

CHAPTER 201.

[Second Sub. S. B. 376.]

COUNTY AND REGIONAL PLANNING.

AN ACT relating to county and regional planning; authorizing the creation and organization of planning agencies, boards of adjustment, and zoning adjustors; defining their powers and duties; and prescribing procedures.

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

SECTION 1. *Purpose and Intent.* The purpose and intent of this chapter is to provide the authority for, and the procedures to be followed in, guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

SEC. 2. *Definitions.* The following words or terms as used in this chapter shall have the following meaning unless a different meaning is clearly indicated by the context.

(1) "Approval by motion" is a means by which a board, through other than by ordinance, approves and records recognition of a comprehensive plan or amendments thereto.

(2) "Board" means the board of county commissioners.

(3) "Certification" means the affixing on any map or by adding to any document comprising all or any portion of a comprehensive plan a record of the dates of action thereon by the commission and

by the board, together with the signatures of the officer or officers authorized by ordinance to so sign.

"Commission." (4) "Commission" means a county or regional planning commission.

"Commissioners." (5) "Commissioners" means members of a county or regional planning commission.

"Comprehensive plan." (6) "Comprehensive plan" means the policies and proposals approved and recommended by the planning agency or initiated by the board and approved by motion by the board (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in section 33 and may also include the optional elements set forth in section 35 hereof which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

"Conditional use." (7) "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment, or zoning adjustor if there be such, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the county ordinances specify the standards and criteria that shall be applied.

"Department." (8) "Department" means a planning department organized and functioning as any other department in any county.

(9) "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan. "Element."

(10) "Ex officio member" means a member of the commission who serves by virtue of his official position as head of a department specified in the ordinance creating the commission. "Ex officio member."

(11) "Official controls" means legislatively-defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps. "Official controls."

(12) "Ordinance" means a legislative enactment by a board; in this chapter the word, "ordinance", is synonymous with the term "resolution", as representing a legislative enactment by a board of county commissioners. "Ordinance."

(13) "Planning agency" means (a) a planning commission, together with its staff members, employees and consultants, or (b) a department organized and functioning as any other department in any county government together with its planning commission. "Planning agency."

(14) "Variance". A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges. "Variance."

Commission
—Creation.

SEC. 3. *Commission—Creation.* By ordinance a board may create a planning commission and provide for the appointment by the commission of a director of planning.

Department—
Creation.

SEC. 4. *Department—Creation.* By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in section 3 herein, create a planning department which shall be organized and function as any other department of the county. When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

Authority
for planning.

SEC. 5. *Authority for Planning.* Upon the creation of a planning agency as authorized in sections 3 and 4 herein, a county may engage in a planning program as defined by this chapter. Two or more counties may jointly engage in a planning program as defined herein for their combined areas.

Regional
planning
commission—
Appointment
and powers.

SEC. 6. *Regional Planning Commission—Appointment and Powers.* Two or more counties may form and organize a regional planning commission and provide for the administration of its affairs. Such regional planning commission may carry on a planning program involving the same subjects and procedures provided by this chapter for planning by counties, provided this authority shall not in-

clude enacting official controls other than by the individual participating counties. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission and provide for allocating the cost of financing the work shall be vested individually in the boards of the participating counties.

Any regional planning commission or county participating in any regional planning district are authorized to receive grants-in-aid from, or enter into reasonable agreement with any department or agency of the government of the United States or of the state of Washington to arrange for the receipt of federal funds and state funds for planning in the interests of furthering the planning program.

SEC. 7. *Commission—Composition.* Whenever a commission is created by a county, it shall consist of five, seven, or nine members as may be provided by ordinance: *Provided*, That where a commission, on the effective date of this chapter, is operating with more than nine members, no further appointments shall be made to fill vacancies for whatever cause until the membership of the commission is reduced to five, seven or nine, whichever is the number specified by the county ordinance under this chapter. Departments of a county may be represented on the commission by the head of such departments as are designated in the ordinance creating the commission, who shall serve in an ex officio capacity, but such ex officio members shall not exceed one of a five-member commission, two of a seven-member commission, or three of a nine-member commission. At no time shall there be more than three ex officio members serving on a commission: *Provided further*, That in lieu of one ex officio member, only, one employee of the county other than a

Commission.
Composition.

department head may be appointed to serve as a member of the commission.

