
HOUSE BILL 1350

State of Washington 65th Legislature 2017 Regular Session

By Representatives Taylor, Shea, Griffey, Buys, Short, and Haler

Read first time 01/18/17. Referred to Committee on Environment.

1 AN ACT Relating to local jurisdictions electing to participate in
2 local operated growth management planning; amending RCW 36.70A.020,
3 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.085,
4 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.130, 36.70A.131,
5 36.70A.140, 36.70A.150, 36.70A.160, 36.70A.170, 36.70A.171,
6 36.70A.172, 36.70A.200, 36.70A.210, 36.70A.280, 36.70A.280,
7 36.70A.3201, 36.70A.350, 36.70A.360, 36.70A.362, 36.70A.365,
8 36.70A.367, 36.70A.370, 36.70A.410, 36.70A.520, 36.70A.530,
9 36.70C.020, 43.155.020, 43.155.070, and 43.155.140; reenacting and
10 amending RCW 43.21B.005; adding a new section to chapter 36.70A RCW;
11 creating new sections; repealing RCW 36.70A.045, 36.70A.050,
12 36.70A.106, 36.70A.175, 36.70A.180, 36.70A.190, 36.70A.250,
13 36.70A.252, 36.70A.260, 36.70A.270, 36.70A.290, 36.70A.295,
14 36.70A.300, 36.70A.302, 36.70A.305, 36.70A.310, 36.70A.320,
15 36.70A.330, 36.70A.335, 36.70A.340, 36.70A.345, 36.70A.380,
16 36.70A.385, and 36.70A.903; providing effective dates; providing an
17 expiration date; and declaring an emergency.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

19 NEW SECTION. **Sec. 1.** This act may be known and cited as the
20 locally operated growth management act.

1 **Sec. 2.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
2 read as follows:

3 The following goals are adopted to guide the development and
4 adoption of comprehensive plans and development regulations of those
5 counties and cities that (~~are required or~~) choose to plan under RCW
6 36.70A.040. The following goals are not listed in order of priority
7 and shall be used exclusively for the purpose of guiding the
8 development of comprehensive plans and development regulations:

9 (1) Urban growth. Encourage development in urban areas where
10 adequate public facilities and services exist or can be provided in
11 an efficient manner.

12 (2) Reduce sprawl. Reduce the inappropriate conversion of
13 undeveloped land into sprawling, low-density development.

14 (3) Transportation. Encourage efficient multimodal transportation
15 systems that are based on regional priorities and coordinated with
16 county and city comprehensive plans.

17 (4) Housing. Encourage the availability of affordable housing to
18 all economic segments of the population of this state, promote a
19 variety of residential densities and housing types, and encourage
20 preservation of existing housing stock.

21 (5) Economic development. Encourage economic development
22 throughout the state that is consistent with adopted comprehensive
23 plans, promote economic opportunity for all citizens of this state,
24 especially for unemployed and for disadvantaged persons, promote the
25 retention and expansion of existing businesses and recruitment of new
26 businesses, recognize regional differences impacting economic
27 development opportunities, and encourage growth in areas experiencing
28 insufficient economic growth, all within the capacities of the
29 state's natural resources, public services, and public facilities.

30 (6) Property rights. Private property shall not be taken for
31 public use without just compensation having been made. The property
32 rights of landowners shall be protected from arbitrary and
33 discriminatory actions.

34 (7) Permits. Applications for both state and local government
35 permits should be processed in a timely and fair manner to ensure
36 predictability.

37 (8) Natural resource industries. Maintain and enhance natural
38 resource-based industries, including productive timber, agricultural,
39 and fisheries industries. Encourage the conservation of productive

1 forestlands and productive agricultural lands, and discourage
2 incompatible uses.

3 (9) Open space and recreation. Retain open space, enhance
4 recreational opportunities, conserve fish and wildlife habitat,
5 increase access to natural resource lands and water, and develop
6 parks and recreation facilities.

7 (10) Environment. Protect the environment and enhance the state's
8 high quality of life, including air and water quality, and the
9 availability of water.

10 (11) Citizen participation and coordination. Encourage the
11 involvement of citizens in the planning process and ensure
12 coordination between communities and jurisdictions to reconcile
13 conflicts.

14 (12) Public facilities and services. Ensure that those public
15 facilities and services necessary to support development shall be
16 adequate to serve the development at the time the development is
17 available for occupancy and use without decreasing current service
18 levels below locally established minimum standards.

19 (13) Historic preservation. Identify and encourage the
20 preservation of lands, sites, and structures, that have historical or
21 archaeological significance.

22 **Sec. 3.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adopt a comprehensive land use plan" means to enact a new
27 comprehensive land use plan or to update an existing comprehensive
28 land use plan.

29 (2) "Agricultural land" means land primarily devoted to the
30 commercial production of horticultural, viticultural, floricultural,
31 dairy, apiary, vegetable, or animal products or of berries, grain,
32 hay, straw, turf, seed, Christmas trees not subject to the excise tax
33 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
34 hatcheries, or livestock, and that has long-term commercial
35 significance for agricultural production.

36 (3) "City" means any city or town, including a code city.

37 (4) "Comprehensive land use plan," "comprehensive plan," or
38 "plan" means a generalized coordinated land use policy statement of

1 the governing body of a county or city that is adopted pursuant to
2 this chapter.

3 (5) "Critical areas" include the following areas and ecosystems:
4 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
5 used for potable water; (c) fish and wildlife habitat conservation
6 areas; (d) frequently flooded areas; and (e) geologically hazardous
7 areas. "Fish and wildlife habitat conservation areas" does not
8 include such artificial features or constructs as irrigation delivery
9 systems, irrigation infrastructure, irrigation canals, or drainage
10 ditches that lie within the boundaries of and are maintained by a
11 port district or an irrigation district or company.

12 (~~(6) ("Department" means the department of commerce.~~
13 ~~(7))~~) "Development regulations" or "regulation" means the
14 controls placed on development or land use activities by a county or
15 city, including, but not limited to, zoning ordinances, critical
16 areas ordinances, shoreline master programs, official controls,
17 planned unit development ordinances, subdivision ordinances, and
18 binding site plan ordinances together with any amendments thereto. A
19 development regulation does not include a decision to approve a
20 project permit application, as defined in RCW 36.70B.020, even though
21 the decision may be expressed in (~~(a resolution or)~~) an ordinance of
22 the legislative body of the county or city.

23 (~~(8)~~) (7) "Forestland" means land primarily devoted to growing
24 trees for long-term commercial timber production on land that can be
25 economically and practically managed for such production, including
26 Christmas trees subject to the excise tax imposed under RCW 84.33.100
27 through 84.33.140, and that has long-term commercial significance. In
28 determining whether forestland is primarily devoted to growing trees
29 for long-term commercial timber production on land that can be
30 economically and practically managed for such production, the
31 following factors shall be considered: (a) The proximity of the land
32 to urban, suburban, and rural settlements; (b) surrounding parcel
33 size and the compatibility and intensity of adjacent and nearby land
34 uses; (c) long-term local economic conditions that affect the ability
35 to manage for timber production; and (d) the availability of public
36 facilities and services conducive to conversion of forestland to
37 other uses.

38 (~~(9)~~) (8) "Geologically hazardous areas" means areas that
39 because of their susceptibility to erosion, sliding, earthquake, or
40 other geological events, are not suited to the siting of commercial,

1 residential, or industrial development consistent with public health
2 or safety concerns.

3 ~~((10))~~ (9) "Long-term commercial significance" includes the
4 growing capacity, productivity, and soil composition of the land for
5 long-term commercial production, in consideration with the land's
6 proximity to population areas, and the possibility of more intense
7 uses of the land.

8 ~~((11))~~ (10) "Minerals" include gravel, sand, and valuable
9 metallic substances.

10 ~~((12))~~ (11) "Public facilities" include streets, roads,
11 highways, sidewalks, street and road lighting systems, traffic
12 signals, domestic water systems, storm and sanitary sewer systems,
13 parks and recreational facilities, and schools.

14 ~~((13))~~ (12) "Public services" include fire protection and
15 suppression, law enforcement, public health, education, recreation,
16 environmental protection, and other governmental services.

17 ~~((14))~~ (13) "Recreational land" means land so designated under
18 RCW 36.70A.1701 and that, immediately prior to this designation, was
19 designated as agricultural land of long-term commercial significance
20 under RCW 36.70A.170. Recreational land must have playing fields and
21 supporting facilities existing before July 1, 2004, for sports played
22 on grass playing fields.

23 ~~((15))~~ (14) "Rural character" refers to the patterns of land
24 use and development established by a county in the rural element of
25 its comprehensive plan:

26 (a) In which open space, the natural landscape, and vegetation
27 predominate over the built environment;

28 (b) That foster traditional rural lifestyles, rural-based
29 economies, and opportunities to both live and work in rural areas;

30 (c) That provide visual landscapes that are traditionally found
31 in rural areas and communities;

32 (d) That are compatible with the use of the land by wildlife and
33 for fish and wildlife habitat;

34 (e) That reduce the inappropriate conversion of undeveloped land
35 into sprawling, low-density development;

36 (f) That generally do not require the extension of urban
37 governmental services; and

38 (g) That are consistent with the protection of natural surface
39 water flows and groundwater and surface water recharge and discharge
40 areas.

1 (~~(16)~~) (15) "Rural development" refers to development outside
2 the urban growth area and outside agricultural, forest, and mineral
3 resource lands designated pursuant to RCW 36.70A.170. Rural
4 development can consist of a variety of uses and residential
5 densities, including clustered residential development, at levels
6 that are consistent with the preservation of rural character and the
7 requirements of the rural element. Rural development does not refer
8 to agriculture or forestry activities that may be conducted in rural
9 areas.

10 (~~(17)~~) (16) "Rural governmental services" or "rural services"
11 include those public services and public facilities historically and
12 typically delivered at an intensity usually found in rural areas, and
13 may include domestic water systems, fire and police protection
14 services, transportation and public transit services, and other
15 public utilities associated with rural development and normally not
16 associated with urban areas. Rural services do not include storm or
17 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

18 (~~(18)~~) (17) "Urban governmental services" or "urban services"
19 include those public services and public facilities at an intensity
20 historically and typically provided in cities, specifically including
21 storm and sanitary sewer systems, domestic water systems, street
22 cleaning services, fire and police protection services, public
23 transit services, and other public utilities associated with urban
24 areas and normally not associated with rural areas.

