

1 Beginning on page 1, line 10 of the amendment, after "water,"
2 strike all material through "right." on page 22, line 13 and insert
3 "~~((or))~~ another form sufficient to verify the existence of an
4 adequate water supply, or, until December 31, 2018, and except in the
5 areas listed in subsection (4) of this section, a water well report
6 for a groundwater withdrawal exempt from permitting under RCW
7 90.44.050 and not prohibited by an applicable water resources
8 management rule adopted by the department of ecology. In addition to
9 other authorities, the county or city may impose conditions on
10 building permits requiring connection to an existing public water
11 system where the existing system is willing and able to provide safe
12 and reliable potable water to the applicant with reasonable economy
13 and efficiency. An application for a water right shall not be
14 sufficient proof of an adequate water supply.

15 (2) Within counties not required or not choosing to plan pursuant
16 to RCW 36.70A.040, the county and the state may mutually determine
17 those areas in the county in which the requirements of subsection (1)
18 of this section shall not apply. The departments of health and
19 ecology shall coordinate on the implementation of this section.
20 Should the county and the state fail to mutually determine those
21 areas to be designated pursuant to this subsection, the county may
22 petition the department of enterprise services to mediate or, if
23 necessary, make the determination.

24 (3) Buildings that do not need potable water facilities are
25 exempt from the provisions of this section. The department of
26 ecology, after consultation with local governments, may adopt rules
27 to implement this section, which may recognize differences between
28 high-growth and low-growth counties.

29 (4) A water well report for a groundwater withdrawal exempt from
30 permitting under RCW 90.44.050 and not prohibited by an applicable
31 water resources management rule adopted by the department of ecology
32 may not be used as evidence of an adequate water supply for a
33 building necessitating potable water in the following areas: Water

1 resource inventory areas subject to a federally administered
2 adjudication; water resource inventory areas with instream flow rules
3 adopted pursuant to chapter 90.54 RCW after 2001; and the Yakima
4 basin, water resource inventory areas 37, 38, and 39, the Skagit
5 basin, water resource inventory areas 3 and 4, and the Methow basin,
6 water resource inventory area 48.

7 (5) In order for a building permit applicant to be eligible to
8 rely on a water well report for a groundwater withdrawal exempt from
9 permitting under RCW 90.44.050 and not prohibited by an applicable
10 water resources management rule adopted by the department of ecology
11 as evidence of adequate water supply, the applicant must submit a
12 valid and fully complete building permit application, as defined in
13 RCW 19.27.095, to the appropriate permitting authority by December
14 31, 2018.

15 **Sec. 2.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
16 read as follows:

17 The comprehensive plan of a county or city that is required or
18 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
19 and descriptive text covering objectives, principles, and standards
20 used to develop the comprehensive plan. The plan shall be an
21 internally consistent document and all elements shall be consistent
22 with the future land use map. A comprehensive plan shall be adopted
23 and amended with public participation as provided in RCW 36.70A.140.
24 Each comprehensive plan shall include a plan, scheme, or design for
25 each of the following:

26 (1) A land use element designating the proposed general
27 distribution and general location and extent of the uses of land,
28 where appropriate, for agriculture, timber production, housing,
29 commerce, industry, recreation, open spaces, general aviation
30 airports, public utilities, public facilities, and other land uses.
31 The land use element shall include population densities, building
32 intensities, and estimates of future population growth. The land use
33 element shall provide for protection of the quality and quantity of
34 groundwater used for public water supplies. In providing for the
35 protection of the quantity of groundwater used for public water
36 supplies under this subsection, a county or city may, until December
37 31, 2018, rely on or refer to applicable water resources management
38 rules adopted by the department of ecology, except in the following
39 areas: Water resource inventory areas subject to a federally

1 administered adjudication; water resource inventory areas with
2 instream flow rules adopted pursuant to chapter 90.54 RCW after 2001;
3 and the Yakima basin, water resource inventory areas 37, 38, and 39,
4 the Skagit basin, water resource inventory areas 3 and 4, and the
5 Methow basin, water resource inventory area 48. Wherever possible,
6 the land use element should consider utilizing urban planning
7 approaches that promote physical activity. Where applicable, the land
8 use element shall review drainage, flooding, and storm water run-off
9 in the area and nearby jurisdictions and provide guidance for
10 corrective actions to mitigate or cleanse those discharges that
11 pollute waters of the state, including Puget Sound or waters entering
12 Puget Sound.

