INITIATIVE MEASURE 547

TO THE PEOPLE

Official Ballot Title:

Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?

The law as it now exists:

The 62-page 1990 Growth Management Act was enacted by the Legislature shortly after the filing of Initiative 547. That Act requires counties having a population of over 50,000 with at least a 10 percent population growth in the last 10 years, and any counties having had a 20 percent growth in that period to develop comprehensive land use plans.

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 547 begins on page 14.

Statement for

INITIATIVE 547 KEEPS WASHINGTON LIVABLE

If we want to *prevent* Washington state from becoming *another Los Angeles*, we must act now to *protect our environment* and manage growth. Either we plan for the future or we pay dearly for the consequences. Each year we lose 2,000 or more acres of wetlands and in the past decade alone we've lost 80,000 acres of forest lands.

INITIATIVE 547 PROTECTS OUR ENVIRONMENT

Initiative 547 will: * *restrict hazardous waste dumps*, incinerators and oil ports; * *protect lakes, streams*, farms and forests from being destroyed by urban sprawl; * stop continued wetlands loss due to development; * increase protection of Puget Sound; * keep open space and transportation funds passed by the legislature this year; * *save* endangered *open space*.

INITIATIVE 547 MAKES DEVELOPERS PAY, NOT TAXPAYERS

The costs of unmanaged growth are mounting everyday. Traffic congestion increases. We pave over our open space. Initiative 547 requires developers and large corporate real estate interests who are profiting from growth to pay their fair share. That is why they will spend hundreds of thousands of dollars to defeat it.

Initiative 547: * requires developers to pay for roads and sewers...*not the taxpayers*; * requires roads, schools, fire and police protection be provided as development occurs so that taxpayers don't have to pay more for them later; * *protects existing neighborhoods*; * keeps housing affordable.

THE BULLDOZERS AREN'T WAITING AND NEITHER SHOULD WE

Initiative 547 is an *action plan for our future*. We need tougher laws to protect the environment and manage growth *for our families today and our children tomorrow*. Vote Yes on Initiative 547. Let's Keep Washington Livable. Call 206-527-7909 for more information and to help protect your environment.

Rebuttal of Statement against

You've heard it all before. Scare tactics and misrepresentations from real estate developers and corporations who do not want to pay their fair share of the costs of new roads, schools, parks, police and fire protection.

Vote yes and we can protect our wetlands, groundwater, countryside and our children's future. This isn't Los Angeles... yet. We can plan for growth instead of settling for traffic jams.

Vote YES on Initiative 547. Let's keep Washington livable.

Voters Pamphlet Statement Prepared by:

DEBBIE ABRAHAMSEN, Sensible Growth Alliance; DAVID BRICKLIN, Washington Environmental Council; MIKE KREIDLER, State Senator.

Advisory Committee: HAZEL WOLF, National Audubon Society; JOHN ENDERS, President, Puget Sound Council of Senior Citizens; JEFFERY HAHTO, President, Washington State Sportsmen's Council; BRIAN DERDOWSKI, King County Council; REVEREND DAVID BLOOM, Church Council of Greater Seattle.

Based upon preliminary population estimates the following counties now would be included: King, Pierce, Snohomish, Clark, Kitsap, Thurston, Whatcom, Skagit, Island, Chelan, Yakima, Clallam, San Juan, Mason, and Jefferson. The last three have the option to opt out of the requirement by December 31, 1990. Cities in counties required to have comprehensive plans are also required to develop comprehensive land use plans.

The comprehensive plans are to address urban growth, reduce urban sprawl, consider multimodel transportation, affordable housing and economic development, protection of ground waters, Puget Sound, neighborhoods and property rights, provide for open space, recreation, historic preservation and citizen participation, and many other factors. The statute provides some mandatory elements in such plans. Those counties and cities which are required to develop such plans must do so by July 1, 1993. City and county plans are to be coordinated and urban growth areas are to have greenbelts and open space. City annexations not permitted beyond urban growth areas. The State Department of Community Development is to develop guidelines for the classification of agricultural lands, forest lands, mineral resource lands and critical areas which are to be conserved.

Extensions of water and sewer services beyond urban growth areas is restricted. The state is to provide local government technical assistance and develop information on land uses in the state.

Impact fees for development can be charged by localities for the costs of public facilities. At the option of local government a one quarter of 1 percent local real estate tax can be imposed upon the sale of real estate. A state growth strategies commission is directed to be created by the Governor. There is to be regional transportation planning, encouragement of economic growth statewide and the role of state government in growth management is to be defined.

During the current biennium 9.2 million dollars was appropriated of which 7.4 million is for grants to local governments.

The effect of Initiative Measure 547, if approved into law:

Initiative 547, which is 53 pages in length, provides for repeal of the 1990 legislative enactment and would require comprehensive land use planning by all counties. Two state regional management councils would be created, with two members from each congressional district appointed by the Governor subject to Senate confirmation. Those state councils would adopt statewide rules for planning, require compliance by state agencies and approve, disapprove or grant provisional approval for local comprehensive land use plans.

The purpose of the comprehensive land use plans would be to have efficient use of land, conservation of some lands, adequate housing, efficient transportation, prevent urban sprawl, provide for open space and recreation, protect national heritage lands, prevent any net loss of

(Continued on page 27)

Statement against

I-547 PROMOTES GOVERNMENT BUREAUCRACY, NOT GROWTH MANAGEMENT

I-547 promotes government bureaucracy by giving non-elected state growth panels enormous authority to affect every local land-use decision. This new bureaucracy is given $160,000,000 off the top of the state budget over 8 years, reducing funds for education, transportation, crime and even environmental clean-up.

I-547 is so poorly drafted and complex with 74 contradictory goals that it will create a legal nightmare, halting and delaying responsible transportation and growth management projects.

I-547 THREATENS THE ECONOMY BY INCREASING TAXES AND HOUSING PRICES

Local governments will be given unprecedented authority to raise taxes. I-547 will continue to push the cost of housing out of the reach of the average family by restricting housing supply and imposing new costs. Higher housing costs also mean higher property taxes and rents. I-547 means higher unemployment and may help to bring an end to our healthy economy.

I-547 DELAYS ENVIRONMENTAL PROTECTION AND TRAFFIC RELIEF

I-547 repeals the landmark 1990 growth management law. This will eliminate requirements that local governments protect wetlands, open space, and sensitive areas within one year. Recently commenced regional transportation planning will be stopped dead in its tracks. The 1990 growth law protects the environment *now* and will help relieve traffic congestion. I-547 would have you wait years until a state bureaucracy decides.

SUPPORT STRONG LOCAL CONTROL, VOTE NO ON I-547

Read the fine print and more than 16,000 words in this excessive and complex initiative. Are you willing to risk our quality of life on an initiative drafted by a few individuals that threatens the economy, raises housing prices and taxes, delays real environmental protection, and promotes excessive state land use control? Please vote *No* on I-547.

Rebuttal of Statement for

We all want to protect the environment, but I-547 delays real protection for years.

I-547 is expensive--$40 million tax dollars a biennium and millions more in legal fees and court challenges.

I-547 takes land use control from your local government and gives it to an unelected state bureaucracy.

Traffic congestion will worsen as regional transportation efforts are stopped. Housing prices will increase.

Read this complex, lengthy and contradictory initiative. We can do better than I-547.

786-7779

Voters Pamphlet Statement Prepared by:
JOE KING, Speaker of the House; JOEL PRITCHARD, Lieutenant Governor; JEANETTE HAYNER, Senate Majority Leader.

Advisory Committee: BOOTH GARDNER, Governor; AL OGDON, President, Association of Washington Cities; VAN YOUNGQUIST, President, Washington State Association of Counties; RON SIMS, King County Councilman; HELEN SOMMERS, State Representative.

COMPLETE TEXT OF Initiative 547

AN ACT Relating to managing growth and economic development; amending RCW 82.02.020, 35.43.110, 35.91.020, 36.93.150, 36.93.180, 58.17.030, 58.17.040, 58.17.090, and 76.09.060; adding a new chapter to Title 36 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 80.50 RCW; creating new sections; repealing RCW 58.17.033, 58.17.060, 58.17.065, 58.17.095, 58.17.155, and 19.27.095; prescribing penalties; making an appropriation; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

ARTICLE I: INTENT AND GOALS

NEW SECTION.Sec. 1. FINDINGS AND INTENT. The state of Washington's natural environment is distinguished by a beauty, richness, and diversity which is the foundation of its economy, its quality of life, and its spirit. Our neighborhoods and communities provide support for a stable, just, and enjoyable quality of life. These endowments are threatened by the consequences of unplanned growth, which results in the disappearance of its productive farm and forest lands, the loss of valuable wetlands, the decline of fish production, the fouling of its air and waters, the threat to Puget Sound, the destruction of ecological diversity, the wasteful and uncoordinated provision of roads, sewers, water, and other services to sprawling development, the destabilization of established neighborhoods and communities, and divisive conflicts over the proper use of land and the future of our communities. These conflicts have revealed the lack of common goals that express the public's interest in the wise conservation and planned development of our lands. It is the intent of the people to remedy these problems by adopting state land use planning goals expressing our common policies, and creating a fair and open planning process that will allow citizens and local governments to find the means best adapted to their circumstances for achieving these state policies in local land use plans and implementing regulations.

The people find that threats to Puget Sound are caused, in part, by a lack of coordinated growth in that region and that there is a need for coordinated planning for Puget Sound by an independent state agency.

