

ESHB 1478 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

ADOPTED AS AMENDED 04/04/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the legislature's intent to provide
4 local governments with more time to meet certain statutory
5 requirements. Many cities and counties in Washington are facing
6 revenue shortfalls, higher expenses, and more difficulty with borrowing
7 money as a result of the economic downturn. The effects of the
8 economic downturn on the budgets of local governments will be felt most
9 deeply from 2010 to 2012. Local governments are facing the combined
10 impact of decreased tax revenues, a falloff in state and federal aid,
11 and increased demand for social services. With the loss of tax revenue
12 and state and federal aid, local governments are being forced to make
13 significant cuts that will eliminate jobs, curtail essential services,
14 and increase the number of people in need. Additionally, local
15 governments are struggling to comply with certain statutory
16 requirements. Local governments want to comply with these statutory
17 requirements, but with budget constraints, they need more time to do
18 so. The legislature does not intend to remove any existing statutory
19 requirement, but rather modify the time under which a local government
20 must meet certain statutory requirements.

21 **Sec. 2.** RCW 36.70A.130 and 2010 c 216 s 1 and 2010 c 211 s 2 are
22 each reenacted and amended to read as follows:

23 (1)(a) Each comprehensive land use plan and development regulations
24 shall be subject to continuing review and evaluation by the county or
25 city that adopted them. Except as otherwise provided, a county or city
26 shall take legislative action to review and, if needed, revise its
27 comprehensive land use plan and development regulations to ensure the
28 plan and regulations comply with the requirements of this chapter
29 according to the deadlines in subsections (4) and (5) of this section.

1 (b) Except as otherwise provided, a county or city not planning
2 under RCW 36.70A.040 shall take action to review and, if needed, revise
3 its policies and development regulations regarding critical areas and
4 natural resource lands adopted according to this chapter to ensure
5 these policies and regulations comply with the requirements of this
6 chapter according to the deadlines in subsections (4) and (5) of this
7 section. Legislative action means the adoption of a resolution or
8 ordinance following notice and a public hearing indicating at a
9 minimum, a finding that a review and evaluation has occurred and
10 identifying the revisions made, or that a revision was not needed and
11 the reasons therefor.

12 ~~(c) ((The review and evaluation required by this subsection may be~~
13 ~~combined with the review required by subsection (3) of this section.))~~
14 The review and evaluation required by this subsection shall include,
15 but is not limited to, consideration of critical area ordinances and,
16 if planning under RCW 36.70A.040, an analysis of the population
17 allocated to a city or county from the most recent ten-year population
18 forecast by the office of financial management.

19 (d) Any amendment of or revision to a comprehensive land use plan
20 shall conform to this chapter. Any amendment of or revision to
21 development regulations shall be consistent with and implement the
22 comprehensive plan.

23 (2)(a) Each county and city shall establish and broadly disseminate
24 to the public a public participation program consistent with RCW
25 36.70A.035 and 36.70A.140 that identifies procedures and schedules
26 whereby updates, proposed amendments, or revisions of the comprehensive
27 plan are considered by the governing body of the county or city no more
28 frequently than once every year. "Updates" means to review and revise,
29 if needed, according to subsection (1) of this section, and the
30 deadlines in subsections (4) and (5) of this section or in accordance
31 with the provisions of subsection (6) of this section. Amendments may
32 be considered more frequently than once per year under the following
33 circumstances:

34 (i) The initial adoption of a subarea plan. Subarea plans adopted
35 under this subsection (2)(a)(i) must clarify, supplement, or implement
36 jurisdiction-wide comprehensive plan policies, and may only be adopted
37 if the cumulative impacts of the proposed plan are addressed by
38 appropriate environmental review under chapter 43.21C RCW;

1 (ii) The development of an initial subarea plan for economic
2 development located outside of the one hundred year floodplain in a
3 county that has completed a state-funded pilot project that is based on
4 watershed characterization and local habitat assessment;

5 (iii) The adoption or amendment of a shoreline master program under
6 the procedures set forth in chapter 90.58 RCW;

7 (iv) The amendment of the capital facilities element of a
8 comprehensive plan that occurs concurrently with the adoption or
9 amendment of a county or city budget; or

10 (v) The adoption of comprehensive plan amendments necessary to
11 enact a planned action under RCW 43.21C.031(2), provided that
12 amendments are considered in accordance with the public participation
13 program established by the county or city under this subsection (2)(a)
14 and all persons who have requested notice of a comprehensive plan
15 update are given notice of the amendments and an opportunity to
16 comment.

17 (b) Except as otherwise provided in (a) of this subsection, all
18 proposals shall be considered by the governing body concurrently so the
19 cumulative effect of the various proposals can be ascertained.
20 However, after appropriate public participation a county or city may
21 adopt amendments or revisions to its comprehensive plan that conform
22 with this chapter whenever an emergency exists or to resolve an appeal
23 of a comprehensive plan filed with the growth management hearings board
24 or with the court.

25 (3)(a) Each county that designates urban growth areas under RCW
26 36.70A.110 shall review, (~~(at least every ten years)~~) according to the
27 schedules established in subsection (5) of this section, its designated
28 urban growth area or areas, and the densities permitted within both the
29 incorporated and unincorporated portions of each urban growth area. In
30 conjunction with this review by the county, each city located within an
31 urban growth area shall review the densities permitted within its
32 boundaries, and the extent to which the urban growth occurring within
33 the county has located within each city and the unincorporated portions
34 of the urban growth areas.

35 (b) The county comprehensive plan designating urban growth areas,
36 and the densities permitted in the urban growth areas by the
37 comprehensive plans of the county and each city located within the
38 urban growth areas, shall be revised to accommodate the urban growth

1 projected to occur in the county for the succeeding twenty-year period.
2 The review required by this subsection may be combined with the review
3 and evaluation required by RCW 36.70A.215.