—Appoint-
ment—County.

SEC. 8. ————*Appointment—County.* The members of a commission shall be appointed by the chairman of the board with the approval of a majority of the board: *Provided*, That each member of the board shall submit to the chairman a list of nominees residing in his commissioner district, and the chairman shall make his appointments from such lists so that as nearly as mathematically possible, each commissioner district shall be equally represented on the commission.

—Member-
ship—Terms.
Existing
Commissions.

SEC. 9. ————*Membership—Terms. Existing Commissions.* When a commission is created after the effective date of this chapter, the first terms of the members of the commission consisting of five, seven, and nine members, respectively, other than ex officio members, shall be as follows:

(1) For a five-member commission—one, shall be appointed for one year; one, for two years; one, for three years; and two, for four years.

(2) For a seven-member commission—one, shall be appointed for one year; two, for two years; two, for three years; and two, for four years.

(3) For a nine-member commission—two, shall be appointed for one year; two, for two years; two, for three years; and three, for four years.

Thereafter, the successors to the first member shall be appointed for four year terms: *Provided*, That where the commission includes one ex officio member, the number of appointive members first appointed for a four-year term shall be reduced by one; if there are to be two ex officio members, the number of appointive members for the three-year and four-year terms shall each be reduced by one; if there are to be three ex officio members, the number of appointive members for the four-year term, the three-year term, and the two-year term

shall each be reduced by one. The term of an ex officio member shall correspond to his official tenure: *Provided further*, That where a commission, on the effective date of this chapter, is operating with members appointed for longer than four-year terms, such members shall serve out the full term for which they were appointed, but their successors, if any, shall be appointed for four-year terms.

SEC. 10. ————*Vacancies*. Vacancies occurring for any reason other than the expiration of the term shall be filled by appointment for the unexpired portion of the term except if, on the effective date of this chapter, the unexpired portion of a term is for more than four years the vacancy shall be filled for a period of time that will obtain the maximum staggered terms, but shall not exceed four years. Vacancies shall be filled from the same commissioner district as that of the vacating member. —Vacancies.

SEC. 11. ————*Removal*. After public hearing, any appointee member of a commission may be removed by the chairman of the board, with the approval of the board, for inefficiency, neglect of duty, or malfeasance in office. —Removal.

SEC. 12. ————*Officers*. Each commission shall elect its chairman and vice chairman from among the appointed members. The commission shall appoint a secretary who need not be a member of the commission. —Officers.

SEC. 13. *Planning Agency—Meetings*. Each planning agency shall hold not less than one regular meeting in each month: *Provided*, That if no matters over which the planning agency has jurisdiction are pending upon its calendar, a meeting may be canceled. Planning agency. Meetings.

SEC. 14. ————*Rules and Records*. Each planning agency shall adopt rules for the transaction of —Rules and records.

its business and shall keep a public record of its transactions, findings, and determinations.

—Joint meetings.

SEC. 15. ————*Joint Meetings.* Two or more county planning agencies in any combination may hold joint meetings and by approval of their respective boards may have the same chairman.

Director. Appointment.

SEC. 16. *Director—Appointment.* If a director of planning is provided for, he shall be appointed:

(1) By the commission when a commission is created under section 3 of this chapter;

(2) If a planning department is established as provided in section 4 of this chapter, then he shall be appointed by the board.

Employees.

SEC. 17. *Employees.* The director of planning shall be authorized to appoint such employees as are necessary to perform the duties assigned to him within the budget allowed.

Joint director.

SEC. 18. *Joint Director.* The boards of two or more counties or the legislative bodies of other political subdivisions or special districts may jointly engage a single director of planning and may authorize him to employ such other personnel as may be necessary to carry out the joint planning program.

Special services.

SEC. 19. *Special Services.* Each planning agency, subject to the approval of the board, may employ or contract with the planning consultants or other specialists for such services as it requires.

Board of adjustment. Zoning adjustor.

SEC. 20. *Board of Adjustment—Creation Zoning Adjustor.* Whenever a board shall have created a planning agency, it shall also by ordinance, coincident with the enactment of a zoning ordinance, create a board of adjustment, and may establish the office of zoning adjustor: *Provided,* That any county that has prior to the effective date of this chapter, enacted a zoning ordinance, shall, within ninety days

of the effective date of this chapter, create a board of adjustment.