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

25 (3) A capital facilities plan element consisting of: (a) An
26 inventory of existing capital facilities owned by public entities,
27 showing the locations and capacities of the capital facilities; (b) a
28 forecast of the future needs for such capital facilities; (c) the
29 proposed locations and capacities of expanded or new capital
30 facilities; (d) at least a six-year plan that will finance such
31 capital facilities within projected funding capacities and clearly
32 identifies sources of public money for such purposes; and (e) a
33 requirement to reassess the land use element if probable funding
34 falls short of meeting existing needs and to ensure that the land use
35 element, capital facilities plan element, and financing plan within
36 the capital facilities plan element are coordinated and consistent.
37 Park and recreation facilities shall be included in the capital
38 facilities plan element.

39 (4) A utilities element consisting of the general location,
40 proposed location, and capacity of all existing and proposed

1 utilities, including, but not limited to, electrical lines,
2 telecommunication lines, and natural gas lines.

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

7 (a) Growth management act goals and local circumstances. Because
8 circumstances vary from county to county, in establishing patterns of
9 rural densities and uses, a county may consider local circumstances,
10 but shall develop a written record explaining how the rural element
11 harmonizes the planning goals in RCW 36.70A.020 and meets the
12 requirements of this chapter.

13 (b) Rural development. The rural element shall permit rural
14 development, forestry, and agriculture in rural areas. The rural
15 element shall provide for a variety of rural densities, uses,
16 essential public facilities, and rural governmental services needed
17 to serve the permitted densities and uses. To achieve a variety of
18 rural densities and uses, counties may provide for clustering,
19 density transfer, design guidelines, conservation easements, and
20 other innovative techniques that will accommodate appropriate rural
21 densities and uses that are not characterized by urban growth and
22 that are consistent with rural character.

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

26 (i) Containing or otherwise controlling rural development;

27 (ii) Assuring visual compatibility of rural development with the
28 surrounding rural area;

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

31 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
32 and surface water and groundwater resources, which until December 31,
33 2018, and except in the areas listed in subsection (1) of this
34 section, may include measures that rely on or refer to applicable
35 water resources management rules adopted by the department of
36 ecology; and

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

39 (d) Limited areas of more intensive rural development. Subject to
40 the requirements of this subsection and except as otherwise

1 specifically provided in this subsection (5)(d), the rural element
2 may allow for limited areas of more intensive rural development,
3 including necessary public facilities and public services to serve
4 the limited area as follows:

5 (i) Rural development consisting of the infill, development, or
6 redevelopment of existing commercial, industrial, residential, or
7 mixed-use areas, whether characterized as shoreline development,
8 villages, hamlets, rural activity centers, or crossroads
9 developments.

10 (A) A commercial, industrial, residential, shoreline, or mixed-
11 use area are subject to the requirements of (d)(iv) of this
12 subsection, but are not subject to the requirements of (c)(ii) and
13 (iii) of this subsection.

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

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

23 (ii) The intensification of development on lots containing, or
24 new development of, small-scale recreational or tourist uses,
25 including commercial facilities to serve those recreational or
26 tourist uses, that rely on a rural location and setting, but that do
27 not include new residential development. A small-scale recreation or
28 tourist use is not required to be principally designed to serve the
29 existing and projected rural population. Public services and public
30 facilities shall be limited to those necessary to serve the
31 recreation or tourist use and shall be provided in a manner that does
32 not permit low-density sprawl;

33 (iii) The intensification of development on lots containing
34 isolated nonresidential uses or new development of isolated cottage
35 industries and isolated small-scale businesses that are not
36 principally designed to serve the existing and projected rural
37 population and nonresidential uses, but do provide job opportunities
38 for rural residents. Rural counties may allow the expansion of small-
39 scale businesses as long as those small-scale businesses conform with
40 the rural character of the area as defined by the local government