4 (4) Except as provided in subsection (6) of this section, counties
5 and cities shall take action to review and, if needed, revise their
6 comprehensive plans and development regulations to ensure the plan and
7 regulations comply with the requirements of this chapter as follows:

8 (a) On or before December 1, 2004, for Clallam, Clark, Jefferson,
9 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
10 cities within those counties;

11 (b) On or before December 1, 2005, for Cowlitz, Island, Lewis,
12 Mason, San Juan, Skagit, and Skamania counties and the cities within
13 those counties;

14 (c) On or before December 1, 2006, for Benton, Chelan, Douglas,
15 Grant, Kittitas, Spokane, and Yakima counties and the cities within
16 those counties; and

17 (d) On or before December 1, 2007, for Adams, Asotin, Columbia,
18 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,
19 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
20 counties and the cities within those counties.

21 (5) Except as otherwise provided in subsection (6) of this section,
22 following the review of comprehensive plans and development regulations
23 required by subsection (4) of this section, counties and cities shall
24 take action to review and, if needed, revise their comprehensive plans
25 and development regulations to ensure the plan and regulations comply
26 with the requirements of this chapter as follows:

27 (a) On or before (~~December 1, 2014~~) June 30, 2015, and every
28 (~~seven~~) eight years thereafter, for (~~Clallam, Clark, Jefferson,~~)
29 King, (~~Kitsap,~~) Pierce, and Snohomish(~~(, Thurston, and Whatcom)~~)
30 counties and the cities within those counties;

31 (b) On or before (~~December 1, 2015~~) June 30, 2016, and every
32 (~~seven~~) eight years thereafter, for (~~Cowlitz,~~) Clallam, Clark,
33 Island, (~~Lewis~~) Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston,
34 and (~~Skamania~~) Whatcom counties and the cities within those counties;

35 (c) On or before (~~December 1, 2016~~) June 30, 2017, and every
36 (~~seven~~) eight years thereafter, for Benton, Chelan, Cowlitz, Douglas,
37 (~~Grant,~~) Kittitas, Lewis, Skamania, Spokane, and Yakima counties and
38 the cities within those counties; and

1 (d) On or before (~~December 1, 2017~~) June 30, 2018, and every
2 (~~seven~~) eight years thereafter, for Adams, Asotin, Columbia, Ferry,
3 Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan,
4 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
5 counties and the cities within those counties.

6 (6)(a) Nothing in this section precludes a county or city from
7 conducting the review and evaluation required by this section before
8 the deadlines established in subsections (4) and (5) of this section.
9 Counties and cities may begin this process early and may be eligible
10 for grants from the department, subject to available funding, if they
11 elect to do so.

12 (b) A county that is subject to a deadline established in
13 subsection (4)(b) through (d) of this section and meets the following
14 criteria may comply with the requirements of this section at any time
15 within the thirty-six months following the deadline established in
16 subsection (4) of this section: The county has a population of less
17 than fifty thousand and has had its population increase by no more than
18 seventeen percent in the ten years preceding the deadline established
19 in subsection (4) of this section as of that date.

20 (c) A city that is subject to a deadline established in subsection
21 (4)(b) through (d) of this section and meets the following criteria may
22 comply with the requirements of this section at any time within the
23 thirty-six months following the deadline established in subsection (4)
24 of this section: The city has a population of no more than five
25 thousand and has had its population increase by the greater of either
26 no more than one hundred persons or no more than seventeen percent in
27 the ten years preceding the deadline established in subsection (4) of
28 this section as of that date.

29 (d) A county or city that is subject to a deadline established in
30 subsection (4)(d) of this section and that meets the criteria
31 established in subsection (6)(b) or (c) of this section may comply with
32 the requirements of subsection (4)(d) of this section at any time
33 within the thirty-six months after the extension provided in subsection
34 (6)(b) or (c) of this section.

35 (e) A county that is subject to a deadline established in
36 subsection (5)(b) through (d) of this section and meets the following
37 criteria may comply with the requirements of this section at any time
38 within the twenty-four months following the deadline established in

1 subsection (5) of this section: The county has a population of less
2 than fifty thousand and has had its population increase by no more than
3 seventeen percent in the ten years preceding the deadline established
4 in subsection (5) of this section as of that date.

5 (f) A city that is subject to a deadline established in subsection
6 (5)(b) through (d) of this section and meets the following criteria may
7 comply with the requirements of this section at any time within the
8 twenty-four months following the deadline established in subsection (5)
9 of this section: The city has a population of no more than five
10 thousand and has had its population increase by the greater of either
11 no more than one hundred persons or no more than seventeen percent in
12 the ten years preceding the deadline established in subsection (5) of
13 this section as of that date.

14 (g) State agencies are encouraged to provide technical assistance
15 to the counties and cities in the review of critical area ordinances,
16 comprehensive plans, and development regulations.

17 (7)(a) The requirements imposed on counties and cities under this
18 section shall be considered "requirements of this chapter" under the
19 terms of RCW 36.70A.040(1). Only those counties and cities that meet
20 the following criteria may receive grants, loans, pledges, or financial
21 guarantees under chapter 43.155 or 70.146 RCW:

22 (i) Complying with the deadlines in this section;

23 (ii) Demonstrating substantial progress towards compliance with the
24 schedules in this section for development regulations that protect
25 critical areas; or

26 (iii) Complying with the extension provisions of subsection (6)(b),
27 (c), or (d) of this section.

28 (b) A county or city that is fewer than twelve months out of
29 compliance with the schedules in this section for development
30 regulations that protect critical areas is making substantial progress
31 towards compliance. Only those counties and cities in compliance with
32 the schedules in this section may receive preference for grants or
33 loans subject to the provisions of RCW 43.17.250.

