

HB 1224 - H AMD 787

By Representative Fitzgibbon

ADOPTED 02/18/2014

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

3 "Sec. 1. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read
4 as follows:

5 (1) Each county that has both a population of fifty thousand or
6 more and, until May 16, 1995, has had its population increase by more
7 than ten percent in the previous ten years or, on or after May 16,
8 1995, has had its population increase by more than seventeen percent in
9 the previous ten years, and the cities located within such county, and
10 any other county regardless of its population that has had its
11 population increase by more than twenty percent in the previous ten
12 years, and the cities located within such county, shall conform with
13 all of the requirements of this chapter. However, the county
14 legislative authority of such a county with a population of less than
15 fifty thousand population may adopt a resolution removing the county,
16 and the cities located within the county, from the requirements of
17 adopting comprehensive land use plans and development regulations under
18 this chapter if this resolution is adopted and filed with the
19 department by December 31, 1990, for counties initially meeting this
20 set of criteria, or within sixty days of the date the office of
21 financial management certifies that a county meets this set of criteria
22 under subsection (5) of this section. For the purposes of this
23 subsection, a county not currently planning under this chapter is not
24 required to include in its population count those persons confined in
25 a correctional facility under the jurisdiction of the department of
26 corrections that is located in the county.

27 Once a county meets either of these sets of criteria, the
28 requirement to conform with all of the requirements of this chapter
29 remains in effect, even if the county no longer meets one of these sets
30 of criteria.

1 (2)(a) The county legislative authority of any county that does not
2 meet either of the sets of criteria established under subsection (1) of
3 this section may adopt a resolution indicating its intention to have
4 subsection (1) of this section apply to the county. Each city, located
5 in a county that chooses to plan under this subsection, shall conform
6 with all of the requirements of this chapter. Once such a resolution
7 has been adopted, the county and the cities located within the county,
8 except as provided otherwise by this chapter, remain subject to all
9 (~~of the~~) requirements of this chapter.

10 (b) Until December 31, 2014, the legislative authority of a county
11 may adopt a withdrawal resolution exempting the county and the cities
12 located within the county from, except as provided otherwise by this
13 chapter, requirements to adopt comprehensive land use plans and
14 development regulations under this section if:

15 (i) The county has a population of twenty thousand or fewer
16 inhabitants at any time between January 1, 2010, and December 31, 2014;

17 (ii) The county previously adopted a resolution indicating its
18 intention to have subsection (1) of this section apply to the county;

19 (iii) At least sixty days prior to adopting the withdrawal
20 resolution, the county provides written notification to the legislative
21 body of each city within the county of its intent to consider adopting
22 the resolution; and

23 (iv) Before the county legislative authority adopts the withdrawal
24 resolution, the legislative bodies of at least sixty percent of those
25 cities having an aggregate population of at least seventy-five percent
26 of the incorporated county population adopt resolutions supporting the
27 action by the county and provide written notification of this support
28 to the county.

29 (c) Upon adoption of a withdrawal resolution under (b) of this
30 subsection, the county and the cities within the county are no longer
31 obligated to plan under this section and, except as provided otherwise
32 by this chapter, are exempt from this chapter. However, if a county
33 meets the population criteria for mandatory planning under subsection
34 (1) of this section as of January 1, 2010, or on any subsequent date,
35 the withdrawal resolution of the county is invalid and the county and
36 each city located within the county is required to comply with all the
37 requirements of this chapter.

1 (d) The county legislative authority of a county that has adopted
2 a withdrawal resolution under (b) of this subsection may subsequently
3 pass a resolution indicating its intention to have subsection (1) of
4 this section apply to the county.

5 (3) Any county or city that is initially required to conform with
6 all of the requirements of this chapter under subsection (1) of this
7 section shall take actions under this chapter as follows: (a) The
8 county legislative authority shall adopt a countywide planning policy
9 under RCW 36.70A.210; (b) the county and each city located within the
10 county shall designate critical areas, agricultural lands, forest
11 lands, and mineral resource lands, and adopt development regulations
12 conserving these designated agricultural lands, forest lands, and
13 mineral resource lands and protecting these designated critical areas,
14 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
15 take other actions related to urban growth areas under RCW 36.70A.110;
16 (d) if the county has a population of fifty thousand or more, the
17 county and each city located within the county shall adopt a
18 comprehensive plan under this chapter and development regulations that
19 are consistent with and implement the comprehensive plan on or before
20 July 1, 1994, and if the county has a population of less than fifty
21 thousand, the county and each city located within the county shall
22 adopt a comprehensive plan under this chapter and development
23 regulations that are consistent with and implement the comprehensive
24 plan by January 1, 1995, but if the governor makes written findings
25 that a county with a population of less than fifty thousand or a city
26 located within such a county is not making reasonable progress toward
27 adopting a comprehensive plan and development regulations the governor
28 may reduce this deadline for such actions to be taken by no more than
29 one hundred eighty days. Any county or city subject to this subsection
30 may obtain an additional six months before it is required to have
31 adopted its development regulations by submitting a letter notifying
32 the department (~~(of community, trade, and economic development)~~) of its
33 need prior to the deadline for adopting both a comprehensive plan and
34 development regulations.

35 (4)(a) Any county or city that is required to conform with all the
36 requirements of this chapter, as a result of the county legislative
37 authority adopting its resolution of intention under subsection (2) of
38 this section, shall take actions under this chapter as follows:

1 ((+a)) (i) The county legislative authority shall adopt a county-wide
2 planning policy under RCW 36.70A.210; ((+b)) (ii) the county and each
3 city that is located within the county shall adopt development
4 regulations conserving agricultural lands, forest lands, and mineral
5 resource lands it designated under RCW 36.70A.060 within one year of
6 the date the county legislative authority adopts its resolution of
7 intention; ((+c)) (iii) the county shall designate and take other
8 actions related to urban growth areas under RCW 36.70A.110; and ((+d))
9 (iv) the county and each city that is located within the county shall
10 adopt a comprehensive plan and development regulations that are
11 consistent with and implement the comprehensive plan not later than
12 four years from the date the county legislative authority adopts its
13 resolution of intention, but a county or city may obtain an additional
14 six months before it is required to have adopted its development
15 regulations by submitting a letter notifying the department ((of
16 ~~community, trade, and economic development~~)) of its need prior to the
17 deadline for adopting both a comprehensive plan and development
18 regulations. The requirements of this subsection (4)(a)(iv), as they
19 apply to the rural element required by RCW 36.70A.070(5), are not
20 affected or otherwise modified by the adoption of a withdrawal
21 resolution under subsection (2)(b) of this section.

22 (b) The requirements of (a)(ii) of this subsection, as they apply
23 to the requirements of RCW 36.70A.060(1), are not affected or otherwise
24 modified by the adoption of a withdrawal resolution under subsection
25 (2)(b) of this section.

26 (5) If the office of financial management certifies that the
27 population of a county that previously had not been required to plan
28 under subsection (1) or (2) of this section has changed sufficiently to
29 meet either of the sets of criteria specified under subsection (1) of
30 this section, and where applicable, the county legislative authority
31 has not adopted a resolution removing the county from these
32 requirements as provided in subsection (1) of this section, the county
33 and each city within such county shall take actions under this chapter
34 as follows: (a) The county legislative authority shall adopt a
35 countywide planning policy under RCW 36.70A.210; (b) the county and
36 each city located within the county shall adopt development regulations
37 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
38 mineral resource lands it designated within one year of the

1 certification by the office of financial management; (c) the county
2 shall designate and take other actions related to urban growth areas
3 under RCW 36.70A.110; and (d) the county and each city located within
4 the county shall adopt a comprehensive land use plan and development
5 regulations that are consistent with and implement the comprehensive
6 plan within four years of the certification by the office of financial
7 management, but a county or city may obtain an additional six months
8 before it is required to have adopted its development regulations by
9 submitting a letter notifying the department (~~of community, trade, and~~
10 ~~economic development~~) of its need prior to the deadline for adopting
11 both a comprehensive plan and development regulations.

