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HOUSE BILL 1668

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Haugen, R. Meyers, Jacobsen, Heavey, Roland, Ferguson, Hine, O'Brien, Rust, Paris, Scott, Fraser and Wineberry.

Read first time February 6, 1991. Referred to Committee on Local Government\Appropriations.

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 82.02.050, 19.27.095, 58.17.033, 36.70A.190, and 36.93.180; adding a  
4 new section to chapter 35.02 RCW; adding a new section to chapter 36.93  
5 RCW; and adding new sections to chapter 36.70A RCW.

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

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

9            LEGISLATIVE FINDINGS. The legislature finds that uncoordinated and  
10 unplanned growth, together with a lack of common goals expressing the  
11 public's interest in the conservation and the wise use of our lands,  
12 pose a threat to the environment, sustainable economic development, and  
13 the health, safety, and high quality of life enjoyed by residents of  
14 this state. The legislature further finds that the lack of common  
15 goals and the absence of effective methods and procedures to plan for

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

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

26 (2) State government should provide a framework for local planning  
27 and environmental and natural resource protection -- state action  
28 should support local land use planning and conservation activities.  
29 The state should provide guidance and assistance for local planning,  
30 assurance of effective local action, and a means for resolving disputes

1 concerning land use planning, development, and the maintenance and  
2 protection of environmentally critical areas, natural resource lands,  
3 and open space. State government should act consistently with local  
4 governments, following common rules governing planning, land use,  
5 environmental protection, and natural resource conservation.

6 (3) Elected officials should be accountable for planning decisions  
7 -- land use planning decisions have long-term and complex impacts and  
8 affect numerous citizens and communities. Therefore, accountability  
9 for such decisions should rest with officials elected by and  
10 accountable to the public to the maximum extent feasible.

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

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

19 (6) Encouraging strong economies in the state's diverse regions --  
20 the state has a continuing interest in furthering sustainable regional  
21 economic growth and vitality. Rapid economic growth has resulted in  
22 severe land use and environmental problems in fast-growing regions of  
23 the state. The long-term interest of the state's citizens is served  
24 best when all of the state's regions have vital economies. A vital  
25 regional economy is one which is diverse, competitive in global terms,  
26 economically and environmentally sustainable, offers opportunities for  
27 new enterprise, and provides ample family-wage employment for its  
28 citizens. The state should be an active participant in encouraging  
29 economic vitality in the state's regions, in partnership with local  
30 government, citizens, and the private sector. Effective action to

1 encourage economic development should include regional economic  
2 development planning, adequate infrastructure, and local and state  
3 action to increase the economic capacity of the state's regions.  
4 Further, the legislature finds that it is in the public interest that  
5 economic development programs be shared with communities experiencing  
6 insufficient economic growth.

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

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

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

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

5       (2) "Adopt a comprehensive land use plan" means to enact a new  
6 comprehensive land use plan or to update an existing comprehensive land  
7 use plan.

8       (~~(2)~~) (3) "Agricultural land" means land primarily devoted to the  
9 commercial production of horticultural, viticultural, floricultural,  
10 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
11 straw, turf, seed, Christmas trees not subject to the excise tax  
12 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
13 long-term commercial significance for agricultural production.

14       (~~(3)~~) (4) "Board" means the growth management board established  
15 to review plans and regulations established under this chapter.

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

17       (~~(4)~~) (6) "Committee" means the interagency committee for outdoor  
18 recreation established under chapter 43.99 RCW.

19       (7) "Comprehensive land use plan," "comprehensive plan," or "plan"  
20 means a generalized coordinated land use policy statement of the  
21 governing body of a county or city that is adopted pursuant to this  
22 chapter.

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

28       (~~(6)~~) (9) "Department" means the department of community  
29 development.

1       (~~(7)~~) (10) "Development regulations" means any controls placed on  
2 development or land use activities by a county or city, including, but  
3 not limited to, zoning ordinances, official controls, planned unit  
4 development ordinances, subdivision ordinances, and binding site plan  
5 ordinances.

6       (~~(8)~~) (11) "Forest land" means land primarily useful for growing  
7 trees, including Christmas trees subject to the excise tax imposed  
8 under RCW 84.33.100 through 84.33.140, for commercial purposes, and  
9 that has long-term commercial significance for growing trees  
10 commercially.