25 (~~(19)~~) (18) "Urban growth" refers to growth that makes
26 intensive use of land for the location of buildings, structures, and
27 impermeable surfaces to such a degree as to be incompatible with the
28 primary use of land for the production of food, other agricultural
29 products, or fiber, or the extraction of mineral resources, rural
30 uses, rural development, and natural resource lands designated
31 pursuant to RCW 36.70A.170. A pattern of more intensive rural
32 development, as provided in RCW 36.70A.070(5)(d), is not urban
33 growth. When allowed to spread over wide areas, urban growth
34 typically requires urban governmental services. "Characterized by
35 urban growth" refers to land having urban growth located on it, or to
36 land located in relationship to an area with urban growth on it as to
37 be appropriate for urban growth.

38 (~~(20)~~) (19) "Urban growth areas" means those areas designated
39 by a county pursuant to RCW 36.70A.110.

1 ~~((21))~~ (20) "Wetland" or "wetlands" means areas that are
2 inundated or saturated by surface water or groundwater at a frequency
3 and duration sufficient to support, and that under normal
4 circumstances do support, a prevalence of vegetation typically
5 adapted for life in saturated soil conditions. Wetlands generally
6 include swamps, marshes, bogs, and similar areas. Wetlands do not
7 include those artificial wetlands intentionally created from
8 nonwetland sites, including, but not limited to, irrigation and
9 drainage ditches, grass-lined swales, canals, detention facilities,
10 wastewater treatment facilities, farm ponds, and landscape amenities,
11 or those wetlands created after July 1, 1990, that were
12 unintentionally created as a result of the construction of a road,
13 street, or highway. Wetlands may include those artificial wetlands
14 intentionally created from nonwetland areas created to mitigate
15 conversion of wetlands.

16 **Sec. 4.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to
17 read as follows:

18 (1) ~~((Each))~~ A county ~~((that has both a population of fifty
19 thousand or more and, until May 16, 1995, has had its population
20 increase by more than ten percent in the previous ten years or, on or
21 after May 16, 1995, has had its population increase by more than
22 seventeen percent in the previous ten years, and the cities located
23 within such county, and any other county regardless of its population
24 that has had its population increase by more than twenty percent in
25 the previous ten years,))~~ that chooses to plan under this chapter and
26 the cities that choose to plan located within such county, shall
27 conform with all of the requirements of this chapter. ~~((However, the
28 county legislative authority of such a county with a population of
29 less than fifty thousand population may adopt a resolution removing
30 the county, and the cities located within the county, from the
31 requirements of adopting comprehensive land use plans and development
32 regulations under this chapter if this resolution is adopted and
33 filed with the department by December 31, 1990, for counties
34 initially meeting this set of criteria, or within sixty days of the
35 date the office of financial management certifies that a county meets
36 this set of criteria under subsection (5) of this section. For the
37 purposes of this subsection, a county not currently planning under
38 this chapter is not required to include in its population count those~~

1 ~~persons confined in a correctional facility under the jurisdiction of~~
2 ~~the department of corrections that is located in the county.~~

3 ~~Once a county meets either of these sets of criteria, the~~
4 ~~requirement to conform with all of the requirements of this chapter~~
5 ~~remains in effect, even if the county no longer meets one of these~~
6 ~~sets of criteria.~~

7 ~~(2)(a) The county legislative authority of any county that does~~
8 ~~not meet either of the sets of criteria established under subsection~~
9 ~~(1) of this section may adopt a resolution indicating its intention~~
10 ~~to have subsection (1) of this section apply to the county. Each~~
11 ~~city, located in a county that chooses to plan under this subsection,~~
12 ~~shall conform with all of the requirements of this chapter. Once such~~
13 ~~a resolution has been adopted))~~

14 (2)(a) A county planning under this chapter, or that adopted an
15 ordinance indicating its intent to plan under this chapter, as of
16 September 1, 2017, must adopt an ordinance indicating its intent to
17 continue to plan under this chapter by January 1, 2018. If the county
18 adopts an ordinance, the county and the cities located within the
19 county remain subject to all of the requirements of this chapter,
20 unless the county subsequently adopts a withdrawal ((resolution))
21 ordinance for ((partial planning pursuant to (b)(i) of this
22 subsection.

23 ~~(b)(i) Until December 31, 2015, the legislative authority of a~~
24 ~~county may adopt a resolution removing the county and the cities~~
25 ~~located within the county from the requirements to plan under this~~
26 ~~section if:~~

27 ~~(A) The county has a population, as estimated by the office of~~
28 ~~financial management, of twenty thousand or fewer inhabitants at any~~
29 ~~time between April 1, 2010, and April 1, 2015;~~

30 ~~(B) The county has previously adopted a resolution indicating its~~
31 ~~intention to have subsection (1) of this section apply to the county;~~

32 ~~(C) At least sixty days prior to adopting a resolution for~~
33 ~~partial planning, the county provides written notification to the~~
34 ~~legislative body of each city within the county of its intent to~~
35 ~~consider adopting the resolution; and~~

36 ~~(D) The legislative bodies of at least sixty percent of those~~
37 ~~cities having an aggregate population of at least seventy five~~
38 ~~percent of the incorporated county population have not: Adopted~~
39 ~~resolutions opposing the action by the county; and provided written~~
40 ~~notification of the resolutions to the county.~~

1 ~~(ii) Upon adoption of a resolution for partial planning under~~
2 ~~(b)(i) of this subsection:~~

3 ~~(A) The county and the cities within the county are, except as~~
4 ~~provided otherwise, no longer obligated to plan under this section;~~
5 ~~and~~

6 ~~(B) The county may not, for a minimum of ten years from the date~~
7 ~~of adoption of the resolution, adopt another resolution indicating~~
8 ~~its intention to have subsection (1) of this section apply to the~~
9 ~~county.~~

10 ~~(c) The adoption of a resolution for partial planning under~~
11 ~~(b)(i) of this subsection does not nullify or otherwise modify the~~
12 ~~requirements for counties and cities established in RCW 36.70A.060,~~
13 ~~36.70A.070(5) and associated development regulations, 36.70A.170, and~~
14 ~~36.70A.172)) complete withdrawal of the planning requirements. If the~~
15 ~~county does not adopt an ordinance indicating its intent to plan~~
16 ~~under this section and RCW 36.70A.170 by January 1, 2018, the~~
17 ~~requirements of this chapter do not apply.~~

18 (b) A county that has made the election to plan under this
19 chapter may withdraw from such planning by adopting an ordinance
20 withdrawing from the planning process after a minimum of two years
21 following adoption of the county's original adopted ordinance
22 indicating its intent to plan under this chapter.

23 (3) Any county or city (~~that is initially required~~) choosing to
24 conform with all of the requirements of this chapter under subsection
25 (1) of this section shall take actions under this chapter as follows:

26 (a) The county legislative authority shall adopt a countywide
27 planning policy under RCW 36.70A.210; (b) the county and each city
28 located within the county shall designate critical areas,
29 agricultural lands, forestlands, and mineral resource lands, and
30 adopt development regulations conserving these designated
31 agricultural lands, forestlands, and mineral resource lands and
32 protecting these designated critical areas, under RCW 36.70A.170 and
33 36.70A.060; (c) the county shall designate and take other actions
34 related to urban growth areas under RCW 36.70A.110; (~~{and}~~) and (d)
35 (~~if the county has a population of fifty thousand or more,~~) the
36 county that chooses to plan and each city that chooses to plan
37 located within the county shall adopt a comprehensive plan under this
38 chapter and development regulations that are consistent with and
39 implement the comprehensive plan on (~~or before July 1, 1994, and if~~
40 ~~the county has a population of less than fifty thousand, the county~~

1 and each city located within the county shall adopt a comprehensive
2 plan under this chapter and development regulations that are
3 consistent with and implement the comprehensive plan by January 1,
4 1995, but if the governor makes written findings that a county with a
5 population of less than fifty thousand or a city located within such
6 a county is not making reasonable progress toward adopting a
7 comprehensive plan and development regulations the governor may
8 reduce this deadline for such actions to be taken by no more than one
9 hundred eighty days. Any county or city subject to this subsection
10 may obtain an additional six months before it is required to have
11 adopted its development regulations by submitting a letter notifying
12 the department of its need prior to the deadline for adopting both a
13 comprehensive plan and development regulations)) a date to be
14 determined by the county.

15 (4) ((Any county or city that is required to conform with all the
16 requirements of this chapter, as a result of the county legislative
17 authority adopting its resolution of intention under subsection (2)
18 of this section, shall take actions under this chapter as follows:
19 (a) The county legislative authority shall adopt a county wide
20 planning policy under RCW 36.70A.210; (b) the county and each city
21 that is located within the county shall adopt development regulations
22 conserving agricultural lands, forestlands, and mineral resource
23 lands it designated under RCW 36.70A.060 within one year of the date
24 the county legislative authority adopts its resolution of intention;
25 (c) the county shall designate and take other actions related to
26 urban growth areas under RCW 36.70A.110; and (d) the county and each
27 city that is located within the county shall adopt a comprehensive
28 plan and development regulations that are consistent with and
29 implement the comprehensive plan not later than four years from the
30 date the county legislative authority adopts its resolution of
31 intention, but a county or city may obtain an additional six months
32 before it is required to have adopted its development regulations by
33 submitting a letter notifying the department of its need prior to the
34 deadline for adopting both a comprehensive plan and development
35 regulations.

36 (5) If the office of financial management certifies that the
37 population of a county that previously had not been required to plan
38 under subsection (1) or (2) of this section has changed sufficiently
39 to meet either of the sets of criteria specified under subsection (1)
40 of this section, and where applicable, the county legislative

1 authority has not adopted a resolution removing the county from these
2 requirements as provided in subsection (1) of this section, the
3 county and each city within such county shall take actions under this
4 chapter as follows: (a) The county legislative authority shall adopt
5 a countywide planning policy under RCW 36.70A.210; (b) the county and
6 each city located within the county shall adopt development
7 regulations under RCW 36.70A.060 conserving agricultural lands,
8 forestlands, and mineral resource lands it designated within one year
9 of the certification by the office of financial management; (c) the
10 county shall designate and take other actions related to urban growth
11 areas under RCW 36.70A.110; and (d) the county and each city located
12 within the county shall adopt a comprehensive land use plan and
13 development regulations that are consistent with and implement the
14 comprehensive plan within four years of the certification by the
15 office of financial management, but a county or city may obtain an
16 additional six months before it is required to have adopted its
17 development regulations by submitting a letter notifying the
18 department of its need prior to the deadline for adopting both a
19 comprehensive plan and development regulations.

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

22 (7)) Cities and counties planning under this chapter must amend
23 the transportation element of the comprehensive plan to be in
24 compliance with this chapter and chapter 47.80 RCW ((no later than
25 December 31, 2000)) by a date to be determined by that county.