1 according to RCW 36.70A.030(15). Rural counties may also allow new
2 small-scale businesses to utilize a site previously occupied by an
3 existing business as long as the new small-scale business conforms to
4 the rural character of the area as defined by the local government
5 according to RCW 36.70A.030(15). Public services and public
6 facilities shall be limited to those necessary to serve the isolated
7 nonresidential use and shall be provided in a manner that does not
8 permit low-density sprawl;

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

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

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

31 (B) On the date the county adopted a resolution under RCW
32 36.70A.040(2), in a county that is planning under all of the
33 provisions of this chapter under RCW 36.70A.040(2); or

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

38 (e) Exception. This subsection shall not be interpreted to permit
39 in the rural area a major industrial development or a master planned

1 resort unless otherwise specifically permitted under RCW 36.70A.360
2 and 36.70A.365.

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

5 (a) The transportation element shall include the following
6 subelements:

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

8 (ii) Estimated traffic impacts to state-owned transportation
9 facilities resulting from land use assumptions to assist the
10 department of transportation in monitoring the performance of state
11 facilities, to plan improvements for the facilities, and to assess
12 the impact of land-use decisions on state-owned transportation
13 facilities;

14 (iii) Facilities and services needs, including:

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

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

24 (C) For state-owned transportation facilities, level of service
25 standards for highways, as prescribed in chapters 47.06 and 47.80
26 RCW, to gauge the performance of the system. The purposes of
27 reflecting level of service standards for state highways in the local
28 comprehensive plan are to monitor the performance of the system, to
29 evaluate improvement strategies, and to facilitate coordination
30 between the county's or city's six-year street, road, or transit
31 program and the office of financial management's ten-year investment
32 program. The concurrency requirements of (b) of this subsection do
33 not apply to transportation facilities and services of statewide
34 significance except for counties consisting of islands whose only
35 connection to the mainland are state highways or ferry routes. In
36 these island counties, state highways and ferry route capacity must
37 be a factor in meeting the concurrency requirements in (b) of this
38 subsection;

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

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

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

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in
15 the comprehensive plan, the appropriate parts of which shall serve as
16 the basis for the six-year street, road, or transit program required
17 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
18 35.58.2795 for public transportation systems. The multiyear financing
19 plan should be coordinated with the ten-year investment program
20 developed by the office of financial management as required by RCW
21 47.05.030;

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

26 (v) Intergovernmental coordination efforts, including an
27 assessment of the impacts of the transportation plan and land use
28 assumptions on the transportation systems of adjacent jurisdictions;

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service
38 on a locally owned transportation facility to decline below the
39 standards adopted in the transportation element of the comprehensive
40 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride-sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection
5 (6), "concurrent with the development" means that improvements or
6 strategies are in place at the time of development, or that a
7 financial commitment is in place to complete the improvements or
8 strategies within six years. If the collection of impact fees is
9 delayed under RCW 82.02.050(3), the six-year period required by this
10 subsection (6)(b) must begin after full payment of all impact fees is
11 due to the county or city.

12 (c) The transportation element described in this subsection (6),
13 the six-year plans required by RCW 35.77.010 for cities, RCW
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation
15 systems, and the ten-year investment program required by RCW
16 47.05.030 for the state, must be consistent.

17 (7) An economic development element establishing local goals,
18 policies, objectives, and provisions for economic growth and vitality
19 and a high quality of life. The element shall include: (a) A summary
20 of the local economy such as population, employment, payroll,
21 sectors, businesses, sales, and other information as appropriate; (b)
22 a summary of the strengths and weaknesses of the local economy
23 defined as the commercial and industrial sectors and supporting
24 factors such as land use, transportation, utilities, education,
25 workforce, housing, and natural/cultural resources; and (c) an
26 identification of policies, programs, and projects to foster economic
27 growth and development and to address future needs. A city that has
28 chosen to be a residential community is exempt from the economic
29 development element requirement of this subsection.

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

37 (9) It is the intent that new or amended elements required after
38 January 1, 2002, be adopted concurrent with the scheduled update
39 provided in RCW 36.70A.130. Requirements to incorporate any such new
40 or amended elements shall be null and void until funds sufficient to

1 cover applicable local government costs are appropriated and
2 distributed by the state at least two years before local government
3 must update comprehensive plans as required in RCW 36.70A.130.