12 (6) A copy of each document that is required under this section
13 shall be submitted to the department at the time of its adoption.

14 (7) Cities and counties planning under this chapter must amend the
15 transportation element of the comprehensive plan to be in compliance
16 with this chapter and chapter 47.80 RCW no later than December 31,
17 2000.

18 (8)(a) Each county that adopts a withdrawal resolution under
19 subsection (2)(b) of this section that is not in compliance with RCW
20 36.70A.060, 36.70A.170, or 36.70A.172 on the date of the adoption of
21 the resolution must, within one year of the adoption of the resolution,
22 adopt an ordinance complying with the applicable provisions of RCW
23 36.70A.060, 36.70A.170, and 36.70A.172.

24 (b) Each city that is both within a county that adopts a withdrawal
25 resolution under subsection (2)(b) of this section that is not in
26 compliance with RCW 36.70A.060, 36.70A.170, or 36.70A.172 on the date
27 of the adoption of the resolution must, within one year of the adoption
28 of the resolution, adopt an ordinance complying with the applicable
29 provisions of RCW 36.70A.060, 36.70A.170, and 36.70A.172.

30 **Sec. 2.** RCW 36.70A.070 and 2010 1st sp.s. c 26 s 6 are each
31 amended to read as follows:

32 The comprehensive plan of a county or city that is required or
33 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
34 and descriptive text covering objectives, principles, and standards
35 used to develop the comprehensive plan. The plan shall be an
36 internally consistent document and all elements shall be consistent

1 with the future land use map. A comprehensive plan shall be adopted
2 and amended with public participation as provided in RCW 36.70A.140.

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

5 (1) A land use element designating the proposed general
6 distribution and general location and extent of the uses of land, where
7 appropriate, for agriculture, timber production, housing, commerce,
8 industry, recreation, open spaces, general aviation airports, public
9 utilities, public facilities, and other land uses. The land use
10 element shall include population densities, building intensities, and
11 estimates of future population growth. The land use element shall
12 provide for protection of the quality and quantity of groundwater used
13 for public water supplies. Wherever possible, the land use element
14 should consider utilizing urban planning approaches that promote
15 physical activity. Where applicable, the land use element shall review
16 drainage, flooding, and storm water run-off in the area and nearby
17 jurisdictions and provide guidance for corrective actions to mitigate
18 or cleanse those discharges that pollute waters of the state, including
19 Puget Sound or waters entering Puget Sound.

20 (2) A housing element ensuring the vitality and character of
21 established residential neighborhoods that: (a) Includes an inventory
22 and analysis of existing and projected housing needs that identifies
23 the number of housing units necessary to manage projected growth; (b)
24 includes a statement of goals, policies, objectives, and mandatory
25 provisions for the preservation, improvement, and development of
26 housing, including single-family residences; (c) identifies sufficient
27 land for housing, including, but not limited to, government-assisted
28 housing, housing for low-income families, manufactured housing,
29 multifamily housing, and group homes and foster care facilities; and
30 (d) makes adequate provisions for existing and projected needs of all
31 economic segments of the community.

32 (3) A capital facilities plan element consisting of: (a) An
33 inventory of existing capital facilities owned by public entities,
34 showing the locations and capacities of the capital facilities; (b) a
35 forecast of the future needs for such capital facilities; (c) the
36 proposed locations and capacities of expanded or new capital
37 facilities; (d) at least a six-year plan that will finance such capital
38 facilities within projected funding capacities and clearly identifies

1 sources of public money for such purposes; and (e) a requirement to
2 reassess the land use element if probable funding falls short of
3 meeting existing needs and to ensure that the land use element, capital
4 facilities plan element, and financing plan within the capital
5 facilities plan element are coordinated and consistent. Park and
6 recreation facilities shall be included in the capital facilities plan
7 element.

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

12 (5) Rural element. Counties shall include a rural element
13 including lands that are not designated for urban growth, agriculture,
14 forest, or mineral resources. The following provisions shall apply to
15 the rural element:

16 (a) Growth management act goals and local circumstances. Because
17 circumstances vary from county to county, in establishing patterns of
18 rural densities and uses, a county may consider local circumstances,
19 but shall develop a written record explaining how the rural element
20 harmonizes the planning goals in RCW 36.70A.020 and meets the
21 requirements of this chapter.

22 (b) Rural development. The rural element shall permit rural
23 development, forestry, and agriculture in rural areas. The rural
24 element shall provide for a variety of rural densities, uses, essential
25 public facilities, and rural governmental services needed to serve the
26 permitted densities and uses. To achieve a variety of rural densities
27 and uses, counties may provide for clustering, density transfer, design
28 guidelines, conservation easements, and other innovative techniques
29 that will accommodate appropriate rural densities and uses that are not
30 characterized by urban growth and that are consistent with rural
31 character.

32 (c) Measures governing rural development. The rural element shall
33 include measures that apply to rural development and protect the rural
34 character of the area, as established by the county, by:

- 35 (i) Containing or otherwise controlling rural development;
- 36 (ii) Assuring visual compatibility of rural development with the
37 surrounding rural area;

1 (iii) Reducing the inappropriate conversion of undeveloped land
2 into sprawling, low-density development in the rural area;

3 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
4 surface water and groundwater resources; and

5 (v) Protecting against conflicts with the use of agricultural,
6 forest, and mineral resource lands designated under RCW 36.70A.170.

7 (d) Limited areas of more intensive rural development. Subject to
8 the requirements of this subsection and except as otherwise
9 specifically provided in this subsection (5)(d), the rural element may
10 allow for limited areas of more intensive rural development, including
11 necessary public facilities and public services to serve the limited
12 area as follows:

13 (i) Rural development consisting of the infill, development, or
14 redevelopment of existing commercial, industrial, residential, or
15 mixed-use areas, whether characterized as shoreline development,
16 villages, hamlets, rural activity centers, or crossroads developments.

17 (A) A commercial, industrial, residential, shoreline, or mixed-use
18 area shall be subject to the requirements of (d)(iv) of this
19 subsection, but shall not be subject to the requirements of (c)(ii) and
20 (iii) of this subsection.

21 (B) Any development or redevelopment other than an industrial area
22 or an industrial use within a mixed-use area or an industrial area
23 under this subsection (5)(d)(i) must be principally designed to serve
24 the existing and projected rural population.