26 **Sec. 5.** RCW 36.70A.060 and 2014 c 147 s 2 are each amended to
27 read as follows:

28 (1)(a) Each county that ((is required or)) chooses to plan under
29 RCW 36.70A.040, and each city that chooses to plan within such
30 county, shall adopt development regulations ((on or before September
31 1, 1991,)) to assure the conservation of agricultural, forest, and
32 mineral resource lands designated under RCW 36.70A.170. Regulations
33 adopted under this subsection may not prohibit uses legally existing
34 on any parcel prior to their adoption and shall remain in effect
35 until the county or city adopts development regulations pursuant to
36 RCW 36.70A.040. Such regulations shall assure that the use of lands
37 adjacent to agricultural, forest, or mineral resource lands shall not
38 interfere with the continued use, in the accustomed manner and in
39 accordance with best management practices, of these designated lands

1 for the production of food, agricultural products, or timber, or for
2 the extraction of minerals.

3 (b) Counties and cities shall require that all plats, short
4 plats, development permits, and building permits issued for
5 development activities on, or within five hundred feet of, lands
6 designated as agricultural lands, forestlands, or mineral resource
7 lands, contain a notice that the subject property is within or near
8 designated agricultural lands, forestlands, or mineral resource lands
9 on which a variety of commercial activities may occur that are not
10 compatible with residential development for certain periods of
11 limited duration. The notice for mineral resource lands shall also
12 inform that an application might be made for mining-related
13 activities, including mining, extraction, washing, crushing,
14 stockpiling, blasting, transporting, and recycling of minerals.

15 ~~((c) Each county that adopts a resolution of partial planning
16 under RCW 36.70A.040(2)(b), and each city within such county, shall
17 adopt development regulations within one year after the adoption of
18 the resolution of partial planning to assure the conservation of
19 agricultural, forest, and mineral resource lands designated under RCW
20 36.70A.170. Regulations adopted under this subsection (1)(c) must
21 comply with the requirements governing regulations adopted under (a)
22 of this subsection.~~

23 ~~(d)(i) A county that adopts a resolution of partial planning
24 under RCW 36.70A.040(2)(b) and that is not in compliance with the
25 planning requirements of this section, RCW 36.70A.040(4),
26 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
27 is adopted must, by January 30, 2017, apply for a determination of
28 compliance from the department finding that the county's development
29 regulations, including development regulations adopted to protect
30 critical areas, and comprehensive plans are in compliance with the
31 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
32 36.70A.170, and 36.70A.172. The department must approve or deny the
33 application for a determination of compliance within one hundred
34 twenty days of its receipt or by June 30, 2017, whichever date is
35 earlier.~~

36 ~~(ii) If the department denies an application under (d)(i) of this
37 subsection, the county and each city within is obligated to comply
38 with all requirements of this chapter and the resolution for partial
39 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.~~

1 ~~(iii) A petition for review of a determination of compliance~~
2 ~~under (d)(i) of this subsection may only be appealed to the growth~~
3 ~~management hearings board within sixty days of the issuance of the~~
4 ~~decision by the department.~~

5 ~~(iv) In the event of a filing of a petition in accordance with~~
6 ~~(d)(iii) of this subsection, the county and the department must~~
7 ~~equally share the costs incurred by the department for defending an~~
8 ~~approval of determination of compliance that is before the growth~~
9 ~~management hearings board.~~

10 ~~(v) The department may implement this subsection [(1)](d) by~~
11 ~~adopting rules related to determinations of compliance. The rules may~~
12 ~~address, but are not limited to: The requirements for applications~~
13 ~~for a determination of compliance; charging of costs under (d)(iv) of~~
14 ~~this subsection; procedures for processing applications; criteria for~~
15 ~~the evaluation of applications; issuance and notice of department~~
16 ~~decisions; and applicable timelines.))~~

17 (2) Each county and city shall adopt development regulations that
18 protect critical areas that are required to be designated under RCW
19 36.70A.170. ~~((For counties and cities that are required or choose to~~
20 ~~plan under RCW 36.70A.040, such development regulations shall be~~
21 ~~adopted on or before September 1, 1991. For the remainder of the~~
22 ~~counties and cities, such development regulations shall be adopted on~~
23 ~~or before March 1, 1992.))~~

24 (3) Such counties and cities shall review these designations and
25 development regulations when adopting their comprehensive plans under
26 RCW 36.70A.040 and implementing development regulations under RCW
27 36.70A.120 and may alter such designations and development
28 regulations to insure consistency.

29 (4) Forestland and agricultural land located within urban growth
30 areas shall not be designated by a county or city as forestland or
31 agricultural land of long-term commercial significance under RCW
32 36.70A.170 unless the city or county has enacted a program
33 authorizing transfer or purchase of development rights.

34 **Sec. 6.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
35 read as follows:

36 The comprehensive plan of a county or city that ~~((is required~~
37 ~~or))~~ chooses to plan under RCW 36.70A.040 shall consist of a map or
38 maps, and descriptive text covering objectives, principles, and
39 standards used to develop the comprehensive plan. The plan shall be

1 an internally consistent document and all elements shall be
2 consistent with the future land use map. A comprehensive plan shall
3 be adopted and amended with public participation as provided in RCW
4 36.70A.140. Each comprehensive plan shall include a plan, scheme, or
5 design for each of the following:

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

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

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

1 requirement to reassess the land use element if probable funding
2 falls short of meeting existing needs and to ensure that the land use
3 element, capital facilities plan element, and financing plan within
4 the capital facilities plan element are coordinated and consistent.
5 Park and recreation facilities shall be included in the capital
6 facilities plan element.

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

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

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

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

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

34 (i) Containing or otherwise controlling rural development;

35 (ii) Assuring visual compatibility of rural development with the
36 surrounding rural area;

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

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

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

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

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

14 (A) A commercial, industrial, residential, shoreline, or mixed-
15 use area are subject to the requirements of (d)(iv) of this
16 subsection, but are not subject to the requirements of (c)(ii) and
17 (iii) of this subsection.

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

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

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

37 (iii) The intensification of development on lots containing
38 isolated nonresidential uses or new development of isolated cottage
39 industries and isolated small-scale businesses that are not
40 principally designed to serve the existing and projected rural

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

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

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

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

35 (B) On the date the county adopted a resolution under RCW
36 36.70A.040(2), in a county that is planning under all of the
37 provisions of this chapter under RCW 36.70A.040(2); or

38 (C) On the date the office of financial management (~~(certifies)~~)
39 certified the county's population (~~((as provided in RCW 36.70A.040(5))~~,

1 ~~in a county that is planning under all of the provisions of this~~
2 ~~chapter pursuant to RCW 36.70A.040(5))~~.

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

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

9 (a) The transportation element shall include the following
10 subelements:

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

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

18 (iii) Facilities and services needs, including:

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

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

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

1 be a factor in meeting the concurrency requirements in (b) of this
2 subsection;

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

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

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

13 (iv) Finance, including:

14 (A) An analysis of funding capability to judge needs against
15 probable funding resources;

16 (B) A multiyear financing plan based on the needs identified in
17 the comprehensive plan, the appropriate parts of which shall serve as
18 the basis for the six-year street, road, or transit program required
19 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
20 35.58.2795 for public transportation systems. The multiyear financing
21 plan should be coordinated with the ten-year investment program
22 developed by the office of financial management as required by RCW
23 47.05.030;

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

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

31 (vi) Demand-management strategies;

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

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

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

14 (c) The transportation element described in this subsection (6),
15 the six-year plans required by RCW 35.77.010 for cities, RCW
16 36.81.121 for counties, and RCW 35.58.2795 for public transportation
17 systems, and the ten-year investment program required by RCW
18 47.05.030 for the state, must be consistent.

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

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

39 ~~((9) It is the intent that new or amended elements required~~
40 ~~after January 1, 2002, be adopted concurrent with the scheduled~~

1 ~~update provided in RCW 36.70A.130. Requirements to incorporate any~~
2 ~~such new or amended elements shall be null and void until funds~~
3 ~~sufficient to cover applicable local government costs are~~
4 ~~appropriated and distributed by the state at least two years before~~
5 ~~local government must update comprehensive plans as required in RCW~~
6 ~~36.70A.130.)~~)

7 **Sec. 7.** RCW 36.70A.085 and 2009 c 514 s 2 are each amended to
8 read as follows:

9 (1) Comprehensive plans of cities that have a marine container
10 port with annual operating revenues in excess of sixty million
11 dollars within their jurisdiction must include a container port
12 element.

13 (2) Comprehensive plans of cities that include all or part of a
14 port district with annual operating revenues in excess of twenty
15 million dollars may include a marine industrial port element. Prior
16 to adopting a marine industrial port element under this subsection
17 (2), the commission of the applicable port district must adopt (~~a~~
18 ~~resolution~~) an ordinance in support of the proposed element.

19 (3) Port elements adopted under subsections (1) and (2) of this
20 section must be developed collaboratively between the city and the
21 applicable port, and must establish policies and programs that:

22 (a) Define and protect the core areas of port and port-related
23 industrial uses within the city;

24 (b) Provide reasonably efficient access to the core area through
25 freight corridors within the city limits; and

26 (c) Identify and resolve key land use conflicts along the edge of
27 the core area, and minimize and mitigate, to the extent practicable,
28 incompatible uses along the edge of the core area.

29 (4) Port elements adopted under subsections (1) and (2) of this
30 section must be:

31 (a) Completed and approved by the city (~~according to the~~
32 ~~schedule specified in RCW 36.70A.130~~); and

33 (b) Consistent with the economic development, transportation, and
34 land use elements of the city's comprehensive plan, and consistent
35 with the city's capital facilities plan.

36 (5) In adopting port elements under subsections (1) and (2) of
37 this section, cities and ports must: Ensure that there is consistency
38 between the port elements and the port comprehensive scheme required

1 under chapters 53.20 and 53.25 RCW; and retain sufficient planning
2 flexibility to secure emerging economic opportunities.

3 (6) In developing port elements under subsections (1) and (2) of
4 this section, a city may utilize one or more of the following
5 approaches:

6 (a) Creation of a port overlay district that protects container
7 port uses;

8 (b) Use of industrial land banks;

9 (c) Use of buffers and transition zones between incompatible
10 uses;

11 (d) Use of joint transportation funding agreements;

12 (e) Use of policies to encourage the retention of valuable
13 warehouse and storage facilities;

14 (f) Use of limitations on the location or size, or both, of
15 nonindustrial uses in the core area and surrounding areas; and

16 (g) Use of other approaches by agreement between the city and the
17 port.