SEC. 21. ————*Membership.* A board of ad-
justment shall consist of three or five members as
may be provided by ordinance. —Membership.

SEC. 22. ————*Appointment.* *Appointment of Zoning Adjustor.* The members of a board of adjustment and the zoning adjustor shall be appointed in the same manner as provided for the appointment of commissioners in section 8. One member of the board of adjustment may be an appointee member of the commission. —Appointment.
Appointment of zoning adjustor.

SEC. 23. ————*Terms.* If the board of adjustment is to consist of three members, when it is first appointed after the effective date of this chapter, the first terms shall be as follows: One shall be appointed for one year; one, for two years; and one, for three years. If it consists of five members, when it is first appointed after the effective date of this chapter, the first terms shall be as follows: One shall be appointed for one year; one, for two years; one, for three years; one, for four years; and one, for six years. Thereafter the terms shall be for six years and until their successors are appointed and qualified. —Terms.

SEC. 24. ————*Vacancies.* Vacancies in the board of adjustment shall be filled by appointment in the same manner in which the commissioners are appointed in section 8. Appointment shall be for the unexpired portion of the term. —Vacancies.

SEC. 25. ————*Removal.* Any member of the board of adjustment may be removed by the chairman of the board with the approval of the board for inefficiency, neglect of duty or malfeasance in office. —Removal.

SEC. 26. ————*Organization.* The board of adjustment shall elect a chairman and vice chairman from among its members. The board of adjustment —Organization.

shall appoint a secretary who need not be a member of the board.

—Meetings.

SEC. 27. ————*Meetings.* The board of adjustment shall hold not less than one regular meeting in each month of each year: *Provided,* That if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled.

—Rules.

SEC. 28. ————*Rules.* The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

Appropriation for planning agency.

SEC. 29. *Appropriation for Planning Agency.* The board shall provide the funds, equipment and accommodations necessary for the work of the planning agency. Such appropriations may include funds for joint ventures as set forth in section 18 herein. The expenditures of the planning agency, exclusive of gifts, shall be within the amounts appropriated for the respective purposes. The provisions herein for financing the work of the planning agencies shall also apply to the board of adjustment and the zoning adjutor.

Accept gifts.

SEC. 30. *Accept Gifts.* The planning agency of a county may accept gifts in behalf of the county to finance any planning work authorized by law.

Conference and travel expenses of commission, staff.

SEC. 31. *Conference and Travel Expenses—Commission Members and Staff.* Members of planning agencies shall inform themselves on matter affecting the functions and duties of planning agencies. For that purpose, and when authorized, such members may attend planning conferences, meetings of planning executives or of technical bodies; hearings on planning legislation or matters relating to the work of the planning agency. The reasonable travel expenses, registration fees and other costs incident to such attendance at such meetings and conferences

shall be charges upon the funds allocated to the planning agency. In addition, members of a commission may also receive reasonable travel expenses to and from their usual place of business to the place of a regular meeting of the commission. The planning agency may, when authorized, pay dues for membership in organizations specializing in the subject of planning. The planning agency may, when authorized, subscribe to technical publications pertaining to planning.

SEC. 32. *Comprehensive Plan.* Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county. The plan shall be referred to as the comprehensive plan and, after hearings by the commission and approval by motion of the board, shall be certified as the comprehensive plan. Amendments or additions to the comprehensive plan shall be similarly processed and certified.

Comprehensive plan.

SEC. 33. ————*Required Elements.* The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

—Required elements.

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan;

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

—Amplification of required elements.

SEC. 34. ————*Amplification of required Elements.* When the comprehensive plan containing the mandatory subjects as set forth in section 33 herein shall have been approved by motion by the board and certified, it may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the required elements set forth in section 33 herein and by adding provisions and proposals for the optional elements set forth in section 35 herein. The comprehensive plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the county. In no case shall the comprehensive plan, whether in its entirety or area by area or subject by subject be considered to be other than in such form as to serve as a guide to the later development and adoption of official controls.

—Optional elements.

SEC. 35. ————*Optional Elements.* A comprehensive plan may include—

(1) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources,

(2) a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development,

(3) a transportation element showing a comprehensive system of transportation, including general locations of rights-of-way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities,

(4) a transit element as a special phase of transportation, showing proposed systems of rail transit lines, including rapid transit in any form, and related facilities,

(5) a public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities, and rights-of-way, easements and facilities for such services,

(6) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings,

(7) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning, traffic, and other related matters,

(8) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law,

(9) a plan for financing a capital improvement program,

(10) as a part of a comprehensive plan the commission may prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.