25 (C) Any development or redevelopment in terms of building size,
26 scale, use, or intensity shall be consistent with the character of the
27 existing areas. Development and redevelopment may include changes in
28 use from vacant land or a previously existing use so long as the new
29 use conforms to the requirements of this subsection (5);

30 (ii) The intensification of development on lots containing, or new
31 development of, small-scale recreational or tourist uses, including
32 commercial facilities to serve those recreational or tourist uses, that
33 rely on a rural location and setting, but that do not include new
34 residential development. A small-scale recreation or tourist use is
35 not required to be principally designed to serve the existing and
36 projected rural population. Public services and public facilities
37 shall be limited to those necessary to serve the recreation or tourist

1 use and shall be provided in a manner that does not permit low-density
2 sprawl;

3 (iii) The intensification of development on lots containing
4 isolated nonresidential uses or new development of isolated cottage
5 industries and isolated small-scale businesses that are not principally
6 designed to serve the existing and projected rural population and
7 nonresidential uses, but do provide job opportunities for rural
8 residents. Rural counties may allow the expansion of small-scale
9 businesses as long as those small-scale businesses conform with the
10 rural character of the area as defined by the local government
11 according to RCW 36.70A.030(15). Rural counties may also allow new
12 small-scale businesses to utilize a site previously occupied by an
13 existing business as long as the new small-scale business conforms to
14 the rural character of the area as defined by the local government
15 according to RCW 36.70A.030(15). Public services and public facilities
16 shall be limited to those necessary to serve the isolated
17 nonresidential use and shall be provided in a manner that does not
18 permit low-density sprawl;

19 (iv) A county shall adopt measures to minimize and contain the
20 existing areas or uses of more intensive rural development, as
21 appropriate, authorized under this subsection. Lands included in such
22 existing areas or uses shall not extend beyond the logical outer
23 boundary of the existing area or use, thereby allowing a new pattern of
24 low-density sprawl. Existing areas are those that are clearly
25 identifiable and contained and where there is a logical boundary
26 delineated predominately by the built environment, but that may also
27 include undeveloped lands if limited as provided in this subsection.
28 The county shall establish the logical outer boundary of an area of
29 more intensive rural development. In establishing the logical outer
30 boundary, the county shall address (A) the need to preserve the
31 character of existing natural neighborhoods and communities, (B)
32 physical boundaries, such as bodies of water, streets and highways, and
33 land forms and contours, (C) the prevention of abnormally irregular
34 boundaries, and (D) the ability to provide public facilities and public
35 services in a manner that does not permit low-density sprawl;

36 (v) For purposes of (d) of this subsection, an existing area or
37 existing use is one that was in existence:

1 (A) On July 1, 1990, in a county that was initially required to
2 plan under all of the provisions of this chapter;

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the provisions
5 of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county that
8 is planning under all of the provisions of this chapter pursuant to RCW
9 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit
11 in the rural area a major industrial development or a master planned
12 resort unless otherwise specifically permitted under RCW 36.70A.360 and
13 36.70A.365.

14 (f) The requirements of this subsection (5) are not affected or
15 otherwise modified by the adoption of a withdrawal resolution under RCW
16 36.70A.040(2)(b).

17 (6) A transportation element that implements, and is consistent
18 with, the land use element.

19 (a) The transportation element shall include the following
20 subelements:

21 (i) Land use assumptions used in estimating travel;

22 (ii) Estimated traffic impacts to state-owned transportation
23 facilities resulting from land use assumptions to assist the department
24 of transportation in monitoring the performance of state facilities, to
25 plan improvements for the facilities, and to assess the impact of land-
26 use decisions on state-owned transportation facilities;

27 (iii) Facilities and services needs, including:

28 (A) An inventory of air, water, and ground transportation
29 facilities and services, including transit alignments and general
30 aviation airport facilities, to define existing capital facilities and
31 travel levels as a basis for future planning. This inventory must
32 include state-owned transportation facilities within the city or
33 county's jurisdictional boundaries;

34 (B) Level of service standards for all locally owned arterials and
35 transit routes to serve as a gauge to judge performance of the system.
36 These standards should be regionally coordinated;

37 (C) For state-owned transportation facilities, level of service
38 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,

1 to gauge the performance of the system. The purposes of reflecting
2 level of service standards for state highways in the local
3 comprehensive plan are to monitor the performance of the system, to
4 evaluate improvement strategies, and to facilitate coordination between
5 the county's or city's six-year street, road, or transit program and
6 the office of financial management's ten-year investment program. The
7 concurrency requirements of (b) of this subsection do not apply to
8 transportation facilities and services of statewide significance except
9 for counties consisting of islands whose only connection to the
10 mainland are state highways or ferry routes. In these island counties,
11 state highways and ferry route capacity must be a factor in meeting the
12 concurrency requirements in (b) of this subsection;

13 (D) Specific actions and requirements for bringing into compliance
14 locally owned transportation facilities or services that are below an
15 established level of service standard;

16 (E) Forecasts of traffic for at least ten years based on the
17 adopted land use plan to provide information on the location, timing,
18 and capacity needs of future growth;

19 (F) Identification of state and local system needs to meet current
20 and future demands. Identified needs on state-owned transportation
21 facilities must be consistent with the statewide multimodal
22 transportation plan required under chapter 47.06 RCW;

23 (iv) Finance, including:

24 (A) An analysis of funding capability to judge needs against
25 probable funding resources;

26 (B) A multiyear financing plan based on the needs identified in the
27 comprehensive plan, the appropriate parts of which shall serve as the
28 basis for the six-year street, road, or transit program required by RCW
29 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
30 for public transportation systems. The multiyear financing plan should
31 be coordinated with the ten-year investment program developed by the
32 office of financial management as required by RCW 47.05.030;

33 (C) If probable funding falls short of meeting identified needs, a
34 discussion of how additional funding will be raised, or how land use
35 assumptions will be reassessed to ensure that level of service
36 standards will be met;

37 (v) Intergovernmental coordination efforts, including an assessment

1 of the impacts of the transportation plan and land use assumptions on
2 the transportation systems of adjacent jurisdictions;

3 (vi) Demand-management strategies;

4 (vii) Pedestrian and bicycle component to include collaborative
5 efforts to identify and designate planned improvements for pedestrian
6 and bicycle facilities and corridors that address and encourage
7 enhanced community access and promote healthy lifestyles.

8 (b) After adoption of the comprehensive plan by jurisdictions
9 required to plan or who choose to plan under RCW 36.70A.040, local
10 jurisdictions must adopt and enforce ordinances which prohibit
11 development approval if the development causes the level of service on
12 a locally owned transportation facility to decline below the standards
13 adopted in the transportation element of the comprehensive plan, unless
14 transportation improvements or strategies to accommodate the impacts of
15 development are made concurrent with the development. These strategies
16 may include increased public transportation service, ride sharing
17 programs, demand management, and other transportation systems
18 management strategies. For the purposes of this subsection (6),
19 "concurrent with the development" means that improvements or strategies
20 are in place at the time of development, or that a financial commitment
21 is in place to complete the improvements or strategies within six
22 years.

23 (c) The transportation element described in this subsection (6),
24 the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121
25 for counties, and RCW 35.58.2795 for public transportation systems, and
26 the ten-year investment program required by RCW 47.05.030 for the
27 state, must be consistent.

28 (7) An economic development element establishing local goals,
29 policies, objectives, and provisions for economic growth and vitality
30 and a high quality of life. The element shall include: (a) A summary
31 of the local economy such as population, employment, payroll, sectors,
32 businesses, sales, and other information as appropriate; (b) a summary
33 of the strengths and weaknesses of the local economy defined as the
34 commercial and industrial sectors and supporting factors such as land
35 use, transportation, utilities, education, workforce, housing, and
36 natural/cultural resources; and (c) an identification of policies,
37 programs, and projects to foster economic growth and development and to

1 address future needs. A city that has chosen to be a residential
2 community is exempt from the economic development element requirement
3 of this subsection.

4 (8) A park and recreation element that implements, and is
5 consistent with, the capital facilities plan element as it relates to
6 park and recreation facilities. The element shall include: (a)
7 Estimates of park and recreation demand for at least a ten-year period;
8 (b) an evaluation of facilities and service needs; and (c) an
9 evaluation of intergovernmental coordination opportunities to provide
10 regional approaches for meeting park and recreational demand.

11 (9) It is the intent that new or amended elements required after
12 January 1, 2002, be adopted concurrent with the scheduled update
13 provided in RCW 36.70A.130. Requirements to incorporate any such new
14 or amended elements shall be null and void until funds sufficient to
15 cover applicable local government costs are appropriated and
16 distributed by the state at least two years before local government
17 must update comprehensive plans as required in RCW 36.70A.130.