18 ~~(7) ((The department of community, trade, and economic
19 development must provide matching grant funds to cities meeting the
20 requirements of subsection (1) of this section to support development
21 of the required container port element.~~

22 ~~(8))~~ Any planned improvements identified in port elements
23 adopted under subsections (1) and (2) of this section must be
24 transmitted by the city to the transportation commission for
25 consideration of inclusion in the statewide transportation plan
26 required under RCW 47.01.071.

27 **Sec. 8.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to
28 read as follows:

29 (1) Each county that ~~((is required or))~~ chooses to plan under RCW
30 36.70A.040 shall designate an urban growth area or areas within which
31 urban growth shall be encouraged and outside of which growth can
32 occur only if it is not urban in nature. Each city that is located in
33 such a county shall be included within an urban growth area. An urban
34 growth area may include more than a single city. An urban growth area
35 may include territory that is located outside of a city only if such
36 territory already is characterized by urban growth whether or not the
37 urban growth area includes a city, or is adjacent to territory
38 already characterized by urban growth, or is a designated new fully
39 contained community as defined by RCW 36.70A.350.

1 (2) Based upon the growth management population projection made
2 for the county by the office of financial management, the county and
3 each city within the county shall include areas and densities
4 sufficient to permit the urban growth that is projected to occur in
5 the county or city for the succeeding twenty-year period, except for
6 those urban growth areas contained totally within a national
7 historical reserve. As part of this planning process, each city
8 within the county must include areas sufficient to accommodate the
9 broad range of needs and uses that will accompany the projected urban
10 growth including, as appropriate, medical, governmental,
11 institutional, commercial, service, retail, and other nonresidential
12 uses.

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

24 ~~((Within one year of July 1, 1990, each county that as of June 1,~~
25 ~~1991, was required or chose to plan under RCW 36.70A.040, shall begin~~
26 ~~consulting with each city located within its boundaries and each city~~
27 ~~shall propose the location of an urban growth area. Within sixty days~~
28 ~~of the date the county legislative authority of a county adopts its~~
29 ~~resolution of intention or of certification by the office of~~
30 ~~financial management, all other counties that are required or choose~~
31 ~~to plan under RCW 36.70A.040 shall begin this consultation with each~~
32 ~~city located within its boundaries. The)) Each county that chose to
33 plan shall attempt to reach agreement with each city located within
34 its boundaries on the location of an urban growth area within which
35 the city is located. If such an agreement is not reached with each
36 city located within the urban growth area, the county shall justify
37 in writing why it so designated the area an urban growth area(~~(.—A~~
38 ~~city may object formally with the department over the designation of~~
39 ~~the urban growth area within which it is located. Where appropriate,~~~~

1 ~~the department shall)), and in an attempt to resolve the conflicts((
2 including the use of)) may use mediation services.~~

3 (3) Urban growth should be located first in areas already
4 characterized by urban growth that have adequate existing public
5 facility and service capacities to serve such development, second in
6 areas already characterized by urban growth that will be served
7 adequately by a combination of both existing public facilities and
8 services and any additional needed public facilities and services
9 that are provided by either public or private sources, and third in
10 the remaining portions of the urban growth areas. Urban growth may
11 also be located in designated new fully contained communities as
12 defined by RCW 36.70A.350.

13 (4) In general, cities are the units of local government most
14 appropriate to provide urban governmental services. In general, it is
15 not appropriate that urban governmental services be extended to or
16 expanded in rural areas except in those limited circumstances shown
17 to be necessary to protect basic public health and safety and the
18 environment and when such services are financially supportable at
19 rural densities and do not permit urban development.

20 (5) On or before October 1, 1993, each county that was initially
21 required to plan under RCW 36.70A.040(1) shall adopt development
22 regulations designating interim urban growth areas under this
23 chapter. Within three years and three months of the date the county
24 legislative authority of a county adopts its (~~resolution of~~
25 ~~intention~~) ordinance or of certification by the office of financial
26 management, all other counties that (~~are required or~~) choose to
27 plan under RCW 36.70A.040 shall adopt development regulations
28 designating interim urban growth areas under this chapter. Adoption
29 of the interim urban growth areas may only occur after public notice;
30 public hearing; and compliance with the state environmental policy
31 act, chapter 43.21C RCW, and under this section. Such action may be
32 appealed to (~~the growth management hearings board under RCW~~
33 ~~36.70A.280~~) superior court. Final urban growth areas shall be
34 adopted at the time of comprehensive plan adoption under this
35 chapter.

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

38 (7) An urban growth area designated in accordance with this
39 section may include within its boundaries urban service areas or

1 potential annexation areas designated for specific cities or towns
2 within the county.

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

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

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

12 (ii) Urban growth areas where expansions are precluded outside
13 floodplains because:

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

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

18 (iii) Urban growth area expansions where:

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

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

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

30 (I) The permissible use of the land is limited to one of the
31 following: Outdoor recreation; environmentally beneficial projects,
32 including but not limited to habitat enhancement or environmental
33 restoration; storm water facilities; flood control facilities; or
34 underground conveyances; and

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

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

4 **Sec. 9.** RCW 36.70A.115 and 2009 c 121 s 3 are each amended to
5 read as follows:

6 Counties and cities that (~~are required or~~) choose to plan under
7 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and
8 amendments to their comprehensive plans and/or development
9 regulations provide sufficient capacity of land suitable for
10 development within their jurisdictions to accommodate their allocated
11 housing and employment growth, including the accommodation of, as
12 appropriate, the medical, governmental, educational, institutional,
13 commercial, and industrial facilities related to such growth, as
14 adopted in the applicable countywide planning policies and consistent
15 with the twenty-year population forecast from the office of financial
16 management.

17 **Sec. 10.** RCW 36.70A.120 and 1993 sp.s. c 6 s 3 are each amended
18 to read as follows:

19 Each county and city that (~~is required or~~) chooses to plan
20 under RCW 36.70A.040 shall perform its activities and make capital
21 budget decisions in conformity with its comprehensive plan.

22 **Sec. 11.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
23 read as follows:

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

32 ~~(b) Except as otherwise provided, a county or city not planning~~
33 ~~under RCW 36.70A.040 shall take action to review and, if needed,~~
34 ~~revise its policies and development regulations regarding critical~~
35 ~~areas and natural resource lands adopted according to this chapter to~~
36 ~~ensure these policies and regulations comply with the requirements of~~
37 ~~this chapter according to the deadlines in subsections (4) and (5) of~~

1 ~~this section. Legislative action means the adoption of a resolution~~
2 ~~or ordinance following notice and a public hearing indicating at a~~
3 ~~minimum, a finding that a review and evaluation has occurred and~~
4 ~~identifying the revisions made, or that a revision was not needed and~~
5 ~~the reasons therefor.~~

6 ~~(c) The review and evaluation required by this subsection shall~~
7 ~~include, but is not limited to, consideration of critical area~~
8 ~~ordinances and, if planning under RCW 36.70A.040, an analysis of the~~
9 ~~population allocated to a city or county from the most recent ten-~~
10 ~~year population forecast by the office of financial management.~~

11 ~~(d))~~ Each jurisdiction planning under this chapter is authorized
12 to review and evaluate its adopted comprehensive land use plan and
13 development regulations and, if needed, revise its policies and
14 regulations. Any amendment of or revision to a comprehensive land use
15 plan shall conform to this chapter. Any amendment of or revision to
16 development regulations shall be consistent with and implement the
17 comprehensive plan.

18 (2)(a) Each planning county and city shall establish and broadly
19 disseminate to the public a public participation program consistent
20 with RCW 36.70A.035 and 36.70A.140 that identifies procedures and
21 schedules whereby updates, proposed amendments, or revisions of the
22 comprehensive plan are considered by the governing body of the county
23 or city (~~no more frequently than once every year, except that, until~~
24 ~~December 31, 2015, the program shall provide for consideration of~~
25 ~~amendments of an urban growth area in accordance with RCW 36.70A.1301~~
26 ~~once every year. "Updates" means to review and revise, if needed,~~
27 ~~according to subsection (1) of this section, and the deadlines in~~
28 ~~subsections (4) and (5) of this section or in accordance with the~~
29 ~~provisions of subsection (6) of this section. Amendments may be~~
30 ~~considered more frequently than once per year under the following~~
31 ~~circumstances:~~

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

38 ~~(ii) The development of an initial subarea plan for economic~~
39 ~~development located outside of the one hundred year floodplain in a~~

1 county that has completed a state-funded pilot project that is based
2 on watershed characterization and local habitat assessment;

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

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

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

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

23 ~~((3)(a) Each county that designates urban growth areas under RCW~~
24 ~~36.70A.110 shall review, according to the schedules established in~~
25 ~~subsection (5) of this section, its designated urban growth area or~~
26 ~~areas, and the densities permitted within both the incorporated and~~
27 ~~unincorporated portions of each urban growth area. In conjunction~~
28 ~~with this review by the county, each city located within an urban~~
29 ~~growth area shall review the densities permitted within its~~
30 ~~boundaries, and the extent to which the urban growth occurring within~~
31 ~~the county has located within each city and the unincorporated~~
32 ~~portions of the urban growth areas.~~

33 (b) ~~The county comprehensive plan designating urban growth areas,~~
34 ~~and the densities permitted in the urban growth areas by the~~
35 ~~comprehensive plans of the county and each city located within the~~
36 ~~urban growth areas, shall be revised to accommodate the urban growth~~
37 ~~projected to occur in the county for the succeeding twenty-year~~
38 ~~period. The review required by this subsection may be combined with~~
39 ~~the review and evaluation required by RCW 36.70A.215.~~

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

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

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

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

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

19 ~~(5) Except as otherwise provided in subsections (6) and (8) of~~
20 ~~this section, following the review of comprehensive plans and~~
21 ~~development regulations required by subsection (4) of this section,~~
22 ~~counties and cities shall take action to review and, if needed,~~
23 ~~revise their comprehensive plans and development regulations to~~
24 ~~ensure the plan and regulations comply with the requirements of this~~
25 ~~chapter as follows:~~

26 ~~(a) On or before June 30, 2015, and every eight years thereafter,~~
27 ~~for King, Pierce, and Snohomish counties and the cities within those~~
28 ~~counties;~~

29 ~~(b) On or before June 30, 2016, and every eight years thereafter,~~
30 ~~for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan,~~
31 ~~Skagit, Thurston, and Whatcom counties and the cities within those~~
32 ~~counties;~~

