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**SUBSTITUTE HOUSE BILL 1670**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Natural Resources & Parks (originally sponsored by Representatives Belcher, R. Meyers, Jacobsen, Heavey, Roland, Ferguson, Hine, O'Brien, Rust, Paris, Scott, Fraser and Wineberry).

Read first time March 4, 1991.

1       AN ACT Relating to growth strategies; amending RCW 36.70A.030,  
2 36.70A.020, 36.70A.070, 36.70A.170, 36.70A.060, and 36.70A.050; adding  
3 new sections to chapter 36.70A RCW; and creating new sections.

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

5       NEW SECTION.   **Sec. 1.**   The legislature finds that the state's  
6 natural resources are among the most valuable of all resources in the  
7 state, and that their conservation and protection is an essential part  
8 of maintaining the quality of life for both present and future  
9 generations.   A lack of common goals and the absence of effective  
10 methods and procedures to plan for environmentally sound land use to  
11 accommodate new economic and population growth at the local and  
12 regional level have contributed to severe problems and conflicts that  
13 threaten the health of our natural resources.   It is the intent of the  
14 legislature to establish a process and system of planning and growth  
15 management that emphasizes a shared responsibility between state and

1 local governments to ensure that our natural resources are effectively  
2 conserved and protected. To achieve this goal, state and local  
3 governments must be given responsibilities that each level of  
4 government is uniquely qualified to perform. It is the intent of the  
5 legislature to establish certain state-wide requirements and to  
6 designate a state role regarding natural resources of state-wide  
7 significance and where natural resources planning involves multiple  
8 jurisdictions. It is also the intent of the legislature to permit local  
9 governments maximum flexibility in conserving and protecting natural  
10 resources where those decisions can most appropriately be made at the  
11 local level.

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

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

16 (1) "Adjacent jurisdictions" include contiguous counties, cities,  
17 federally recognized Indian tribes, and the department of natural  
18 resources with respect to management of trust lands.

19 (2) "Adopt a comprehensive land use plan" means to enact a new  
20 comprehensive land use plan or to update an existing comprehensive land  
21 use plan.

22 ~~((+2))~~ (3) "Agricultural land" means land primarily devoted to the  
23 commercial production of horticultural, viticultural, floricultural,  
24 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
25 straw, turf, seed, Christmas trees not subject to the excise tax  
26 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
27 long-term commercial significance for agricultural production.

28 ~~((+3))~~ (4) "Board" means the growth management board established  
29 to review plans and regulations established under this chapter.

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

2        ~~((4))~~ (6) "Committee" means the committee established under  
3 section 10 of this act.

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

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

13        ~~((6))~~ (9) "Department" means the department of community  
14 development.

15        ~~((7))~~ (10) "Development regulations" means any controls placed on  
16 development or land use activities by a county or city, including, but  
17 not limited to, zoning ordinances, official controls, planned unit  
18 development ordinances, subdivision ordinances, and binding site plan  
19 ordinances.

20        ~~((8))~~ (11) "Forest land" means land primarily useful for growing  
21 and harvesting trees, including Christmas trees subject to the excise  
22 tax imposed under RCW 84.33.100 through 84.33.140, for commercial  
23 purposes, and that has long-term commercial significance for growing  
24 and harvesting trees commercially.

25        ~~((9))~~ (12) "Geologically hazardous areas" means areas that  
26 because of their susceptibility to erosion, sliding, earthquake, or  
27 other geological events, are not suited to the siting of commercial,  
28 residential, or industrial development consistent with public health or  
29 safety concerns.

1       (~~(10)~~) (13) "Long-term commercial significance" includes the  
2 growing capacity, productivity, and soil composition of the land for  
3 long-term commercial production, in consideration with the land's  
4 proximity to population areas, and the possibility of more intense uses  
5 of the land.

6       (~~(11)~~) (14) "Mineral(~~(s)~~) resource lands" include those lands  
7 identified and currently used or having future potential for long-term  
8 commercial extraction of gravel, sand, rock, and valuable metallic  
9 substances.