4 **Sec. 3.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
5 read as follows:

6 The comprehensive plan of a county or city that is required or
7 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
8 and descriptive text covering objectives, principles, and standards
9 used to develop the comprehensive plan. The plan shall be an
10 internally consistent document and all elements shall be consistent
11 with the future land use map. A comprehensive plan shall be adopted
12 and amended with public participation as provided in RCW 36.70A.140.
13 Each comprehensive plan shall include a plan, scheme, or design for
14 each of the following:

15 (1) A land use element designating the proposed general
16 distribution and general location and extent of the uses of land,
17 where appropriate, for agriculture, timber production, housing,
18 commerce, industry, recreation, open spaces, general aviation
19 airports, public utilities, public facilities, and other land uses.
20 The land use element shall include population densities, building
21 intensities, and estimates of future population growth. The land use
22 element shall provide for protection of the quality and quantity of
23 groundwater used for public water supplies. In providing for the
24 protection of the quantity of groundwater used for public water
25 supplies under this subsection, a county or city may, until December
26 31, 2018, rely on or refer to applicable water resources management
27 rules adopted by the department of ecology, except in the following
28 areas: Water resource inventory areas subject to a federally
29 administered adjudication; water resource inventory areas with
30 instream flow rules adopted pursuant to chapter 90.54 RCW after 2001;
31 and the Yakima basin, water resource inventory areas 37, 38, and 39,
32 the Skagit basin, water resource inventory areas 3 and 4, and the
33 Methow basin, water resource inventory area 48. Wherever possible,
34 the land use element should consider utilizing urban planning
35 approaches that promote physical activity. Where applicable, the land
36 use element shall review drainage, flooding, and storm water run-off
37 in the area and nearby jurisdictions and provide guidance for
38 corrective actions to mitigate or cleanse those discharges that

1 pollute waters of the state, including Puget Sound or waters entering
2 Puget Sound.

3 (2) A housing element ensuring the vitality and character of
4 established residential neighborhoods that: (a) Includes an inventory
5 and analysis of existing and projected housing needs that identifies
6 the number of housing units necessary to manage projected growth; (b)
7 includes a statement of goals, policies, objectives, and mandatory
8 provisions for the preservation, improvement, and development of
9 housing, including single-family residences; (c) identifies
10 sufficient land for housing, including, but not limited to,
11 government-assisted housing, housing for low-income families,
12 manufactured housing, multifamily housing, and group homes and foster
13 care facilities; and (d) makes adequate provisions for existing and
14 projected needs of all economic segments of the community.

15 (3) A capital facilities plan element consisting of: (a) An
16 inventory of existing capital facilities owned by public entities,
17 showing the locations and capacities of the capital facilities; (b) a
18 forecast of the future needs for such capital facilities; (c) the
19 proposed locations and capacities of expanded or new capital
20 facilities; (d) at least a six-year plan that will finance such
21 capital facilities within projected funding capacities and clearly
22 identifies sources of public money for such purposes; and (e) a
23 requirement to reassess the land use element if probable funding
24 falls short of meeting existing needs and to ensure that the land use
25 element, capital facilities plan element, and financing plan within
26 the capital facilities plan element are coordinated and consistent.
27 Park and recreation facilities shall be included in the capital
28 facilities plan element.

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

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

37 (a) Growth management act goals and local circumstances. Because
38 circumstances vary from county to county, in establishing patterns of
39 rural densities and uses, a county may consider local circumstances,
40 but shall develop a written record explaining how the rural element

1 harmonizes the planning goals in RCW 36.70A.020 and meets the
2 requirements of this chapter.

3 (b) Rural development. The rural element shall permit rural
4 development, forestry, and agriculture in rural areas. The rural
5 element shall provide for a variety of rural densities, uses,
6 essential public facilities, and rural governmental services needed
7 to serve the permitted densities and uses. To achieve a variety of
8 rural densities and uses, counties may provide for clustering,
9 density transfer, design guidelines, conservation easements, and
10 other innovative techniques that will accommodate appropriate rural
11 economic advancement, densities, and uses that are not characterized
12 by urban growth and that are consistent with rural character.