33 ~~(c) On or before June 30, 2017, and every eight years thereafter,~~
34 ~~for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,~~
35 ~~Spokane, and Yakima counties and the cities within those counties;~~
36 ~~and~~

37 ~~(d) On or before June 30, 2018, and every eight years thereafter,~~
38 ~~for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays~~
39 ~~Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens,~~

1 ~~Wahkiakum, Walla Walla, and Whitman counties and the cities within~~
2 ~~those counties.~~

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

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

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

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

32 ~~(e) A county that is subject to a deadline established in~~
33 ~~subsection (5)(b) through (d) of this section and meets the following~~
34 ~~criteria may comply with the requirements of this section at any time~~
35 ~~within the twenty-four months following the deadline established in~~
36 ~~subsection (5) of this section: The county has a population of less~~
37 ~~than fifty thousand and has had its population increase by no more~~
38 ~~than seventeen percent in the ten years preceding the deadline~~
39 ~~established in subsection (5) of this section as of that date.~~

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

10 ~~(g) State agencies are encouraged to provide technical assistance~~
11 ~~to the counties and cities in the review of critical area ordinances,~~
12 ~~comprehensive plans, and development regulations.~~

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

18 ~~(i) Complying with the deadlines in this section;~~

19 ~~(ii) Demonstrating substantial progress towards compliance with~~
20 ~~the schedules in this section for development regulations that~~
21 ~~protect critical areas; or~~

22 ~~(iii) Complying with the extension provisions of subsection~~
23 ~~(6)(b), (c), or (d) of this section.~~

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

30 ~~(8)(a) Except as otherwise provided in (c) of this subsection, if~~
31 ~~a participating watershed is achieving benchmarks and goals for the~~
32 ~~protection of critical areas functions and values, the county is not~~
33 ~~required to update development regulations to protect critical areas~~
34 ~~as they specifically apply to agricultural activities in that~~
35 ~~watershed.~~

36 ~~(b) A county that has made the election under RCW 36.70A.710(1)~~
37 ~~may only adopt or amend development regulations to protect critical~~
38 ~~areas as they specifically apply to agricultural activities in a~~
39 ~~participating watershed if:~~

1 ~~(i) A work plan has been approved for that watershed in~~
2 ~~accordance with RCW 36.70A.725;~~

3 ~~(ii) The local watershed group for that watershed has requested~~
4 ~~the county to adopt or amend development regulations as part of a~~
5 ~~work plan developed under RCW 36.70A.720;~~

6 ~~(iii) The adoption or amendment of the development regulations is~~
7 ~~necessary to enable the county to respond to an order of the growth~~
8 ~~management hearings board or court;~~

9 ~~(iv) The adoption or amendment of development regulations is~~
10 ~~necessary to address a threat to human health or safety; or~~

11 ~~(v) Three or more years have elapsed since the receipt of~~
12 ~~funding.~~

13 ~~(c) Beginning ten years from the date of receipt of funding, a~~
14 ~~county that has made the election under RCW 36.70A.710(1) must review~~
15 ~~and, if necessary, revise development regulations to protect critical~~
16 ~~areas as they specifically apply to agricultural activities in a~~
17 ~~participating watershed in accordance with the review and revision~~
18 ~~requirements and timeline in subsection (5) of this section. This~~
19 ~~subsection (8)(c) does not apply to a participating watershed that~~
20 ~~has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's~~
21 ~~goals and benchmarks for protection have been met.))~~

22 **Sec. 12.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to
23 read as follows:

24 As part of ~~((the))~~ any review ~~((required by))~~ completed pursuant
25 to RCW 36.70A.130(1), a county or city shall review its mineral
26 resource lands designations adopted pursuant to RCW 36.70A.170 and
27 mineral resource lands development regulations adopted pursuant to
28 RCW 36.70A.040 and 36.70A.060. In its review, the county or city
29 shall take into consideration:

30 (1) New information made available since the adoption or last
31 review of its designations or development regulations, including data
32 available from the department of natural resources relating to
33 mineral resource deposits; and

34 (2) New or modified model development regulations for mineral
35 resource lands prepared by the department of natural resources, the
36 department of ~~((community, trade, and economic development))~~
37 commerce, or the Washington state association of counties.

1 **Sec. 13.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
2 read as follows:

3 Each county and city that ~~((is required or))~~ chooses to plan
4 under RCW 36.70A.040 shall establish and broadly disseminate to the
5 public a public participation program identifying procedures
6 providing for early and continuous public participation in the
7 development and amendment of comprehensive land use plans and
8 development regulations implementing such plans. The procedures shall
9 provide for broad dissemination of proposals and alternatives,
10 opportunity for written comments, public meetings after effective
11 notice, provision for open discussion, communication programs,
12 information services, and consideration of and response to public
13 comments. In enacting legislation in response to ~~((the board's
14 decision pursuant to RCW 36.70A.300))~~ a court's decision declaring
15 part or all of a comprehensive plan or development regulation
16 invalid, the county or city shall provide for public participation
17 that is appropriate and effective under the circumstances presented
18 by the ~~((board's))~~ court's order. Errors in exact compliance with the
19 established program and procedures shall not render the comprehensive
20 land use plan or development regulations invalid if the spirit of the
21 program and procedures is observed.

22 **Sec. 14.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to
23 read as follows:

24 Each county and city that ~~((is required or))~~ chooses to prepare a
25 comprehensive land use plan under RCW 36.70A.040 shall identify lands
26 useful for public purposes such as utility corridors, transportation
27 corridors, landfills, sewage treatment facilities, storm water
28 management facilities, recreation, schools, and other public uses.
29 The county shall work with the state and the cities within its
30 borders to identify areas of shared need for public facilities. The
31 jurisdictions within the county shall prepare a prioritized list of
32 lands necessary for the identified public uses including an estimated
33 date by which the acquisition will be needed.

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

36 **Sec. 15.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to
37 read as follows:

1 Each county and city that (~~is required or~~) chooses to prepare a
2 comprehensive land use plan under RCW 36.70A.040 shall identify open
3 space corridors within and between urban growth areas. They shall
4 include lands useful for recreation, wildlife habitat, trails, and
5 connection of critical areas as defined in RCW 36.70A.030.
6 Identification of a corridor under this section by a county or city
7 shall not restrict the use or management of lands within the corridor
8 for agricultural or forest purposes. Restrictions on the use or
9 management of such lands for agricultural or forest purposes imposed
10 after identification solely to maintain or enhance the value of such
11 lands as a corridor may occur only if the county or city acquires
12 sufficient interest to prevent development of the lands or to control
13 the resource development of the lands. The requirement for
14 acquisition of sufficient interest does not include those corridors
15 regulated by the interstate commerce commission, under provisions of
16 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912.
17 Nothing in this section shall be interpreted to alter the authority
18 of the state, or a county or city, to regulate land use activities.

19 The city or county may acquire by donation or purchase the fee
20 simple or lesser interests in these open space corridors using funds
21 authorized by RCW 84.34.230 or other sources.

22 **Sec. 16.** RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each
23 amended to read as follows:

24 (~~((1) On or before September 1, 1991, each county, and each~~
25 ~~city,)) A county that chooses to plan under RCW 36.70A.040 and
26 36.70A.170 and the cities located within such county, shall designate
27 where appropriate:~~

28 (~~((a))~~) (1) Agricultural lands that are not already characterized
29 by urban growth and that have long-term significance for the
30 commercial production of food or other agricultural products;

31 (~~((b))~~) (2) Forestlands that are not already characterized by
32 urban growth and that have long-term significance for the commercial
33 production of timber;

34 (~~((c))~~) (3) Mineral resource lands that are not already
35 characterized by urban growth and that have long-term significance
36 for the extraction of minerals; and

37 (~~((d))~~) (4) Critical areas.

1 (~~(2) In making the designations required by this section,~~
2 ~~counties and cities shall consider the guidelines established~~
3 ~~pursuant to RCW 36.70A.050.))~~

4 **Sec. 17.** RCW 36.70A.171 and 2005 c 423 s 5 are each amended to
5 read as follows:

6 In accordance with RCW 36.70A.030, 36.70A.060, (~~(36.70A.1701,))~~
7 and 36.70A.130, playing fields and supporting facilities existing
8 before July 1, 2004, on designated recreational lands shall be
9 considered in compliance with the requirements of this chapter.

10 **Sec. 18.** RCW 36.70A.172 and 2010 c 211 s 3 are each amended to
11 read as follows:

12 (1) In designating and protecting critical areas under this
13 chapter, counties and cities shall include the best available science
14 in developing policies and development regulations to protect the
15 functions and values of critical areas. In addition, counties and
16 cities shall give special consideration to conservation or protection
17 measures necessary to preserve or enhance anadromous fisheries.

18 (~~(2) (If it determines that advice from scientific or other~~
19 ~~experts is necessary or will be of substantial assistance in reaching~~
20 ~~its decision, the growth management hearings board may retain~~
21 ~~scientific or other expert advice to assist in reviewing a petition~~
22 ~~under RCW 36.70A.290 that involves critical areas.)) For purposes of
23 this section, best available science for each planning jurisdiction
24 must be peer-reviewed following the procedures in this subsection.~~

25 (a) Before taking a significant agency action, the planning city
26 or county must identify the sources of information reviewed and
27 relied upon by the planning city or county in the course of preparing
28 to take significant agency action. Peer-reviewed literature, if
29 applicable, must be identified, as well as any scientific literature
30 or other sources of information used. The planning city or county
31 shall make available on the city's or county's web site the index of
32 records required under RCW 42.56.070 that are relied upon or invoked
33 in support of a proposal for significant agency action.

34 (b) The planning city's or county's web site, if it has one, must
35 identify and categorize each source of information that is relied
36 upon in the form of a bibliography, citation list, or similar list of
37 sources. The categories in (c) of this subsection do not imply or
38 infer any hierarchy or level of quality.

1 (c) The bibliography, citation list, or similar list of sources
2 must categorize the sources of information as belonging to one or
3 more of the following categories:

4 (i) Independent peer review: Review is overseen by an independent
5 third party;

6 (ii) Internal peer review: Review by staff internal to the
7 planning city or county;

8 (iii) External peer review: Review by persons that are external
9 to and selected by the planning city or county;

10 (iv) Open review: Documented open public review process that is
11 not limited to invited organizations or individuals;

12 (v) Legal and policy document: Documents related to the legal
13 framework for the significant agency action, including but not
14 limited to:

15 (A) Federal and state statutes;

16 (B) Court and hearings board decisions;

17 (C) Federal and state administrative rules and regulations; and

18 (D) Policy and regulatory documents adopted by local governments;

19 (vi) Data from primary research, monitoring activities, or other
20 sources, but that has not been incorporated as part of documents
21 reviewed under the processes described in (c)(i), (ii), (iii), and
22 (iv) of this subsection;

23 (vii) Records of the best professional judgment of the city or
24 county or other individuals; or

25 (viii) Other: Sources of information that do not fit into one of
26 the categories identified in this subsection (2)(c).