11       (~~(9)~~) (12) "Geologically hazardous areas" means areas that  
12 because of their susceptibility to erosion, sliding, earthquake, or  
13 other geological events, are not suited to the siting of commercial,  
14 residential, or industrial development consistent with public health or  
15 safety concerns.

16       (~~(10)~~) (13) "Long-term commercial significance" includes the  
17 growing capacity, productivity, and soil composition of the land for  
18 long-term commercial production, in consideration with the land's  
19 proximity to population areas, and the possibility of more intense uses  
20 of the land.

21       (~~(11)~~) (14) "Mineral(~~(s)~~) resource lands" include those lands  
22 identified and devoted to the long-term commercial extraction of  
23 gravel, sand, rock, and valuable metallic substances.

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

26       (16) "New community" means a comprehensive development providing  
27 for a mixture of land uses which includes the following: (a) A mix of  
28 jobs, housing, and public facilities needed for a self-contained  
29 community; (b) preservation of open spaces within and around the  
30 community; (c) an internal and external transportation system

1 supportive of pedestrian access and mass transit; (d) the new  
2 infrastructure needed to serve the proposed community; and (e) the  
3 mitigation of off-site impacts.

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

20 ((~~12~~)) (18) "Public facilities" include streets, roads, highways,  
21 sidewalks, street and road lighting systems, traffic signals, domestic  
22 water systems, storm and sanitary sewer systems, parks and  
23 recreational facilities, and schools.

24 ((~~13~~)) (19) "Public services" include fire protection and  
25 suppression, law enforcement, public health, education, recreation,  
26 environmental protection, and other governmental services.

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

29 (21) "Special district" means every municipal and quasi-municipal  
30 corporation other than a county or city. Special districts shall

1 include, but are not limited to: Water districts, sewer districts,  
2 public transportation benefit areas, fire protection districts, port  
3 districts, library districts, school districts, public utility  
4 districts, county park and recreation service areas, flood control zone  
5 districts, irrigation districts, diking districts, and drainage  
6 improvement districts.

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

11 ~~((14))~~ (23) "Urban growth" refers to growth that makes intensive  
12 use of land for the location of buildings, structures, and impermeable  
13 surfaces to such a degree as to be incompatible with the primary use of  
14 such land for the production of food, other agricultural products, or  
15 fiber, or the extraction of mineral resources. When allowed to spread  
16 over wide areas, urban growth typically requires urban governmental  
17 services. "Characterized by urban growth" refers to land having urban  
18 growth located on it, or to land located in relationship to an area  
19 with urban growth on it as to be appropriate for urban growth.

20 ~~((15))~~ (24) "Urban growth areas" means those areas designated by  
21 a county pursuant to RCW 36.70A.110.

22 ~~((16))~~ (25) "Urban governmental services" include those  
23 governmental services historically and typically delivered by cities,  
24 and include storm and sanitary sewer systems, domestic water systems,  
25 street cleaning services, fire and police protection services, public  
26 transit services, and other public utilities associated with urban  
27 areas and normally not associated with nonurban areas.

28 ~~((17))~~ (26) "Wetland" or "wetlands" means areas that are  
29 inundated or saturated by surface water or ground water at a frequency  
30 and duration sufficient to support, and that under normal circumstances

1 do support, a prevalence of vegetation typically adapted for life in  
2 saturated soil conditions. Wetlands generally include swamps, marshes,  
3 bogs, and similar areas. Wetlands do not include those artificial  
4 wetlands intentionally created from nonwetland sites, including, but  
5 not limited to, irrigation and drainage ditches, grass-lined swales,  
6 canals, detention facilities, wastewater treatment facilities, farm  
7 ponds, and landscape amenities. However, wetlands may include those  
8 artificial wetlands intentionally created from nonwetland areas created  
9 to mitigate conversion of wetlands, if permitted by the county or city.