—Cooperation with affected agencies.

SEC. 36. ————*Cooperation With Affected Agencies.* During the formulation of the comprehensive plan, and especially in developing a specialized element of such comprehensive plan, the planning agency may cooperate to the extent it deems necessary with such authorities, departments or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum correlation and coordination of plans may be secured and properly located sites for all public purposes may be indicated on the comprehensive plan.

—Filing of copies.

SEC. 37. ————*Filing of Copies.* Whenever a planning agency has developed a comprehensive plan, or any addition or amendment thereto, covering any land outside of the boundaries of the county as provided in section 32 herein, copies of any features of the comprehensive plan extending into an adjoining jurisdiction shall for purposes of information be filed with such adjoining jurisdiction.

—Public hearing required.

SEC. 38. ————*Public Hearing Required.* Before approving all or any part of the comprehensive plan or any amendment, extension or addition thereto, the commission shall hold at least one public hearing and may hold additional hearings at the discretion of the commission.

—Notice of hearing.

SEC. 39. ————*Notice of Hearing.* Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official

gazette, if any, of the county, at least ten days before the hearing.

SEC. 40. ————*Approval—Required Vote—Record.* —Approval
—Required
vote—Record. The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than two-thirds of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

SEC. 41. ————*Amendment.* —Amend-
ment. When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

SEC. 42. ————*Referral to Board.* —Referral
to board. A copy of a comprehensive plan or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the board for the purpose of being approved by motion and certified as provided in this chapter.

SEC. 43. ————*Board May Initiate or Change—Notice.* —Board
may initiate
or change
—Notice. When it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the board may initiate consideration of a comprehensive plan, or any element or part thereof, or any

change in or addition to such plan or recommendation. The board shall first refer the proposed plan, change or addition to the planning agency for a report and recommendation. Before making a report and recommendation, the commission shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

—Board
may approve
or change
—Notice.

SEC. 44. ————*Board May Approve or Change —Notice.* After the receipt of the report and recommendations of the planning agency on the matters referred to in section 43 herein, or after the lapse of the prescribed time for the rendering of such report and recommendation by the commission, the board may approve by motion and certify such plan, change or addition without further reference to the commission: *Provided*, That the plan, change or addition conforms either to the proposal as initiated by the county or the recommendation thereon by the commission: *Provided further*, That if the planning agency has failed to report within a ninety day period, the board shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing. Thereafter, the board may proceed to approve by motion and certify the proposed comprehensive plan or any part, amendment or addition thereto.

Planning
agency. Re-
lating projects
to comprehen-
sive plan.

SEC. 45. *Planning Agency—Relating Projects to Comprehensive Plan.* After a board has approved by motion and certified all or parts of a comprehensive plan for a county or for any part of a county,

the planning agency shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the planning agency on any such project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the planning agency finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the board on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated.

SEC. 46. ————*Annual Report.* After all or part of the comprehensive plan of a county has been approved by motion and certified, the planning agency shall render an annual report to the board on the status of the plan and accomplishments thereunder. —Annual report.

SEC. 47. ————*Promotion of Public Interest in Plan.* Each planning agency shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related to it. —Promoting interest in plan.

SEC. 48. ————*Cooperation With Agencies.* Each planning agency shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan. —Cooperation with agencies.

SEC. 49. *Information to be Furnished Agency.* Upon request, all public officials or agencies shall furnish to the planning agency within a reasonable —Information furnished.

time such available information as is required for the work of the planning agency.

Right of entry
—Commission
and staff.

SEC. 50. *Right of Entry—Commission and Staff.* In the performance of their functions and duties, duly authorized members of a commission or planning staff may enter upon any land and make examinations and surveys: *Provided*, That such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Special
referred
matters—
Reports.

SEC. 51. *Special Referred Matters—Reports.* By general or special rule the board creating a planning agency may provide that other matters shall be referred to the planning agency before final action is taken thereupon by the board or officer having final authority on the matter, and final action thereon shall not be taken upon the matter so referred until the planning agency has submitted its report within such period of time as the board shall designate. In reporting upon the matters referred to in this section the planning agency may make such investigations, maps, reports and recommendations as it deems desirable.