27 (3) For the purposes of this section, "significant agency action"
28 means an act of the city or county that:

29 (a) Results in the development of a significant legislative rule
30 as defined in RCW 34.05.328; or

31 (b) Results in the development of technical guidance, technical
32 assessments, or technical documents that are used to directly support
33 implementation of a state rule or state statute.

34 (4) This section is not intended to affect agency action
35 regarding individual permitting, compliance and enforcement
36 decisions, or guidance provided by an agency to a local government on
37 a case-by-case basis.

38 **Sec. 19.** RCW 36.70A.200 and 2013 c 275 s 5 are each amended to
39 read as follows:

1 (1) The comprehensive plan of each county and city that is
2 planning under RCW 36.70A.040 shall include a process for identifying
3 and siting essential public facilities. Essential public facilities
4 include those facilities that are typically difficult to site, such
5 as airports, state education facilities and state or regional
6 transportation facilities as defined in RCW 47.06.140, regional
7 transit authority facilities as defined in RCW 81.112.020, state and
8 local correctional facilities, solid waste handling facilities, and
9 inpatient facilities including substance abuse facilities, mental
10 health facilities, group homes, and secure community transition
11 facilities as defined in RCW 71.09.020.

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

19 (3) Any city or county not planning under RCW 36.70A.040 shall,
20 not later than September 1, 2002, establish a process for siting
21 secure community transition facilities and adopt or amend its
22 development regulations as necessary to provide for the siting of
23 such facilities consistent with statutory requirements applicable to
24 these facilities.

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

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

31 (6) No person may bring a cause of action for civil damages based
32 on the good faith actions of any county or city to provide for the
33 siting of secure community transition facilities in accordance with
34 this section and with the requirements of chapter 12, Laws of 2001
35 2nd sp. sess. For purposes of this subsection, "person" includes, but
36 is not limited to, any individual, agency as defined in RCW
37 42.17A.005, corporation, partnership, association, and limited
38 liability entity.

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

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

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

5 (b) A consideration for grants or loans provided under RCW
6 43.17.250(3); or

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

9 **Sec. 20.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
10 read as follows:

11 (1) The legislature recognizes that counties are regional
12 governments within their boundaries, and cities are primary providers
13 of urban governmental services within urban growth areas. For the
14 purposes of this section, a "countywide planning policy" is a written
15 policy statement or statements used solely for establishing a
16 countywide framework from which county and city comprehensive plans
17 are developed and adopted pursuant to this chapter. This framework
18 shall ensure that city and county comprehensive plans are consistent
19 as required in RCW 36.70A.100. Nothing in this section shall be
20 construed to alter the land-use powers of cities.

21 (2) If a countywide planning policy has not been completed, the
22 legislative authority of a county that plans under RCW 36.70A.040
23 shall adopt a countywide planning policy in cooperation with the
24 cities located in whole or in part within the county as follows:

25 (a) (~~No later than sixty calendar days from July 16, 1991,~~) The
26 legislative authority of each county that (~~as of June 1, 1991, was~~
27 ~~required or~~) chose to plan under RCW 36.70A.040 shall convene a
28 meeting with representatives of each city that chose to plan located
29 within the county for the purpose of establishing a collaborative
30 process that will provide a framework for the adoption of a
31 countywide planning policy. In other counties that (~~are required~~
32 ~~or~~) choose to plan under RCW 36.70A.040, this meeting shall be
33 convened no later than sixty days after the date the county adopts
34 its (~~resolution of intention or was certified by the office of~~
35 ~~financial management~~) ordinance.

36 (b) The process and framework for adoption of a countywide
37 planning policy specified in (a) of this subsection shall determine
38 the manner in which the county and the cities agree to all procedures
39 and provisions including but not limited to desired planning

1 policies, deadlines, ratification of final agreements and
2 demonstration thereof, and financing, if any, of all activities
3 associated therewith.

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

8 ~~(d) If there is no agreement by October 1, 1991, in a county that
9 was required or chose to plan under RCW 36.70A.040 as of June 1,
10 1991, or if there is no agreement within one hundred twenty days of
11 the date the county adopted its resolution of intention or was
12 certified by the office of financial management in any other county
13 that is required or chooses to plan under RCW 36.70A.040, the
14 governor shall first inquire of the jurisdictions as to the reason or
15 reasons for failure to reach an agreement. If the governor deems it
16 appropriate, the governor may immediately request the assistance of
17 the department of community, trade, and economic development to
18 mediate any disputes that preclude agreement. If mediation is
19 unsuccessful in resolving all disputes that will lead to agreement,
20 the governor may impose appropriate sanctions from those specified
21 under RCW 36.70A.340 on the county, city, or cities for failure to
22 reach an agreement as provided in this section. The governor shall
23 specify the reason or reasons for the imposition of any sanction.~~

24 ~~(e) No later than July 1, 1992, the legislative authority of each
25 county that was required or chose to plan under RCW 36.70A.040 as of
26 June 1, 1991, or))~~ No later than fourteen months after the date the
27 county adopted its ~~((resolution of intention or was certified by the
28 office of financial management))~~ ordinance, the county legislative
29 authority of any other county that ~~((is required or))~~ chooses to plan
30 under RCW 36.70A.040, shall adopt a countywide planning policy
31 according to the process provided under this section and that is
32 consistent with the agreement pursuant to (b) of this subsection, and
33 after holding a public hearing or hearings on the proposed countywide
34 planning policy.

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

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

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

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

4 (d) Policies for countywide transportation facilities and
5 strategies;

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

9 (f) Policies for joint county and city planning within urban
10 growth areas;

11 (g) Policies for countywide economic development and employment,
12 which must include consideration of the future development of
13 commercial and industrial facilities; and

14 (h) An analysis of the fiscal impact.

15 (4) Federal agencies and Indian tribes may participate in and
16 cooperate with the countywide planning policy adoption process.
17 Adopted countywide planning policies shall be adhered to by state
18 agencies.

19 ~~(5) ((Failure to adopt a countywide planning policy that meets
20 the requirements of this section may result in the imposition of a
21 sanction or sanctions on a county or city within the county, as
22 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
23 governor shall specify the reasons for failure to adopt a countywide
24 planning policy in order that any imposed sanction or sanctions are
25 fairly and equitably related to the failure to adopt a countywide
26 planning policy.~~

27 ~~(6))~~ Cities ~~((and the governor))~~ may appeal an adopted
28 countywide planning policy to ~~((the growth management hearings
29 board))~~ superior court within sixty days of the adoption of the
30 countywide planning policy.

31 ~~((7))~~ (6) Multicounty planning policies shall be adopted by two
32 or more counties, each with a population of four hundred fifty
33 thousand or more, with contiguous urban areas and may be adopted by
34 other counties, according to the process established under this
35 section or other processes agreed to among the counties and cities
36 within the affected counties throughout the multicounty region.

37 **Sec. 21.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
38 read as follows:

1 (1) Disputes regarding this chapter shall be heard in superior
2 court under chapter 36.70C RCW. The ~~((growth management hearings~~
3 ~~board))~~ superior court shall hear and determine only those petitions
4 alleging either:

5 (a) That, except as provided otherwise by this subsection, a
6 ~~((state agency,))~~ county~~((,))~~ or city planning under this chapter is
7 not in compliance with the requirements of this chapter, chapter
8 90.58 RCW as it relates to the adoption of shoreline master programs
9 or amendments thereto, or chapter 43.21C RCW as it relates to plans,
10 development regulations, or amendments, adopted under RCW 36.70A.040
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the
12 ~~((board))~~ court to hear petitions alleging noncompliance with RCW
13 36.70A.5801;

14 (b) That the twenty-year growth management planning population
15 projections adopted by the office of financial management pursuant to
16 RCW 43.62.035 should be adjusted;

17 (c) That the approval of a work plan adopted under RCW
18 36.70A.735(1)(a) is not in compliance with the requirements of the
19 program established under RCW 36.70A.710; or

20 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
21 regionally applicable and cannot be adopted, wholly or partially, by
22 another jurisdiction~~((,~~

23 ~~(e) That a department certification under RCW 36.70A.735(1)(c) is~~
24 ~~erroneous; or~~

25 ~~(f) That a department determination under RCW 36.70A.060(1)(d) is~~
26 ~~erroneous)).~~

27 (2) A petition may be filed only by~~((: (a) The state, or a county~~
28 ~~or city that plans under this chapter; (b) person who has~~
29 ~~participated orally or in writing before the county or city regarding~~
30 ~~the matter on which a review is being requested; (c) a person who is~~
31 ~~certified by the governor within sixty days of filing the request~~
32 ~~with the board; or (d))~~) a person qualified pursuant to RCW
33 34.05.530.

34 (3) For purposes of this section "person" means any individual,
35 partnership, corporation, association, ~~((state agency,))~~ governmental
36 subdivision or unit thereof, or public or private organization or
37 entity of any character.