The people find that many of Washington's urban and suburban neighborhoods and communities are characterized by affordable housing stock which are compatible with available municipal services and transportation systems. These neighborhoods are threatened by redevelopment which would substitute greater densities of less affordable housing and which would overtax existing municipal services and transportation systems, ultimately resulting in overcrowded conditions and a reduction in value as well as quality of life. It is the intent of the people to foster stability in such neighborhoods and communities by affirmatively regulating direct development, including redevelopment within the state.

It is the intent of the people to deal with land use on a state-wide policy basis by initially focusing on the impacts of disproportionate population and employment pressure; the prevention of urban sprawl; the preservation of agricultural lands, forest lands, wetlands, environmentally sensitive lands, aquatic resource lands, and other valuable resource lands; the restoration of lands which have suffered undue damage; the promotion of economic growth in regions lacking adequate growth, and the preservation of the character of existing communities. It is further the intent of the people to maintain an adequate renewable resource base while at the same time to protect the natural resources and environment of this state including renewed efforts to protect Puget Sound and to facilitate orderly and well planned development.

This act establishes a cooperative program between local government and the state. Local government shall have the primary responsibility for initiating and administering the comprehensive planning and regulatory programs of this act. The regional growth management review panels and department of ecology shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this act.

NEW SECTION. Sec. 2. DECLARATION OF STATE LAND USE PLANNING GOALS. In order to assure the highest quality of life in Washington, land-use decisions and regulation by state agencies, counties, cities, metropolitan corporations, special districts, and other local jurisdictions shall conform with the following goals and policies:

(1) State-wide planning goals:

(a) Land use: To provide for the efficient use of our state's land base and for coordinated land use planning and development;

(b) Economic development: To promote beneficial economic growth and development within the capacities of the state's natural resources and its public services and facilities;

(c) Conservation: To prevent further loss and, in the long term, restore wetlands and agricultural, forest, environmentally sensitive, and wildlife habitat lands; and to protect and improve water and air quality;

(d) Local community protection: To preserve and protect existing residential and business communities from incompatible uses and density of development;

(e) Transportation: To promote efficient transportation that relieves congestion and is consistent with state land-use goals;

(f) Housing: To provide for adequate housing at reasonable cost in all cities and counties;

(g) Public services: To provide adequate services at reasonable costs;

(h) Historic preservation: To preserve and enhance historic, cultural, and archaeological sites and districts;

(i) Recreation and open space: To preserve and enhance the public's access to both public and private recreation and open space lands; and

(j) Planning process: To require that all local jurisdictions enact comprehensive plans, that the plans have regulatory effect, and that the plans be adopted and implemented with full public participation.

(2) The state land use planning goals set forth in subsection (1) of this section are further refined as follows:

(a) Land-use goals:

(i) Prevent sprawl by defining urban growth areas and providing open space and low-density rural development at the perimeter of urban areas;

(ii) Protect natural heritage lands of state-wide significance;

(iii) Retain the remaining large, contiguous tracts of forest lands outside of urban and urbanizing areas in perpetuity by public acquisition when possible and otherwise by continued commercial fiber production at a level that can be sustained within the capacity of the land; and encourage protection of forested lands elsewhere to the maximum extent possible;

(iv) Protect productive agricultural and grazing lands;

(v) Phase out uses that do not conform with applicable comprehensive plans;

(vi) Assure that major public facilities are located to reduce impacts on existing neighborhoods and environmentally sensitive lands and are spread equitably throughout communities and the state;

(vii) Protect property from unconstitutional taking;

(viii) Assure a balance between local employment and housing mix and capacity;

(ix) Locate and design employment and housing in a manner that supports transit and reduces reliance on single-occupancy vehicles; and

(x) Use phasing mechanisms to encourage compact growth patterns over the life of the comprehensive plan.

(b) Economic development goals:

(i) Permit only development that is consistent with and promotes the land- use goals of this chapter, and will not create a need for unplanned upgrading or increase in public service or transportation systems;

(ii) Designate in each comprehensive plan lands that are ready for development;

(iii) Provide for reuse of existing commercial and industrial areas in preference to abandonment of such areas or establishment of alternate areas;

(iv) Provide for a predictable and efficient development approval process;

(v) Prohibit development that requires or encourages urbanization of lands not designated for urban use in the comprehensive plan;

(vi) To the extent consistent with the protection of open space and environmentally sensitive lands, require in-filling of existing urbanized areas with available public service and facility capacity prior to developing lands identified for future urban growth;

(vii) Encourage development in areas of the state that are not affected by excessive growth;

(viii) Nurture an economy that is sustainable and not dependent on converting our remaining natural resource lands and open space to urban uses;

(ix) Encourage the use of productive forests and farms by allowing the utilization of prudent silviculture and agricultural practices without interference by other uses; by protecting such lands from intrusion by others; and by assuring that adjacent uses are compatible with active forestry and agricultural practices; and

(x) Encourage industries that add value to forest products instead of exporting raw logs; and

(xi) Encourage development in those areas where public services and transportation systems are underutilized.

(c) Conservation goals:

(i) Use water resources in an efficient manner consistent with the public interest, and with the land use goals of this chapter;

(ii) Provide for the conservation and wise use of energy, minerals, and other natural resources;

(iii) Protect and improve air and water quality;

(iv) Conserve, protect, and use environmentally sensitive lands wisely;

(v) Conserve and restore fish and wildlife habitat, including riparian and migration corridors, to prevent loss of native fauna and flora, and to assure bountiful and diverse wildlife for generations to come;

(vi) Manage surface waters to protect stream channels and water quality from altered runoff patterns and from storms;

(vii) Prevent overburdening the optimal carrying capacity of the local environmental resource systems, such as soil, biological production, diversity, fresh and salt waters, air quality, food, and power supplies; and

(viii) In the short term, achieve no overall net loss of the remaining wetland base, defined by acreage and function, and, in the long term, restore and create wetlands to increase the quantity and quality of the wetlands base.

(d) Neighborhood community protection goals:

(i) Protect existing residential neighborhoods from development that is not reasonably consistent with the height, bulk, and scale of existing residential and business uses or with the intent of community plans;

(ii) Promote stability of existing neighborhoods and limit the rate and nature of change in established neighborhoods unless a clear showing of public need has been made;

(iii) Promote the preservation and rehabilitation of existing housing stock in preference to its demolition and redevelopment;

(iv) Promote economic vitality and diversity of existing community business districts; and

(v) Create, encourage, and protect local pedestrian environments.

(e) Transportation goals:

(i) Provide only transportation systems that are consistent with and promote the land use plans of this chapter;

(ii) Promote conservation and efficiency to minimize demand for motorized transportation;

(iii) Develop transportation systems that relieve traffic congestion, promote mobility of people and goods, minimize noise, water, and other pollution, and do not cause further degradation of air quality in urban areas;

(iv)Protect and coordinate existing and future rights of way and corridors for mass transit, carpools, pedestrians, and nonmotorized transportation;

(v) Provide sound fiscal policies to fund the development of transportation systems in a timely and efficient manner;

(vi) Assure that future development bears a reasonable and, in most cases, proportionate share of the cost of transportation improvements necessitated by the development to maintain the level of service standards established by comprehensive plans;

(vii) Provide for regional review and approval of regional transportation facilities such as airports and rail systems; and

(viii) Assure that transportation facilities are available concurrently with the impacts of land use development.

(f) Housing goals:

(i) Provide adequate and affordable housing for the existing population, anticipated population growth, and households with special housing needs;

(ii) Provide for rehabilitation of substandard housing to create additional affordable housing;

(iii) Provide for a fair-share distribution of affordable housing including low and moderate income housing, multifamily housing, and manufactured housing;

(iv) Provide for retention or replacement of existing stocks of affordable housing, particularly low-income housing, and housing in stable neighborhoods, in preference to their demolition and replacement with other uses and housing types; and

(v) Minimize dislocation due to destruction of low-income housing by providing tenant relocation assistance.

(g) Public service goals:

(i) Provide public service by state and local governments in a manner that is consistent with and promotes the land-use goals of this chapter;

(ii) Utilize conservation and efficiency to minimize demand for sewer, water, electricity, solid and hazardous waste disposal, fire and police protection, schools, and other public services;

(iii) Give priority to funding unmet public facility and service needs arising from past development activities;

(iv) Provide adequate funding for public services by assuring that proposed developments bear a reasonable and proportionate share of the cost of new public services necessitated by the development to maintain levels of service standards established within comprehensive plans;

(v) Assure that public services and facilities are available concurrently with the impacts of land use development, while avoiding adverse fiscal and environmental impacts from the construction of such facilities through the coordination of planning, the consistency of need forecasts with comprehensive plans, and the promotion of means to manage demand; and

(vi) Provide for equitable distribution of public services.

(h) Historic, archaeological, and cultural preservation goals: Identify and encourage preservation and, if appropriate, adaptive reuse of lands, structures, and sites that have historic, aesthetic, archaeological, and/or cultural significance in preference to demolition, redevelopment, and inappropriate reuse.

(i) Recreation and open space goals:

(i) Ensure that both public and private open space is provided to preserve wildlife habitat and migration corridors, to protect public health and safety, to separate urban areas from each other, and to enhance the quality of the urban environment;

(ii) Ensure public access to areas traditionally open for public use, including recreation sites, public viewpoints, and the waters and shorelines including, but not limited to, lakes, rivers, streams, and marine waters; and

(iii) Ensure that parks and recreation facilities to accommodate anticipated growth and demand are provided prospectively or concurrently with approval of development that will increase demand.

