectives for each of the highway categories, "A," "B," "C," and "H,"  
3 defined in this section, and within the framework of estimated funds  
4 for such period. The program and plan shall be based upon the  
5 improvement needs (~~((for state highways as determined by the department~~  
6 ~~from time to time))~~ identified in the state highway system plan, as  
7 required under section 91 of this act.

8 With such reasonable deviations as may be required to effectively  
9 utilize the estimated funds and to adjust to unanticipated delays in  
10 programmed projects, the commission shall allocate the estimated funds  
11 among the following described categories of highway improvements, so as  
12 to carry out the commission's program objectives:

13 (1) Category A shall consist of those improvements necessary to  
14 sustain the structural, safety, and operational integrity of the  
15 existing state highway system (other than improvements to the  
16 interstate system to be funded with federal aid at the regular  
17 interstate rate under federal law and regulations, and improvements  
18 designated in subsections (2) through (4) of this section).

19 (2) Category B shall consist of improvements for the continued  
20 development of the interstate system to be funded with federal aid at  
21 the regular interstate rate under federal law and regulations.

22 (3) Category C shall consist of the development of major  
23 transportation improvements (other than improvements to the interstate  
24 system to be funded with federal aid at the regular interstate rate  
25 under federal law and regulations) including designated but  
26 unconstructed highways which are vital to the state-wide transportation  
27 network.

28 (4) Category H shall consist of those improvements necessary to  
29 sustain the structural and operational integrity of existing bridges on  
30 the highway system (other than bridges on the interstate system or

1 bridge work included in another category because of its association  
2 with a highway project in such category).

3 Projects which are financed one hundred percent by federal funds or  
4 other agency funds shall, if the commission determines that such work  
5 will improve the state highway system, be managed separately from the  
6 above categories.

7 **Sec. 83.** RCW 47.26.084 and 1988 c 167 s 2 are each amended to read  
8 as follows:

9 PROJECT CRITERIA--TRANSPORTATION IMPROVEMENT ACCOUNT. The  
10 transportation improvement account is hereby created in the motor  
11 vehicle fund. The board shall adopt rules and procedures which shall  
12 govern the allocation of funds in the transportation improvement  
13 account at such time as funds become available.

14 The board shall allocate funds from the account by June 30 of each  
15 year for the ensuing fiscal year and shall endeavor to provide  
16 geographical diversity in selecting improvement projects to be funded  
17 from the account.

18 Of the amount made available to the transportation improvement  
19 board from the transportation improvement account for improvement  
20 projects:

21 (1) Eighty-seven percent shall be allocated to counties, to cities  
22 with a population of over five thousand, and to transportation benefit  
23 districts. Improvement projects may include, but are not limited to,  
24 multi-agency and suburban arterial improvement projects.

25 ~~((To be eligible to receive these funds, a project must be (a)~~  
26 ~~consistent with state, regional, and local transportation plans and~~  
27 ~~consideration shall be given to the project's relationship, both actual~~  
28 ~~and potential, with rapid mass transit and at such time as a rail plan~~  
29 ~~is developed by the rail development commission, projects must be~~

1 consistent therewith, (b) necessitated by existing or reasonably  
2 foreseeable congestion levels attributable to economic development or  
3 growth, and (c) partially funded by local government or private  
4 contributions, or a combination of such contributions.)) Before  
5 awarding funding for any specific project the transportation  
6 improvement board shall determine if the following criteria have been  
7 considered:

8 (a) The project is necessitated by existing or reasonably  
9 foreseeable congestion levels attributable to economic development or  
10 growth;

11 (b) The project emphasizes the movement of people and goods rather  
12 than vehicles;

13 (c) The project includes, where appropriate, other modes of  
14 transportation such as transit, high occupancy vehicle lanes, and high  
15 capacity transit;

16 (d) The project conforms to local and regional transportation and  
17 land use plans including access management provisions;

18 (e) The project is consistent with local and regional high-capacity  
19 transportation considerations;

20 (f) The project is consistent with state, regional, and local  
21 freight rail considerations in accordance with RCW 47.80.030; and

22 (g) The project is partially funded by local government or private  
23 contributions, or a combination of such contributions.