38 (4) ~~((To establish participation standing under subsection (2)(b)~~
39 ~~of this section, a person must show that his or her participation~~

1 ~~before the county or city was reasonably related to the person's~~
2 ~~issue as presented to the board.~~

3 ~~(5) When considering a possible adjustment to a growth management~~
4 ~~planning population projection prepared by the office of financial~~
5 ~~management, the board shall consider the implications of any such~~
6 ~~adjustment to the population forecast for the entire state.~~

7 ~~The rationale for any adjustment that is adopted by the board~~
8 ~~must be documented and filed with the office of financial management~~
9 ~~within ten working days after adoption.~~

10 ~~If adjusted by the board, a county growth management planning~~
11 ~~population projection shall only be used for the planning purposes~~
12 ~~set forth in this chapter and shall be known as the "board adjusted~~
13 ~~population projection." None of these changes shall affect the~~
14 ~~official state and county population forecasts prepared by the office~~
15 ~~of financial management, which shall continue to be used for state~~
16 ~~budget and planning purposes)) When considering a possible adjustment~~
17 ~~to a growth management planning population projection, the court may~~
18 ~~enter an order requiring the office of financial management to adjust~~
19 ~~its forecast planning population projections.~~

20 **Sec. 22.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
21 read as follows:

22 (1) Disputes regarding this chapter shall be heard in superior
23 court under chapter 36.70C RCW. The ~~((growth management hearings~~
24 ~~board)) superior court shall hear and determine only those petitions~~
25 alleging either:

26 (a) That, except as provided otherwise by this subsection, a
27 ~~((state agency,))~~ county~~((,))~~ or city planning under this chapter is
28 not in compliance with the requirements of this chapter, chapter
29 90.58 RCW as it relates to the adoption of shoreline master programs
30 or amendments thereto, or chapter 43.21C RCW as it relates to plans,
31 development regulations, or amendments, adopted under RCW 36.70A.040
32 or chapter 90.58 RCW. Nothing in this subsection authorizes the
33 ~~((board))~~ court to hear petitions alleging noncompliance with RCW
34 36.70A.5801;

35 (b) That the twenty-year growth management planning population
36 projections adopted by the office of financial management pursuant to
37 RCW 43.62.035 should be adjusted;

1 (c) That the approval of a work plan adopted under RCW
2 36.70A.735(1)(a) is not in compliance with the requirements of the
3 program established under RCW 36.70A.710; or

4 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
5 regionally applicable and cannot be adopted, wholly or partially, by
6 another jurisdiction(~~(; or~~

7 ~~(e) That a department certification under RCW 36.70A.735(1)(c) is~~
8 ~~erroneous)).~~

9 (2) A petition may be filed only by(~~(; (a) The state, or a county~~
10 ~~or city that plans under this chapter; (b) a person who has~~
11 ~~participated orally or in writing before the county or city regarding~~
12 ~~the matter on which a review is being requested; (c) a person who is~~
13 ~~certified by the governor within sixty days of filing the request~~
14 ~~with the board; or (d))~~) a person qualified pursuant to RCW
15 34.05.530.

16 (3) For purposes of this section "person" means any individual,
17 partnership, corporation, association, (~~(state agency,))~~ governmental
18 subdivision or unit thereof, or public or private organization or
19 entity of any character.

20 (4) (~~To establish participation standing under subsection (2)(b)~~
21 ~~of this section, a person must show that his or her participation~~
22 ~~before the county or city was reasonably related to the person's~~
23 ~~issue as presented to the board.~~

24 (5) ~~When considering a possible adjustment to a growth management~~
25 ~~planning population projection prepared by the office of financial~~
26 ~~management, the board shall consider the implications of any such~~
27 ~~adjustment to the population forecast for the entire state.~~

28 ~~The rationale for any adjustment that is adopted by the board~~
29 ~~must be documented and filed with the office of financial management~~
30 ~~within ten working days after adoption.~~

31 ~~If adjusted by the board, a county growth management planning~~
32 ~~population projection shall only be used for the planning purposes~~
33 ~~set forth in this chapter and shall be known as the "board adjusted~~
34 ~~population projection." None of these changes shall affect the~~
35 ~~official state and county population forecasts prepared by the office~~
36 ~~of financial management, which shall continue to be used for state~~
37 ~~budget and planning purposes))~~ When considering a possible adjustment
38 to a growth management planning population projection, the court may
39 enter an order requiring the office of financial management to adjust
40 its forecast planning population projections.

1 **Sec. 23.** RCW 36.70A.3201 and 2010 c 211 s 12 are each amended to
2 read as follows:

3 The (~~legislature intends that the board applies a more~~
4 ~~deferential standard of review to actions of counties and cities than~~
5 ~~the preponderance of the evidence standard provided for under~~
6 ~~existing law. In recognition of the broad range of discretion that~~
7 ~~may be exercised by counties and cities consistent with the~~
8 ~~requirements of this chapter, the~~) legislature intends for the
9 ((~~board~~)) court to grant deference to counties and cities in how they
10 plan for growth, consistent with the requirements and goals of this
11 chapter. Local comprehensive plans and development regulations
12 require counties and cities to balance priorities and options for
13 action in full consideration of local circumstances. The legislature
14 finds that while this chapter requires local planning to take place
15 within a framework of state goals and requirements, the ultimate
16 burden and responsibility for planning, harmonizing the planning
17 goals of this chapter, and implementing a county's or city's future
18 rests with that community.

19 **Sec. 24.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each
20 amended to read as follows:

21 A county (~~required or~~) choosing to plan under RCW 36.70A.040
22 may 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
36 services to the residents of the new community;

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

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

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

3 (h) Provision is made to mitigate impacts on designated
4 agricultural lands, forestlands, and mineral resource lands;

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

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

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

26 **Sec. 25.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to
27 read as follows:

28 (1) Counties that (~~are required or~~) choose to plan under RCW
29 36.70A.040 may permit master planned resorts which may constitute
30 urban growth outside of urban growth areas as limited by this
31 section. A master planned resort means a self-contained and fully
32 integrated planned unit development, in a setting of significant
33 natural amenities, with primary focus on destination resort
34 facilities consisting of short-term visitor accommodations associated
35 with a range of developed on-site indoor or outdoor recreational
36 facilities.

37 (2) Capital facilities, utilities, and services, including those
38 related to sewer, water, storm water, security, fire suppression, and
39 emergency medical, provided on-site shall be limited to meeting the

1 needs of the master planned resort. Such facilities, utilities, and
2 services may be provided to a master planned resort by outside
3 service providers, including municipalities and special purpose
4 districts, provided that all costs associated with service extensions
5 and capacity increases directly attributable to the master planned
6 resort are fully borne by the resort. A master planned resort and
7 service providers may enter into agreements for shared capital
8 facilities and utilities, provided that such facilities and utilities
9 serve only the master planned resort or urban growth areas.

10 Nothing in this subsection may be construed as: Establishing an
11 order of priority for processing applications for water right
12 permits, for granting such permits, or for issuing certificates of
13 water right; altering or authorizing in any manner the alteration of
14 the place of use for a water right; or affecting or impairing in any
15 manner whatsoever an existing water right.

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

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

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

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

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

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

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

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

1 **Sec. 26.** RCW 36.70A.362 and 1997 c 382 s 1 are each amended to
2 read as follows:

3 Counties that (~~are required or~~) choose to plan under RCW
4 36.70A.040 may include existing resorts as master planned resorts
5 which may constitute urban growth outside of urban growth areas as
6 limited by this section. An existing resort means a resort in
7 existence on July 1, 1990, and developed, in whole or in part, as a
8 significantly self-contained and integrated development that includes
9 short-term visitor accommodations associated with a range of indoor
10 and outdoor recreational facilities within the property boundaries in
11 a setting of significant natural amenities. An existing resort may
12 include other permanent residential uses, conference facilities, and
13 commercial activities supporting the resort, but only if these other
14 uses are integrated into and consistent with the on-site recreational
15 nature of the resort.

16 An existing resort may be authorized by a county only if:

17 (1) The comprehensive plan specifically identifies policies to
18 guide the development of the existing resort;

19 (2) The comprehensive plan and development regulations include
20 restrictions that preclude new urban or suburban land uses in the
21 vicinity of the existing resort, except in areas otherwise designated
22 for urban growth under RCW 36.70A.110 and 36.70A.360(~~(+1)~~) (4)(a);

23 (3) The county includes a finding as a part of the approval
24 process that the land is better suited, and has more long-term
25 importance, for the existing resort than for the commercial
26 harvesting of timber or agricultural production, if located on land
27 that otherwise would be designated as forestland or agricultural land
28 under RCW 36.70A.170;

29 (4) The county finds that the resort plan is consistent with the
30 development regulations established for critical areas; and

31 (5) On-site and off-site infrastructure impacts are fully
32 considered and mitigated.

33 A county may allocate a portion of its twenty-year population
34 projection, prepared by the office of financial management, to the
35 master planned resort corresponding to the projected number of
36 permanent residents within the master planned resort.

37 **Sec. 27.** RCW 36.70A.365 and 1995 c 190 s 1 are each amended to
38 read as follows:

1 A county (~~required or~~) choosing to plan under RCW 36.70A.040
2 may establish, in consultation with cities consistent with provisions
3 of RCW 36.70A.210, a process for reviewing and approving proposals to
4 authorize siting of specific major industrial developments outside
5 urban growth areas.

6 (1) "Major industrial development" means a master planned
7 location for a specific manufacturing, industrial, or commercial
8 business that: (a) Requires a parcel of land so large that no
9 suitable parcels are available within an urban growth area; or (b) is
10 a natural resource-based industry requiring a location near
11 agricultural land, forestland, or mineral resource land upon which it
12 is dependent. The major industrial development shall not be for the
13 purpose of retail commercial development or multitenant office parks.

14 (2) A major industrial development may be approved outside an
15 urban growth area in a county planning under this chapter if criteria
16 including, but not limited to the following, are met:

17 (a) New infrastructure is provided for and/or applicable impact
18 fees are paid;

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

21 (c) Buffers are provided between the major industrial development
22 and adjacent nonurban areas;

23 (d) Environmental protection including air and water quality has
24 been addressed and provided for;

25 (e) Development regulations are established to ensure that urban
26 growth will not occur in adjacent nonurban areas;

27 (f) Provision is made to mitigate adverse impacts on designated
28 agricultural lands, forestlands, and mineral resource lands;

29 (g) The plan for the major industrial development is consistent
30 with the county's development regulations established for protection
31 of critical areas; and

32 (h) An inventory of developable land has been conducted and the
33 county has determined and entered findings that land suitable to site
34 the major industrial development is unavailable within the urban
35 growth area. Priority shall be given to applications for sites that
36 are adjacent to or in close proximity to the urban growth area.

37 (3) Final approval of an application for a major industrial
38 development (~~shall be considered an adopted amendment to the~~
39 ~~comprehensive plan adopted pursuant to RCW 36.70A.070 designating the~~
40 ~~major industrial development site on the land use map as an urban~~

1 ~~growth area. Final approval of an application for a major industrial~~
2 ~~development shall not be considered an amendment to the comprehensive~~
3 ~~plan for the purposes of RCW 36.70A.130(2) and)) may be considered at~~
4 any time.

5 **Sec. 28.** RCW 36.70A.367 and 2014 c 149 s 1 are each amended to
6 read as follows:

7 (1) In addition to the major industrial development allowed under
8 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the
9 criteria in subsection (5) of this section may establish, in
10 consultation with cities consistent with provisions of RCW
11 36.70A.210, a process for designating a bank of no more than two
12 master planned locations for major industrial activity outside urban
13 growth areas.

14 (2) A master planned location for major industrial developments
15 may be approved through a two-step process: Designation of an
16 industrial land bank area in the comprehensive plan; and subsequent
17 approval of specific major industrial developments through a local
18 master plan process described under subsection (3) of this section.