(j) Planning process and goals:

(i) Assure that all agencies of the state and local governments plan in accordance with the goals of this chapter;

(ii) Provide for adequate funding of local planning processes;

(iii) Establish procedures for citizen participation throughout the planning process, including early and adequate opportunity for review of inventories, plans, and proposals, and establish a procedure that will guarantee that citizen comments are made part of the record and given substantive weight in all planning processes;

(iv) Develop a simple planning process, and require plans and supporting studies to be written in plain language, to allow maximum citizen participation with minimum need for attorneys and experts, and make the assumptions behind the planning available to the public;

(v) Base the comprehensive plans on supportable and specific rate-of-growth assumptions including numerical level-of-service standards and projected population-to-service need ratios;

(vi) Develop, through cooperative means, regional, multicounty, and coordinated plans between local governments and Indian tribes that address the needs for, siting, and impacts of major regional facilities such as airports and expansions, sewage treatment plants, correctional institutions, and landfills; and

(vii) Assure that decisions are made by persons who do not have and who do not present the appearance of having an economic conflict of interest or bias.

NEW SECTION. Sec. 3. DEFINITIONS. The terms defined in this section shall have the meanings indicated when used in this chapter, unless the context requires otherwise.

(1) "Agricultural land" means either (a) land that contains soils classified as prime and unique farm lands by the United States soils conservation service, or (b) land that has been (i) devoted primarily to the production of livestock

or agricultural commodities for commercial purposes, or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture. Land satisfying this definition shall exist in a contiguous parcel of at least eighty acres, but not necessarily under single ownership. Lands not satisfying this definition but contiguous to and under the same ownership as lands that do satisfy this definition shall be considered agricultural lands for all purposes.

(2) "Forest lands" means land in public or private ownership having natural features, including soils, topography, and climate, that are suited to commercial forest production in areas where the predominant land use is forest production or forested public land. Land must lie in a contiguous parcel of at least eighty acres, but not necessarily under single ownership, to be considered forest land under this definition. Lands not satisfying either this definition or the definition of agricultural land that are contiguous to and under the same ownership as lands that do satisfy this definition, shall be considered forest lands for all purposes.

(3) "Local government" means any city, town, or county.

(4) "Indian tribe" means an Indian tribe recognized by the federal government as having tribal governmental authority over a federally recognized Indian reservation.

(5) "Comprehensive plan" means a generalized coordinated statement of a local government adopted pursuant to this chapter.

(6) "Development regulations" means any local government or regional controls placed on development or land use activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.

(7) "Land" means the land, air, and water within the jurisdiction of the state of Washington or its cities or counties.

(8) "Special district" means a local unit of government authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire protection districts, school districts, community college districts, public hospital districts, sewer districts, public utility districts, transportation districts, metropolitan park districts, public transit benefit areas, and metropolitan municipal corporations organized under chapter 35.58 RCW. Cities, counties, and regional organizations are not included within the definition of "special district".

(9) "Urban use" refers to the use of land for manufacturing and assembly, warehouses, offices, wholesale and retail sales and residential at greater than one dwelling unit per two and one-half acres, and residential uses dependent upon municipal sewage treatment. Residential, office, wholesale and retail sales, and product preparation solely incidental to the use of land for agricultural, forestry, mineral production, recreational, and fish and shellfish preparations shall not be considered as urban uses.

(10) "Urban growth" refers to growth that makes intensive use of the land for the location of buildings, structures, impermeable surfaces, or population densities to such a degree as to be incompatible with (a) the primary use of such land for public recreation; (b) the production of foods, fibers, or mineral resources; (c) the protection and retention of lands that have importance for fish habitat and propagation, threatened or endangered species, wildlife corridors; or (d) the protection of environmentally sensitive lands. When allowed to spread over wide areas, urban growth typically requires urban governmental services.

(11) "Characterized by urban growth" refers to land that has urban growth located thereon, or to land that is so located in relationship to an area with urban growth as to be appropriate for urban growth.

(12) "Urban governmental services" include those governmental services historically and typically delivered by cities. The services include sewer services, water services, street cleaning services, fire and police protection services, public transportation services, street lighting services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(13) "Community plans" means comprehensive localized plans for subareas of a county or city that have a natural or artificial geographic identity as a neighborhood or community. The community plan shall meet the state planning goals and may be required to meet other municipal or county objectives. The specific content of the plans, including the map of land uses and future uses must be developed with substantial public involvement, review, and comment. There is no presumption of strict representation in a community plan process, though a demonstration of broad public support from the neighborhood or community may be required before such plans are approved by the municipal or county government.

(14) "Natural carrying capacity" means the amount of population or development beyond which the resource systems such as potable water, watersheds, forests, air, perkable soils, and waste management systems, among others, are unable to sustain and recharge themselves without artificial assistance.

(15) "Wetlands" means those lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands generally include ponds, swamps, marshes, bogs, and similar areas. For the purposes of this definition, wetlands must have one or more of the following attributes:

(a) At least periodically, the land supports hydrophytes predominantly;

(b) The substrate is predominantly undrained hydric soil;

(c) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

(16) "Wetland activities" includes the following activities, except for minor activities defined by rule by the department of ecology to have minimal or adverse impacts on wetlands:

(a) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

(b) The dumping, discharging, or filling with any material;

(c) The draining, flooding, or disturbing of the water level or water table;

(d) The driving of pilings;

(e) The placing of obstructions;

(f) The construction, reconstruction, demolition, or expansion of any structure;

(g) The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a wetland so long as these activities are not part of a forest practice regulated in accordance with chapter 76.09 RCW.

(17) "Environmentally sensitive lands" includes wetlands, one hundred year floodplains, slopes in excess of forty percent, landslide and seismic hazard lands, wildlife habitat, fish habitat, special plant community lands, public recreation lands, lands important for watersheds, ground water recharge, coasts, dunes, shorelands and lands of archaeological, historic, or religious value.

ARTICLE II: REGIONAL GROWTH MANAGEMENT REVIEW PANELS

NEW SECTION. Sec. 4. REGIONAL GROWTH MANAGEMENT REVIEW PANELS. (1) Regional growth management review panels are established within the office of the governor. One panel shall consist of members residing west of the crest of the Cascade mountains. The other panel shall consist of members residing east of the crest of the Cascade mountains. Each panel shall review the comprehensive plans, plan amendments, and resolutions submitted from the local governments within the geographic area represented on the panel. The governor shall appoint two panel members from each congressional district, subject to senate confirmation. No more than three members may come from any county. Each appointee shall have demonstrated a commitment to protecting the environmental heritage of Washington. Initial appointments shall be made within eight weeks of the effective date of this act.

(2) Except for the first members appointed to the panels, each member shall serve a term of four years. Initial terms shall be staggered to provide for an equal member of vacancies on the panel each year. No member may serve more than eight years. The governor may remove a member only for cause. The governor shall appoint a person, subject to senate confirmation, to fill a vacancy and such appointed person shall serve for the remainder of the predecessor's unexpired term.

(3) (a) Members of the panel shall have a demonstrated commitment to preserving and enhancing Washington's environmental heritage, the fair, prompt and impartial execution of this chapter, and upholding the public interest.

(b) No member may have a financial conflict of interest that interferes, or that might reasonably be expected to interfere, with execution of their statutory responsibilities. Any member with a conflict of interest in an issue shall excuse himself or herself from all participation on that issue.

(c) No more than two members may receive any substantial part of his or her regular income from the sale or development of real property, whether this income is in the form of salaries or return on investment, and whether the

income is deferred to or accrued at a later time. The income from spouses, children, or parents used to pay for the living expenses of the member is considered the member's income for the purposes of this section.

(d) The courts shall construe (b) and (c) of this subsection to assure the public's confidence in the impartiality of the panels.

(e) Public elected officials, other than precinct committee persons, may not serve as panel members.

(4) Members shall be subject to recall as provided in this subsection:

(a) Recall of panel members may be initiated by any legal voter of the state either individually or on behalf of an organization on the basis of any cause by filing a recall petition request with the secretary of state. The secretary of state shall provide the sponsor with a petition certification. The sponsor shall have a maximum of two hundred seventy days in which to obtain and file supporting signatures from the date of certification.

(b) The petition shall be in the form specified in RCW 29.82.030 except that no statement of cause or particular charges shall be included.

(c) The number of signatures required for placing the recall petition on the ballot shall be equal to ten percent of the total number of votes cast for all candidates for position 1 of the supreme court in the most recent election. Verification and canvassing of the petitions shall be in the manner established in RCW 29.82.090. If, at the conclusion of the verification and canvassing, it is found that the petition bears the required number of signatures, the secretary of state shall promptly certify the petition as sufficient and place the recall measure on the ballot of the next general election. The ballot shall be in the following form: RECALL BALLOT FOR the recall of (here insert the name of panel member). AGAINST the recall of (here insert the name of panel member).

If a majority of all votes cast at the election is for the recall of the member, the member shall be recalled and discharged.

(d) The provisions of RCW 29.82.170 relating to crimes by petition signers shall apply to signers of recall petitions authorized by this section.

(e) Every person is guilty of a gross misdemeanor who:

(i) For any consideration signs or declines to sign any recall petition; or

(ii) By any corrupt practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall.

NEW SECTION. Sec. 5. PANEL COMPENSATION AND STAFF. The compensation of members of the review panels shall be established by the governor, subject to RCW 43.03.040. The travel expense provisions of RCW 43.03.050 and 43.03.060 shall apply but the term "designated posts of duty" or "designated post of duty" as used in such provisions shall mean, when applied to members, the place in which they regularly reside.