24 The board shall, for those projects meeting the eligibility  
25 criteria, determine what percentage of each project is funded by local  
26 and/or private contribution. Priority consideration shall be given to  
27 those projects with the greatest percentage of local and/or private  
28 contribution.

29 Within one year after board approval of an application for funding,  
30 a county, city, or transportation benefit district shall provide

1 written certification to the board of the pledged local and/or private  
2 funding. Funds allocated to an applicant that does not certify its  
3 funding within one year after approval may be reallocated by the board.

4 (2) Thirteen percent shall be allocated by the board to cities with  
5 a population of five thousand or less for street improvement projects  
6 in a manner determined by the board.

7 The board shall not allocate funds, nor make payments of the funds  
8 under RCW 47.26.265, to any county or city identified by the governor  
9 as not being in compliance with section 72 of this act. The board  
10 shall reduce its allocation of funds to any public benefit district in  
11 proportion to the proportion of improvements being made to the roads of  
12 any county or the streets of any city which is identified by the  
13 governor as not being in compliance with section 72 of this act.

14 **Sec. 84.** RCW 47.26.220 and 1989 c 160 s 1 are each amended to read  
15 as follows:

16 PROJECT CRITERIA--URBAN ARTERIAL TRUST ACCOUNT. Counties and  
17 cities, in preparing their respective six year programs relating to  
18 urban arterial improvements to be funded by the urban arterial trust  
19 account, shall select specific priority improvement projects for each  
20 functional class of arterial based on the rating of each arterial  
21 section proposed to be improved in relation to other arterial sections  
22 within the same functional class, taking into account the following:

- 23 (1) Its structural ability to carry loads imposed upon it;
- 24 (2) Its capacity to ~~((move traffic and persons at reasonable speeds~~  
25 ~~without undue congestion))~~ provide efficient, dependable, and rapid  
26 accessibility for movement of people and goods;
- 27 (3) Its adequacy of alignment and related geometrics;
- 28 (4) Its accident experience; ~~((and))~~
- 29 (5) Its fatal accident experience;

1       (6) Its consistency with local and regional transportation and land  
2 use plans including access management provisions;

3       (7) Its consistency with regional and local high-capacity  
4 transportation considerations;

5       (8) Its consistency with state, regional, and local freight rail  
6 considerations.     The six-year construction programs shall remain  
7 flexible and subject to annual revision as provided in RCW 36.81.121  
8 and 35.77.010.

9       **Sec. 85.**   RCW 35.58.2795 and 1990 1st ex.s. c 17 s 60 are each  
10 amended to read as follows:

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

27       In developing its program, the municipality shall consider those  
28 policy recommendations affecting public transportation contained in the  
29 state transportation policy plan approved by the state transportation

1 commission and, where appropriate, adopted by the legislature. The  
2 municipality shall conduct one or more public hearings while developing  
3 its program and for each annual update.

4 **Sec. 86.** RCW 35.58.2796 and 1989 c 396 s 2 are each amended to  
5 read as follows:

6 ANNUAL TRANSIT REPORTS. The department of transportation shall  
7 develop an annual report summarizing the status of public  
8 transportation systems in the state. By September 1st of each year,  
9 copies of the report shall be submitted to the legislative  
10 transportation committee and to each municipality, as defined in RCW  
11 35.58.272, and to individual members of the municipality's legislative  
12 authority. (~~The department shall prepare and submit a preliminary~~  
13 ~~report by December 1, 1989.~~)

14 To assist the department with preparation of the report, each  
15 municipality shall file a system report by (~~April~~) May 1st of each  
16 year with the state department of transportation identifying its public  
17 transportation services for the previous calendar year and its  
18 objectives for improving the efficiency and effectiveness of those  
19 services. The system report shall address those items required for  
20 each public transportation system in the department's report.