10       (15) "Natural resources of state-wide significance" are natural  
11 resources that possess outstanding natural, ecological, or scenic  
12 values, and are of the highest quality and most significant of their  
13 type. Because of their quality, they are of interest to all residents  
14 of the state. They include but are not limited to: (a) Lands essential  
15 for the protection, management, or public enjoyment of wildlife; (b)  
16 rivers or segments of rivers with exceptional scenic or ecological  
17 characteristics; (c) scenic landscapes of outstanding value; (d) high  
18 quality, regionally important wetland communities; (e) unique or rare  
19 ecological systems; (f) prime examples of native plant communities; (g)  
20 unique geological features; (h) significant shorelines, estuaries, or  
21 aquatic sites; (i) essential water resources; and (j) prime or  
22 outstanding features of the Washington landscape.

23       (16) "New community" means a comprehensive development providing  
24 for a mixture of land uses which includes the following: (a) A mix of  
25 jobs, housing, and public facilities needed for a self-contained  
26 community; (b) preservation of open spaces within and around the  
27 community; (c) an internal and external transportation system  
28 supportive of pedestrian access and mass transit; (d) the new  
29 infrastructure needed to serve the proposed community; and (e) the  
30 mitigation of off-site impacts.

1        (17) "Open space" includes two categories of lands that have  
2 distinct functions. The first category protects the use of forest,  
3 agricultural, and mineral resource lands to assure that these lands  
4 continue to produce resource commodities. The second category  
5 preserves lands that should not or cannot be altered from their current  
6 state because of their value, natural limitations, or dedication by  
7 deed for public use. The protection of these categories of open space  
8 would: (a) Conserve and enhance scenic, or viewshed resources; (b)  
9 provide scenic amenities and community identity within and between  
10 areas of urban development; (c) protect physical and/or visual buffers  
11 within and between areas of urban and rural development, or along  
12 transportation corridors; (d) protect lakes, rivers, streams,  
13 watersheds, or water supply; (e) promote conservation of critical  
14 areas, forest land, agricultural lands, mineral resource lands, soils,  
15 or tidal marshes, beaches, or other shoreline areas; (f) enhance the  
16 value to the public of abutting or neighboring parks, forests, wildlife  
17 habitat, trails, or other open space; (g) enhance visual enjoyment and  
18 recreation opportunities, including public access to shoreline areas;  
19 (h) protect natural areas and environmental features with significant  
20 educational, scientific, wildlife habitat, historic, or scenic value;  
21 or (i) retain and preserve natural areas and wildlife habitat important  
22 to the quality of life which are situated in an urban environment.

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

27        ~~((13))~~ (19) "Public services" include fire protection and  
28 suppression, law enforcement, public health, education, recreation,  
29 environmental protection, and other governmental services.

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

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

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

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

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

26        ~~((16))~~ (25) "Urban governmental services" include those  
27 governmental services historically and typically delivered by cities,  
28 and include storm and sanitary sewer systems, domestic water systems,  
29 street cleaning services, fire and police protection services, public

1 transit services, and other public utilities associated with urban  
2 areas and normally not associated with nonurban areas.

3 ~~((17))~~ (26) "Wetland" or "wetlands" means areas that are  
4 inundated or saturated by surface water or ground water at a frequency  
5 and duration sufficient to support, and that under normal circumstances  
6 do support, a prevalence of vegetation typically adapted for life in  
7 saturated soil conditions. Wetlands generally include swamps, marshes,  
8 bogs, and similar areas. Wetlands do not include those artificial  
9 wetlands intentionally created from nonwetland sites, including, but  
10 not limited to, irrigation and drainage ditches, grass-lined swales,  
11 canals, detention facilities, wastewater treatment facilities, farm  
12 ponds, and landscape amenities. However, wetlands may include those  
13 artificial wetlands intentionally created from nonwetland areas created  
14 to mitigate conversion of wetlands, if permitted by the county or city.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to: Protect fish and wildlife habitat; protect environmentally  
2 sensitive land and water areas; provide park and outdoor recreational  
3 opportunities; protect scenic areas and viewsheds; accommodate  
4 nonmotorized recreational corridors and trails; ensure adequate parks  
5 and recreation facilities sized to accommodate anticipated growth in  
6 demand of such facilities; and protect views and vistas within and  
7 around cities.