The panels shall hire staff sufficient to allow the panels to carry out their responsibilities in a timely and professional manner. In addition, each member may hire an individual staff person using funds allocated to the panels by this chapter.

NEW SECTION. Sec. 6. PANEL AUTHORITY AND DUTIES. (1) The panels sitting jointly may exercise the following powers in addition to any other powers granted by law or this chapter:

(a) Examine the effectiveness and adequacy of the planning process established by this chapter;

(b) Study and report to the legislature on the need for new legislation to carry out the purposes of this chapter;

(c) Adopt a standardized system for the scale and display of comprehensive land use maps such that members of the panels, their staff, and citizens from different jurisdictions around the state can understand their local plans;

(d) Determine whether actions and programs of state agencies conform with the state-wide planning goals and are compatible with city and county comprehensive plans;

(e) Accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purposes of carrying out the provisions of this chapter; and

(f) Contract for the services of professional persons or organizations, or contract with any public agency, for the performance of services or the exchange of employees or services.

(2) The panels sitting jointly shall:

(a) Collect and inventory data describing land uses, demographics, infrastructure, environmentally sensitive areas, transportation corridors, physical features, housing, and other information useful in managing growth throughout the state;

(b) Provide technical and financial assistance, a resource center with model plans and implementation strategies, and other support, including grants, to local governments in the development and implementation of comprehensive land use plans, including information on innovative implementing regulations such as transferable development rights. Local governments engaged in joint or regional planning among themselves or with Indian tribes shall receive priority consideration of their grant applications;

(c) Provide technical assistance to state agencies in developing functional plans and planning processes which conform to the legislatively adopted policy goals;

(d) Provide for the creation of a common data base that records the date, type, and location of land use decisions made by local governments in order to assist in the periodic evaluation of the effectiveness of the state's planning program;

(e) Establish dispute resolution systems for use by state agencies, local governments, special districts, and citizens;

(f) Adopt rules necessary to implement the state-wide planning goals identified in section 2 of this act within eight months of the effective date of this act. These rules shall contain numeric standards to provide clear and objective direction to local governments and state agencies as to how they should implement the state-wide planning goals.

(g) Adopt rules that establish procedures and standards for the preparation, review, adoption, and implementation of comprehensive plans within eight months of the effective date of this act;

(h) Represent this state before any agency of this state, any other state, or the United States with respect to land conservation and development within this state;

(i) Appoint advisory committees to assist in carrying out the panels' duties, including a state citizen advisory committee broadly representative of the geographic areas of the state;

(j) Ensure widespread citizen involvement and input in all phases of the exercise of the panels' authority by holding hearings in the locales affected by its decisions, by developing models for information and planning processes by which neighborhood, local government, regional, and state plans can be substantially derived from citizen input, and by making grants to public interest organizations to assure public participation in the implementation and enforcement of this chapter;

(k) Advise other state agencies regarding actions necessary for implementation of and compliance with this chapter.

(3) Prior to the end of each even-numbered year, the panels shall prepare and submit a written report to the legislature describing activities and accomplishments of the panels, state agencies, local governments, and special districts in carrying out the provisions of this chapter. A draft of the report shall be submitted to the appropriate standing legislative committees for review and comment at least sixty days prior to submission of the report to the legislature. Timely comments and recommendations of the standing legislative committees shall be addressed in the final report.

NEW SECTION. Sec. 7. GROWTH MANAGEMENT ACCOUNT. (1) The growth management account is hereby established in the state treasury. At the beginning of each biennium after June 30, 1991, the state treasurer shall transfer from the general fund to the growth management account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal forty million dollars. Moneys in the growth management account may be spent only after appropriation for purposes specified under this chapter. All earnings of investments of balances in the growth management account shall be credited to the general fund.

(2) All fees, moneys, and other revenue received by the panels shall be deposited in the growth management account.

(3) At least one percent of all appropriations from this account shall be for purposes of funding grants under section 6(2)(j) of this act.

(4) This section shall expire on June 30, 1999.

NEW SECTION. Sec. 8. PANEL MEMBERS CONSIDERED EXECUTIVE STATE OFFICERS. For the purposes of RCW 42.17.240, the term "executive state officer" includes members of the regional growth management review panels in addition to those persons identified in RCW 42.17.2401.

ARTICLE III: COMPREHENSIVE PLANNING

NEW SECTION. Sec. 9. PLANNING RESPONSIBILITIES OF LOCAL GOVERNMENTS. (1) Within six months of the effective date of this act, each

county shall develop ten and twenty-year population, housing, and employment goals for all lands within the county.

(2) Each local government in this state shall:

(a) Prepare, adopt, amend, and revise comprehensive plans in compliance with the goals established by this chapter;

(b) Make land use and capital budget decisions in compliance with the goals established by this chapter in the event that its comprehensive plan and land use regulations have not been approved;

(c) Make land use and capital budget decisions in compliance with the approved plan and land use regulations if the comprehensive plan has been approved;

(d) If probable funding falls short for transportation or other public services or facilities, establish additional funding sources or revise the land-use map to ensure the level of service standards will be met;

(e) Collect and provide to the panels data specified in the panels' rules; and

(f) Develop a wetland activities permit program at least as protective as the wetlands and sensitive lands goals of section 2 of this act and the adopted comprehensive plan wetlands conservation program element. The permit program shall apply to activities in wetlands, buffers, and associated streams. The department of ecology shall by rule define buffers and associated streams so that the functions and values of wetlands are protected from adverse impacts. The department shall also establish a general permit program that requires best management practices for existing and ongoing agricultural practices, water use efficiency improvements, maintenance and reconstruction of structures related to agriculture, other activities with limited impact on wetlands, and emergency operations. The local programs shall be submitted to the department for review and approval. Local governments that have wetlands programs or equivalent programs in effect before the effective date of this act, that substantially comply with the spirit and intent of this chapter and that are at least as stringent in wetlands protection as this chapter, are deemed to be in compliance with this chapter and shall be so approved by the department.

(3) No city or town may annex territory beyond an urban growth area.

NEW SECTION. Sec. 10. INTERIM FOREST LAND PROTECTION. (1) On or before December 31, 1991, each county shall adopt interim designations of lands that will probably be designated as forest lands under section 21(2)(c) of this act.

(2) To protect the health of the environment and the economy and the general health, safety, and welfare of the citizenry, on or before December 31, 1991, each county shall adopt interim development regulations for the designated forest lands that preclude use or development that:

(a) Constitutes urban growth;

(b) Probably would lead to urban growth; or

(c) Would be incompatible with the use of or continued importance of the land for the production of timber.

NEW SECTION. Sec. 11. COMPREHENSIVE PLANS--PUBLIC PARTICIPATION. (1) Each local government shall establish procedures providing for early and continuous public participation in the development of inventories, comprehensive land use plans, general ordinances implementing the plans, and amendments to such plans or ordinances. The procedures shall provide for public notice, broad dissemination of proposals and alternatives, opportunity for written comments, public meetings, open discussion, communication programs, information services, and consideration of and response to public comments. Each local government shall establish advisory committees to assist in carrying out its responsibilities under this chapter.

(2) Cities with a population greater than one hundred thousand and counties with a population greater than one hundred fifty thousand shall develop community plans covering subareas of the jurisdiction, the boundaries of which shall be determined by the legislative authority after a thorough public process, including open public hearings with adequate advance public notice. The community plans shall be integrated and reconciled with one another so that the jurisdiction's comprehensive plan meets the requirements of this chapter. Local ordinances and resolutions implementing this chapter shall ensure that neighborhoods are fully aware of the jurisdiction's goals and objectives prior to completing their plans.

(3) All special districts shall perform activities that affect land use, including capital budget decisions, in conformity with the state policy goals and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(4) Within two years of the adoption of a comprehensive plan by a city, town, or county under section 9 of this act, each special district that is located within the city, town, or county and provides one or more of the public facilities or public services listed in this subsection shall adopt or amend a capital facilities plan for its facilities. The capital facilities plan shall be consistent with the comprehensive plan and indicate the existing and projected capital facilities that are necessary to serve the projected growth for the area served by the special district. For the purposes of this subsection public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit and maritime shipping facilities.

NEW SECTION. Sec. 12. COMPREHENSIVE PLAN--INTERGOVERNMENTAL COORDINATION. (1) Local governments and port districts may develop joint or regional plans, and may apply for funds from the land planning account and/or establish regional planning agencies for that purpose. Joint and regional plans shall meet all substantive and procedural requirements established by this chapter. If joint or regional plans are not developed, local governments and port districts are encouraged to utilize the panels' dispute resolution procedures to develop consistency between and among their comprehensive plans.

(2) Local governments and special districts that lie adjacent to or provide services adjacent to or upon federally recognized Indian reservations are encouraged to develop joint or regional plans with tribal governments to insure consistency with tribal reservation plans and foster increased regional cooperation. Local governments or special districts may apply jointly with federally recognized tribal governments for grants from the land planning account for coordinated planning processes.

NEW SECTION. Sec. 13. COMPREHENSIVE PLAN REQUIREMENTS. (1) Each local government shall adopt a comprehensive plan and shall submit a copy to the review panel. Each county that both has a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and each county that has had its population increase by more than twenty percent in the previous ten years, regardless of population, and all cities and towns in such counties, shall adopt and submit the plan within three years of the effective date of this act. All other counties with a population of forty thousand or more and all cities and towns in such counties, shall adopt and submit the plan within five years of the effective date of this act. All other counties shall adopt and submit the plan within seven years of the effective date of this act.