18 **Sec. 3.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to read
19 as follows:

20 (1) Each county that is required or chooses to plan under RCW
21 36.70A.040 shall designate an urban growth area or areas within which
22 urban growth shall be encouraged and outside of which growth can occur
23 only if it is not urban in nature. Each city that is located in such
24 a county shall be included within an urban growth area. An urban
25 growth area may include more than a single city. An urban growth area
26 may include territory that is located outside of a city only if such
27 territory already is characterized by urban growth whether or not the
28 urban growth area includes a city, or is adjacent to territory already
29 characterized by urban growth, or is a designated new fully contained
30 community as defined by RCW 36.70A.350.

31 (2) Based upon the growth management population projection made for
32 the county by the office of financial management, the county and each
33 city within the county shall include areas and densities sufficient to
34 permit the urban growth that is projected to occur in the county or
35 city for the succeeding twenty-year period, except for those urban
36 growth areas contained totally within a national historical reserve.
37 As part of this planning process, each city within the county must

1 include areas sufficient to accommodate the broad range of needs and
2 uses that will accompany the projected urban growth including, as
3 appropriate, medical, governmental, institutional, commercial, service,
4 retail, and other nonresidential uses.

5 Each urban growth area shall permit urban densities and shall
6 include greenbelt and open space areas. In the case of urban growth
7 areas contained totally within a national historical reserve, the city
8 may restrict densities, intensities, and forms of urban growth as
9 determined to be necessary and appropriate to protect the physical,
10 cultural, or historic integrity of the reserve. An urban growth area
11 determination may include a reasonable land market supply factor and
12 shall permit a range of urban densities and uses. In determining this
13 market factor, cities and counties may consider local circumstances.
14 Cities and counties have discretion in their comprehensive plans to
15 make many choices about accommodating growth.

16 Within one year of July 1, 1990, each county that as of June 1,
17 1991, was required or chose to plan under RCW 36.70A.040, shall begin
18 consulting with each city located within its boundaries and each city
19 shall propose the location of an urban growth area. Within sixty days
20 of the date the county legislative authority of a county adopts its
21 resolution of intention or of certification by the office of financial
22 management, all other counties that are required or choose to plan
23 under RCW 36.70A.040 shall begin this consultation with each city
24 located within its boundaries. The county shall attempt to reach
25 agreement with each city on the location of an urban growth area within
26 which the city is located. If such an agreement is not reached with
27 each city located within the urban growth area, the county shall
28 justify in writing why it so designated the area an urban growth area.
29 A city may object formally with the department over the designation of
30 the urban growth area within which it is located. Where appropriate,
31 the department shall attempt to resolve the conflicts, including the
32 use of mediation services.

33 (3) Urban growth should be located first in areas already
34 characterized by urban growth that have adequate existing public
35 facility and service capacities to serve such development, second in
36 areas already characterized by urban growth that will be served
37 adequately by a combination of both existing public facilities and
38 services and any additional needed public facilities and services that

1 are provided by either public or private sources, and third in the
2 remaining portions of the urban growth areas. Urban growth may also be
3 located in designated new fully contained communities as defined by RCW
4 36.70A.350.

5 (4) In general, cities are the units of local government most
6 appropriate to provide urban governmental services. In general, it is
7 not appropriate that urban governmental services be extended to or
8 expanded in rural areas except in those limited circumstances shown to
9 be necessary to protect basic public health and safety and the
10 environment and when such services are financially supportable at rural
11 densities and do not permit urban development.

12 (5) On or before October 1, 1993, each county that was initially
13 required to plan under RCW 36.70A.040(1) shall adopt development
14 regulations designating interim urban growth areas under this chapter.
15 Within three years and three months of the date the county legislative
16 authority of a county adopts its resolution of intention or of
17 certification by the office of financial management, all other counties
18 that are required or choose to plan under RCW 36.70A.040 shall adopt
19 development regulations designating interim urban growth areas under
20 this chapter. Adoption of the interim urban growth areas may only
21 occur after public notice; public hearing; and compliance with the
22 state environmental policy act, chapter 43.21C RCW, and under this
23 section. Such action may be appealed to the growth management hearings
24 board under RCW 36.70A.280. Final urban growth areas shall be adopted
25 at the time of comprehensive plan adoption under this chapter.

26 (6) Each county shall include designations of urban growth areas in
27 its comprehensive plan.

28 (7) An urban growth area designated in accordance with this section
29 may include within its boundaries urban service areas or potential
30 annexation areas designated for specific cities or towns within the
31 county.

32 (8)(a) Except as provided in (b) of this subsection, the expansion
33 of an urban growth area is prohibited into the one hundred year
34 floodplain of any river or river segment that: (i) Is located west of
35 the crest of the Cascade mountains; and (ii) has a mean annual flow of
36 one thousand or more cubic feet per second as determined by the
37 department of ecology.

38 (b) Subsection (8)(a) of this section does not apply to:

1 (i) Urban growth areas that are fully contained within a floodplain
2 and lack adjacent buildable areas outside the floodplain;

3 (ii) Urban growth areas where expansions are precluded outside
4 floodplains because:

5 (A) Urban governmental services cannot be physically provided to
6 serve areas outside the floodplain; or

7 (B) Expansions outside the floodplain would require a river or
8 estuary crossing to access the expansion; or

9 (iii) Urban growth area expansions where:

10 (A) Public facilities already exist within the floodplain and the
11 expansion of an existing public facility is only possible on the land
12 to be included in the urban growth area and located within the
13 floodplain; or

14 (B) Urban development already exists within a floodplain as of July
15 26, 2009, and is adjacent to, but outside of, the urban growth area,
16 and the expansion of the urban growth area is necessary to include such
17 urban development within the urban growth area; or

18 (C) The land is owned by a jurisdiction planning under this chapter
19 or the rights to the development of the land have been permanently
20 extinguished, and the following criteria are met:

21 (I) The permissible use of the land is limited to one of the
22 following: Outdoor recreation; environmentally beneficial projects,
23 including but not limited to habitat enhancement or environmental
24 restoration; storm water facilities; flood control facilities; or
25 underground conveyances; and

26 (II) The development and use of such facilities or projects will
27 not decrease flood storage, increase storm water runoff, discharge
28 pollutants to fresh or salt waters during normal operations or floods,
29 or increase hazards to people and property.

30 (c) For the purposes of this subsection (8), "one hundred year
31 floodplain" means the same as "special flood hazard area" as set forth
32 in WAC 173-158-040 as it exists on July 26, 2009.

33 (9) The requirements of this section do not apply to a county that
34 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

35 **Sec. 4.** RCW 36.70A.115 and 2009 c 121 s 3 are each amended to read
36 as follows:

37 (1) Counties and cities that are required or choose to plan under

1 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
2 amendments to their comprehensive plans and/or development regulations
3 provide sufficient capacity of land suitable for development within
4 their jurisdictions to accommodate their allocated housing and
5 employment growth, including the accommodation of, as appropriate, the
6 medical, governmental, educational, institutional, commercial, and
7 industrial facilities related to such growth, as adopted in the
8 applicable countywide planning policies and consistent with the twenty-
9 year population forecast from the office of financial management.

10 (2) The requirements of this section do not apply to a county that
11 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
12 cities within that county.

13 **Sec. 5.** RCW 36.70A.120 and 1993 sp.s. c 6 s 3 are each amended to
14 read as follows:

15 (1) Each county and city that is required or chooses to plan under
16 RCW 36.70A.040 shall perform its activities and make capital budget
17 decisions in conformity with its comprehensive plan.

18 (2) The requirements of this section do not apply to a county that
19 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
20 cities within that county.