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

11 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
12 the involvement of citizens in the planning process and ensure  
13 coordination between communities and jurisdictions to reconcile  
14 conflicts.

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

20 (13) Historic preservation. Identify and encourage the  
21 preservation of lands, sites, and structures, that have historical or  
22 archaeological significance.

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

26 (15) Water Resources. Land use planning and permit decisions that  
27 will both protect water and create demand for water must be compatible  
28 with water resource plans. New growth must be related to water  
29 availability. Each county and its cities must integrate water resource  
30 planning for consumptive and nonconsumptive uses into its land use

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

3 **Sec. 4.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
4 amended to read as follows:

5 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
6 a county or city that is required or chooses to plan under RCW  
7 36.70A.040 shall consist of a map or maps, and descriptive text  
8 covering objectives, principles, and standards used to develop the  
9 comprehensive plan. The plan shall be an internally consistent  
10 document and all elements shall be consistent with the future land use  
11 map. A comprehensive plan shall be adopted and amended with public  
12 participation as provided in RCW 36.70A.140.

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

15 (1) A land use element designating the proposed general  
16 distribution and general location and extent of the uses of land, where  
17 appropriate, for agriculture, timber production, housing, commerce,  
18 industry, recreation, open spaces, public utilities, public facilities,  
19 and other land uses. The land use element shall provide for sufficient  
20 developable land and densities for a range of housing types. The land  
21 use element shall include population densities, building intensities,  
22 and estimates of future population growth. The land use element shall  
23 include designation of natural resource lands and lands for outdoor  
24 recreation as provided in RCW 36.70A.060. Each county shall include  
25 urban growth areas as established in RCW 36.70A.110 in its  
26 comprehensive land use plan. The land use element shall provide for  
27 protection of the quality and quantity of ground and surface water used  
28 for public water supplies and shall recognize that water availability  
29 and quality are key factors in determining the extent, location,

1 distribution, and intensity of land uses. Where applicable, the land  
2 use element shall review drainage, flooding, and storm water run-off in  
3 the area and nearby jurisdictions and provide guidance for corrective  
4 actions to mitigate or cleanse those discharges that pollute waters of  
5 the state, including Puget Sound or waters entering Puget Sound.

6 (2) A housing element recognizing the vitality and character of  
7 established residential neighborhoods that: (a) Includes an inventory  
8 and analysis of existing and projected housing needs; (b) includes a  
9 statement of goals, policies, and objectives for the preservation,  
10 improvement, and development of housing and for meeting fair share  
11 housing obligations within the county and/or jurisdictions; (c)  
12 identifies sufficient land and densities for housing; (d) identifies  
13 the existing and projected fair share accommodation of low-income  
14 moderate-income housing, including, but not limited to, government-  
15 assisted housing, housing for low-income families, manufactured  
16 housing, multifamily housing, and group homes and foster care  
17 facilities; (~~(and (d))~~) (e) makes adequate provisions for existing and  
18 projected needs of all economic segments of the community; (f) promotes  
19 housing that is affordable; and (g) minimizes the displacement of  
20 residents from housing.

21 (3) A capital facilities plan element consisting of: (a) An  
22 inventory of existing capital facilities owned by public entities,  
23 showing the locations and capacities of the capital facilities; (b) a  
24 forecast of the future needs for such capital facilities; (c) the  
25 proposed locations and capacities of expanded or new capital  
26 facilities; (d) at least a six-year plan that will finance such capital  
27 facilities within projected funding capacities and clearly identifies  
28 sources of public money for such purposes; and (e) a requirement to  
29 reassess the land use element if probable funding falls short of  
30 meeting existing needs and to ensure that the land use element, capital

1 facilities plan element, and financing plan within the capital  
2 facilities plan element are coordinated and consistent.

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

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

12 (6) A transportation element that implements, and is consistent  
13 with, the land use element. The transportation element shall include  
14 the following subelements:

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

16 (b) Facilities and services needs, including:

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

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

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

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

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

1 (c) Finance, including:

2 (i) An analysis of funding capability to judge needs against  
3 probable funding resources;

4 (ii) A multiyear financing plan based on the needs identified in  
5 the comprehensive plan, the appropriate parts of which shall serve as  
6 the basis for the six-year street, road, or transit program required by  
7 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
8 35.58.2795 for public transportation systems;

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

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

16 (e) Demand-management strategies.