(2) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, and facilities relating to that element;

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on the future land use map required by subsection (3)(b) of this section, and population, housing, and employment goals consistent with the goals of section 2 of this act;

(d) A statement of the goals and objectives that are consistent with the land uses shown on the future land use map and the goals of section 2 of this act.

(3) Each comprehensive plan shall include a land use element that is based on the natural carrying capacity of the land and that includes:

(a) A map depicting the existing distribution of "important lands and land uses," as defined in (c) of this subsection, and lands that because of existing sewer lines, water lines, and other urban services, can be characterized as urban growth areas. Each urban growth area shall permit urban densities and be designed to accommodate the county's population, housing, and employment goals for the succeeding twenty-year period. An urban growth area may include more than a single city, and may include unincorporated areas adjacent to included cities if those areas are planned for annexation in the appropriate comprehensive plans;

(b) A map depicting the proposed distribution of "important lands and land uses," including an urban growth area, consistent with the goals of section 2 of this act;

(c) For the purposes of this section, "important lands and land uses" means:

(i) Urban and suburban lands, which shall be further identified and classified by local regulation;

(ii) Mixed-use rural lands;

(iii) Agricultural and range lands;

(iv) Forest lands;

(v) Mining and mineral production lands;

(vi) Environmentally sensitive lands;

(vii) Lands used for local public facilities; and

(viii) Lands used for regional or state-wide public facilities.

(4) Each comprehensive plan shall contain the following additional elements. Each additional element shall be consistent with the future land use map:

(a) An economic development element that:

(i) Is based on an analysis of the community's economic patterns and potential; and

(ii) Identifies an adequate supply of sites of suitable size, type, location, and service levels for industrial and commercial uses;

(b) A conservation element that at a minimum:

(i) Inventories all wetlands according to a four-tier rating system developed by the department of ecology; and

(ii) Includes a mitigation policy and plan consistent with the following options and order of preference: First, avoiding the impact altogether by not taking a certain action or part of an action; second, minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; third, rectifying the impact by repairing, rehabilitating, or restoring the affected environment; fourth, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and fifth, compensating for the impact by replacing, enhancing, or providing substitute wetlands resources;

(c) A neighborhood preservation element that provides for the protection of existing residential and business communities;

(d) A capital facilities element that:

(i) Contains a six-year capital improvement program for construction of needed public facilities, parts of which shall serve as the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(ii) Assesses the current and projected capacity of and demand for such facilities;

(iii) Identifies the proposed location of expanded or new public facilities;

(iv) Details costs for upgrading facilities to current needs;

(v) Projects costs for future expansion or construction of new facilities to accommodate forecast growth;

(vi) Identifies funding sources for such facilities;

(vii) Provides a timetable for the construction of improvements for the needed public facilities;

(viii) Establishes average peak hour level of service standards; and

(ix) Makes provision for the public service needs of the community, including facilities for regional or state-wide purposes, by identifying sites within the jurisdiction or by entering into agreements with other jurisdictions;

(e) A housing element that takes into account regional housing needs; provides for additional housing at various price ranges and rent levels; and provides for distribution and acceptance of the jurisdiction's fair share of regional demand for multiple- unit housing, low-income housing, manufactured housing, and housing for those with special needs; and

(f) A recreation and open space element that:

(i) Includes specific open space definitions and standards and local land development regulation;

(ii) Establishes a plan and financial capability for the acquisition of open space and preservation of natural lands; and

(iii) Establishes the level of service standards for recreation.

(5) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(6) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and elements are consistent with the goals and elements of plans of surrounding jurisdictions and regional wildlife corridor protection and restoration plans developed by the panels and the department of wildlife.

(7) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

NEW SECTION. Sec. 14. COMPREHENSIVE PLANS–PANEL REVIEW. (1) Each comprehensive plan shall be reviewed by the appropriate review panel to determine whether the portions of the plan concerning local and regional issues are in compliance with sections 2, 9, 11, and 13 of this act. Each comprehensive plan shall be reviewed by the review panels meeting jointly to determine whether the portions of the plan concerning state issues are in compliance with sections 2, 9, 11, and 13 of this act, and, in the event of noncompliance, the panels meeting jointly shall have the same authority and duties as established in sections 15, 19, and 20 of this act for individual panels. If the panel rejects the plan it shall specify its reasons. The panel shall approve or reject the plan within six months of submission of the plan.

(2) A decision approving a plan shall be subject to direct review in the court of appeals. Review shall be commenced within forty-five days of the decision. Venue of the action shall be in the court of appeals with jurisdiction for the local government whose plan is subject to the appeal, or in the court of appeals with jurisdiction for Thurston county. The only necessary party to the appeal shall be the local government whose plan is subject to the appeal. The provisions of section 23 (7) through (10) of this act shall apply to the review.

(3) If the comprehensive plan of an adjacent local government is not approved and its deadline has not passed, the adjacent local government may advise the panel that it has reasonable belief that the submitted comprehensive plan may be in conflict with the comprehensive plan being developed by the adjacent local government. In that event, the panel shall defer action on the comprehensive plan or the contested portion of the comprehensive plan until the adjacent local government submits its comprehensive plan, or the deadline for submittal passes.

NEW SECTION. Sec. 15. COMPREHENSIVE PLANS– PROVISIONAL APPROVAL. If the panel find that a comprehensive plan that is submitted for approval fails to comply with section 2, 9, 11, or 13 of this act as a result of inadequacies that can be easily corrected, the panel may grant a provisional approval of the plan. The terms of a provisional approval shall specify the plan's inadequacies and shall require the local government to correct the inadequacies by a prescribed date no more than three months from the date of provisional approval. The panel shall review the progress made by the local government in correcting the inadequacies and shall grant final certification of the plan if it finds that the inadequacies have been corrected. A provisional approval may be extended only one time and for no more than three additional months. If the panel finds that the inadequacies have not been corrected by the prescribed date, the plan shall be deemed "unapproved" as of the time of such finding. A plan having the status of provisional approval shall be deemed "approved" for the purposes of section 17 of this act.

NEW SECTION. Sec. 16. PRIOR COMPREHENSIVE PLANS, INTERIM EFFECT. All comprehensive plans in existence prior to approval of a plan under this chapter and all development regulations implementing the unapproved plans shall, except as provided in section 9 (2)(b) of this act, continue in effect until replaced by plans and regulations under this chapter or revised pursuant to this chapter.

NEW SECTION. Sec. 17. COMPREHENSIVE PLANS-- PRESUMED CONFORMANCE. An approved comprehensive plan shall be conclusively presumed to be in conformity with sections 2, 9, 11, and 13 of this act. This section shall not apply to an approval that resulted from inaccurate or incomplete information or to any approval that has been appealed and on which a judicial decision is pending or to any decision made or proceeding conducted pursuant to section 25 of this act.

NEW SECTION. Sec. 18. COMPREHENSIVE PLANS–AMENDMENTS AND REVISIONS. (1) Any amendment to or revision of an approved comprehensive plan shall be of no force or effect until it is certified that the amended or revised plan complies with sections 2, 9, 11, and 13 of this act.

(2) Each local government shall establish procedures whereby proposed amendments or revisions of comprehensive plans are considered by the local government's legislative body no more than once a year. All such proposals shall be considered by the legislative body concurrently so that the cumulative effect of the various proposals can be ascertained.

(3) Emergency amendments may be adopted outside the annual amendment cycle only if a showing is made by clear, cogent, and convincing evidence that (a) new environmental conditions exist that could not have been foreseen at the time of the last plan adoption or amendment and (b) serious and irreparable harm inconsistent with the land-use goals of this chapter will occur if the emergency amendment is not adopted. Emergency amendments must receive seventy-five percent approval by the local government and seventy-five percent approval by the panel or joint panels. Emergency amendments shall be subject to the referendum procedures of chapter 29.79

RCW.

NEW SECTION. Sec. 19. COMPREHENSIVE PLANS–REMAND FOR MODIFICATION. (1) If a local government's comprehensive plan is not approved by the panel and the deadline for approval has not passed, the plan shall be remanded to the local government for corrections.

(2) If a local government's comprehensive plan is not approved by the panel and the plan is less than one year overdue, the panel may take one or more of the following actions:

(a) If the local government is a city or town, prohibit the local government from proceeding with annexation proposals.

(b) Certify to the state treasurer the lack of compliance with this chapter. Upon receipt of such certification, the state treasurer shall withhold any distribution of:

(i) Local sales and use tax revenues to be made to that jurisdiction pursuant to RCW 82.14.060; and

(ii) Motor vehicle tax revenues to be made to that jurisdiction pursuant to RCW 46.68.110(3), 46.68.115, 46.68.120(4), 46.68.122, and 46.68.124.

Payments withheld under (b) of this subsection shall be retained by the state treasurer until such time as the panel certifies that the jurisdiction has complied with this chapter and has obtained panel approval of its comprehensive plan.

(c) Certify to the department of community development the lack of compliance, such certification to be rescinded upon approval of the plan by the panel.

(d) Suspend the local government's development impact fee program established under section 30 of this act.

(3) If a local government's comprehensive plan is more than one year overdue, the panel shall take the actions listed in subsection (2) of this section.

(4) If a local government's comprehensive plan is more than two years overdue, the panel may impose a moratorium on some or all development within part or all of the jurisdiction.

(5) If a local government's comprehensive plan is more than four years overdue, the panel shall impose a moratorium on some or all development activity within all of the jurisdiction.

(6) If a local government's comprehensive plan is more than five years overdue, the panel shall impose a moratorium on all development activity in that jurisdiction not vital to the maintenance of public health and safety.