10 PART I

11 PLANNING GOALS

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

14 PLANNING GOALS. The following goals are adopted to guide the  
15 development and adoption of comprehensive plans and development  
16 regulations of those counties and cities that are required or choose to  
17 plan under RCW 36.70A.040. The following goals are not listed in order  
18 of priority and shall be used ~~((exclusively))~~ for the purpose of  
19 guiding the development of comprehensive plans and development  
20 regulations. However, plans, regulations, and actions, including  
21 expenditures of state-appropriated funds, of state agencies, counties,  
22 and cities required or choosing to plan, and special districts shall  
23 conform to and support these goals:

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

27 Urban growth areas should be compact, have concentrated employment  
28 centers, and provide opportunities for people to live in a variety of

1 housing types close to where they work. Plans should ensure an  
2 adequate supply of land for projected jobs considering the nature and  
3 diversity of economic activity and for a variety of housing types.  
4 Development densities should be sufficient to: (a) Protect open space,  
5 natural features and parks, natural resource lands and critical areas  
6 within and outside of urban growth areas; (b) promote affordable  
7 housing; and (c) promote transit. Large land areas characterized by  
8 significant natural limitations such as steep slopes, seismic hazard  
9 areas, flood plains, and wetlands should not be designated for urban  
10 growth.

11 New development should be designed to respect the planned and  
12 existing character of neighborhoods. Open spaces and natural features  
13 should be preserved within urban areas.

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

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

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

29 (5) Economic development. Encourage economic development  
30 throughout the state that is consistent with adopted comprehensive

1 plans, promote economic opportunity for all citizens of this state,  
2 especially for unemployed and for disadvantaged persons, build a  
3 network of strong regional economies, identify and focus assistance on  
4 priority economic development areas where there is a need for growth  
5 and where there is the realistic capacity and broad local support for  
6 such growth, and encourage growth in areas experiencing insufficient  
7 economic growth, all within the capacities of the state's natural  
8 resources, public services, and public facilities.

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

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

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

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

1 scenic areas and viewsheds; accommodate nonmotorized recreational  
2 corridors and trails; and protect views and vistas within and around  
3 cities.

4 (10) Environment. Protect the environment and enhance the state's  
5 high quality of life, including air and water quality, and the  
6 availability of water.

7 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
8 the involvement of citizens in the planning process and ensure  
9 coordination between communities and jurisdictions to reconcile  
10 conflicts.

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

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

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

22 (15) Water Resources. Land use planning and permit decisions that  
23 will both protect water and create demand for water must be compatible  
24 with water resource plans. New growth must be related to water  
25 availability. Each county and its cities must integrate water resource  
26 planning for consumptive and nonconsumptive uses into its land use  
27 plan. Water is key for fish, wildlife, domestic use, industrial use,  
28 power, agriculture, aesthetics, and recreation.

1

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

4       WHO MUST PLAN. (1) (~~Each county that~~) The following counties,  
5 and the cities located in whole or in part within such counties, shall  
6 adopt comprehensive land use plans and development regulations in  
7 accordance with this chapter: (a) The county has a population of one  
8 hundred thousand or more; (b) the county has both a population of fifty  
9 thousand or more and has had its population increase by more than ten  
10 percent in the previous ten years(~~(, and the cities located within such~~  
11 ~~county,))i and (c) any other county regardless of its population that  
12 has had its population increase by more than twenty percent in the  
13 previous ten years(~~(, and the cities located within such county, shall~~  
14 ~~adopt comprehensive land use plans and development regulations under~~  
15 ~~this chapter. However, the county legislative authority of such a~~  
16 ~~county with a population of less than fifty thousand population may~~  
17 ~~adopt a resolution removing the county, and the cities located within~~  
18 ~~the county, from the requirements of adopting comprehensive land use~~  
19 ~~plans and development regulations under this chapter if this resolution~~  
20 ~~is adopted and filed with the department by December 31, 1990)). Once~~  
21 a county meets (~~either~~) one of these criteria, the requirement to  
22 conform with RCW 36.70A.040 through 36.70A.160 remains in effect, even  
23 if the county no longer meets one of these criteria.~~

24       (2) The county legislative authority of any county that does not  
25 meet the requirements of subsection (1) of this section may adopt a  
26 resolution indicating its intention to have subsection (1) of this  
27 section apply to the county. Each city, located in whole or in part  
28 within a county that chooses to plan under this subsection, shall adopt  
29 a comprehensive land use plan in accordance with this chapter. Once

1 such a resolution has been adopted, the county cannot remove itself  
2 from the requirements of this chapter.