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

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

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

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

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

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

17 (11) A fair share element for siting state and regional public  
18 facilities.

19 **Sec. 5.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each  
20 amended to read as follows:

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

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

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

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

4 (d) Critical areas.

5 (2) In making the designations required by this section, counties  
6 and cities shall consider the guidelines established pursuant to RCW  
7 36.70A.050.

8 (3) Once classified, such lands shall be protected according to RCW  
9 36.70A.060.

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

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

13 (1) Each county that is required or chooses to plan under RCW  
14 36.70A.040, and each city within such county, shall adopt development  
15 regulations on or before September 1, 1991, to assure the conservation  
16 of agricultural, forest, and mineral resource lands designated under  
17 RCW 36.70A.170. Regulations adopted under this (~~section~~) subsection  
18 may not prohibit land uses that were permitted prior to their adoption  
19 and shall remain in effect until (~~a~~) the county or city adopts  
20 development regulations pursuant to RCW 36.70A.120. Such regulations  
21 shall assure that the use of lands adjacent to agricultural, forest, or  
22 mineral resource lands shall not interfere with the continued use, in  
23 the accustomed manner and in accordance with best management practices,  
24 of these designated lands for the production of food, agricultural  
25 products, or timber, or for the extraction of minerals.

26 (2) Each county that is required or chooses to plan under RCW  
27 36.70A.040, and each city within such county, shall adopt development  
28 regulations on or before September 1, 1991, precluding land uses or

1 development that is incompatible with the critical areas that are  
2 required to be designated under RCW 36.70A.170.

3 ~~((2))~~ (3) Such counties and cities shall review these  
4 designations and development regulations when adopting their  
5 comprehensive plans under RCW 36.70A.040 and implementing development  
6 regulations under RCW 36.70A.120 and may alter such designations and  
7 development regulations to insure consistency.

8 NEW SECTION. **Sec. 7.** OPEN SPACE LANDS--IDENTIFICATION. In  
9 addition to designation of natural resource lands and critical areas as  
10 required under RCW 36.70A.170, every county and city requiring or  
11 choosing to plan under this chapter shall identify existing open space  
12 lands permanently protected by the county or city by June 30, 1992.  
13 This identification shall be consistent with the requirements contained  
14 in RCW 36.70A.160.

15 NEW SECTION. **Sec. 8.** REGIONAL PLANS. In counties required to  
16 plan under the provisions of this chapter, a regional plan or strategy  
17 shall be developed by the county and the cities within the county and  
18 as a tribal option any relevant tribal government to set major  
19 directions and policies for fair share siting of public facilities by  
20 September 1, 1992. A regional plan or strategy for economic  
21 development and/or open space may be added at the option of the county  
22 and participating cities. State agencies shall participate in and  
23 cooperate with regional open space and fair share planning processes to  
24 the maximum extent feasible and compatible with their primary  
25 responsibilities. Counties may join together to develop multicounty  
26 regions for these planning purposes at the option of the county  
27 governing bodies of the participating counties. These policies shall  
28 be reflected in the individual county and city comprehensive plan

1 elements on open space and fair share siting. After the adoption of  
2 such plans, the comprehensive plans prepared under this chapter of  
3 participating counties and cities shall be consistent for the subjects  
4 covered by the plans.

5 **Sec. 9.** RCW 36.70A.050 and 1990 1st ex.s. c 17 s 5 are each  
6 amended to read as follows:

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

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

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

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

11 (5) Once classified, such lands shall be protected according to RCW  
12 36.70A.060.