NEW SECTION. Sec. 20. LOCAL OPTION TAXES SUSPENDED FOR NONCOMPLIANCE. In addition to the provisions of section 19 of this act, if a comprehensive plan is not adopted and approved within the time established by this chapter, the panel shall certify the lack of compliance to the state treasurer who shall withhold all proceeds due to that local government collected pursuant to RCW 82.--- (section 201, chapter 42, Laws of 1990), until such time as the panel certifies compliance has been achieved. This section shall not apply if the lack of panel approval is due to the panel's failure to approve or remand the plan within the time prescribed in section 14 of this act.

NEW SECTION. Sec. 21. COMPREHENSIVE PLANS–IMPLEMENTING REGULATIONS. (1) Within one year of approval of the jurisdiction's comprehensive plan each local government shall enact development regulations that fully implement and do not conflict with its approved comprehensive land use plan and shall file a copy of the regulations with the panel for review and comment. Local governments shall consider ordinances utilizing transferrable development rights. Any development regulation that conflicts with the jurisdiction's approved comprehensive plan shall be of no force or effect.

(2) Each local government shall enact regulations to fully implement its comprehensive plans. The regulations shall include:

(a) Ordinances that prohibit approval of a development that would cause the level of service of transportation or other public service or facility to decline below the standards adopted in the comprehensive plan unless actions are taken concurrently to accommodate the impacts. For purposes of this subsection, "concurrently" means that capital projects or other programs are implemented at the time of development or that a binding financial commitment is in place to complete such actions within four years;

(b) Provisions that protect and create incentives for the continuation of prudent commercial forestry and agricultural practices in appropriate rural areas;

(c) Forest use zoning for forest lands outside urban growth boundaries unless the nonforest use does not constitute urban growth, will not encourage urban growth, and will not interfere with commercial forestry activity on other forest lands;

(d) A requirement that at least ten percent of the area of land zoned fo forest use that is removed from such designation must be preserved as an oper space or greenbelt area with a significant growth of native trees;

(e) Regulations and other programs to achieve compliance with the program goals and elements of the Puget Sound water quality authority management plan.

(3) Each local government shall examine and use, where appropriate, nonregulatory methods for implementing its open space program and other elements of its comprehensive plan. Nonregulatory methods include purchase of fee or less than fee interests in real property, tax incentives, technical assistance, education, and transferrable development rights.

NEW SECTION. Sec. 22. STATE COMPLIANCE. (1) The activities of all state agencies, including development of capital budgets and proposals for use of public lands, shall comply with the goals of section 2 of this act and the comprehensive plans and development regulations of cities and counties adopted under this chapter. All state agencies shall analyze their existing practices and activities to determine and demonstrate compliance with such goals. If at any time, the comprehensive plan or development regulation precludes a land use proposed by a state agency, the state agency may receive approval by applying for amendment to the comprehensive plan or development regulation at issue, as such amendments are regularly processed by the local jurisdiction and the panels. If the amendment process does not resolve the conflict, the agency may petition the joint panels to resolve the conflict. The panels' rules for resolving such disputes shall assure that all participants, including the public, have full opportunity to affect the decision.

(2) No state agency shall issue a land use or development permit for or otherwise authorize surface drilling or seismic exploration for oil and gas in any marine state territorial waters or in the waters of the Columbia river from Puget Island westward or on any lands within one thousand feet of the ordinary high water mark of such waters.

(3) State agencies shall comply with the program goals and elements of the Puget Sound water quality management plan.

NEW SECTION. Sec. 23. A new section is added to chapter 70.105 RCW to read as follows:

To further the goal of utilizing conservation and efficiency to minimize demand for hazardous waste disposal, the department of ecology may issue a permit for a preempted facility pursuant to this chapter only after it:

(1) Completes a forecast of the need for incineration and disposal capacity based on the goals of this chapter; the management priorities established in RCW 70.105.150; and information pertaining to the quantity and type of hazardous waste generated within Washington, Alaska, Oregon, and Idaho; and

(2) Determines that the capacity of the facility is no larger than the forecasted need.

NEW SECTION. Sec. 24. A new section is added to chapter 76.09 RCW to read as follows:

Within twenty- four months after the effective date of this act, the forest practices board and the department of ecology shall jointly adopt forest practices rules to accomplish the purposes and intent of section 2(2)(c)(viii) of this act.

NEW SECTION. Sec. 25. JUDICIAL REVIEW. (1) Final action taken by a local government or a special district in exercise of its responsibilities under section 9 of this act, including an action taken under rules adopted under this chapter and under the state environmental policy act may be appealed to superior court by a person or entity, or association of persons or entities, having an interest affected by the action. This section creates a new cause of action in addition to existing causes of action under statute and constitutional and common law.

(2) An appeal under this chapter shall be commenced within thirty days of the date of publication of the final action. Publication consists of (a) publishing notice of such final action in a legal newspaper of general circulation in the area of the property subject to the action for two consecutive weeks and (b) mailing notice of such final action to each party of record, each property owner, and each owner of property within three hundred feet of the property subject to the action. The notice shall identify: The property subject to the action, the nature of the action taken, the final date of publication, the final date of any appeal, and availability of appeal to superior court.

(3) Venue of an action brought under this chapter is in the county of the local government or special district whose action is subject to the appeal, or

in the adjoining county, or in Thurston county.

(4) If the decision of a local government or special district is appealed under this chapter, the local government or special district shall be joined in the appeal, but only in the name of its corporate entity and not in the name of its representative boards, councils, bodies, examiners, executives, commissions, or other bodies. Service of the appeal is lawfully provided if personally delivered to the principal office or place of business for the local government or special district or the office of the prosecuting, city, or district attorney.

(5) If a final action appealed under this chapter involves an application for action on a specific parcel of property, the persons or entities making the application shall be joined as parties to the appeal, and shall be named as set forth in the application. No other persons or entities need be named or served as necessary parties.

(6) Within sixty days of receipt of service of an appeal of a final action, the local government or special district shall prepare and file with the superior court the record of the decision appealed from. The record of the decision shall include all authorities, evidence, testimony, and other documentation relied upon by the local government or special district in making the decision. By stipulation or upon motion, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be assessed additional costs by the court. The costs of preparing the record of decision, including the transcription of proceedings, shall be borne by the local government or special district whose decision is under appeal.

(7) Review of the local government or special district decision appealed from shall be limited to the record except for issues concerning procedural irregularity, constitutional violations, and issues for which appellant was deprived the opportunity to prepare an adequate record before the local government or special district.

(8) The court may affirm, reverse, or remand a decision appealed under this chapter. A court may award to a local government the cost of record preparation if the appeal of a local government decision lacks substantial merit. A decision shall be reversed or remanded if the court finds:

(a) The decision to be unlawful in substance or procedure, including being contrary to the provisions and protections of this chapter and plans and regulations adopted thereunder;

(b) The decision to be unconstitutional; or

(c) The decision to be unsupported by substantial evidence in the record as to facts found by the local government or special district.

(9) In revising or remanding a decision of a local government or special district the court shall award reasonable costs and attorneys' fees to a qualified appellant against the local government or special district, if it finds that the decision appealed from was not substantially justified and the appeal was brought in the public interest. For purposes of this section, a decision is not substantially justified if it is found to be contrary to law in either substance or procedure, is declared unconstitutional, or is devoid of such support in the evidence as to be arbitrary and capricious. An appeal shall be deemed to be brought in the public interest if it promotes the interest of the community at large beyond the interests at stake in an individual parcel of property. A person or entity or association of persons or entities with less than two hundred thousand dollars in net assets are qualified appellants.

(10) Frivolous lawsuits brought pursuant to this section shall be subject to sanctions authorized in RCW 4.84.185.

NEW SECTION. Sec. 26. CONFORMANCE WITH OTHER PLANNING STATUTES. All planning under this chapter required of a local government shall conform with chapter 36.70, 35.63, or 35A.63 RCW, as appropriate. A charter county or charter city may perform its planning activities pursuant to charter provisions as an incident of its inherent home rule authority. A county that adopts a comprehensive land use plan conforming to the definition of "comprehensive land use plan" contained in this chapter shall be deemed to have complied with the requirements of RCW 36.70.020(6) and 36.70.330. A city that adopts a comprehensive land use plan conforming to the definition of "comprehensive land use plan" contained in this chapter shall be deemed to have complied with chapter 35.63 or 35A.63 RCW, whichever is appropriate. If a conflict exists between a provision of this chapter and a provision of chapter 36.70, 35.63, or 35A.63 RCW, the provision of this chapter shall prevail.

NEW SECTION. Sec. 27. CONFORMANCE WITH SHORELINE MANAGEMENT ACT AND STATE ENVIRONMENTAL POLICY ACT. Lands or actions subject to chapter 43.21C or 90.58 RCW shall continue to be regulated under these chapters. This chapter does not amend, limit, or repeal the effect of chapter 43.21C or 90.58 RCW upon land and actions subject to those chapters, except where the provisions of this chapter are more protective of environmentally sensitive lands.

ARTICLE IV: IMPLEMENTATION

NEW SECTION. Sec. 28. NATURAL HERITAGE LANDS. (1) Natural heritage lands shall consist of all lands identified under subsection (2) or (4) of this section.

(2) The legislature may create heritage lands by approving or modifying a recommendation made by the review panels meeting jointly. The panels shall recommend to the legislature lands for natural heritage designation upon finding that the lands possess qualities identified with the natural heritage of Washington state. At a minimum, within one year of the effective date of this act, the panels shall make recommendations regarding the following lands:

(a) Nisqually Delta;

(b) Skagit Flats;

(c) Vancouver Lake lowlands; and

(d) Dishman Hills.