3 (3) Any county or city that is required to adopt a comprehensive  
4 land use plan under subsection (1) of this section shall adopt the plan  
5 and submit a copy of the plan to the department on or before July 1,  
6 1993, as specified in a schedule adopted by the department as provided  
7 in section 5 of this act. Any county or city that is required to adopt  
8 a comprehensive land use plan as a result of the actions taken under  
9 subsection (2) of this section shall adopt ~~((the))~~: (a) Development  
10 regulations under RCW 36.70A.060 within one year from the date the  
11 county legislative authority adopts the resolution under subsection (2)  
12 of this section; (b) its comprehensive plan not later than three years  
13 from the date the county legislative body takes action as required by  
14 subsection (2) of this section; and (c) development regulations  
15 implementing the comprehensive plan within one year of the date its  
16 comprehensive plan is adopted.

17 (4) If after January 1, 1991, the office of financial management  
18 certifies that ~~((the population of a county has changed sufficiently to~~  
19 ~~meet the requirements of subsection (1) of this section, and the county~~  
20 ~~legislative authority has not adopted a resolution removing the county~~  
21 ~~from these requirements as provided in subsection (1) of this section))~~  
22 a county, that previously had not been required to plan under this  
23 chapter as specified under subsection (1) or (2) of this section, meets  
24 the requirements of subsection (1) of this section to become required  
25 to plan under this chapter, the county and each city within such county  
26 shall adopt: (a) Development regulations under RCW 36.70A.060 within  
27 one year of the certification by the office of financial management;  
28 (b) a comprehensive land use plan under this chapter within three years  
29 of the certification by the office of financial management; and (c)

1 development regulations pursuant to this chapter within one year of  
2 having adopted its comprehensive land use plan.

3 NEW SECTION. **Sec. 5.** PHASING OF COMPREHENSIVE PLANS SUBMITTAL.

4 The department may adopt a schedule by September 1, 1991, to permit  
5 phasing of comprehensive land use plan submittal for counties and  
6 cities planning under RCW 36.70A.040. The department shall assess  
7 local progress toward meeting the deadline for completion of  
8 comprehensive plans and set a schedule which provides for the  
9 expeditious completion, submittal, and review of comprehensive plans  
10 prepared under this act. The department shall report annually to the  
11 governor and the legislature before December 31st each year from 1991  
12 until 1995 on local government progress in preparing comprehensive  
13 plans under the provisions of this chapter.

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

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

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

26 (1) A land use element designating the proposed general  
27 distribution and general location and extent of the uses of land, where  
28 appropriate, for agriculture, timber production, housing, commerce,

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

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

1 housing that is affordable; and (g) minimizes the displacement of  
2 residents from housing.

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

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

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

24 (6) A transportation element that implements, and is consistent  
25 with, the land use element. The transportation element shall include  
26 the following subelements:

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

28 (b) Facilities and services needs, including:

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

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

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

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

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

15 (c) Finance, including:

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

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

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

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

30 (e) Demand-management strategies.

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

15 The transportation element described in this subsection, and the  
16 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
17 counties, and RCW 35.58.2795 for public transportation systems, must be  
18 consistent.

19 (7) A design element that enables communities to harmoniously fit  
20 new development with planned or existing community character and  
21 vision.

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

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

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

1        (11) A fair share element for siting state and regional public  
2 facilities.

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

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

9        (a) Conservation;

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

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

12       (d) Historic preservation;

13       (e) Cultural resources; and

14       (f) Economic development.

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

17       **Sec. 8.**    RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each  
18 amended to read as follows:

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

1 urban growth, or meets the conditions for establishing new communities  
2 under section 9 of this act.