13 NEW SECTION. Sec. 10. There is created a committee consisting of  
14 the commissioner of public lands, the director of parks and recreation,  
15 the director of wildlife, the director of fisheries, the director of  
16 ecology, the director of community development, or their designees, one  
17 representative from the association of Washington cities, one  
18 representative from the Washington state association of counties, one  
19 representative from the Washington state public ports association, and  
20 by appointment of the governor, three members of the public. In  
21 selecting the three members of the public to serve on this committee,  
22 the governor shall keep in mind the diversity of the state's natural  
23 resources and the diverse needs of state residents. The director of  
24 community development shall serve as the chair of the committee and the  
25 department shall provide staff to the committee. Members employed by  
26 the state shall serve without additional pay, and participation in the  
27 work of the committee shall be deemed performance of their employment.  
28 Members from the public at large shall be compensated in accordance  
29 with RCW 43.03.240 and shall be entitled to reimbursement individually

1 for travel expenses incurred in performance of their duties as members  
2 of the committee in accordance with RCW 43.03.050 and RCW 43.03.060.

3 NEW SECTION. **Sec. 11.** (1) The committee established in section  
4 10 of this act shall: (a) Develop recommendations on criteria to be  
5 used in identifying natural resources of state-wide significance; (b)  
6 develop recommendations on minimum standards to be used by counties and  
7 cities to protect natural resources of state-wide significance within  
8 their jurisdictions; and (c) assist the department in reviewing plans  
9 and development regulations as provided in section 14(3) of this act.  
10 In carrying out the responsibilities under (a) of this subsection the  
11 committee shall keep in mind the requirement that the state compensate  
12 private landowners as provided for in section 12(3) of this act. In  
13 carrying out the responsibilities under (a) and (b) of this  
14 subsection, the committee shall consult with interested parties and  
15 shall conduct public hearings in the various regions of the state. The  
16 committee shall consider the public input obtained at such public  
17 hearings when developing the recommendations. These recommendations  
18 shall be submitted to the department on or before September 1, 1991.

19 (2) The department shall adopt criteria, under chapter 34.05 RCW,  
20 for identifying natural resources of state-wide significance, based on  
21 the recommendations prepared by the committee under subsection (1)(a)  
22 of this section no later than January 1, 1992. The department shall  
23 adopt minimum standards, under chapter 34.05 RCW, for protection of  
24 natural resources of state-wide significance based on the  
25 recommendations prepared by the committee under subsection 1(b) of this  
26 section no later than January 1, 1992.

27 NEW SECTION. **Sec. 12.** (1)(a) Every county and city shall identify  
28 and designate natural resources of state-wide significance located in

1 its jurisdiction based on the criteria adopted by the department  
2 pursuant to section 11(2) of this act, to the extent that such natural  
3 resources occur within the county or city. Counties and cities may  
4 request assistance in identifying these natural resources from the  
5 departments of wildlife, ecology, fisheries, and natural resources, and  
6 the parks and recreation commission. If requested, these agencies  
7 shall, to the maximum extent feasible, provide assessments of which  
8 natural resources within the county's or city's jurisdiction meet the  
9 criteria established under section 11(2) of this act.

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

14 (2) Every county and city that designates natural resources of  
15 state-wide significance shall adopt development regulations on or  
16 before September 1, 1992, precluding land uses or development  
17 incompatible with the level of protection required by the minimum  
18 standards adopted under section 11(2) of this act.

19 (3) If the development regulations adopted by a county or city to  
20 protect a natural resource of state-wide significance reduce the fair  
21 market value of private lands, the owner shall have the right to  
22 require compensation from the state for the value lost and the state  
23 shall pay such compensation.

24 NEW SECTION. **Sec. 13.** When a natural resource of state-wide  
25 significance designated under section 12 of this act or a critical area  
26 designated under RCW 36.70A.170 crosses a city or county border, or  
27 where a designated natural resource of state-wide significance or  
28 critical area borders two or more jurisdictions, these jurisdictions  
29 shall enter into negotiations to arrive at a mutually acceptable set of

1 development regulations that preclude land uses or development that is  
2 incompatible with these designations. If the jurisdictions cannot  
3 reach agreement, then the proposal from the jurisdiction with the  
4 strictest provisions for the protection of the shared natural resource  
5 of state-wide significance or critical area shall be adopted by all  
6 jurisdictions involved in the negotiations, except that if a  
7 jurisdiction believes that other jurisdictions have not negotiated in  
8 good faith to reach an agreement, the jurisdiction may prepare  
9 alternative development regulations and request that the department  
10 review the adequacy of the alternative as provided in section 14(4) of  
11 this act.