Required sub-
mission of
projects.

SEC. 52. *Required Submission of Capital Expenditure Projects.* At least five months before the end of each fiscal year each county officer, department, board or commission and each governmental body whose jurisdiction lies entirely within the county, except incorporated cities and towns, whose functions include preparing and recommending plans for, or constructing major public works, shall submit to the respective planning agency a list of the proposed public works being recommended for initiation or construction during the ensuing fiscal year.

Relating
projects to
plan.

SEC. 53. *Relating Capital Expenditure Projects to Comprehensive Plan.* The planning agency shall

list all such matters referred to in section 52 herein and shall prepare for and submit a report to the board which report shall set forth how each proposed project relates to all other proposed projects on the list and to all features in the comprehensive plan both as to location and timing. The planning agency shall report to the board through the planning director if there be such.

SEC. 54. *Referral Procedure—Reports.* Whenever a board has approved by motion and certified all or part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the board, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the board or other governmental officer or body may indicate, shall be deemed to be approval.

**Referral procedure.
Reports.**

SEC. 55. *Official Controls.* From time to time, the planning agency may, or if so requested by the board shall, cause to be prepared official controls which, when adopted by ordinance by the board, will further the objectives and goals of the compre-

Official controls.

hensive plan. The planning agency may also draft such regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the planning agency may recommend such plans, regulations, programs and legislation to the board for adoption.

—Forms of controls.

SEC. 56. ————*Forms of Controls.* Official controls may include:

(1) Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(2) Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights of way against encroachment by buildings, other physical structures or facilities;

(3) Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

(4) Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements.

—Adoption.

SEC. 57. ————*Adoption.* Official controls shall be adopted by ordinance and shall further the purpose and objectives of a comprehensive plan and parts thereof.

SEC. 58. ————*Public Hearing by Commission.* —Public hearing.
 Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.

SEC. 59. ————*Notice of Hearing.* —Notice of hearing.
 Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.

SEC. 60. ————*Recommendation to Board—Required Vote.* —Recommendation to board—Required vote.
 The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than two-thirds of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

SEC. 61. ————*Reference to Board.* —Reference to board.
 A copy of any official control or amendment recommended pursuant to sections 55, 56, 57 and 58 shall be submitted to the board not later than fourteen days following the hearing by the commission and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing,

and analysis of findings considered by the commission to be controlling.

—Action
by board.

SEC. 62. ————*Action by Board.* Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment.

—Changes
referred to
planning
agency—
Adoption.

SEC. 63. ————*Changes to be Referred to Planning Agency—Adoption.* If after considering the matter at a public meeting as provided in section 62 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until it has been referred to the planning agency for a hearing and report. The report shall contain the findings of fact of the commission together with a statement setting forth the factors considered at the hearing and an analysis of findings considered by the commission to be controlling. Before making said report and recommendation, the planning agency shall hold at least one public hearing giving notice therefor as provided in section 59. Failure of the planning agency to make its report within sixty days after the reference, or such longer period as may be designated by the board, shall be deemed to be approval of the proposed change. After receipt of the report of the commission or after the time in which the commission may report has elapsed, the board may proceed to adopt the recommended official control: *Provided*, That the official control, change or addition thereto, conforms either to the proposal as initiated by the board or the recommendation of the commission: *Provided further*, That should the board desire to adopt any official control which the planning agency refused to approve or which is contrary to the findings and recommendations of the planning agency, it may

do so. However, before any such action is taken, the board shall conduct its own public hearing, giving notice thereof as provided in section 59 herein, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

SEC. 64. ————*Board May Initiate.* When it deems it to be for the public interest, the board may initiate consideration of an ordinance establishing an official control, or amendments to an existing official control, including those specified in section 56 herein. The board shall first refer the proposed official control or amendment to the planning agency for report which shall, thereafter, be considered and processed in the same manner as that set forth in section 63 herein regarding a change in the recommendation of the planning agency.

—Board
may initiate.

SEC. 65. *Board Final Authority.* The report and recommendation by the planning agency, whether on a proposed control initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory only and the final determination shall rest with the board.

Board final
authority.