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

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

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

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

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

15 NEW SECTION. Sec. 9. NEW COMMUNITIES. A county required or  
16 choosing to plan pursuant to the provisions of RCW 36.70A.040 shall  
17 establish a process for reviewing proposals for new communities. A new  
18 community may be permitted by a county when the new community is  
19 included in its comprehensive plan prepared pursuant to RCW 36.70A.040  
20 and is consistent with the requirements of this chapter. However, new  
21 communities may only be approved if the following criteria are met:

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

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

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

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

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

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

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

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

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

13 NEW SECTION. **Sec. 10.** PLANS AND REGULATIONS--SPECIAL DISTRICTS  
14 MUST CONFORM. (1) All special districts shall perform all of their  
15 activities which affect land use in conformity with the state policy  
16 goals contained in RCW 36.70A.020, and the land use plans and zoning  
17 ordinances of the county or city having jurisdiction in the area where  
18 the activities occur.

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

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

3 **Sec. 11.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
4 amended to read as follows:

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

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

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

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

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

22 (3) The impact fees:

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

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

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

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

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

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

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

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

24 NEW SECTION. Sec. 12. A new section is added to chapter 35.02 RCW  
25 to read as follows:

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

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

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

27        **Sec. 15.**    RCW 19.27.095 and 1987 c 104 s 1 are each amended to read  
28 as follows:

1 BUILDING PERMIT APPLICATION--CONSIDERATION--REQUIREMENTS DEFINED BY  
2 LOCAL ORDINANCE. (1) Except as provided in section 14 of this act, a  
3 valid and fully complete building permit application for a structure,  
4 that is permitted under the zoning or other land use control ordinances  
5 in effect on the date of the application shall be considered under the  
6 building permit ordinance in effect at the time of application, and the  
7 zoning or other land use control ordinances in effect on the date of  
8 application.

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

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

13 **Sec. 16.** RCW 58.17.033 and 1987 c 104 s 2 are each amended to read  
14 as follows:

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

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

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.

PART III

STATE ROLE

NEW SECTION. **Sec. 17.** RULE MAKING. (1) In addition to the rules adopted by the department under RCW 36.70A.050 regarding natural resource lands and critical areas as defined in RCW 36.70A.030, the department shall adopt guidelines, requirements, and minimum standards as rules under chapter 34.05 RCW to assist local governments in implementing this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (5) In addition to other requirements and minimum standards  
14 required to be developed by the department, requirements and minimum  
15 standards shall be adopted for the following:

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

18 (b) Procedures, which may include timeframes.

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

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

27 NEW SECTION. **Sec. 18.** COMPREHENSIVE PLANS--DEVELOPMENT  
28 REGULATIONS--REVIEW AND COMMENT. (1) Each county and city preparing a  
29 comprehensive plan and/or development regulations under this chapter

1 shall submit its final draft plan and development regulations to the  
2 department before adoption. The county or city shall also then submit  
3 a copy of those documents to adjacent jurisdictions.

4 (2) Counties must submit the regional plans under section 13 of  
5 this act to the department for preadoption review.

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

14 (4) In addition to the comments provided under this section,  
15 counties and cities are encouraged to seek comments from the  
16 department, other state agencies, and adjacent jurisdictions on  
17 proposed comprehensive plans and development regulations, and any  
18 amendments proposed after initial adoption, throughout their  
19 development. This consultation should supplement the public  
20 involvement opportunities under RCW 36.70A.140.

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

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

5 NEW SECTION. **Sec. 20.** DEPARTMENT REQUEST FOR BOARD REVIEW OF  
6 COMPREHENSIVE PLANS, DEVELOPMENT REGULATIONS, OR AMENDMENTS. (1) When  
7 a county or city comprehensive plan, development regulations, or  
8 amendments to such plans or regulations are received by the department  
9 pursuant to section 19 of this act, the department shall review the  
10 plan, development regulations, or amendment for compliance with the  
11 goals and requirements of this chapter. Within ninety days of adoption  
12 by the county or city, the department shall determine if the plan,  
13 regulations, or amendment is in compliance with the goals and  
14 requirements of this chapter. If the plan, development regulations, or  
15 amendment is not in compliance, the department shall seek review of the  
16 plan, regulations, or amendment by the growth management board  
17 established in section 33, chapter .... (HB 1025), Laws of 1991,  
18 pursuant to the requirements of sections 34 and 35, chapter .... (HB  
19 1025), Laws of 1991. The department shall send a copy of the request  
20 for review to the county or city that has submitted the plan,  
21 regulations, or amendment within five days of seeking such a review  
22 from the board.