21 **Sec. 6.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
22 read as follows:

23 (1) Each county and city that is required or chooses to plan under
24 RCW 36.70A.040 shall establish and broadly disseminate to the public a
25 public participation program identifying procedures providing for early
26 and continuous public participation in the development and amendment of
27 comprehensive land use plans and development regulations implementing
28 such plans. The procedures shall provide for broad dissemination of
29 proposals and alternatives, opportunity for written comments, public
30 meetings after effective notice, provision for open discussion,
31 communication programs, information services, and consideration of and
32 response to public comments. In enacting legislation in response to
33 the board's decision pursuant to RCW 36.70A.300 declaring part or all
34 of a comprehensive plan or development regulation invalid, the county
35 or city shall provide for public participation that is appropriate and
36 effective under the circumstances presented by the board's order.

1 Errors in exact compliance with the established program and procedures
2 shall not render the comprehensive land use plan or development
3 regulations invalid if the spirit of the program and procedures is
4 observed.

5 (2) The requirements of this section do not apply to a county that
6 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
7 cities within that county.

8 **Sec. 7.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to
9 read as follows:

10 (1) Each county and city that is required or chooses to prepare a
11 comprehensive land use plan under RCW 36.70A.040 shall identify lands
12 useful for public purposes such as utility corridors, transportation
13 corridors, landfills, sewage treatment facilities, storm water
14 management facilities, recreation, schools, and other public uses. The
15 county shall work with the state and the cities within its borders to
16 identify areas of shared need for public facilities. The jurisdictions
17 within the county shall prepare a prioritized list of lands necessary
18 for the identified public uses including an estimated date by which the
19 acquisition will be needed.

20 The respective capital acquisition budgets for each jurisdiction
21 shall reflect the jointly agreed upon priorities and time schedule.

22 (2) The requirements of this section do not apply to a county that
23 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
24 cities within that county.

25 **Sec. 8.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read
26 as follows:

27 (1) Each county and city that is required or chooses to prepare a
28 comprehensive land use plan under RCW 36.70A.040 shall identify open
29 space corridors within and between urban growth areas. They shall
30 include lands useful for recreation, wildlife habitat, trails, and
31 connection of critical areas as defined in RCW 36.70A.030.
32 Identification of a corridor under this section by a county or city
33 shall not restrict the use or management of lands within the corridor
34 for agricultural or forest purposes. Restrictions on the use or
35 management of such lands for agricultural or forest purposes imposed
36 after identification solely to maintain or enhance the value of such

1 lands as a corridor may occur only if the county or city acquires
2 sufficient interest to prevent development of the lands or to control
3 the resource development of the lands. The requirement for acquisition
4 of sufficient interest does not include those corridors regulated by
5 the interstate commerce commission, under provisions of 16 U.S.C. Sec.
6 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this
7 section shall be interpreted to alter the authority of the state, or a
8 county or city, to regulate land use activities.

9 (2) The city or county may acquire by donation or purchase the fee
10 simple or lesser interests in these open space corridors using funds
11 authorized by RCW 84.34.230 or other sources.

12 (3) The requirements of this section do not apply to a county that
13 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
14 cities within that county.

15 **Sec. 9.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to read
16 as follows:

17 (1) The comprehensive plan of each county and city that is planning
18 under RCW 36.70A.040 shall include a process for identifying and siting
19 essential public facilities. Essential public facilities include those
20 facilities that are typically difficult to site, such as airports,
21 state education facilities and state or regional transportation
22 facilities as defined in RCW 47.06.140, regional transit authority
23 facilities as defined in RCW 81.112.020, state and local correctional
24 facilities, solid waste handling facilities, and inpatient facilities
25 including substance abuse facilities, mental health facilities, group
26 homes, and secure community transition facilities as defined in RCW
27 71.09.020.

28 (2) Each county and city planning under RCW 36.70A.040 shall, not
29 later than September 1, 2002, establish a process, or amend its
30 existing process, for identifying and siting essential public
31 facilities and adopt or amend its development regulations as necessary
32 to provide for the siting of secure community transition facilities
33 consistent with statutory requirements applicable to these facilities.

34 (3) Any city or county not planning under RCW 36.70A.040 shall, not
35 later than September 1, 2002, establish a process for siting secure
36 community transition facilities and adopt or amend its development

1 regulations as necessary to provide for the siting of such facilities
2 consistent with statutory requirements applicable to these facilities.

3 (4) The office of financial management shall maintain a list of
4 those essential state public facilities that are required or likely to
5 be built within the next six years. The office of financial management
6 may at any time add facilities to the list.

7 (5) No local comprehensive plan or development regulation may
8 preclude the siting of essential public facilities.

9 (6) No person may bring a cause of action for civil damages based
10 on the good faith actions of any county or city to provide for the
11 siting of secure community transition facilities in accordance with
12 this section and with the requirements of chapter 12, Laws of 2001 2nd
13 sp. sess. For purposes of this subsection, "person" includes, but is
14 not limited to, any individual, agency as defined in RCW 42.17A.005,
15 corporation, partnership, association, and limited liability entity.

16 (7) Counties or cities siting facilities pursuant to subsection (2)
17 or (3) of this section shall comply with RCW 71.09.341.

18 (8) The failure of a county or city to act by the deadlines
19 established in subsections (2) and (3) of this section is not:

20 (a) A condition that would disqualify the county or city for
21 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

22 (b) A consideration for grants or loans provided under RCW
23 43.17.250(3); or

24 (c) A basis for any petition under RCW 36.70A.280 or for any
25 private cause of action.

26 (9) The requirements of subsections (1), (2), and (5) through (8)
27 of this section do not apply to a county that has adopted a withdrawal
28 resolution under RCW 36.70A.040(2)(b) and the cities within that
29 county.

30 **Sec. 10.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
31 read as follows:

32 (1) The legislature recognizes that counties are regional
33 governments within their boundaries, and cities are primary providers
34 of urban governmental services within urban growth areas. For the
35 purposes of this section, a "countywide planning policy" is a written
36 policy statement or statements used solely for establishing a
37 countywide framework from which county and city comprehensive plans are

1 developed and adopted pursuant to this chapter. This framework shall
2 ensure that city and county comprehensive plans are consistent as
3 required in RCW 36.70A.100. Nothing in this section shall be construed
4 to alter the land-use powers of cities.

5 (2) The legislative authority of a county that plans under RCW
6 36.70A.040 shall adopt a countywide planning policy in cooperation with
7 the cities located in whole or in part within the county as follows:

8 (a) No later than sixty calendar days from July 16, 1991, the
9 legislative authority of each county that as of June 1, 1991, was
10 required or chose to plan under RCW 36.70A.040 shall convene a meeting
11 with representatives of each city located within the county for the
12 purpose of establishing a collaborative process that will provide a
13 framework for the adoption of a countywide planning policy. In other
14 counties that are required or choose to plan under RCW 36.70A.040, this
15 meeting shall be convened no later than sixty days after the date the
16 county adopts its resolution of intention or was certified by the
17 office of financial management.

18 (b) The process and framework for adoption of a countywide planning
19 policy specified in (a) of this subsection shall determine the manner
20 in which the county and the cities agree to all procedures and
21 provisions including but not limited to desired planning policies,
22 deadlines, ratification of final agreements and demonstration thereof,
23 and financing, if any, of all activities associated therewith.

24 (c) If a county fails for any reason to convene a meeting with
25 representatives of cities as required in (a) of this subsection, the
26 governor may immediately impose any appropriate sanction or sanctions
27 on the county from those specified under RCW 36.70A.340.