34 **Sec. 3.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to
35 read as follows:

36 (1) Subject to the limitations in subsection (7) of this section,
37 a county shall adopt, in consultation with its cities, countywide

1 planning policies to establish a review and evaluation program. This
2 program shall be in addition to the requirements of RCW 36.70A.110,
3 36.70A.130, and 36.70A.210. In developing and implementing the review
4 and evaluation program required by this section, the county and its
5 cities shall consider information from other appropriate jurisdictions
6 and sources. The purpose of the review and evaluation program shall be
7 to:

8 (a) Determine whether a county and its cities are achieving urban
9 densities within urban growth areas by comparing growth and development
10 assumptions, targets, and objectives contained in the countywide
11 planning policies and the county and city comprehensive plans with
12 actual growth and development that has occurred in the county and its
13 cities; and

14 (b) Identify reasonable measures, other than adjusting urban growth
15 areas, that will be taken to comply with the requirements of this
16 chapter.

17 (2) The review and evaluation program shall:

18 (a) Encompass land uses and activities both within and outside of
19 urban growth areas and provide for annual collection of data on urban
20 and rural land uses, development, critical areas, and capital
21 facilities to the extent necessary to determine the quantity and type
22 of land suitable for development, both for residential and employment-
23 based activities;

24 (b) Provide for evaluation of the data collected under (a) of this
25 subsection every (~~five~~) four years as provided in subsection (3) of
26 this section. The (~~first~~) next evaluation shall be completed not
27 later than (~~September 1, 2002~~) June 30, 2013. The county and its
28 cities may establish in the countywide planning policies indicators,
29 benchmarks, and other similar criteria to use in conducting the
30 evaluation;

31 (c) Provide for methods to resolve disputes among jurisdictions
32 relating to the countywide planning policies required by this section
33 and procedures to resolve inconsistencies in collection and analysis of
34 data; and

35 (d) Provide for the amendment of the countywide policies and county
36 and city comprehensive plans as needed to remedy an inconsistency
37 identified through the evaluation required by this section, or to bring
38 these policies into compliance with the requirements of this chapter.

1 (3) At a minimum, the evaluation component of the program required
2 by subsection (1) of this section shall:

3 (a) Determine whether there is sufficient suitable land to
4 accommodate the countywide population projection established for the
5 county pursuant to RCW 43.62.035 and the subsequent population
6 allocations within the county and between the county and its cities and
7 the requirements of RCW 36.70A.110;

8 (b) Determine the actual density of housing that has been
9 constructed and the actual amount of land developed for commercial and
10 industrial uses within the urban growth area since the adoption of a
11 comprehensive plan under this chapter or since the last periodic
12 evaluation as required by subsection (1) of this section; and

13 (c) Based on the actual density of development as determined under
14 (b) of this subsection, review commercial, industrial, and housing
15 needs by type and density range to determine the amount of land needed
16 for commercial, industrial, and housing for the remaining portion of
17 the twenty-year planning period used in the most recently adopted
18 comprehensive plan.

19 (4) If the evaluation required by subsection (3) of this section
20 demonstrates an inconsistency between what has occurred since the
21 adoption of the countywide planning policies and the county and city
22 comprehensive plans and development regulations and what was envisioned
23 in those policies and plans and the planning goals and the requirements
24 of this chapter, as the inconsistency relates to the evaluation factors
25 specified in subsection (3) of this section, the county and its cities
26 shall adopt and implement measures that are reasonably likely to
27 increase consistency during the subsequent five-year period. If
28 necessary, a county, in consultation with its cities as required by RCW
29 36.70A.210, shall adopt amendments to countywide planning policies to
30 increase consistency. The county and its cities shall annually monitor
31 the measures adopted under this subsection to determine their effect
32 and may revise or rescind them as appropriate.

33 (5)(a) Not later than July 1, 1998, the department shall prepare a
34 list of methods used by counties and cities in carrying out the types
35 of activities required by this section. The department shall provide
36 this information and appropriate technical assistance to counties and
37 cities required to or choosing to comply with the provisions of this
38 section.

1 (b) By December 31, 2007, the department shall submit to the
2 appropriate committees of the legislature a report analyzing the
3 effectiveness of the activities described in this section in achieving
4 the goals envisioned by the countywide planning policies and the
5 comprehensive plans and development regulations of the counties and
6 cities.

7 (6) From funds appropriated by the legislature for this purpose,
8 the department shall provide grants to counties, cities, and regional
9 planning organizations required under subsection (7) of this section to
10 conduct the review and perform the evaluation required by this section.

11 (7) The provisions of this section shall apply to counties, and the
12 cities within those counties, that were greater than one hundred fifty
13 thousand in population in 1995 as determined by office of financial
14 management population estimates and that are located west of the crest
15 of the Cascade mountain range. However, the provisions of this section
16 shall not apply to any city with a population of ten thousand
17 inhabitants or fewer. Any other county planning under RCW 36.70A.040
18 may carry out the review, evaluation, and amendment programs and
19 procedures as provided in this section.

20 **Sec. 4.** RCW 43.19.648 and 2009 c 459 s 7 are each amended to read
21 as follows:

22 (1) Except as provided in subsection (2) of this section, effective
23 June 1, 2015, all state agencies and local government subdivisions of
24 the state, to the extent determined practicable by the rules adopted by
25 the department of ((community, trade, and economic development))
26 commerce pursuant to RCW 43.325.080, are required to satisfy one
27 hundred percent of their fuel usage for operating publicly owned
28 vessels, vehicles, and construction equipment from electricity or
29 biofuel.

30 (2) Effective June 1, 2018, all cities and counties, to the extent
31 determined practicable by the rules adopted by the department of
32 commerce pursuant to RCW 43.325.080, are required to satisfy one
33 hundred percent of their fuel usage for operating publicly owned
34 vessels, vehicles, and construction equipment from electricity or
35 biofuel.