21 The department report shall describe individual public  
22 transportation systems, including contracted transportation services  
23 and dial-a-ride services, and include a state-wide summary of public  
24 transportation issues and data. The descriptions shall include the  
25 following elements and such other elements as the department deems  
26 appropriate after consultation with the municipalities and the  
27 legislative transportation committee:

28 (1) Equipment and facilities, including vehicle replacement  
29 standards;

- 1 (2) Services and service standards;
- 2 (3) Revenues, expenses, and ending balances, by fund source;
- 3 (4) Policy issues and system improvement objectives, including  
4 community participation in development of those objectives and how  
5 those objectives address state-wide transportation priorities;
- 6 (5) Operating indicators applied to public transportation services,  
7 revenues, and expenses. Operating indicators shall include, but not be  
8 limited to, operating cost per unlinked passenger trip, operating cost  
9 per ((~~revenue~~)) passenger vehicle service hour, unlinked passenger  
10 trips per ((~~revenue~~)) passenger vehicle service hour, unlinked  
11 passenger trips per passenger vehicle service mile, passenger vehicle  
12 service hours per employee, change in unlinked passenger trips compared  
13 to change in population, and farebox revenue as a percent of operating  
14 costs;
- 15 (6) Mode split trends and objectives that shall be addressed for  
16 those public transportation systems deemed appropriate by the  
17 department, and on a regional basis as warranted.

18 **Sec. 87.** RCW 36.57A.060 and 1975 1st ex.s. c 270 s 16 are each  
19 amended to read as follows:

20 COMPREHENSIVE TRANSIT PLANS--NEW SYSTEMS. The public  
21 transportation benefit area authority authorized pursuant to RCW  
22 36.57A.050 shall develop a comprehensive transit plan for the area.  
23 Such plan shall include, but not be limited to the following elements:

24 (1) The levels of transit service that can be reasonably provided  
25 for various portions of the benefit area.

26 (2) The funding requirements, including local tax sources, state  
27 and federal funds, necessary to provide various levels of service  
28 within the area.

1       (3) The identification of transportation elements of the county,  
2 city, or town comprehensive plans and regional transportation plans  
3 with which the comprehensive transit plan must be consistent.

4       (4) The impact of such a transportation program on other transit  
5 systems operating within that county or adjacent counties.

6       (~~(4)~~) (5) The future enlargement of the benefit area or the  
7 consolidation of such benefit area with other transit systems.

8       **Sec. 88.** RCW 47.80.040 and 1990 1st ex.s. c 17 s 56 are each  
9 amended to read as follows:

10       PLANNING ORGANIZATION BOARD. Each regional transportation planning  
11 organization shall create a transportation policy board.  
12 Transportation policy boards shall provide policy advice to the  
13 regional transportation planning organization and shall allow  
14 representatives of major employers within the region, the department of  
15 transportation, transit districts, port districts, and member cities,  
16 towns, and counties within the region to participate in policy making.  
17 Citizens or citizen organizations may also be represented on the board.

18       NEW SECTION.   **Sec. 89.** PLANNING GUIDELINES. The legislature  
19 recognizes that the ownership and operation of Washington's  
20 transportation system is spread among federal, state, and local  
21 government agencies, regional transit agencies, port districts, and the  
22 private sector. Therefore, transportation planning must be a  
23 comprehensive and coordinated effort. The specific role of the  
24 department in transportation planning shall be (1) ongoing coordination  
25 and development of state-wide transportation policies that guide all  
26 Washington transportation providers, (2) ongoing system planning for  
27 state transportation systems that identifies investment needs and meets  
28 federal requirements for state-wide transportation plans, (3)

1 coordinating the state high capacity transportation planning and  
2 regional transportation planning programs, and (4) conducting special  
3 transportation planning studies that impact state transportation  
4 facilities or relate to transportation issues of state-wide  
5 significance. Specific requirements for each of these state  
6 transportation planning components are described in this chapter.