SEC. 66. *Procedures for Adoption of Controls Limited to Planning Matters.* The provisions of this chapter with references to the procedures to be followed in the adoption of official controls shall apply only to establishing official controls pertaining to subjects set forth in section 56 herein.

Provisions
limited in
scope.

SEC. 67. *Enforcement—Official Controls.* The board may determine and establish administrative rules and procedures for the application and enforcement of official controls, and may assign or delegate such administrative functions, powers and duties to such department or official as may be appropriate.

Enforcement
—Official
controls.

Subdividing
and platting.

SEC. 68. *Subdividing and Platting.* The planning agency shall review all proposed land plats and subdivisions and make recommendations to the board thereon with reference to approving, or recommending any modifications necessary to assure conformance to the general purposes of the comprehensive plan and to standards and specifications established by state law or local controls.

County
improvements.

SEC. 69. *County Improvements.* No county shall improve any street or lay or authorize the laying of sewers or connections or other improvements to be laid in any street within any territory for which the board has adopted an official control in the form of precise street map or maps, until the matter has been referred to the planning agency by the department or official having jurisdiction for a report thereon and a copy of the report has been filed with the department or official making the reference unless one of the following conditions apply:

(1) The street has been accepted, opened, or has otherwise received legal status of a public street;

(2) it corresponds with and conforms to streets shown on the official controls applicable to the subject;

(3) it corresponds with and conforms to streets shown on a subdivision (land plat) approved by the board.

Planning
agency—Time
limit for
report.

SEC. 70. *Planning Agency—Time Limit for Report.* Failure of the planning agency to report on the matters referred to in section 69 herein within forty days after the reference, or such longer period as may be designated by the board, department or official making the reference, shall be deemed to be approval of such matter.

Final
authority.

SEC. 71. *Final Authority.* Reports and recommendations by the planning agency on all matters shall be advisory only, and final determination shall

rest with the administrative body, official, or the board whichever has authority to decide under applicable law.

SEC. 72. *Prerequisite for Zoning.* Zoning maps as an official control may be adopted only for areas covered by a comprehensive plan containing not less than a land use element and a circulation element. Zoning ordinances and maps adopted prior to the effective date of this chapter are hereby validated, provided only that at the time of their enactment the comprehensive plan for the county existed according to law applicable at that time.

Prerequisite
for zoning.

SEC. 73. *Text Without Map.* The text of a zoning ordinance may be prepared and adopted in the absence of a comprehensive plan providing no zoning map or portion of a zoning map may be adopted thereunder until there has been compliance with the provisions of section 72 herein.

Text without
map.

SEC. 74. *Zoning Map—Progressive Adoption.* Because of practical considerations, the total area of a county to be brought under the control of zoning may be divided into areas possessing geographical, topographical or urban identity and such divisions may be progressively and separately officially mapped.

Zoning map—
Progressive
adoption.

SEC. 75. *Zoning—Types of Regulations.* Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will:

Zoning—
Types of
regulations.

(1) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes;

(2) regulate location, height, bulk, number of stories and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which may be occupied by buildings and structures; and the area

required to provide off-street facilities for the parking of motor vehicles.

Establishing zones.

SEC. 76. *Establishing Zones.* For the purpose set forth in section 75 the county may divide a county, or portions thereof, into zones which, by number, shape, area and classification are deemed to be best suited to carry out the purposes of this chapter.

Regulations uniform in zone.

SEC. 77. *All Regulations Shall Be Uniform In Each Zone.* All regulations shall be uniform in each zone, but the regulations in one zone may differ from those in other zones.

Classifying unmapped areas.

SEC. 78. *Classifying Unmapped Areas.* After the adoption of the first map provided for in section 74 herein, and pending the time that all property within a county can be precisely zoned through the medium of a zoning map, all properties not so precisely zoned by map shall be given a classification affording said properties such broad protective controls as may be deemed appropriate and necessary to serve public and private interests. Such controls shall be clearly set forth in the zoning ordinance in the form of a zone classification, and such classification shall apply to such areas until they shall have been included in the detailed zoning map in the manner provided for the adoption of a zoning map.

Interim zoning.

SEC. 79. *Interim Zoning.* If the planning agency in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or is holding a hearing for the purpose of, or has held a hearing and has recommended to the board the adoption of any zoning map or amendment or addition thereto, or in the event that new territory for which no zoning may have been adopted as set forth in section 80 herein may be annexed to a county, the board, in order to protect the public safety, health and general welfare may, after report

from the commission, adopt as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.