36 (3) In order to phase in this transition for the state, all state
37 agencies, to the extent determined practicable by the department of

1 ((community, trade, and economic development)) commerce by rules
2 adopted pursuant to RCW 43.325.080, are required to achieve forty
3 percent fuel usage for operating publicly owned vessels, vehicles, and
4 construction equipment from electricity or biofuel by June 1, 2013.
5 The department of general administration, in consultation with the
6 department of ((community, trade, and economic development)) commerce,
7 shall report to the governor and the legislature by December 1, 2013,
8 on what percentage of the state's fuel usage is from electricity or
9 biofuel.

10 ((+3)) (4) Except for cars owned or operated by the Washington
11 state patrol, when tires on vehicles in the state's motor vehicle fleet
12 are replaced, they must be replaced with tires that have the same or
13 better rolling resistance as the original tires.

14 ((+4)) (5) By December 31, 2015, the state must, to the extent
15 practicable, install electrical outlets capable of charging electric
16 vehicles in each of the state's fleet parking and maintenance
17 facilities.

18 ((+5)) (6) The department of transportation's obligations under
19 subsection ((+2)) (3) of this section are subject to the availability
20 of amounts appropriated for the specific purpose identified in
21 subsection ((+2)) (3) of this section.

22 ((+6)) (7) The department of transportation's obligations under
23 subsection ((+4)) (5) of this section are subject to the availability
24 of amounts appropriated for the specific purpose identified in
25 subsection ((+4)) (5) of this section unless the department receives
26 federal or private funds for the specific purpose identified in
27 subsection ((+4)) (5) of this section.

28 ((+7)) (8) The definitions in this subsection apply throughout
29 this section unless the context clearly requires otherwise.

30 (a) "Battery charging station" means an electrical component
31 assembly or cluster of component assemblies designed specifically to
32 charge batteries within electric vehicles, which meet or exceed any
33 standards, codes, and regulations set forth by chapter 19.28 RCW and
34 consistent with rules adopted under RCW 19.27.540.

35 (b) "Battery exchange station" means a fully automated facility
36 that will enable an electric vehicle with a swappable battery to enter
37 a drive lane and exchange the depleted battery with a fully charged

1 battery through a fully automated process, which meets or exceeds any
2 standards, codes, and regulations set forth by chapter 19.28 RCW and
3 consistent with rules adopted under RCW 19.27.540.

4 **Sec. 5.** RCW 43.325.080 and 2007 c 348 s 204 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, by June
7 1, 2010, the department shall adopt rules to define practicability and
8 clarify how state agencies and local government subdivisions will be
9 evaluated in determining whether they have met the goals set out in RCW
10 43.19.648(1). At a minimum, the rules must address:

11 ((+1)) (a) Criteria for determining how the goal in RCW
12 43.19.648(1) will be met by June 1, 2015;

13 ((+2)) (b) Factors considered to determine compliance with the
14 goal in RCW 43.19.648(1), including but not limited to: The regional
15 availability of fuels; vehicle costs; differences between types of
16 vehicles, vessels, or equipment; the cost of program implementation;
17 and cost differentials in different parts of the state; and

18 ((+3)) (c) A schedule for phased-in progress towards meeting the
19 goal in RCW 43.19.648(1) that may include different schedules for
20 different fuel applications or different quantities of biofuels.

21 (2) By June 1, 2015, the department shall adopt rules to define
22 practicability and clarify how cities and counties will be evaluated in
23 determining whether they have met the goals set out in RCW
24 43.19.648(2). At a minimum, the rules must address:

25 (a) Criteria for determining how the goal in RCW 43.19.648(2) will
26 be met by June 1, 2018;

27 (b) Factors considered to determine compliance with the goal in RCW
28 43.19.648(2), including but not limited to: The regional availability
29 of fuels; vehicle costs; differences between types of vehicles,
30 vessels, or equipment; the cost of program implementation; and cost
31 differentials in different parts of the state; and

32 (c) A schedule for phased-in progress towards meeting the goal in
33 RCW 43.19.648(2) that may include different schedules for different
34 fuel applications or different quantities of biofuels.

35 **Sec. 6.** RCW 43.185C.210 and 2008 c 256 s 1 are each amended to
36 read as follows:

1 (1) The transitional housing operating and rent program is created
2 in the department to assist individuals and families who are homeless
3 or who are at risk of becoming homeless to secure and retain safe,
4 decent, and affordable housing. The department shall provide grants to
5 eligible organizations, as described in RCW 43.185.060, to provide
6 assistance to program participants. The eligible organizations must
7 use grant moneys for:

8 (a) Rental assistance, which includes security or utility deposits,
9 first and last month's rent assistance, and eligible moving expenses to
10 be determined by the department;

11 (b) Case management services designed to assist program
12 participants to secure and retain immediate housing and to transition
13 into permanent housing and greater levels of self-sufficiency;

14 (c) Operating expenses of transitional housing facilities that
15 serve homeless families with children; and

16 (d) Administrative costs of the eligible organization, which must
17 not exceed limits prescribed by the department.

18 (2) Eligible to receive assistance through the transitional housing
19 operating and rent program are:

20 (a) Families with children who are homeless or who are at risk of
21 becoming homeless and who have household incomes at or below fifty
22 percent of the median household income for their county;

23 (b) Families with children who are homeless or who are at risk of
24 becoming homeless and who are receiving services under chapter 13.34
25 RCW;

26 (c) Individuals or families without children who are homeless or at
27 risk of becoming homeless and who have household incomes at or below
28 thirty percent of the median household income for their county;

29 (d) Individuals or families who are homeless or who are at risk of
30 becoming homeless and who have a household with an adult member who has
31 a mental health or chemical dependency disorder; and

32 (e) Individuals or families who are homeless or who are at risk of
33 becoming homeless and who have a household with an adult member who is
34 an offender released from confinement within the past eighteen months.

35 (3) All program participants must be willing to create and actively
36 participate in a housing stability plan for achieving permanent housing
37 and greater levels of self-sufficiency.