7 NEW SECTION. **Sec. 90.** TRANSPORTATION POLICY PLAN. The department  
8 shall develop a state transportation policy plan that (1) establishes  
9 a vision and goals for the development of the state-wide transportation  
10 system consistent with the state's growth management goals, (2)  
11 identifies significant state-wide transportation policy issues, and (3)  
12 recommends state-wide transportation policies and strategies to the  
13 legislature to fulfill the requirements of RCW 47.01.071(1). The state  
14 transportation policy plan shall be the product of an ongoing process  
15 that shall involve representatives of significant transportation  
16 interests and the general public from across the state.

17 NEW SECTION. **Sec. 91.** TRANSPORTATION SYSTEM PLAN. The department  
18 shall produce a state-wide transportation plan under RCW 47.01.071(3)  
19 consisting of a highway system plan, ferry system plan, airport system  
20 plan, freight rail plan, and bicycle plan. These plans shall guide  
21 state investment in transportation facilities to ensure the continued  
22 mobility of people and goods within regions across the state in a cost-  
23 effective manner. These plans must be consistent with the state  
24 transportation policy plan and with each other, and shall reflect  
25 public involvement and be coordinated with regional transportation  
26 planning, high capacity transportation planning, and local  
27 comprehensive plans. The specific requirements for these plans are:

1 (1) State highway system plan - A plan that identifies program  
2 needs and specific improvements recommended to preserve the structural  
3 integrity of the state highway system and ensure acceptable operating  
4 conditions. The state highway system plan must contain the following  
5 elements:

6 (a) System preservation - This element establishes structural  
7 preservation standards for the state highway system including bridges,  
8 identifies current and future structural deficiencies based upon  
9 analysis of current condition and engineering analysis of future  
10 deterioration, and recommends program funding levels and specific  
11 improvements necessary to preserve the structural integrity of the  
12 state highway system at adopted standards. This element shall serve as  
13 the basis for the preservation component of the six-year highway  
14 construction program.

15 (b) Capacity and operational improvement - This element establishes  
16 operational standards, including safety considerations, for moving  
17 people and goods on the state highway system, identifies current and  
18 future capacity and operational and safety deficiencies, and proposes  
19 program funding levels and specific improvements and strategies  
20 necessary to maintain the established operational standards. Forecasts  
21 of travel shall be based upon adopted local land use plans, and shall  
22 be consistent with those developed for regional transportation  
23 planning. Capacity and operational improvement plans shall first  
24 assess strategies that enhance the operational efficiency of the  
25 existing system before recommending system expansion. Capacity  
26 improvement recommendations shall be based upon which alternative moves  
27 the most people or goods, or both. Strategies that enhance the  
28 operational efficiency include access management, transportation system  
29 management, demand management, and high occupancy vehicle facility  
30 development.

1       The capacity and operational improvement element must conform to  
2 the state implementation plan for air quality, and be consistent with  
3 regional transportation plans adopted under chapter 47.80 RCW, and  
4 provide the basis for the capacity and operational improvement portions  
5 of the highway construction program.

6       (c) Scenic and recreational highways element - This element shall  
7 identify and recommend designation of scenic and recreational highways,  
8 provide for enhanced access to scenic, recreational, and cultural  
9 resources associated with designated routes, and ensure, through a  
10 variety of appropriate management strategies, the protection,  
11 preservation, and enhancement of these resources. The department,  
12 affected local governments, regional transportation planning  
13 organizations, and other state or federal agencies shall jointly  
14 develop this element.

15       (2) The Washington state ferry system plan - A plan to guide state  
16 investments in the Washington state ferry system to ensure a mobility  
17 link across Puget Sound. The plan shall establish service standards  
18 for state ferry routes, forecast travel demand for the various markets  
19 served by the state ferry system, and develop strategies for ferry  
20 system investment that consider both vehicle and passenger needs, meet  
21 regional and state-wide travel purposes, support local land use plans,  
22 and are fully integrated into land transportation connections.

