

CHAPTER 43.

[S. B. 89.]

BANKS AND TRUST COMPANIES; SUPERADDED LIABILITY
OF STOCKHOLDERS.

AN ACT relating to banks and trust companies; providing for the repayment of sums deposited with the state treasurer as superadded liability of stockholders; repealing section 4, chapter 42, Laws of 1933 (Remington's Revised Statutes, section 3229-2).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Where a bank or trust company or any of the stockholders thereof have paid to the state treasurer in money or securities any or all of the superadded liability upon the capital stock of such bank or trust company and such bank or trust company is still a going concern, such money or securities so paid or deposited shall be repaid by the state treasurer to the persons entitled thereto.

Repayment
of sums
deposited.

SEC. 2. That section 4, chapter 42, Laws of 1933 (Remington's Revised Statutes section 3229-2) be and the same hereby is repealed.

Repeals § 4,
ch. 42, Laws
of 1933.

Passed the Senate February 5, 1935.

Passed the House March 7, 1935.

Approved by the Governor March 11, 1935.

CHAPTER 44.

[H. B. 108.]

PLANNING COMMISSIONS: CITY, TOWN, COUNTY AND
REGIONAL PLANNING.

AN ACT relating to city, town, county and regional planning and the creation, organization, duties and powers of planning commissions.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. As used in this act the term
"Board" means the board of county commis- Definitions.

sioners of counties in the State of Washington;

“Council” means the chief legislative body of the cities and towns of the State of Washington;

“Mayor” means the chief executive of a city or town;

“Commission” means a city, town or county planning commission;

“State council” means the state planning council of the State of Washington;

“Highways” includes streets, roads, boulevards, lanes, alleys, viaducts and other traveled ways;

“City” includes any or all incorporated cities and towns of any class in the State of Washington;

“Municipality” includes any or all counties, cities and towns of the State of Washington;

“Ex officio members” means the members of a commission chosen from among city or county officials;

“Appointive members” means all the other members of a commission.

Creation of council.

SEC. 2. If any council or board desires to avail itself of the powers conferred by this act, such council or board shall create a city or county planning commission consisting of from three to twelve members to be appointed by the mayor or chairman of the municipality and confirmed by the council or board: *Provided*, That in cities of the first class having a commission form of government consisting of three or more members, the commissioner of public works shall appoint the said planning commission, which appointment shall be confirmed by a majority of the city commissioners. The ordinance, resolution or act creating the commission shall set forth the number of members to be appointed, not more than one-third of which number may be ex officio members by virtue of office held in such municipality. The term of office for ex officio members shall correspond to their respective

Number of members.

Term of office.

tenures. The term of office for the first appointive members appointed to such commission shall be designated from one to six years in such manner as to provide that the fewest possible terms will expire in any one year. Thereafter the term of office for each appointive member shall be six years. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing, by the appointing official, with the approval of his council or board, for inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations and they shall serve without compensation.

Removal of
members.

SEC. 3. The commission shall elect its own chairman and create and fill such other offices as it may determine it requires. The commission shall hold at least one regular meeting in each month for not less than nine months in each year. It shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.

Organization
of commis-
sion.

SEC. 4. The expenditures of any commission or regional commission authorized and established under this act, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council or board. Within such limits, any such commission is authorized to employ such employees and expert consultants as are deemed necessary for its work.

Expendi-
tures.

SEC. 5. The council or board of any municipality is hereby authorized and empowered to provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of such municipality. For this purpose such council or board, in such measure as is deemed reasonably necessary or requisite in the

Development
of municipi-
palities.

interest of health, safety, morals and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set back of buildings along highways, parks or public water frontages; and the subdivision and development of land. The local legislative body of any city where such ordinances are in effect, may, on the recommendation of its commission, when such action is deemed necessary, provide for the appointment of a board of adjustment, to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purpose and intent and in accordance with general or specific rules therein contained.

Creation of
board of
adjustment.

SEC. 6. For any or all of such purposes any such council or board, on recommendation of its commission, may divide the municipality or any portion thereof into districts of such size, shape and area, or may establish such official map or maps, or development plans for the whole or any portion of the area of such municipality as may be deemed best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

Division of
municipality.

SEC. 7. All such regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of such munic-

Preparation
of plan.

ipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

SEC. 8. The commission may recommend to its council or board the plan so prepared as a whole, or may recommend parts of the plan by successive recommendations, said parts corresponding with geographic or political sections, divisions or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, may correspond with suburban settlement or arterial highway areas; and may prepare and recommend any amendment or extension thereof or addition thereto. Before the recommendation of the initial plan to the municipality the commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the clerk of such municipality, shall be filed with the county auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall like-

Recommendation of plans.

Public hearing.

Copy of ordinance filed.

wise be filed with the county auditor. The auditor shall record the ordinance or resolution and keep on file the map or plat.

Ordinance
may be
amended.

SEC. 9. Any ordinance or ordinances, resolution or resolutions, adopting any such plan or regulations, or any part thereof, may be amended, supplemented, changed or modified by subsequent ordinance or resolution adopted by the council or board upon recommendation of or with the concurrence of the commission.

Power of
commission.

SEC. 10. Any such commission is authorized and empowered to act as the research and fact finding agency of city or county. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state council with the approval of its council or board. Any such commission, upon such request or authority, is further empowered and authorized:

(1) to make inquiries, investigations and surveys concerning the resources of the county;

(2) to assemble and analyze the data thus obtained and to formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) to make recommendations from time to time as to the best methods of such conservation, utilization and development;

(4) to cooperate with other commissions, with the state council and with other public agencies of the municipality, state and United States in such planning, conservation and development; and

(5) in particular to cooperate with and aid the state council within its territorial limits in the preparation of the state master plan provided for in section 3, chapter 54 of the Special Session Laws of 1933, and in advance planning of public works programs.

SEC. 11. The commissions of two or more adjoining counties, together with the boards of such counties, are hereby empowered to cooperate in the formation of a regional planning commission for the making of a regional plan for the region defined as may be agreed upon by the said commissions and boards. Any such regional commission, when requested by the commissions of its region or by the state council, is further authorized and empowered to perform any of the other duties for its region that are specified in section 10 hereof for city and county commissions. The number of members of such regional commission, their method of appointment and the proportion of the cost of such regional planning, surveys and studies to be borne respectively by the various counties in the region, shall be such as may be agreed upon by said commissions and boards.

Regional
planning
commission.

SEC. 12. Nothing herein contained shall be deemed to limit the right of self-governing cities of the first class to extend or enlarge the membership, duties or powers of its commission, beyond those prescribed in this act.

Extension
of powers.

Passed the House March 4, 1935.

Passed the Senate March 2, 1935.

Approved by the Governor March 11, 1935.