1 (4) Data on all program participants must be entered into and
2 tracked through the Washington homeless client management information
3 system as described in RCW 43.185C.180. For eligible organizations
4 serving victims of domestic violence or sexual assault, compliance with
5 this subsection must be accomplished in accordance with 42 U.S.C. Sec.
6 11383(a)(8).

7 ~~((Beginning in 2011, each eligible organization receiving over
8 five hundred thousand dollars during the previous calendar year from
9 the transitional housing operating and rent program and from sources
10 including: (a) State housing-related funding sources; (b) the
11 affordable housing for all surcharge in RCW 36.22.178; (c) the home
12 security fund surcharges in RCW 36.22.179 and 36.22.1791; and (d) any
13 other surcharge imposed under chapter 36.22 or 43.185C RCW to fund
14 homelessness programs or other housing programs, shall apply to the
15 Washington state quality award program for an independent assessment of
16 its quality management, accountability, and performance system, once
17 every three years.~~

18 ~~(6))~~ The department may develop rules, requirements, procedures,
19 and guidelines as necessary to implement and operate the transitional
20 housing operating and rent program.

21 ~~((7))~~ (6) The department shall produce an annual transitional
22 housing operating and rent program report that must be included in the
23 department's homeless housing strategic plan as described in RCW
24 43.185C.040. The report must include performance measures to be
25 determined by the department that address, at a minimum, the following
26 issue areas:

27 (a) The success of the program in helping program participants
28 transition into permanent affordable housing and achieve self-
29 sufficiency or increase their levels of self-sufficiency, which shall
30 be defined by the department based upon the costs of living, including
31 housing costs, needed to support: (i) One adult individual; and (ii)
32 two adult individuals and one preschool-aged child and one school-aged
33 child;

34 (b) The financial performance of the program related to efficient
35 program administration by the department and program operation by
36 selected eligible organizations, including an analysis of the costs per
37 program participant served;

1 (c) The quality, completeness, and timeliness of the information on
2 program participants provided to the Washington homeless client
3 management information system database; and

4 (d) The satisfaction of program participants in the assistance
5 provided through the program.

6 **Sec. 7.** RCW 46.68.113 and 2006 c 334 s 21 are each amended to read
7 as follows:

8 During the ((2003-2005)) 2013-2015 biennium, cities and towns shall
9 provide to the transportation commission, or its successor entity,
10 preservation rating information on at least seventy percent of the
11 total city and town arterial network. Thereafter, the preservation
12 rating information requirement shall increase in five percent
13 increments in subsequent biennia, but in no case shall it exceed eighty
14 percent. The rating system used by cities and towns must be based upon
15 the Washington state pavement rating method or an equivalent standard
16 approved by the department of transportation. Beginning January 1,
17 2007, the preservation rating information shall be submitted to the
18 department.

19 **Sec. 8.** RCW 82.02.070 and 2009 c 263 s 1 are each amended to read
20 as follows:

21 (1) Impact fee receipts shall be earmarked specifically and
22 retained in special interest-bearing accounts. Separate accounts shall
23 be established for each type of public facility for which impact fees
24 are collected. All interest shall be retained in the account and
25 expended for the purpose or purposes for which the impact fees were
26 imposed. Annually, each county, city, or town imposing impact fees
27 shall provide a report on each impact fee account showing the source
28 and amount of all moneys collected, earned, or received and system
29 improvements that were financed in whole or in part by impact fees.

30 (2) Impact fees for system improvements shall be expended only in
31 conformance with the capital facilities plan element of the
32 comprehensive plan.

33 (3)(a) Except as provided otherwise by (b) of this subsection,
34 impact fees shall be expended or encumbered for a permissible use
35 within ((six)) ten years of receipt, unless there exists an
36 extraordinary and compelling reason for fees to be held longer than

1 ((~~six~~)) ten years. Such extraordinary or compelling reasons shall be
2 identified in written findings by the governing body of the county,
3 city, or town.

4 (b) School impact fees must be expended or encumbered for a
5 permissible use within ten years of receipt, unless there exists an
6 extraordinary and compelling reason for fees to be held longer than ten
7 years. Such extraordinary or compelling reasons shall be identified in
8 written findings by the governing body of the county, city, or town.

9 (4) Impact fees may be paid under protest in order to obtain a
10 permit or other approval of development activity.

11 (5) Each county, city, or town that imposes impact fees shall
12 provide for an administrative appeals process for the appeal of an
13 impact fee; the process may follow the appeal process for the
14 underlying development approval or the county, city, or town may
15 establish a separate appeals process. The impact fee may be modified
16 upon a determination that it is proper to do so based on principles of
17 fairness. The county, city, or town may provide for the resolution of
18 disputes regarding impact fees by arbitration.

19 **Sec. 9.** RCW 82.02.080 and 1990 1st ex.s. c 17 s 47 are each
20 amended to read as follows:

21 (1) The current owner of property on which an impact fee has been
22 paid may receive a refund of such fees if the county, city, or town
23 fails to expend or encumber the impact fees within ((~~six~~)) ten years of
24 when the fees were paid or other such period of time established
25 pursuant to RCW 82.02.070(3) on public facilities intended to benefit
26 the development activity for which the impact fees were paid. In
27 determining whether impact fees have been encumbered, impact fees shall
28 be considered encumbered on a first in, first out basis. The county,
29 city, or town shall notify potential claimants by first-class mail
30 deposited with the United States postal service at the last known
31 address of claimants.

32 The request for a refund must be submitted to the county, city, or
33 town governing body in writing within one year of the date the right to
34 claim the refund arises or the date that notice is given, whichever is
35 later. Any impact fees that are not expended within these time
36 limitations, and for which no application for a refund has been made

1 within this one-year period, shall be retained and expended on the
2 indicated capital facilities. Refunds of impact fees under this
3 subsection shall include interest earned on the impact fees.