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

16 (i) Containing or otherwise controlling rural development;

17 (ii) Assuring visual compatibility of rural development with the
18 surrounding rural area;

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

21 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
22 and surface water and groundwater resources, which until December 31,
23 2018, and except in the areas listed in subsection (1) of this
24 section, may include measures that rely on or refer to applicable
25 water resources management rules adopted by the department of
26 ecology; and

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

29 (d) Limited areas of more intensive rural development. Subject to
30 the requirements of this subsection and except as otherwise
31 specifically provided in this subsection (5)(d), the rural element
32 may allow for limited areas of more intensive rural development,
33 including necessary public facilities and public services to serve
34 the limited area as follows:

35 (i) Rural development consisting of the infill, development, or
36 redevelopment of existing commercial, industrial, residential, or
37 mixed-use areas, whether characterized as shoreline development,
38 villages, hamlets, rural activity centers, or crossroads
39 developments.

1 (A) A commercial, industrial, residential, shoreline, or mixed-
2 use area are subject to the requirements of (d)(iv) of this
3 subsection, but are not subject to the requirements of (c)(ii) and
4 (iii) of this subsection.

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

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

14 (ii) The intensification of development on lots containing, or
15 new development of, small-scale recreational or tourist uses,
16 including commercial facilities to serve those recreational or
17 tourist uses, that rely on a rural location and setting, but that do
18 not include new residential development. A small-scale recreation or
19 tourist use is not required to be principally designed to serve the
20 existing and projected rural population. Public services and public
21 facilities shall be limited to those necessary to serve the
22 recreation or tourist use and shall be provided in a manner that does
23 not permit low-density sprawl;

24 (iii) The intensification of development on lots containing
25 isolated nonresidential uses or new development of isolated cottage
26 industries and isolated small-scale businesses that are not
27 principally designed to serve the existing and projected rural
28 population and nonresidential uses, but do provide job opportunities
29 for rural residents. Rural counties may allow the expansion of small-
30 scale businesses as long as those small-scale businesses conform with
31 the rural character of the area as defined by the local government
32 according to RCW 36.70A.030(15). Rural counties may also allow new
33 small-scale businesses to utilize a site previously occupied by an
34 existing business as long as the new small-scale business conforms to
35 the rural character of the area as defined by the local government
36 according to RCW 36.70A.030(15). Public services and public
37 facilities shall be limited to those necessary to serve the isolated
38 nonresidential use and shall be provided in a manner that does not
39 permit low-density sprawl;

1 (iv) A county shall adopt measures to minimize and contain the
2 existing areas or uses of more intensive rural development, as
3 appropriate, authorized under this subsection. Lands included in such
4 existing areas or uses shall not extend beyond the logical outer
5 boundary of the existing area or use, thereby allowing a new pattern
6 of low-density sprawl. Existing areas are those that are clearly
7 identifiable and contained and where there is a logical boundary
8 delineated predominately by the built environment, but that may also
9 include undeveloped lands if limited as provided in this subsection.
10 The county shall establish the logical outer boundary of an area of
11 more intensive rural development. In establishing the logical outer
12 boundary, the county shall address (A) the need to preserve the
13 character of existing natural neighborhoods and communities, (B)
14 physical boundaries, such as bodies of water, streets and highways,
15 and land forms and contours, (C) the prevention of abnormally
16 irregular boundaries, and (D) the ability to provide public
17 facilities and public services in a manner that does not permit low-
18 density sprawl;

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

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

23 (B) On the date the county adopted a resolution under RCW
24 36.70A.040(2), in a county that is planning under all of the
25 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

36 (a) The transportation element shall include the following
37 subelements:

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

39 (ii) Estimated traffic impacts to state-owned transportation
40 facilities resulting from land use assumptions to assist the

1 department of transportation in monitoring the performance of state
2 facilities, to plan improvements for the facilities, and to assess
3 the impact of land-use decisions on state-owned transportation
4 facilities;

5 (iii) Facilities and services needs, including:

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

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

15 (C) For state-owned transportation facilities, level of service
16 standards for highways, as prescribed in chapters 47.06 and 47.80
17 RCW, to gauge the performance of the system. The purposes of
18 reflecting level of service standards for state highways in the local
19 comprehensive plan are to monitor the performance of the system, to
20 evaluate improvement strategies, and to facilitate coordination
21 between the county's or city's six-year street, road, or transit
22 program and the office of financial management's ten-year investment
23 program. The concurrency requirements of (b) of this subsection do
24 not apply to transportation facilities and services of statewide
25 significance except for counties consisting of islands whose only
26 connection to the mainland are state highways or ferry routes. In
27 these island counties, state highways and ferry route capacity must
28 be a factor in meeting the concurrency requirements in (b) of this
29 subsection;

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

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

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

40 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in
4 the comprehensive plan, the appropriate parts of which shall serve as
5 the basis for the six-year street, road, or transit program required
6 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
7 35.58.2795 for public transportation systems. The multiyear financing
8 plan should be coordinated with the ten-year investment program
9 developed by the office of financial management as required by RCW
10 47.05.030;

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

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

18 (vi) Demand-management strategies;

19 (vii) Pedestrian and bicycle component to include collaborative
20 efforts to identify and designate planned improvements for pedestrian
21 and bicycle facilities and corridors that address and encourage
22 enhanced community access and promote healthy lifestyles.

23 (b) After adoption of the comprehensive plan by jurisdictions
24 required to plan or who choose to plan under RCW 36.70A.040, local
25 jurisdictions must adopt and enforce ordinances which prohibit
26 development approval if the development causes the level of service
27 on a locally owned transportation facility to decline below the
28 standards adopted in the transportation element of the comprehensive
29 plan, unless transportation improvements or strategies to accommodate
30 the impacts of development are made concurrent with the development.
31 These strategies may include increased public transportation service,
32 ride-sharing programs, demand management, and other transportation
33 systems management strategies. For the purposes of this subsection
34 (6), "concurrent with the development" means that improvements or
35 strategies are in place at the time of development, or that a
36 financial commitment is in place to complete the improvements or
37 strategies within six years. If the collection of impact fees is
38 delayed under RCW 82.02.050(3), the six-year period required by this
39 subsection (6)(b) must begin after full payment of all impact fees is
40 due to the county or city.

1 (c) The transportation element described in this subsection (6),
2 the six-year plans required by RCW 35.77.010 for cities, RCW
3 36.81.121 for counties, and RCW 35.58.2795 for public transportation
4 systems, and the ten-year investment program required by RCW
5 47.05.030 for the state, must be consistent.

6 (7) An economic development element establishing local goals,
7 policies, objectives, and provisions for economic growth and vitality
8 and a high quality of life. The element may include the provisions in
9 section 3 of this act. A city that has chosen to be a residential
10 community is exempt from the economic development element requirement
11 of this subsection.

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

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

26 NEW SECTION. **Sec. 4.** (1) A joint legislative task force on
27 water supply is established to review the treatment of groundwater
28 withdrawals that are exempt from permitting requirements under RCW
29 90.44.050 and to review the implementation of RCW 19.27.097 and
30 36.70A.070. The task force must consist of the following members:

31 (a) Appointed by the president of the senate, two members from
32 each of the two largest caucuses of the senate;

33 (b) Appointed by the speaker of the house of representatives, two
34 members from each of the two largest caucuses of the house of
35 representatives;

36 (c) A representative from the department of ecology, chosen by
37 the director of the department of ecology;

38 (d) A representative from the department of fish and wildlife,
39 chosen by the director of the department of fish and wildlife;

1 (e) A representative from the department of agriculture, chosen
2 by the director of the department of agriculture;

3 (f) One individual for each of the following groups, appointed by
4 the consensus of the cochairs of the committee:

5 (i) An environmental advocacy organization;

6 (ii) An organization representing Washington counties;

7 (iii) An organization representing Washington cities; and

8 (iv) An organization representing the development community; and

9 (g) Representatives of three Indian tribes, two invited by the
10 cochairs to participate at the recommendation of the northwest Indian
11 fisheries commission, and one invited to participate at the
12 recommendation of the Columbia river intertribal fish commission.

13 (2) The first meeting of the task force must occur by September
14 30, 2017. One cochair of the task force must be a member of the
15 largest caucus of the house of representatives, and one cochair must
16 be a member of the largest caucus of the senate, as those caucuses
17 existed as of the effective date of this section.