SEC. 80. *Procedural Amendments—Zoning Ordinance.* An amendment to the text of a zoning ordinance which does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land shall be processed in the same manner prescribed by this chapter for the adoption of an official control except that no public hearing shall be required either by the commission or the board.

Procedural
amendments—
Zoning ordi-
nance.

SEC. 81. *Board of Adjustment—Authority.* The board of adjustment, subject to appropriate conditions and safeguards as provided by the zoning ordinance or the ordinance establishing the board of adjustment, if there be such, shall hear and decide:

Board of
adjustment.
Authority.

(1) Applications for conditional uses or other permits when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

(2) Application for variances from the terms of the zoning ordinance: *Provided*, That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and that the following circumstances are found to apply;

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by

other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

(3) Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

—Quasi judicial powers.

SEC. 82. ————*Quasi Judicial Powers.* The board of adjustment may also exercise such other quasi judicial powers as may be granted by county ordinance.

—Appeals—Time limit.

SEC. 83. ————*Appeals—Time Limit.* Appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within twenty days of the date of the action being appealed.

—Notice of hearing on conditional permit.

SEC. 84. ————*Notice Of Time And Place Of Hearing on Conditional Permit.* Upon the filing of an application for a conditional use permit or a variance as set forth in section 81 herein, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

—Appeal—Notice of.

SEC. 85. ————*Appeal—Notice Of Time And Place.* Upon the filing of an appeal from an ad-

ministrative determination, or from the action of the zoning adjustor, the board of adjustment shall set the time and place at which the matter will be considered. At least a ten day notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed from, together with such additional written reports as he deems pertinent.

SEC. 86. ————*Scope Of Authority On Appeal.* —Scope on appeal.
 In exercising the powers granted by sections 81 and 82 herein, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

SEC. 87. *Zoning Adjustor—Powers and Duties.* Zoning adjustor. Powers, duties.
 If the office of zoning adjustor is established as provided in this chapter, all of the provisions of this chapter defining the powers, duties, and procedures of the board of adjustment shall also apply to the zoning adjustor.

SEC. 88. ————*Action Final Unless Appealed.* —Action final unless appealed.
 The action by the zoning adjustor on all matters coming before him shall be final and conclusive unless within ten days after the zoning adjustor has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the

original applicant, or by opponents of record in the case.

Board of adjustment. Action final.

SEC. 89. *Board of Adjustment—Action Final.* The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjustor or an administrative officer shall be final and conclusive unless within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition or a writ of mandamus.

Findings of fact, in determination.

SEC. 90. *Inclusion of Findings of Fact.* Both the board of adjustment and the zoning adjustor shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based.

Short title.

SEC. 91. *Short Title.* This act shall be known as the "Planning Enabling Act of the State of Washington."

Duties transferred.

SEC. 92. *Duties and Responsibilities Imposed by Other Acts.* Any duties and responsibilities which by other acts are imposed upon a planning commission shall, after the effective date of this act, be performed by a planning agency however constituted.

Chapter alternative method.

SEC. 93. *Chapter Alternative Method.* This chapter shall not repeal, amend, or modify any other law providing for planning methods but shall be deemed an alternative method providing for such purpose.

Adoption elective.

SEC. 94. *Elective Adoption.* Any county or counties presently operating under the provisions of chapter 35.63 RCW may elect to operate hence forth under the provisions of this chapter. Such election shall be effected by the adoption of an ordinance under the procedure prescribed by RCW 36.32-

.120 (7), and by compliance with the provisions of this chapter.

SEC. 95. *Section Captions Not Part of Law.* Section captions as used in this chapter do not constitute any part of the law. Captions
not law.

SEC. 96. *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. Severability.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 202.

[S. B. 188.]

WASHINGTON UNIFORM GIFTS TO MINORS ACT.

AN ACT relating to gifts to minors and to make uniform the law with reference thereto.

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

SECTION 1. *Definitions.* In this act, unless the context otherwise requires: (1) An "adult" is a person who has attained the age of twenty-one years. Definitions.
"Adult."

(2) A "bank" is a bank, trust company, savings and loan association, national banking association, or mutual savings bank. "Bank."

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others who is licensed to do business under the laws of this state. The term includes a bank which effects such transactions. "Broker."