23 **Sec. 21.** RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each  
24 amended to read as follows:

25 TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The  
26 department shall establish a program of technical and financial  
27 assistance and incentives to counties ~~((and))~~, cities, and federally  
28 recognized Indian tribes to encourage and facilitate the adoption and

1 implementation of comprehensive plans and development regulations  
2 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. Priority for  
6 assistance shall be based on a county's or city's population growth  
7 rates, commercial and industrial development rates, the existence and  
8 quality of a comprehensive plan and development regulations, and other  
9 relevant factors.

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

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

1 (5) The department shall provide mediation services to resolve  
2 disputes between counties ((and)), cities, and adjacent jurisdictions  
3 regarding, among other things, coordination of regional issues and  
4 designation of urban growth areas.

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

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

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

16 PART IV

17 GROWTH MANAGEMENT BOARD

18 NEW SECTION. Sec. 23. PRESUMPTION OF VALIDITY--BURDEN OF PROOF--  
19 PLANS AND REGULATIONS. Comprehensive plans and development regulations  
20 adopted under this chapter are presumed valid upon adoption. In any  
21 request for review of a comprehensive plan or development regulation  
22 permitted under this chapter, the requesting party shall have the  
23 burden of demonstrating that the comprehensive plan or development  
24 regulation is not consistent with the goals or requirements of this  
25 chapter, or the rules adopted under this chapter. In reviews of  
26 development regulations, when consistency of the development regulation  
27 with the plan of the affected jurisdiction is at issue, the requesting

1 party must also bear the burden of demonstrating that the development  
2 regulation is not consistent with the comprehensive plan.

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

8 NEW SECTION. **Sec. 25.** APPLICATION TO STATE, LOCAL, AND OTHER  
9 PUBLIC AGENCIES. Except as otherwise provided in this chapter or other  
10 state law, the comprehensive plans and development regulations adopted  
11 under this chapter shall be applicable to all state agencies, counties,  
12 special districts, and other public and municipal corporations  
13 including quasi-municipal corporations in the state.

14 NEW SECTION. **Sec. 26.** TREATY RIGHTS. Nothing in this act affects  
15 any rights established by treaty to which the United States is a party.  
16 Coordination of on-reservation land use planning activities where  
17 tribes have jurisdiction with local government land use planning  
18 activities cannot be required absent congressional mandate. As a  
19 consequence, the coordination between tribes and local government  
20 regarding land use planning activities should focus on encouraging the  
21 voluntary participation of tribal governments with local governmental  
22 planning processes required by this chapter.

23 NEW SECTION. **Sec. 27.** RELATION TO OTHER AUTHORITIES. The  
24 provisions of this act are cumulative and nonexclusive and are not  
25 intended to be preemptive in effect.

PART V

OTHER PROVISIONS

**Sec. 28.** RCW 36.93.180 and 1989 c 84 s 6 are each amended to read as follows:

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

- (1) Preservation of natural neighborhoods and communities;
- (2) Use of physical boundaries, including but not limited to bodies of water, highways, and land contours;
- (3) Creation and preservation of logical service areas;
- (4) Prevention of abnormally irregular boundaries;
- (5) Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas;
- (6) Dissolution of inactive special purpose districts;
- (7) Adjustment of impractical boundaries;
- (8) Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character; (~~and~~)
- (9) Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority; and
- (10) Evaluation of whether annexation or incorporation is consistent with local government urban growth area designations and plan elements on annexation and incorporation. However, annexation or incorporation shall not occur outside of an urban growth area.

NEW SECTION. **Sec. 29.** A new section is added to chapter 36.93 RCW to read as follows:

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

6           NEW SECTION. **Sec. 30.** SEVERABILITY. If any provision of this act  
7 or its application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10          NEW SECTION. **Sec. 31.** HEADINGS. Part and section headings as  
11 used in this act do not constitute any part of the law.

12          NEW SECTION. **Sec. 32.** Sections 5, 9, 10, 13, 14, 17 through 20,  
13 22 through 27, and 31 of this act are each added to chapter 36.70A RCW.