28 (d) If there is no agreement by October 1, 1991, in a county that
29 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
30 or if there is no agreement within one hundred twenty days of the date
31 the county adopted its resolution of intention or was certified by the
32 office of financial management in any other county that is required or
33 chooses to plan under RCW 36.70A.040, the governor shall first inquire
34 of the jurisdictions as to the reason or reasons for failure to reach
35 an agreement. If the governor deems it appropriate, the governor may
36 immediately request the assistance of the department (~~of community,~~
37 ~~trade, and economic development~~) to mediate any disputes that preclude
38 agreement. If mediation is unsuccessful in resolving all disputes that

1 will lead to agreement, the governor may impose appropriate sanctions
2 from those specified under RCW 36.70A.340 on the county, city, or
3 cities for failure to reach an agreement as provided in this section.
4 The governor shall specify the reason or reasons for the imposition of
5 any sanction.

6 (e) No later than July 1, 1992, the legislative authority of each
7 county that was required or chose to plan under RCW 36.70A.040 as of
8 June 1, 1991, or no later than fourteen months after the date the
9 county adopted its resolution of intention or was certified by the
10 office of financial management the county legislative authority of any
11 other county that is required or chooses to plan under RCW 36.70A.040,
12 shall adopt a countywide planning policy according to the process
13 provided under this section and that is consistent with the agreement
14 pursuant to (b) of this subsection, and after holding a public hearing
15 or hearings on the proposed countywide planning policy.

16 (3) A countywide planning policy shall at a minimum, address the
17 following:

18 (a) Policies to implement RCW 36.70A.110;

19 (b) Policies for promotion of contiguous and orderly development
20 and provision of urban services to such development;

21 (c) Policies for siting public capital facilities of a countywide
22 or statewide nature, including transportation facilities of statewide
23 significance as defined in RCW 47.06.140;

24 (d) Policies for countywide transportation facilities and
25 strategies;

26 (e) Policies that consider the need for affordable housing, such as
27 housing for all economic segments of the population and parameters for
28 its distribution;

29 (f) Policies for joint county and city planning within urban growth
30 areas;

31 (g) Policies for countywide economic development and employment,
32 which must include consideration of the future development of
33 commercial and industrial facilities; and

34 (h) An analysis of the fiscal impact.

35 (4) Federal agencies and Indian tribes may participate in and
36 cooperate with the countywide planning policy adoption process.
37 Adopted countywide planning policies shall be adhered to by state
38 agencies.

1 (5) Failure to adopt a countywide planning policy that meets the
2 requirements of this section may result in the imposition of a sanction
3 or sanctions on a county or city within the county, as specified in RCW
4 36.70A.340. In imposing a sanction or sanctions, the governor shall
5 specify the reasons for failure to adopt a countywide planning policy
6 in order that any imposed sanction or sanctions are fairly and
7 equitably related to the failure to adopt a countywide planning policy.

8 (6) Cities and the governor may appeal an adopted countywide
9 planning policy to the growth management hearings board within sixty
10 days of the adoption of the countywide planning policy.

11 (7) Multicounty planning policies shall be adopted by two or more
12 counties, each with a population of four hundred fifty thousand or
13 more, with contiguous urban areas and may be adopted by other counties,
14 according to the process established under this section or other
15 processes agreed to among the counties and cities within the affected
16 counties throughout the multicounty region.

17 (8) The requirements of this section do not apply to a county that
18 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

19 **Sec. 11.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
20 to read as follows:

21 A county required or choosing to plan under RCW 36.70A.040 may
22 establish a process as part of its urban growth areas, that are
23 designated under RCW 36.70A.110, for reviewing proposals to authorize
24 new fully contained communities located outside of the initially
25 designated urban growth areas.

26 (1) A new fully contained community may be approved in a county
27 planning under this chapter if criteria including but not limited to
28 the following are met:

29 (a) New infrastructure is provided for and impact fees are
30 established consistent with the requirements of RCW 82.02.050;

31 (b) Transit-oriented site planning and traffic demand management
32 programs are implemented;

33 (c) Buffers are provided between the new fully contained
34 communities and adjacent urban development;

35 (d) A mix of uses is provided to offer jobs, housing, and services
36 to the residents of the new community;

1 (e) Affordable housing is provided within the new community for a
2 broad range of income levels;

3 (f) Environmental protection has been addressed and provided for;

4 (g) Development regulations are established to ensure urban growth
5 will not occur in adjacent nonurban areas;

6 (h) Provision is made to mitigate impacts on designated
7 agricultural lands, forest lands, and mineral resource lands;

8 (i) The plan for the new fully contained community is consistent
9 with the development regulations established for the protection of
10 critical areas by the county pursuant to RCW 36.70A.170.

11 (2) New fully contained communities may be approved outside
12 established urban growth areas only if a county reserves a portion of
13 the twenty-year population projection and offsets the urban growth area
14 accordingly for allocation to new fully contained communities that meet
15 the requirements of this chapter. Any county electing to establish a
16 new community reserve shall do so no more often than once every five
17 years as a part of the designation or review of urban growth areas
18 required by this chapter. The new community reserve shall be allocated
19 on a project-by-project basis, only after specific project approval
20 procedures have been adopted pursuant to this chapter as a development
21 regulation. When a new community reserve is established, urban growth
22 areas designated pursuant to this chapter shall accommodate the
23 unreserved portion of the twenty-year population projection.

24 Final approval of an application for a new fully contained
25 community shall be considered an adopted amendment to the comprehensive
26 plan prepared pursuant to RCW 36.70A.070 designating the new fully
27 contained community as an urban growth area.

28 (3) This section does not apply to a county that has adopted a
29 withdrawal resolution under RCW 36.70A.040(2)(b).

30 **Sec. 12.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to
31 read as follows:

32 (1) Counties that are required or choose to plan under RCW
33 36.70A.040 may permit master planned resorts which may constitute urban
34 growth outside of urban growth areas as limited by this section. A
35 master planned resort means a self-contained and fully integrated
36 planned unit development, in a setting of significant natural

1 amenities, with primary focus on destination resort facilities
2 consisting of short-term visitor accommodations associated with a range
3 of developed on-site indoor or outdoor recreational facilities.

4 (2) Capital facilities, utilities, and services, including those
5 related to sewer, water, storm water, security, fire suppression, and
6 emergency medical, provided on-site shall be limited to meeting the
7 needs of the master planned resort. Such facilities, utilities, and
8 services may be provided to a master planned resort by outside service
9 providers, including municipalities and special purpose districts,
10 provided that all costs associated with service extensions and capacity
11 increases directly attributable to the master planned resort are fully
12 borne by the resort. A master planned resort and service providers may
13 enter into agreements for shared capital facilities and utilities,
14 provided that such facilities and utilities serve only the master
15 planned resort or urban growth areas.

16 Nothing in this subsection may be construed as: Establishing an
17 order of priority for processing applications for water right permits,
18 for granting such permits, or for issuing certificates of water right;
19 altering or authorizing in any manner the alteration of the place of
20 use for a water right; or affecting or impairing in any manner
21 whatsoever an existing water right.

22 All waters or the use of waters shall be regulated and controlled
23 as provided in chapters 90.03 and 90.44 RCW and not otherwise.

24 (3) A master planned resort may include other residential uses
25 within its boundaries, but only if the residential uses are integrated
26 into and support the on-site recreational nature of the resort.

27 (4) A master planned resort may be authorized by a county only if:

28 (a) The comprehensive plan specifically identifies policies to
29 guide the development of master planned resorts;

30 (b) The comprehensive plan and development regulations include
31 restrictions that preclude new urban or suburban land uses in the
32 vicinity of the master planned resort, except in areas otherwise
33 designated for urban growth under RCW 36.70A.110;

34 (c) The county includes a finding as a part of the approval process
35 that the land is better suited, and has more long-term importance, for
36 the master planned resort than for the commercial harvesting of timber
37 or agricultural production, if located on land that otherwise would be
38 designated as forest land or agricultural land under RCW 36.70A.170;

1 (d) The county ensures that the resort plan is consistent with the
2 development regulations established for critical areas; and

3 (e) On-site and off-site infrastructure and service impacts are
4 fully considered and mitigated.