23       The Washington state ferry system plan shall be developed in  
24 conjunction with the regional transportation planning organizations  
25 designated for counties served by the Washington state ferry system and  
26 the ferry advisory committees.

27       (3) The airport systems plan - A plan to identify the program needs  
28 for public use airports in the state, and to fulfill the state-wide  
29 aviation planning requirements of the federal government.

1 (4) The state freight rail plan - A plan to identify light density  
2 freight rail lines threatened with abandonment, establish criteria for  
3 the importance of preserving the service or line, recommend priorities  
4 for the use of state rail assistance and state rail banking program  
5 funds, and fulfill federal state-wide rail planning requirements.

6 (5) The state bicycle plan - A plan to identify bicycling needs on  
7 the state transportation systems and to provide a basis for the  
8 investment of state highway funds dedicated to bicycling facilities  
9 under chapter 47.30 RCW.

10 NEW SECTION. **Sec. 92.** HIGH CAPACITY TRANSPORTATION PLANNING--  
11 DEPARTMENT OF TRANSPORTATION. The department's role in high capacity  
12 transportation planning and regional transportation planning is to  
13 administer state planning grants for these purposes, participate in  
14 these regional planning processes, and coordinate other department  
15 planning with these regional efforts including the provisions of RCW  
16 81.104.060.

17 NEW SECTION. **Sec. 93.** SPECIAL PLANNING STUDIES. The department  
18 may carry out special transportation planning studies to resolve  
19 specific issues with the development of the state transportation system  
20 or other state-wide transportation issues.

21 PART X - MISCELLANEOUS

22 NEW SECTION. **Sec. 94.** RULE OF CONSTRUCTION. This chapter is  
23 exempted from the rule of strict construction, and shall be liberally  
24 construed to give full effect to the objectives and purposes for which  
25 it was enacted. In addition, construction of this act shall emphasize  
26 the protection of the environment.

1        NEW SECTION.    **Sec. 95.**    APPLICATION TO STATE, LOCAL, AND OTHER  
2 PUBLIC AGENCIES. Except as otherwise provided in this chapter or other  
3 state law, the comprehensive plans and development regulations adopted  
4 under this chapter shall be applicable to all state agencies, counties,  
5 special districts, and other public and municipal corporations  
6 including quasi-municipal corporations in the state.

7        NEW SECTION.    **Sec. 96.**    TREATY RIGHTS. Nothing in this chapter  
8 affects any rights established by treaty to which the United States is  
9 a party.

10        Coordination of on-reservation land use planning activities where  
11 tribes have jurisdiction with local government land use planning  
12 activities cannot be required absent congressional mandate. As a  
13 consequence, the coordination between tribes and local government  
14 regarding land use planning activities should focus on encouraging the  
15 voluntary participation of tribal governments with local governmental  
16 planning processes required by this chapter.

17        NEW SECTION.    **Sec. 97.**    RELATION TO OTHER AUTHORITIES. The  
18 provisions of this act are cumulative and nonexclusive and are not  
19 intended to be preemptive in effect.

20        NEW SECTION.    **Sec. 98.**    SEVERABILITY. If any provision of this act  
21 or its application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24        NEW SECTION.    **Sec. 99.**    HEADINGS. Part and section headings as  
25 used in this act do not constitute any part of the law.

1        NEW SECTION. Sec. 100. CODIFICATION. (1) Sections 10 through 12,  
 2 16, 29, 37, 40 through 46, 48, 50 through 55, 57 through 59, 63 through  
 3 68, 72, 94 through 97, and 99 of this act are each added to chapter  
 4 36.70A RCW.

5        (2) Sections 89 through 93 of this act shall constitute a new  
 6 chapter in Title 47 RCW.

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