4 (2) When a county, city, or town seeks to terminate any or all
5 impact fee requirements, all unexpended or unencumbered funds,
6 including interest earned, shall be refunded pursuant to this section.
7 Upon the finding that any or all fee requirements are to be terminated,
8 the county, city, or town shall place notice of such termination and
9 the availability of refunds in a newspaper of general circulation at
10 least two times and shall notify all potential claimants by first-class
11 mail to the last known address of claimants. All funds available for
12 refund shall be retained for a period of one year. At the end of one
13 year, any remaining funds shall be retained by the local government,
14 but must be expended for the indicated public facilities. This notice
15 requirement shall not apply if there are no unexpended or unencumbered
16 balances within an account or accounts being terminated.

17 (3) A developer may request and shall receive a refund, including
18 interest earned on the impact fees, when the developer does not proceed
19 with the development activity and no impact has resulted.

20 **Sec. 10.** RCW 90.46.015 and 2009 c 456 s 2 are each amended to read
21 as follows:

22 (1) The department of ecology shall, in coordination with the
23 department of health, adopt rules for reclaimed water use consistent
24 with this chapter. The rules must address all aspects of reclaimed
25 water use, including commercial and industrial uses, land applications,
26 direct groundwater recharge, wetland discharge, surface percolation,
27 constructed wetlands, and streamflow or surface water augmentation.
28 The department of health shall, in coordination with the department of
29 ecology, adopt rules for greywater reuse. The rules must also
30 designate whether the department of ecology or the department of health
31 will be the lead agency responsible for a particular aspect of
32 reclaimed water use. In developing the rules, the departments of
33 health and ecology shall amend or rescind any existing rules on
34 reclaimed water in conflict with the new rules.

35 (2) All rules required to be adopted pursuant to this section must
36 be completed no later than December 31, 2010, (~~although the department~~

1 ~~of ecology is encouraged to adopt the final rules as soon as possible))~~
2 except that the department of ecology shall adopt rules for reclaimed
3 water use no earlier than June 30, 2013.

4 (3) The department of ecology must consult with the advisory
5 committee created under RCW 90.46.050 in all aspects of rule
6 development required under this section.

7 **Sec. 11.** RCW 90.48.260 and 2007 c 341 s 55 are each amended to
8 read as follows:

9 (1) The department of ecology is hereby designated as the state
10 water pollution control agency for all purposes of the federal clean
11 water act as it exists on February 4, 1987, and is hereby authorized to
12 participate fully in the programs of the act as well as to take all
13 action necessary to secure to the state the benefits and to meet the
14 requirements of that act. With regard to the national estuary program
15 established by section 320 of that act, the department shall exercise
16 its responsibility jointly with the Puget Sound partnership, created in
17 RCW 90.71.210. The department of ecology may delegate its authority
18 under this chapter, including its national pollutant discharge
19 elimination permit system authority and duties regarding animal feeding
20 operations and concentrated animal feeding operations, to the
21 department of agriculture through a memorandum of understanding. Until
22 any such delegation receives federal approval, the department of
23 agriculture's adoption or issuance of animal feeding operation and
24 concentrated animal feeding operation rules, permits, programs, and
25 directives pertaining to water quality shall be accomplished after
26 reaching agreement with the director of the department of ecology.
27 Adoption or issuance and implementation shall be accomplished so that
28 compliance with such animal feeding operation and concentrated animal
29 feeding operation rules, permits, programs, and directives will achieve
30 compliance with all federal and state water pollution control laws.
31 The powers granted herein include, among others, and notwithstanding
32 any other provisions of chapter 90.48 RCW or otherwise, the following:

33 ((+1)) (a) Complete authority to establish and administer a
34 comprehensive state point source waste discharge or pollution discharge
35 elimination permit program which will enable the department to qualify
36 for full participation in any national waste discharge or pollution
37 discharge elimination permit system and will allow the department to be

1 the sole agency issuing permits required by such national system
2 operating in the state of Washington subject to the provisions of RCW
3 90.48.262(2). Program elements authorized herein may include, but are
4 not limited to: ~~((a))~~ (i) Effluent treatment and limitation
5 requirements together with timing requirements related thereto; ~~((b))~~
6 (ii) applicable receiving water quality standards requirements; ~~((c))~~
7 (iii) requirements of standards of performance for new sources; ~~((d))~~
8 (iv) pretreatment requirements; ~~((e))~~ (v) termination and
9 modification of permits for cause; ~~((f))~~ (vi) requirements for public
10 notices and opportunities for public hearings; ~~((g))~~ (vii)
11 appropriate relationships with the secretary of the army in the
12 administration of his responsibilities which relate to anchorage and
13 navigation, with the administrator of the environmental protection
14 agency in the performance of his duties, and with other governmental
15 officials under the federal clean water act; ~~((h))~~ (viii)
16 requirements for inspection, monitoring, entry, and reporting; ~~((i))~~
17 (ix) enforcement of the program through penalties, emergency powers,
18 and criminal sanctions; ~~((j))~~ (x) a continuing planning process; and
19 ~~((k))~~ (xi) user charges.

20 ~~((2))~~ (b) The power to establish and administer state programs in
21 a manner which will insure the procurement of moneys, whether in the
22 form of grants, loans, or otherwise; to assist in the construction,
23 operation, and maintenance of various water pollution control
24 facilities and works; and the administering of various state water
25 pollution control management, regulatory, and enforcement programs.

26 ~~((3))~~ (c) The power to develop and implement appropriate programs
27 pertaining to continuing planning processes, area-wide waste treatment
28 management plans, and basin planning.

29 The governor shall have authority to perform those actions required
30 of him or her by the federal clean water act.

31 (2) By July 31, 2012, the department shall:

32 (a) Reissue without modification and for a term of one year any
33 national pollutant discharge elimination system municipal storm water
34 general permit first issued on January 17, 2007; and

35 (b) Issue an updated national pollutant discharge elimination
36 system municipal storm water general permit for any permit first issued
37 on January 17, 2007. An updated permit issued under this subsection
38 shall become effective beginning August 1, 2013.