18 (3) Staff support for the task force must be provided by the
19 office of program research and senate committee services. The
20 department of ecology and the department of fish and wildlife shall
21 cooperate with the task force and provide information as the cochairs
22 reasonably request.

23 (4) Within existing appropriations, the expenses of the
24 operations of the task force, including the expenses associated with
25 the task force's meetings, must be paid jointly and in equal amounts
26 by the senate and house of representatives. Task force expenditures
27 are subject to approval by the house executive rules committee and
28 the senate facility and operations committee. Legislative members of
29 the task force are reimbursed for travel expenses in accordance with
30 RCW 44.04.120. Nonlegislative members are not entitled to be
31 reimbursed for travel expenses if they are elected officials or are
32 participating on behalf of an employer, governmental entity, or other
33 organization. Any reimbursement for other nonlegislative members is
34 subject to chapter 43.03 RCW.

35 (5)(a) By December 1, 2018, the joint legislative task force must
36 make recommendations to the legislature.

37 (b) Recommendations of the joint legislative task force must be
38 made by a two-thirds majority of the members of the committee. The
39 representatives of the departments of ecology, fish and wildlife, and
40 agriculture are not entitled to vote on the recommendations. Minority

1 recommendations that achieve the support of at least five of the
2 named voting members of the committee may also be submitted to the
3 legislature.

4 (6) The joint legislative task force expires June 30, 2019.

5 (7) This section expires July 1, 2019.

6 NEW SECTION. **Sec. 5.** (1) Sections 1 and 3 of this act expire
7 January 1, 2019.

8 (2) Section 2 of this act expires July 23, 2017.

9 NEW SECTION. **Sec. 6.** Except for section 3 of this act, which
10 takes effect July 23, 2017, this act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and takes
13 effect immediately."

E2SSB 5239 - S AMD TO S AMD (S-2905.7/17) **303**

By Senator Carlyle

WITHDRAWN 06/29/2017

14 On page 22, beginning on line 15 of the title amendment, after
15 "and insert" strike all material through "emergency." on line 19 and
16 insert "amending RCW 19.27.097, 36.70A.070, and 36.70A.070; creating
17 a new section; providing an effective date; providing expiration
18 dates; and declaring an emergency."

EFFECT: Establishes that, until December 31, 2018, evidence of
potable water for a building permit may include a water well report
for a permit-exempt groundwater withdrawal that is not prohibited by
department of ecology's (ecology) water resources rules. Establishes
that a water well report may not be used as evidence of an adequate
water supply for a building permit in water resource inventory areas
(WRIAs) subject to a federally administered adjudication; WRIAs with
instream flow rules adopted after 2001; and the Yakima basin, WRIAs
37, 38, and 39, the Skagit basin, WRIAs 3 and 4, and the Methow
basin, WRIA 48. Establishes that, in providing for the protection of
the quantity of groundwater and the protection of surface and
groundwater resources in a comprehensive plan under the growth
management act, a county or city may, until December 31, 2018, rely
on or refer to water resources rules adopted by ecology, except in
certain water resource inventory areas. Establishes a joint
legislative task force on water supply that must make recommendations
to the legislature by December 1, 2018. Establishes that the task
force must consist of eight legislators; representatives from
ecology, the department of fish and wildlife, and the department of
agriculture; individuals from an environmental advocacy organization,

an organization representing counties, an organization representing cities, and an organization representing the development community; and representatives from three Indian tribes. Removes the provision allowing a local jurisdiction to rely on ecology's water resources rules when approving a subdivision, dedication, or short subdivision to determine if there is available potable water. Removes the provision establishing that a determination of adequate water supply for a building permit application, or a subdivision, dedication, or short subdivision application does not require impairment review by the applicant, local permitting authority, or city, town, or county. Removes the provision providing that a water right permit may be conditioned to mitigate impact to fish or aquatic resources. Removes the provision providing that the ability of a person to pursue a cause of action for the protection of the person's water right is not affected. Removes the requirement that ecology collect an additional fee of \$300 when a water well is to be drilled to be used for projects designed to measure or improve stream flow, projects that restore or enhance aquatic habitat, or water infrastructure projects.

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