(3) The panels' recommendations shall specify:

(a) The boundary of the area;

(b) The reasons for the requested designation; and

(c) The goals to be served by a management plan.

Upon the legislature's designation of natural heritage lands, the panels shall develop and adopt a management plan.

(4) (a) Natural heritage lands may be designated by the panels upon passage of an ordinance at the local level requesting such a designation. The ordinance shall specify:

(i) The boundary of the area;

(ii) The reasons for the requested designation; and

(iii) The goals to be served by a management plan.

(b) Within sixty days of receipt of an ordinance meeting the requirements of subsection (1) of this section, the panels shall determine whether there is a need for a management plan to protect the designated lands. Within six months of such a determination, the panels shall develop and adopt a management plan.

(5) Management plans developed and adopted pursuant to subsections (2) and (4) of this section shall be consistent with the goals identified in the nomination. The panels' process for developing a management plan shall be consistent with the public participation goals of this chapter and shall include at a minimum at least two public hearings in the vicinity of the designated lands.

(6) Land uses and land activities within natural heritage lands and governmental decisions directly affecting those lands shall be consistent with the purposes for which the lands were designated.

NEW SECTION. Sec. 29. VESTING DOCTRINE REVISED. The state of Washington adopts the following rule for vesting of rights: A right vests only upon the issuance of a valid permit or preliminary plat approval. If there has been no change of position and substantial reliance within one year of the permit or approval the vested right shall expire. Prior Washington case law to the contrary shall have no further effect.

NEW SECTION. Sec. 30. IMPACT FEES--AUTHORIZED. (1) Counties, cities, and towns are authorized to impose impact fees, excise taxes on development activity, or excise taxes on the privilege of engaging in business that constitutes development, to mitigate reasonably related needs for housing relocation impacts and potential impacts on any public facilities, including impacts arising from the increased use of public facilities or the increased need for additional or expanded public facilities, arising from development activity that is authorized by the issuance of a permit, or other approval, by the county, city, or town. Such impacts could arise directly or indirectly from the development activity itself or the cumulative impact arising from development activity. "Public facilities" include public facilities owned and operated by the county, city, or town, as well as public facilities owned and operated by other units of government within the county, city, or town, including but not limited to school districts.

A formula or other method of calculating the amount of the impact fees or excise taxes shall be established for each type of public facility and housing relocation impact, for which the impact fees or excise taxes are imposed. The impact fees or excise taxes shall be calculated so that the amount collected is related reasonably to the mitigation of the impacts arising from the development. An exemption from such impact fees or excise taxes may be provided for low-income or moderate-income housing developments or other developments

that promote the goals of this chapter.

A formula or other method of calculating the amount of the impact fees or excise taxes shall provide a credit for the value of both: (a) Any improvement or payment for the same public facility or housing relocation impact that is required to be made or paid by action of another unit of government for the same public facility as identified in the capital improvement plan; and (b) any off-site improvements or off-site dedications required by the county, city, or town imposing the impact fees or excise taxes as a condition of approving the development. The county, city, or town may provide that, if the value of such off-site improvements or off-site mitigation exceeds the impacts arising from the development and the impact fees or excise taxes that would have been imposed on the development, the developer who made the off-site improvements or off-site dedications may be reimbursed over a six-year period by an amount not exceeding the extra value from impact fees or excise taxes paid by subsequent developers that are attributable to the off-site improvements or off-site dedications. For purposes of this section, off-site improvements and off-site dedications means improvements or dedications that are not contained within the proposed development or frontage contiguous to the property that is being developed.

(2) The money from impact fees or excise taxes imposed for housing relocation purposes shall be placed into an account for such purposes and shall be expended for such purposes. The money from impact fees or excise taxes that are imposed for public facility impact purposes shall be placed into a capital account by the county, city, or town, or transferred to the other unit of government that owns and operates the impacted public facilities and that unit of government shall place the money into a capital account to be expended for only capital costs of the type of public facility for which it is imposed. Such other units of government include, but are not limited to, school districts, park and recreation service areas, sewer districts, water districts, public utility districts, metropolitan municipal corporations, county transportation authorities, public transportation benefit areas, transportation benefit districts, and other counties, cities, or towns. The money that is collected from such impact fees or excise taxes shall be expended within eight years of collection, or the government in possession of the money shall return the unexpended money to the current owner of the property assessed the impact fees or excise taxes.

(3) For the purposes of this section, "development" includes: (a) The construction or reconstruction of any structure, building space, or land; (b) any division of land for purposes of sale, lease, or transfer of ownership, including subdivisions, short subdivisions, condominium approvals, or binding site plans; and (c) any planned unit development or other contractual rezoning action.

Sec. 31. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

IMPACT FEES--NOT PROHIBITED. Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. ((~~No county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements pursuant to RCW 58.17.110 within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.~~

~~This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:~~

~~(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;~~

~~(2) The payment shall be expended in all cases within five years of collection; and~~

~~(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.~~

~~No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.~~

~~Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.~~

~~This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.~~

~~Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.~~

~~Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.~~

~~Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.~~

~~This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.~~))

Sec. 32. Section 35.43.110, chapter 7, Laws of 1965 as amended by section 10, chapter 313, Laws of 1981 and RCW 35.43.110 are each amended to read as follows:

Proceedings to establish local improvement districts must be initiated by petition in the following cases:

(1) Any local improvement payable in whole or in part by special assessments which includes a charge for the cost and expense of operation and maintenance of escalators or moving sidewalks shall be initiated only upon a petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district;

(2) If the management of park drives, parkways, and boulevards of a city has been vested in a board of park commissioners or similar authority: PROVIDED, That the proceedings may be initiated by a resolution, if the ordinance is passed at the request of the park board or similar authority therefor specifying the particular drives, parkways, or boulevards, or portions thereof to be improved and the nature of the improvement.

(3) Outside of urban growth areas, if the local health department has not declared a current health emergency, a local improvement district for sewers or a system of sewerage, as defined in RCW 35.67.010, may be initiated only if a petition is signed by the owners of at least seventy percent of the area within the limits of the proposed local improvement district. These property owners shall pay at least seventy percent of the total cost of the sewer local improvement district, or the entire cost of the sewer local improvement district if the sewer local improvement district benefits them solely.

The other thirty percent or smaller percentage of property owners shall be assessed for the sewer local improvement district, if the proponents prove by clear and convincing evidence that the sewer local improvement district will not work an economic and financial hardship on those property owners resulting in the possible loss of their real or personal property. Each property owner within the proposed sewer local improvement district for whom the proponents cannot meet this burden of proof shall be exempted from any

sewer local improvement district assessments.

If the local health department determines that a health emergency currently exists, the laws governing the creation of sewer local improvement districts in this chapter shall govern.

Sec. 33. Section 35.91.020, chapter 7, Laws of 1965 as last amended by section 11, chapter 313, Laws of 1981 and RCW 35.91.020 are each amended to read as follows:

The governing body of any city, town, county, sewer district, water district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed ((~~fifteen~~)) twenty-five years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law. To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities. The power of the governing body of such municipality to so contract also applies to water or sewer facilities in process of construction on June 10, 1959, or which have not been finally approved or accepted for full maintenance and operation by such municipality upon June 10, 1959.

The duration of latecomer fee agreements for sewers in this section is extended to twenty-five years from the current fifteen years.

The amount of latecomer's fees for sewer hookup shall be fair and reasonable, based upon reasonable, prevailing market rates for construction at the time the sewer project is completed.

The latecomer's fees shall not exceed the original construction costs, as determined by an audit conducted by a private, impartial party. The costs of the audit shall be included within the original costs of the project. Latecomer's fees are not intended to be a money-making proposition for developers and can only be used to recoup original costs, exclusive of inflation.

Sec. 34. Section 15, chapter 189, Laws of 1967 as last amended by section 7, chapter 477, Laws of 1987 and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: PROVIDED, That a board shall not have jurisdiction over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall ((~~not~~)) modify or deny a proposed action ((~~unless there is evidence on the record to support a conclusion~~)) if it finds that the action is inconsistent with one or more of the objectives under RCW 36.93.180 and that the inconsistency is not outweighed by the fulfillment of other objectives under RCW 36.93.180. The board shall deny an annexation of a city or town beyond the urban growth area established by section 2(2)(a)(i) of this act. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 35. Section 18, chapter 189, Laws of 1967 as last amended by section 6, chapter 84, Laws of 1989 and RCW 36.93.180 are each amended to read as follows:

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) Prevention of sprawl, including, but not limited to, denying an annexation of a city or town beyond an urban growth area established pursuant to sections 2(2)(a)(i) and 13(2)(b) of this act, notwithstanding the limitation of RCW 36.93.150(5)(c).

Sec. 36. Section 3, chapter 271, Laws of 1969 ex. sess. as amended by section 1, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.030 are each amended to read as follows:

Every subdivision shall comply with the provisions of this chapter. ((~~Every short subdivision as defined in this chapter shall comply with the provisions of any local regulation adopted pursuant to RCW 58.17.060.~~)) However, subdivisions of land into four lots or less shall be reviewed in accordance with this section. Counties, cities, and towns may adopt ordinances that also apply these procedures to subdivisions of land into nine lots or less if the land is within the limits of a city or town or within an urban growth area established under section 13(3)(b) of this act.

The procedure shall provide for an administrative approval process. No public hearing may be required unless written requests for a public hearing have been mailed to the county within twenty-one days or to the city or town

within seven days of the posting of the proposed subdivision and the requests have been signed by ten or more people who either reside or own real property located within one-half mile of the proposed subdivision. The review process shall ensure that the proposed subdivision conforms with the remainder of the requirements of this chapter, including RCW 58.17.110. A lot that has been created under this procedure may not be divided in any manner within twenty years of its creation unless the division conforms with the regular subdivision procedure.