1 **Sec. 12.** RCW 90.58.080 and 2007 c 170 s 1 are each amended to read
2 as follows:

3 (1) Local governments shall develop or amend a master program for
4 regulation of uses of the shorelines of the state consistent with the
5 required elements of the guidelines adopted by the department in
6 accordance with the schedule established by this section.

7 (2)(a) Subject to the provisions of subsections (5) and (6) of this
8 section, each local government subject to this chapter shall develop or
9 amend its master program for the regulation of uses of shorelines
10 within its jurisdiction according to the following schedule:

11 (i) On or before December 1, 2005, for the city of Port Townsend,
12 the city of Bellingham, the city of Everett, Snohomish county, and
13 Whatcom county;

14 (ii) On or before December 1, 2009, for King county and the cities
15 within King county greater in population than ten thousand;

16 (iii) Except as provided by (a)(i) and (ii) of this subsection, on
17 or before December 1, 2011, for Clallam, Clark, Jefferson, King,
18 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
19 cities within those counties;

20 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis,
21 Mason, San Juan, Skagit, and Skamania counties and the cities within
22 those counties;

23 (v) On or before December 1, 2013, for Benton, Chelan, Douglas,
24 Grant, Kittitas, Spokane, and Yakima counties and the cities within
25 those counties; and

26 (vi) On or before December 1, 2014, for Adams, Asotin, Columbia,
27 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,
28 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
29 counties and the cities within those counties.

30 (b) Nothing in this subsection (2) shall preclude a local
31 government from developing or amending its master program prior to the
32 dates established by this subsection (2).

33 (3)(a) Following approval by the department of a new or amended
34 master program, local governments required to develop or amend master
35 programs on or before December 1, 2009, as provided by subsection
36 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
37 with the schedule established by subsection (2)(a)(iii) of this section
38 and shall not be required to complete master program amendments until

1 (~~seven years after~~) the applicable dates established by subsection
2 (~~(2)(a)(iii)~~) (4)(b) of this section. Any jurisdiction listed in
3 subsection (2)(a)(i) of this section that has a new or amended master
4 program approved by the department on or after March 1, 2002, but
5 before July 27, 2003, shall not be required to complete master program
6 amendments until (~~seven years after~~) the applicable date provided by
7 subsection (~~(2)(a)(iii)~~) (4)(b) of this section.

8 (b) Following approval by the department of a new or amended master
9 program, local governments choosing to develop or amend master programs
10 on or before December 1, 2009, shall be deemed to have complied with
11 the schedule established by subsection (2)(a)(iii) through (vi) of this
12 section and shall not be required to complete master program amendments
13 until (~~seven years after~~) the applicable dates established by
14 subsection (~~(2)(a)(iii) through (vi)~~) (4)(b) of this section.

15 (4)(a) Following the updates required by subsection (2) of this
16 section, local governments shall conduct a review of their master
17 programs at least once every (~~seven~~) eight years (~~after the~~
18 applicable dates established by subsection (2)(a)(iii) through (vi) of
19 this section)) as required by (b) of this subsection. Following the
20 review required by this subsection (4), local governments shall, if
21 necessary, revise their master programs. The purpose of the review is:

22 (~~(a)~~) (i) To assure that the master program complies with
23 applicable law and guidelines in effect at the time of the review; and

24 (~~(b)~~) (ii) To assure consistency of the master program with the
25 local government's comprehensive plan and development regulations
26 adopted under chapter 36.70A RCW, if applicable, and other local
27 requirements.

28 (b) Counties and cities shall take action to review and, if
29 necessary, revise their master programs as required by (a) of this
30 subsection as follows:

31 (i) On or before June 30, 2019, and every eight years thereafter,
32 for King, Pierce, and Snohomish counties and the cities within those
33 counties;

34 (ii) On or before June 30, 2020, and every eight years thereafter,
35 for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit,
36 Thurston, and Whatcom counties and the cities within those counties;

37 (iii) On or before June 30, 2021, and every eight years thereafter,

1 for Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas, Lewis, Skamania,
2 Spokane, and Yakima counties and the cities within those counties; and
3 (iv) On or before June 30, 2022, and every eight years thereafter,
4 for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays
5 Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,
6 Wahkiakum, Walla Walla, and Whitman counties and the cities within
7 those counties.

8 (5) In meeting the update requirements of subsection (2) of this
9 section, local governments are encouraged to begin the process of
10 developing or amending their master programs early and are eligible for
11 grants from the department as provided by RCW 90.58.250, subject to
12 available funding. Except for those local governments listed in
13 subsection (2)(a)(i) and (ii) of this section, the deadline for
14 completion of the new or amended master programs shall be two years
15 after the date the grant is approved by the department. Subsequent
16 master program review dates shall not be altered by the provisions of
17 this subsection.

18 (6) In meeting the update requirements of subsection (2) of this
19 section, the following shall apply:

20 (a) Grants to local governments for developing and amending master
21 programs pursuant to the schedule established by this section shall be
22 provided at least two years before the adoption dates specified in
23 subsection (2) of this section. To the extent possible, the department
24 shall allocate grants within the amount appropriated for such purposes
25 to provide reasonable and adequate funding to local governments that
26 have indicated their intent to develop or amend master programs during
27 the biennium according to the schedule established by subsection (2) of
28 this section. Any local government that applies for but does not
29 receive funding to comply with the provisions of subsection (2) of this
30 section may delay the development or amendment of its master program
31 until the following biennium.

32 (b) Local governments with delayed compliance dates as provided in
33 (a) of this subsection shall be the first priority for funding in
34 subsequent biennia, and the development or amendment compliance
35 deadline for those local governments shall be two years after the date
36 of grant approval.

37 (c) Failure of the local government to apply in a timely manner for

1 a master program development or amendment grant in accordance with the
2 requirements of the department shall not be considered a delay
3 resulting from the provisions of (a) of this subsection.