12 NEW SECTION. **Sec. 14.** (1) Each county and city preparing a  
13 comprehensive plan and/or development regulations, or amendments  
14 thereto, under this chapter shall submit its final draft plan and  
15 development regulations, or amendments, to the department before  
16 adoption. In addition, the county or city shall submit a copy of those  
17 documents to adjacent jurisdictions.

18 (2) Counties shall submit the regional plans under section 8 of  
19 this act to the department for preadoption review.

20 (3) The department, with assistance from the committee, shall  
21 review plans and development regulations, or amendments, and shall  
22 prepare an assessment of the degree to which these documents: (a)  
23 Meet the minimum standards required for protection of natural resources  
24 of state-wide significance; (b) cumulatively provide adequate  
25 protection for resources of state-wide significance; and (c) preclude  
26 land uses or development incompatible with critical areas. The  
27 department shall compile its comments and forward the comments to the  
28 county or city within sixty days of receiving the draft plan and  
29 regulations, or the department may be presumed to agree with the plan

1 and regulations, or amendments, as submitted. This presumption of  
2 agreement shall not apply to changes in the proposed comprehensive  
3 plans or development regulations, or amendments, that are made after  
4 submission under this section.

5 (4) If a jurisdiction would be required to adopt stricter  
6 development regulations under section 6 of this act than it believes  
7 are necessary, the department shall review the jurisdiction's proposed  
8 alternative development regulations as part of the assessment in  
9 subsection (3) of this section. Where the department finds that the  
10 proposed alternative development regulations adequately preclude land  
11 uses or development incompatible with critical areas and/or natural  
12 resources of state-wide significance, it shall recommend that the  
13 proposed alternative regulations be adopted by the jurisdiction. This  
14 recommendation shall be included in the comments prepared by the  
15 department.

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

23 NEW SECTION. **Sec. 15.** (1) To assist local governments in carrying  
24 out the goals and requirements of this chapter, the committee created  
25 in section 10 of this act shall prepare a state-wide open space map  
26 identifying existing areas of protected open space lands and networks  
27 as described in RCW 36.70A.020.

28 (2) The committee shall prepare the map and submit it to the  
29 governor and the joint select committee on growth management by

1 December 1, 1992. The committee shall distribute the map to all  
2 counties and cities required to adopt comprehensive land use plans  
3 under this chapter.

4 (3) The process shall consist of:

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

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

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

14 (5) In preparing the map, the committee shall cooperate to the  
15 maximum degree feasible with counties and cities preparing  
16 comprehensive plans under RCW 36.70A.040 and with counties and cities  
17 designating and adopting development regulations to protect forest,  
18 agricultural, and mineral resource lands and critical areas. The map  
19 is to be prepared using existing resources information available from  
20 federal, state, and local governments, including the designations of  
21 forest, agricultural, and mineral resource lands, and critical areas  
22 required under this chapter, designations of natural resources of  
23 state-wide significance required under section 12 of this act, and the  
24 identification of open space corridors provided for in RCW 36.70A.160.  
25 The committee shall provide opportunities for public review and comment  
26 during preparation of the map.

27 NEW SECTION. **Sec. 16.** OPEN SPACE PLAN--STATE AGENCIES SHALL  
28 COOPERATE. To foster the efforts of counties and cities to identify  
29 and protect open space networks in their comprehensive plans and

1 development regulations as required in RCW 36.70A.160 and this act, all  
2 state agencies with natural resources land management, regulation, or  
3 planning authorities shall cooperate with county and city efforts to  
4 protect open space lands and networks to the extent that is within  
5 their primary responsibilities.

6 NEW SECTION. **Sec. 17.** Nothing in this act shall be construed as  
7 affecting the state's obligation to manage federally granted trust  
8 lands for the primary benefit of the designated beneficiary.

9 NEW SECTION. **Sec. 18.** HEADINGS. Section headings as used in this  
10 act do not constitute any part of the law.

11 NEW SECTION. **Sec. 19.** Sections 7, 8, and 10 through 16 of this  
12 act are each added to chapter 36.70A RCW.