5 (5) This section does not apply to a county that has adopted a
6 withdrawal resolution under RCW 36.70A.040(2)(b).

7 **Sec. 13.** RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each amended
8 to read as follows:

9 (1) The state attorney general shall establish by October 1, 1991,
10 an orderly, consistent process, including a checklist if appropriate,
11 that better enables state agencies and local governments to evaluate
12 proposed regulatory or administrative actions to assure that such
13 actions do not result in an unconstitutional taking of private
14 property. It is not the purpose of this section to expand or reduce
15 the scope of private property protections provided in the state and
16 federal Constitutions. The attorney general shall review and update
17 the process at least on an annual basis to maintain consistency with
18 changes in case law.

19 (2) Local governments that are required or choose to plan under RCW
20 36.70A.040 and state agencies shall utilize the process established by
21 subsection (1) of this section to assure that proposed regulatory or
22 administrative actions do not result in an unconstitutional taking of
23 private property.

24 (3) The attorney general, in consultation with the Washington state
25 bar association, shall develop a continuing education course to
26 implement this section.

27 (4) The process used by government agencies shall be protected by
28 attorney client privilege. Nothing in this section grants a private
29 party the right to seek judicial relief requiring compliance with the
30 provisions of this section.

31 (5) The requirements of this section do not apply to a county that
32 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
33 cities within that county.

34 **Sec. 14.** RCW 36.70A.410 and 1993 c 478 s 23 are each amended to
35 read as follows:

36 (1) No county or city that plans or elects to plan under this

1 chapter may enact or maintain an ordinance, development regulation,
2 zoning regulation or official control, policy, or administrative
3 practice which treats a residential structure occupied by persons with
4 handicaps differently than a similar residential structure occupied by
5 a family or other unrelated individuals. As used in this section,
6 "handicaps" are as defined in the federal fair housing amendments act
7 of 1988 (42 U.S.C. Sec. 3602).

8 (2) This section does not apply to a county that has adopted a
9 withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within
10 that county.

11 **Sec. 15.** RCW 36.70A.430 and 1994 c 258 s 2 are each amended to
12 read as follows:

13 (1) For counties engaged in planning under this chapter, there
14 shall be established by December 31, 1994, a collaborative process to
15 review and coordinate state and local permits for all transportation
16 projects that cross more than one city or county boundary. This
17 process shall at a minimum, establish a mechanism among affected cities
18 and counties to designate a permit coordinating agency to facilitate
19 multijurisdictional review and approval of such transportation
20 projects.

21 (2) The requirements of this section do not apply to a county that
22 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
23 cities within that county.

24 **Sec. 16.** RCW 36.70A.520 and 2000 c 196 s 1 are each amended to
25 read as follows:

26 Counties that are required or choose to plan under RCW 36.70A.040
27 may authorize and designate national historic towns that may constitute
28 urban growth outside of urban growth areas as limited by this section.
29 A national historic town means a town or district that has been
30 designated a national historic landmark by the United States secretary
31 of the interior pursuant to 16 U.S.C. 461 et seq., as amended, based on
32 its significant historic urban features, and which historically
33 contained a mix of residential and commercial or industrial uses.

34 A national historic town may be designated under this chapter by a
35 county only if:

1 (1) The comprehensive plan specifically identifies policies to
2 guide the preservation, redevelopment, infill, and development of the
3 town;

4 (2) The comprehensive plan and development regulations specify a
5 mix of residential, commercial, industrial, tourism-recreation,
6 waterfront, or other historical uses, along with other uses,
7 infrastructure, and services which promote the economic sustainability
8 of the town and its historic character. To promote historic
9 preservation, redevelopment, and an economically sustainable community,
10 the town also may include the types of uses that existed at times
11 during its history and is not limited to those present at the time of
12 the historic designation. Portions of the town may include urban
13 densities if they reflect density patterns that existed at times during
14 its history;

15 (3) The boundaries of the town include all of the area contained in
16 the national historic landmark designation, along with any additional
17 limited areas determined by the county as appropriate for transitional
18 uses and buffering. Provisions for transitional uses and buffering
19 must be compatible with the town's historic character and must protect
20 the existing natural and built environment under the requirements of
21 this chapter within and beyond the additional limited areas, including
22 visual compatibility. The comprehensive plan and development
23 regulations must include restrictions that preclude new urban or
24 suburban land uses in the vicinity of the town, including the
25 additional limited areas, except in areas otherwise designated for
26 urban growth under this chapter;

27 (4) The development regulations provide for architectural controls
28 and review procedures applicable to the rehabilitation, redevelopment,
29 infill, or new development to promote the historic character of the
30 town;

31 (5) The county finds that the national historic town is consistent
32 with the development regulations established for critical areas; and

33 (6) On-site and off-site infrastructure impacts are fully
34 considered and mitigated concurrent with development.

35 A county may allocate a portion of its twenty-year population
36 projection, prepared by the office of financial management, to the
37 national historic town corresponding to the projected number of
38 permanent residents within the national historic town.

1 This section does not apply to a county that has adopted a
2 withdrawal resolution under RCW 36.70A.040(2)(b).

3 **Sec. 17.** RCW 36.70A.530 and 2004 c 28 s 2 are each amended to read
4 as follows:

5 (1) Military installations are of particular importance to the
6 economic health of the state of Washington and it is a priority of the
7 state to protect the land surrounding our military installations from
8 incompatible development.

9 (2) Comprehensive plans, amendments to comprehensive plans,
10 development regulations, or amendments to development regulations
11 adopted under this section shall be adopted or amended concurrent with
12 the scheduled update provided in RCW 36.70A.130, except that counties
13 and cities identified in RCW 36.70A.130(4)(a) shall comply with this
14 section on or before December 1, 2005, and shall thereafter comply with
15 this section on a schedule consistent with RCW 36.70A.130(4).

16 (3) A comprehensive plan, amendment to a plan, a development
17 regulation or amendment to a development regulation, should not allow
18 development in the vicinity of a military installation that is
19 incompatible with the installation's ability to carry out its mission
20 requirements. A city or county may find that an existing comprehensive
21 plan or development regulations are compatible with the installation's
22 ability to carry out its mission requirements.

23 (4) As part of the requirements of RCW 36.70A.070(1) each county
24 and city planning under RCW 36.70A.040 that has a federal military
25 installation, other than a reserve center, that employs one hundred or
26 more personnel and is operated by the United States department of
27 defense within or adjacent to its border, shall notify the commander of
28 the military installation of the county's or city's intent to amend its
29 comprehensive plan or development regulations to address lands adjacent
30 to military installations to ensure those lands are protected from
31 incompatible development.

32 (5)(a) The notice provided under subsection (4) of this section
33 shall request from the commander of the military installation a written
34 recommendation and supporting facts relating to the use of land being
35 considered in the adoption of a comprehensive plan or an amendment to
36 a plan. The notice shall provide sixty days for a response from the
37 commander. If the commander does not submit a response to such request

1 within sixty days, the local government may presume that implementation
2 of the proposed plan or amendment will not have any adverse effect on
3 the operation of the installation.