4 (7) (~~Notwithstanding the provisions~~) In meeting the update
5 requirements of subsection (2) of this section, all local governments
6 subject to the requirements of this chapter that have not developed or
7 amended master programs on or after March 1, 2002, shall, no later than
8 December 1, 2014, develop or amend their master programs to comply with
9 guidelines adopted by the department after January 1, 2003.

10 (8) In meeting the update requirements of subsection (2) of this
11 section, local governments may be provided an additional year beyond
12 the deadlines in this section to complete their master program or
13 amendment. The department shall grant the request if it determines
14 that the local government is likely to adopt or amend its master
15 program within the additional year.

16 **Sec. 13.** RCW 90.58.090 and 2003 c 321 s 3 are each amended to read
17 as follows:

18 (1) A master program, segment of a master program, or an amendment
19 to a master program shall become effective when approved by the
20 department. Within the time period provided in RCW 90.58.080, each
21 local government shall have submitted a master program, either totally
22 or by segments, for all shorelines of the state within its jurisdiction
23 to the department for review and approval.

24 The department shall strive to achieve final action on a submitted
25 master program within one hundred eighty days of receipt and shall post
26 an annual assessment related to this performance benchmark on the
27 agency web site.

28 (2) Upon receipt of a proposed master program or amendment, the
29 department shall:

30 (a) Provide notice to and opportunity for written comment by all
31 interested parties of record as a part of the local government review
32 process for the proposal and to all persons, groups, and agencies that
33 have requested in writing notice of proposed master programs or
34 amendments generally or for a specific area, subject matter, or issue.
35 The comment period shall be at least thirty days, unless the department
36 determines that the level of complexity or controversy involved
37 supports a shorter period;

1 (b) In the department's discretion, conduct a public hearing during
2 the thirty-day comment period in the jurisdiction proposing the master
3 program or amendment;

4 (c) Within fifteen days after the close of public comment, request
5 the local government to review the issues identified by the public,
6 interested parties, groups, and agencies and provide a written response
7 as to how the proposal addresses the identified issues;

8 (d) Within thirty days after receipt of the local government
9 response pursuant to (c) of this subsection, make written findings and
10 conclusions regarding the consistency of the proposal with the policy
11 of RCW 90.58.020 and the applicable guidelines, provide a response to
12 the issues identified in (c) of this subsection, and either approve the
13 proposal as submitted, recommend specific changes necessary to make the
14 proposal approvable, or deny approval of the proposal in those
15 instances where no alteration of the proposal appears likely to be
16 consistent with the policy of RCW 90.58.020 and the applicable
17 guidelines. The written findings and conclusions shall be provided to
18 the local government, all interested persons, parties, groups, and
19 agencies of record on the proposal;

20 (e) If the department recommends changes to the proposed master
21 program or amendment, within thirty days after the department mails the
22 written findings and conclusions to the local government, the local
23 government may:

24 (i) Agree to the proposed changes. The receipt by the department
25 of the written notice of agreement constitutes final action by the
26 department approving the amendment; or

27 (ii) Submit an alternative proposal. If, in the opinion of the
28 department, the alternative is consistent with the purpose and intent
29 of the changes originally submitted by the department and with this
30 chapter it shall approve the changes and provide written notice to all
31 recipients of the written findings and conclusions. If the department
32 determines the proposal is not consistent with the purpose and intent
33 of the changes proposed by the department, the department may resubmit
34 the proposal for public and agency review pursuant to this section or
35 reject the proposal.

36 (3) The department shall approve the segment of a master program
37 relating to shorelines unless it determines that the submitted segments

1 are not consistent with the policy of RCW 90.58.020 and the applicable
2 guidelines.

3 (4) The department shall approve the segment of a master program
4 relating to critical areas as defined by RCW 36.70A.030(5) provided the
5 master program segment is consistent with RCW 90.58.020 and applicable
6 shoreline guidelines, and if the segment provides a level of protection
7 of critical areas at least equal to that provided by the local
8 government's critical areas ordinances adopted and thereafter amended
9 pursuant to RCW 36.70A.060(2).

10 (5) The department shall approve those segments of the master
11 program relating to shorelines of statewide significance only after
12 determining the program provides the optimum implementation of the
13 policy of this chapter to satisfy the statewide interest. If the
14 department does not approve a segment of a local government master
15 program relating to a shoreline of statewide significance, the
16 department may develop and by rule adopt an alternative to the local
17 government's proposal.

18 (6) In the event a local government has not complied with the
19 requirements of RCW 90.58.070 it may thereafter upon written notice to
20 the department elect to adopt a master program for the shorelines
21 within its jurisdiction, in which event it shall comply with the
22 provisions established by this chapter for the adoption of a master
23 program for such shorelines.

24 Upon approval of such master program by the department it shall
25 supersede such master program as may have been adopted by the
26 department for such shorelines.

27 (7) A master program or amendment to a master program takes effect
28 when and in such form as approved or adopted by the department.
29 Shoreline master programs that were adopted by the department prior to
30 July 22, 1995, in accordance with the provisions of this section then
31 in effect, shall be deemed approved by the department in accordance
32 with the provisions of this section that became effective on that date.
33 The department shall maintain a record of each master program, the
34 action taken on any proposal for adoption or amendment of the master
35 program, and any appeal of the department's action. The department's
36 approved document of record constitutes the official master program."

ESHB 1478 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

ADOPTED AS AMENDED 04/04/2011

1 On page 1, line 3 of the title, after "requirements;" strike the
2 remainder of the title and insert "amending RCW 36.70A.215, 43.19.648,
3 43.325.080, 43.185C.210, 46.68.113, 82.02.070, 82.02.080, 90.46.015,
4 90.48.260, 90.58.080, and 90.58.090; reenacting and amending RCW
5 36.70A.130; and creating a new section."

--- END ---