Sec. 37. Section 4-123, chapter 43, Laws of 1989 and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is ((~~one one hundred twenty eighth~~)) one thirty-second of a section of land or larger, or ((~~five~~)) twenty acres or larger if the land is not capable of description as a fraction of a section of land, unless the ((~~governing authority~~)) legislative body of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; and

(7) Divisions of land into lots or tracts if: (a) The improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (b) a city, town, or county has approved a binding site plan for all such land; and (c) the binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest."

Sec. 38. Section 9, chapter 271, Laws of 1969 ex. sess. as last amended by section 5, chapter 293, Laws of 1981 and RCW 58.17.090 are each amended to read as follows:

SUBDIVISIONS--NOTICES. (1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall set a date for a public hearing. At a minimum, notice of the hearing shall be given in the following manner: (((~~(1)~~))) (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; (((~~(2)~~))) and (b) special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary, but shall include, at a minimum, the conspicuous posting of notice, in a manner designed to attract public attention, in the near vicinity of the land that is proposed to be subdivided. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided. All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

(2) If a county, city, or town has adopted an ordinance providing for the administrative approval of certain subdivisions pursuant to RCW 58.17.030, the county, city, or town shall provide notice of the proposed subdivision by publication and posting as provided under subsection (1) of this section. The notice shall occur within fourteen days of the filing of the application.

NEW SECTION. Sec. 39. DUTIES OF DEPARTMENT OF ECOLOGY. The department of ecology shall:

(1) Develop a four-tier wetlands inventory rating system by December 31, 1991. The top tier shall be wetlands of state-wide significance as determined by the department in consultation with the regional growth management review panels;

(2) Provide technical assistance, including model ordinances, to local governments;

(3) Review and approve local government wetland conservation permit programs consistent with the wetlands provisions of this chapter; and

(4) Adopt rules necessary to carry out its duties under this chapter.

Sec. 40. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application or notification shall indicate whether any land covered by the application or notification will be converted or is intended to be converted to a use other than commercial timber production within ((~~three~~)) ten years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33,

and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

No conversion may be permitted for a period of ten years after completion of the forest practice if the county, city, or town has not adopted a comprehensive land use plan adopted pursuant to section 9 of this act. This provision shall not apply to forest practices within a county, city, or town that has adopted a comprehensive land use plan pursuant to section 9 of this act.

(b) If the application or notification does not state that any land covered by the application or notification will be or is intended to be so converted:

(i) For ((~~six~~)) ten years after the date of the application for a permit that would result in a conversion of forest lands to a use incompatible with long-term timber production, the county ((~~or~~)), city, town, and regional governmental entities ((~~may deny~~)) shall refuse to accept or process and shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within ((~~three~~)) ten years after completion of the forest practices without the consent of the county ((~~or municipality~~)), city, or town shall constitute a violation of each of the county, ((~~municipal~~)) city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) For ten years after the date of an application for a conversion to an agricultural use, the county, city, town, and regional governmental entities shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonagricultural uses of land subject to the application.

(d) If a forest practice is conducted without an application or notification required by this chapter, for ten years after the date the forest practice is discovered, the county, city, town, or regional governmental entities shall refuse to accept and process, and shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application.

(e) The application or notification shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION. Sec. 41. A new section is added to chapter 80.50 RCW to read as follows:

LAND USE PLANS AND ZONING ORDINANCE. Land use plans and zoning ordinances, as defined by this chapter, and shoreline master programs adopted pursuant to chapter 90.58 RCW addressing the approval, siting, conditioning, limitations, and/or mitigation of energy facilities and associated facilities are hereby subject to direct legislation by the people through initiative and referendum notwithstanding delegation of authority to enact such legislation contained in other statutes.

ARTICLE V: APPROPRIATION AND MISCELLANEOUS MATTERS

NEW SECTION. Sec. 42. APPROPRIATION--GENERAL FUND. (1) Twelve million two hundred thousand dollars is appropriated from the general fund to the growth management account established by section 7 of this act, for the biennium ending June 30, 1991, to implement this act as follows:

(a) One million dollars to provide technical assistance and mediation services to local governments under section 6(2) (b) and (c) of this act;

(b) Ten million dollars to make grants to counties, cities, and towns under section 6(2)(b) of this act;

(c) One million dollars for the inventories under section 6(2)(a) of this act; and

(d) Two hundred thousand dollars to make grants under section 6(2)(j) of this act.

(2) Nine hundred thousand dollars is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1991, to implement the department's duties under this act.

NEW SECTION. Sec. 43. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 44. Section captions and article headings used in this act constitute no part of the law.

NEW SECTION. Sec. 45. This act shall be known and cited as the balanced growth enabling act.

NEW SECTION. Sec. 46. Sections 2 through 22, 25 through 30, 39, and 45 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 47. REPEALER. Any bill of the legislature involving the growth management and environmental protection subjects addressed in this act that is enacted between March 13, 1990, and November 6, 1990, is superseded and repealed.

NEW SECTION. Sec. 48. REPEALER. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 104, Laws of 1987 and RCW 58.17.033;

(2) Section 6, chapter 271, Laws of 1969 ex. sess., section 3, chapter 134, Laws of 1974 ex. sess., section 1, chapter 92, Laws of 1987, section 5, chapter 354, Laws of 1987, section 2, chapter 330, Laws of 1989 and RCW 58.17.060;

(3) Section 12, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.065;

(4) Section 1, chapter 233, Laws of 1986 and RCW 58.17.095;

(5) Section 1, chapter 47, Laws of 1984 and RCW 58.17.155; and

(6) Section 1, chapter 104, Laws of 1987 and RCW 19.27.095.

NEW SECTION. Sec. 49. LIBERAL CONSTRUCTION. Local governments, state agencies, and the courts shall construe the provisions of this act liberally to achieve its legislative intent and state land use planning goals.

NEW SECTION. Sec. 50. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

In the preceeding and following measures, all words in double brackets with a line through them are in the State Law or Constitution at the present time and are being taken out by the measure. All words underlined do not appear in the State Law or Constitution as they are now written but will be put in if the measure is adopted.

or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newpaper in the state.

COMPLETE TEXT OF Senate Joint Resolution No. 8212

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 11 of the Constitution of the state of Washington to read as follows:

Article VII, section 11. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber, and timberlands, ((~~and~~)) (b) of other open space lands ((~~which~~)) that are used for recreation or for enjoyment of their scenic or natural beauty, or (c) of properties with dwelling units that comply with health and safety standards, are devoted to low-income house, and contain five or more low-income dwelling units, shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

(Explanatory statement for Initiative Measure 547 continued from page 5)

wetlands, permit economic development consistent with land use goals, protection of water resources, Puget Sound, neighborhoods and property rights, and provide for citizen participation and other factors.

Within 6 months each county is to develop 10 and 20 year population, housing and employment goals. Counties and cities which are subject to the 1990 legislative requirement to develop comprehensive plans would have to do so within 3 years, other counties would have 5 or 7 years. Cities of over 150,000 must have sub-area plans. Sanctions are provided for non-compliance by local governments, including loss of certain local option taxes. Impact fees and excise taxes could be imposed by local governments on development activitiy for the impacts and potential impacts upon public facilities and housing relocation.

County boundary review boards would be authorized to prevent urban sprawl by denying cities annexations beyond an urban growth area. Extension of water and sewer services beyond urban growth areas is restricted. One, but not the sole, element to avoid platting requirements for the subdivision of land is minimum lot size. This minimum size would increase from 5 acres to 20 acres. The concept of a property owner having a vested right to a permissible land use would be changed to be viewed from the date of the issuance, rather than application date, of a valid permit and would lapse after one year if there was no change of position or substantial reliance.

The Department of Ecology would be restricted in its authority to preempt local requirements in granting a permit for facilities for the disposition of hazardous wastes. State agencies would be prohibited from permitting oil or gas exploration or drilling in marine waters. State agencies would be required to comply with the goals and elements of the Puget Sound Water Quality Management Plan.

An appropriation of 40 million dollars each biennium is called for by the Act. For the remainder of the current biennium 13.1 million dollars is provided of which 10 million is for grants to local governments.

VOTER'S CHECKLIST

Every Washington voter will have the opportunity to vote on four statewide measures at the state general election on November 6, 1990. The ballot titles for these measures are reproduced below as a convenience to voters in preparing to go to the polls or cast an absentee ballot. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. Contact your local county auditor for a sample ballot containing any local measures or candidates. State law provides: "Any voter may take with him into the polling place any printed or written memorandum to assist him in marking or preparing his ballot." (RCW 29.51.180).

INITIATIVE MEASURE 547 YES ☐ NO ☐

"Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?"

HOUSE JOINT RESOLUTION 4203 YES ☐ NO ☐

"Shall a constitutional amendment permit basing the tax value of low-income housing of five or more units upon current use?"

HOUSE JOINT RESOLUTION 4231 YES ☐ NO ☐

"Shall constitutional provisions governing the creation of new counties be amended to alter requirements for county formation, annexation, and [illegible]?"

SENATE JOINT RESOLUTION 8212 YES ☐ NO ☐

"Shall a constitutional amendment permit voters at an election to approve excess property taxes for up to six-year periods?"

CANDIDATES

U.S. Representative

State Representative Position 1

State Senator (if applicable)

State Representative Position 2