4 (b) When a county or city intends to amend its development
5 regulations to be consistent with the comprehensive plan elements
6 addressed in (a) of this subsection, notice shall be provided to the
7 commander of the military installation consistent with subsection (4)
8 of this section. The notice shall request from the commander of the
9 military installation a written recommendation and supporting facts
10 relating to the use of land being considered in the amendment to the
11 development regulations. The notice shall provide sixty days for a
12 response from the commander to the requesting government. If the
13 commander does not submit a response to such request within sixty days,
14 the local government may presume that implementation of the proposed
15 development regulation or amendment will not have any adverse effect on
16 the operation of the installation.

17 (6) The requirements of this section do not apply to a county that
18 has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the
19 cities within that county.

20 **Sec. 18.** RCW 36.70A.540 and 2009 c 80 s 1 are each amended to read
21 as follows:

22 (1)(a) Any city or county planning under RCW 36.70A.040 may enact
23 or expand affordable housing incentive programs providing for the
24 development of low-income housing units through development regulations
25 or conditions on rezoning or permit decisions, or both, on one or more
26 of the following types of development: Residential; commercial;
27 industrial; or mixed-use. An affordable housing incentive program may
28 include, but is not limited to, one or more of the following:

- 29 (i) Density bonuses within the urban growth area;
- 30 (ii) Height and bulk bonuses;
- 31 (iii) Fee waivers or exemptions;
- 32 (iv) Parking reductions; or
- 33 (v) Expedited permitting.

34 (b) The city or county may enact or expand such programs whether or
35 not the programs may impose a tax, fee, or charge on the development or
36 construction of property.

1 (c) If a developer chooses not to participate in an optional
2 affordable housing incentive program adopted and authorized under this
3 section, a city, county, or town may not condition, deny, or delay the
4 issuance of a permit or development approval that is consistent with
5 zoning and development standards on the subject property absent
6 incentive provisions of this program.

7 (2) Affordable housing incentive programs enacted or expanded under
8 this section shall comply with the following:

9 (a) The incentives or bonuses shall provide for the development of
10 low-income housing units;

11 (b) Jurisdictions shall establish standards for low-income renter
12 or owner occupancy housing, including income guidelines consistent with
13 local housing needs, to assist low-income households that cannot afford
14 market-rate housing. Low-income households are defined for renter and
15 owner occupancy program purposes as follows:

16 (i) Rental housing units to be developed shall be affordable to and
17 occupied by households with an income of fifty percent or less of the
18 county median family income, adjusted for family size;

19 (ii) Owner occupancy housing units shall be affordable to and
20 occupied by households with an income of eighty percent or less of the
21 county median family income, adjusted for family size. The legislative
22 authority of a jurisdiction, after holding a public hearing, may
23 establish lower income levels; and

24 (iii) The legislative authority of a jurisdiction, after holding a
25 public hearing, may also establish higher income levels for rental
26 housing or for owner occupancy housing upon finding that higher income
27 levels are needed to address local housing market conditions. The
28 higher income level for rental housing may not exceed eighty percent of
29 the county area median family income. The higher income level for
30 owner occupancy housing may not exceed one hundred percent of the
31 county area median family income. These established higher income
32 levels are considered "low-income" for the purposes of this section;

33 (c) The jurisdiction shall establish a maximum rent level or sales
34 price for each low-income housing unit developed under the terms of a
35 program and may adjust these levels or prices based on the average size
36 of the household expected to occupy the unit. For renter-occupied
37 housing units, the total housing costs, including basic utilities as

1 determined by the jurisdiction, may not exceed thirty percent of the
2 income limit for the low-income housing unit;

3 (d) Where a developer is utilizing a housing incentive program
4 authorized under this section to develop market rate housing, and is
5 developing low-income housing to satisfy the requirements of the
6 housing incentive program, the low-income housing units shall be
7 provided in a range of sizes comparable to those units that are
8 available to other residents. To the extent practicable, the number of
9 bedrooms in low-income units must be in the same proportion as the
10 number of bedrooms in units within the entire development. The
11 low-income units shall generally be distributed throughout the
12 development and have substantially the same functionality as the other
13 units in the development;

14 (e) Low-income housing units developed under an affordable housing
15 incentive program shall be committed to continuing affordability for at
16 least fifty years. A local government, however, may accept payments in
17 lieu of continuing affordability. The program shall include measures
18 to enforce continuing affordability and income standards applicable to
19 low-income units constructed under this section that may include, but
20 are not limited to, covenants, options, or other agreements to be
21 executed and recorded by owners and developers;

22 (f) Programs authorized under subsection (1) of this section may
23 apply to part or all of a jurisdiction and different standards may be
24 applied to different areas within a jurisdiction or to different types
25 of development. Programs authorized under this section may be modified
26 to meet local needs and may include provisions not expressly provided
27 in this section or RCW 82.02.020;

28 (g) Low-income housing units developed under an affordable housing
29 incentive program are encouraged to be provided within developments for
30 which a bonus or incentive is provided. However, programs may allow
31 units to be provided in a building located in the general area of the
32 development for which a bonus or incentive is provided; and

33 (h) Affordable housing incentive programs may allow a payment of
34 money or property in lieu of low-income housing units if the
35 jurisdiction determines that the payment achieves a result equal to or
36 better than providing the affordable housing on-site, as long as the
37 payment does not exceed the approximate cost of developing the same
38 number and quality of housing units that would otherwise be developed.

1 Any city or county shall use these funds or property to support the
2 development of low-income housing, including support provided through
3 loans or grants to public or private owners or developers of housing.

4 (3) Affordable housing incentive programs enacted or expanded under
5 this section may be applied within the jurisdiction to address the need
6 for increased residential development, consistent with local growth
7 management and housing policies, as follows:

8 (a) The jurisdiction shall identify certain land use designations
9 within a geographic area where increased residential development will
10 assist in achieving local growth management and housing policies;

11 (b) The jurisdiction shall provide increased residential
12 development capacity through zoning changes, bonus densities, height
13 and bulk increases, parking reductions, or other regulatory changes or
14 other incentives;

15 (c) The jurisdiction shall determine that increased residential
16 development capacity or other incentives can be achieved within the
17 identified area, subject to consideration of other regulatory controls
18 on development; and

19 (d) The jurisdiction may establish a minimum amount of affordable
20 housing that must be provided by all residential developments being
21 built under the revised regulations, consistent with the requirements
22 of this section.

23 (4) This section does not apply to a county that has adopted a
24 withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within
25 that county."

26 Correct the title.

EFFECT: In comparison to HB 1224, the amendment: (1) Requires the legislative bodies of at least 60 percent of the cities in the county having an aggregate population of at least 75 percent of the incorporated portion of the county to adopt resolutions supporting the withdrawal action by the county and to provide written notification of the support to the county; (2) specifies that counties that subsequently meet population criteria for mandatory planning under the Growth Management Act (GMA) are required to comply with all requirements of the GMA, even if a withdrawal resolution has been adopted; (3) authorizes county legislative authorities that have adopted withdrawal resolutions to, at any time, subsequently pass a

resolution to fully plan under the GMA; (4) deletes a provision requiring counties adopting removal resolutions to adopt development regulations to assure the conservation of designated natural resource lands; (5) exempts counties that have adopted withdrawal resolutions, and the cities within, as applicable, from delineated requirements of the GMA, including requirements for comprehensive plan elements and implementing development regulations (except for the rural element requirements and associated regulations, and requirements for conserving natural resource lands and associated regulations), requirements for urban growth areas, requirements for essential public facilities, requirements for countywide planning policies, and provisions governing fully contained communities, master planned resorts, and affordable housing incentive programs; (6) specifies that counties that have adopted a withdrawal resolution, and the cities within, that are not in compliance with requirements to designate and protect critical areas and natural resource lands, including requirements to use the best available science, on the date the resolution is adopted must, within one year of the adoption of the ordinance, comply with these requirements; and (7) makes technical changes.

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