19 (a) The comprehensive plan must identify locations suited to
20 major industrial development due to proximity to transportation or
21 resource assets. The plan must identify the maximum size of the
22 industrial land bank area and any limitations on major industrial
23 developments based on local limiting factors, but does not need to
24 specify a particular parcel or parcels of property or identify any
25 specific use or user except as limited by this section. In selecting
26 locations for the industrial land bank area, priority must be given
27 to locations that are adjacent to, or in close proximity to, an urban
28 growth area.

29 (b) The environmental review for amendment of the comprehensive
30 plan must be at the programmatic level and, in addition to a
31 threshold determination, must include:

32 (i) An inventory of developable land as provided in RCW
33 36.70A.365; and

34 (ii) An analysis of the availability of alternative sites within
35 urban growth areas and the long-term annexation feasibility of sites
36 outside of urban growth areas.

37 (c) Final approval of an industrial land bank area under this
38 section must be by amendment to the comprehensive plan adopted under
39 RCW 36.70A.070, and the amendment is exempt from the limitation of

1 RCW 36.70A.130(2) and may be considered at any time. Approval of a
2 specific major industrial development within the industrial land bank
3 area requires no further amendment of the comprehensive plan.

4 (3) In concert with the designation of an industrial land bank
5 area, a county shall also adopt development regulations for review
6 and approval of specific major industrial developments through a
7 master plan process. The regulations governing the master plan
8 process shall ensure, at a minimum, that:

9 (a) Urban growth will not occur in adjacent nonurban areas;

10 (b) Development is consistent with the county's development
11 regulations adopted for protection of critical areas;

12 (c) Required infrastructure is identified and provided concurrent
13 with development. Such infrastructure, however, may be phased in with
14 development;

15 (d) Transit-oriented site planning and demand management programs
16 are specifically addressed as part of the master plan approval;

17 (e) Provision is made for addressing environmental protection,
18 including air and water quality, as part of the master plan approval;

19 (f) The master plan approval includes a requirement that
20 interlocal agreements between the county and service providers,
21 including cities and special purpose districts providing facilities
22 or services to the approved master plan, be in place at the time of
23 master plan approval;

24 (g) A major industrial development is used primarily by
25 industrial and manufacturing businesses, and that the gross floor
26 area of all commercial and service buildings or facilities locating
27 within the major industrial development does not exceed ten percent
28 of the total gross floor area of buildings or facilities in the
29 development. The intent of this provision for commercial or service
30 use is to meet the needs of employees, clients, customers, vendors,
31 and others having business at the industrial site, to attract and
32 retain a quality workforce, and to further other public objectives,
33 such as trip reduction. These uses may not be promoted to attract
34 additional clientele from the surrounding area. Commercial and
35 service businesses must be established concurrently with or
36 subsequent to the industrial or manufacturing businesses;

37 (h) New infrastructure is provided for and/or applicable impact
38 fees are paid to assure that adequate facilities are provided
39 concurrently with the development. Infrastructure may be achieved in
40 phases as development proceeds;

1 (i) Buffers are provided between the major industrial development
2 and adjacent rural areas;

3 (j) Provision is made to mitigate adverse impacts on designated
4 agricultural lands, forestlands, and mineral resource lands; and

5 (k) An open record public hearing is held before either the
6 planning commission or hearing examiner with notice published at
7 least thirty days before the hearing date and mailed to all property
8 owners within one mile of the site.

9 (4) For the purposes of this section:

10 (a) "Major industrial development" means a master planned
11 location suitable for manufacturing or industrial businesses that:

12 (i) Requires a parcel of land so large that no suitable parcels are
13 available within an urban growth area; (ii) is a natural resource-
14 based industry requiring a location near agricultural land,
15 forestland, or mineral resource land upon which it is dependent; or
16 (iii) requires a location with characteristics such as proximity to
17 transportation facilities or related industries such that there is no
18 suitable location in an urban growth area. The major industrial
19 development may not be for the purpose of retail commercial
20 development or multitenant office parks.

21 (b) "Industrial land bank" means up to two master planned
22 locations, each consisting of a parcel or parcels of contiguous land,
23 sufficiently large so as not to be readily available within the urban
24 growth area of a city, or otherwise meeting the criteria contained in
25 (a) of this subsection, suitable for manufacturing, industrial, or
26 commercial businesses and designated by the county through the
27 comprehensive planning process specifically for major industrial use.

28 (5) This section and the termination provisions specified in
29 subsection (6) of this section apply to a county that at the time the
30 process is established under subsection (1) of this section:

31 (a) Has a population greater than two hundred fifty thousand and
32 is part of a metropolitan area that includes a city in another state
33 with a population greater than two hundred fifty thousand;

34 (b) Has a population greater than one hundred forty thousand and
35 is adjacent to another country;

36 (c) Has a population greater than forty thousand but less than
37 seventy-five thousand and has an average level of unemployment for
38 the preceding three years that exceeds the average state unemployment
39 for those years by twenty percent; and

40 (i) Is bordered by the Pacific Ocean;

1 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or
2 (iii) Is bordered by Hood Canal;

3 (d) Is east of the Cascade divide; and

4 (i) Borders another state to the south; or

5 (ii) Is located wholly south of Interstate 90 and borders the
6 Columbia river to the east;

7 (e) Has an average population density of less than one hundred
8 persons per square mile as determined by the office of financial
9 management, and is bordered by the Pacific Ocean and by Hood Canal;
10 or

11 (f) Meets all of the following criteria:

12 (i) Has a population greater than forty thousand but fewer than
13 eighty thousand;

14 (ii) Has an average level of unemployment for the preceding three
15 years that exceeds the average state unemployment for those years by
16 twenty percent; and

17 (iii) Is located in the Interstate 5 or Interstate 90 corridor.

18 (6) In order to identify and approve locations for industrial
19 land banks, the county shall take action to designate one or more
20 industrial land banks and adopt conforming regulations as provided by
21 subsection (2) of this section (~~on or before the last date to~~
22 ~~complete that county's next periodic review under RCW 36.70A.130(4)~~
23 ~~that occurs prior to December 31, 2016~~). The authority to take
24 action to designate a land bank area in the comprehensive plan
25 expires if not acted upon by the county within the time frame
26 provided in this section. Once a land bank area has been identified
27 in the county's comprehensive plan, the authority of the county to
28 process a master plan or site projects within an approved master plan
29 does not expire.

30 (7) Any county seeking to designate an industrial land bank under
31 this section must:

32 (a) Provide countywide notice, in conformity with RCW 36.70A.035,
33 of the intent to designate an industrial land bank. Notice must be
34 published in a newspaper or newspapers of general circulation
35 reasonably likely to reach subscribers in all geographic areas of the
36 county. Notice must be provided not less than thirty days prior to
37 commencement of consideration by the county legislative body; and

38 (b) Make a written determination of the criteria and rationale
39 used by the legislative body as the basis for siting an industrial
40 land bank under this chapter.

1 (8) Any location included in an industrial land bank pursuant to
2 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of
3 1997, and section 2, chapter 167, Laws of 1996 shall remain available
4 for major industrial development according to this section as long as
5 the requirements of this section continue to be satisfied.

6 **Sec. 29.** RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each
7 amended to read as follows:

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

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

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

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

30 **Sec. 30.** RCW 36.70A.410 and 1993 c 478 s 23 are each amended to
31 read as follows:

32 No county or city that (~~plans to~~) elects to plan under this
33 chapter may enact or maintain an ordinance, development regulation,
34 zoning regulation or official control, policy, or administrative
35 practice which treats a residential structure occupied by persons
36 with handicaps differently than a similar residential structure
37 occupied by a family or other unrelated individuals. As used in this

1 section, "handicaps" are as defined in the federal fair housing
2 amendments act of 1988 (42 U.S.C. Sec. 3602).

3 **Sec. 31.** RCW 36.70A.520 and 2000 c 196 s 1 are each amended to
4 read as follows:

5 Counties that (~~are required to~~) choose to plan under RCW
6 36.70A.040 may authorize and designate national historic towns that
7 may constitute urban growth outside of urban growth areas as limited
8 by this section. A national historic town means a town or district
9 that has been designated a national historic landmark by the United
10 States secretary of the interior pursuant to 16 U.S.C. 461 et seq.,
11 as amended, based on its significant historic urban features, and
12 which historically contained a mix of residential and commercial or
13 industrial uses.

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

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

19 (2) The comprehensive plan and development regulations specify a
20 mix of residential, commercial, industrial, tourism-recreation,
21 waterfront, or other historical uses, along with other uses,
22 infrastructure, and services which promote the economic
23 sustainability of the town and its historic character. To promote
24 historic preservation, redevelopment, and an economically sustainable
25 community, the town also may include the types of uses that existed
26 at times during its history and is not limited to those present at
27 the time of the historic designation. Portions of the town may
28 include urban densities if they reflect density patterns that existed
29 at times during its history;

30 (3) The boundaries of the town include all of the area contained
31 in the national historic landmark designation, along with any
32 additional limited areas determined by the county as appropriate for
33 transitional uses and buffering. Provisions for transitional uses and
34 buffering must be compatible with the town's historic character and
35 must protect the existing natural and built environment under the
36 requirements of this chapter within and beyond the additional limited
37 areas, including visual compatibility. The comprehensive plan and
38 development regulations must include restrictions that preclude new
39 urban or suburban land uses in the vicinity of the town, including

1 the additional limited areas, except in areas otherwise designated
2 for urban growth under this chapter;

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

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

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

12 A county may allocate a portion of its twenty-year population
13 projection, prepared by the office of financial management, to the
14 national historic town corresponding to the projected number of
15 permanent residents within the national historic town.

16 **Sec. 32.** RCW 36.70A.530 and 2004 c 28 s 2 are each amended to
17 read as follows:

18 (1) Military installations are of particular importance to the
19 economic health of the state of Washington and it is a priority of
20 the state to protect the land surrounding our military installations
21 from incompatible development.

22 ~~((Comprehensive plans, amendments to comprehensive plans,
23 development regulations, or amendments to development regulations
24 adopted under this section shall be adopted or amended concurrent
25 with the scheduled update provided in RCW 36.70A.130, except that
26 counties and cities identified in RCW 36.70A.130(4)(a) shall comply
27 with this section on or before December 1, 2005, and shall thereafter
28 comply with this section on a schedule consistent with RCW
29 36.70A.130(4)).~~

30 ~~(3))~~ A comprehensive plan, amendment to a plan, a development
31 regulation or amendment to a development regulation, should not allow
32 development in the vicinity of a military installation that is
33 incompatible with the installation's ability to carry out its mission
34 requirements. A city or county may find that an existing
35 comprehensive plan or development regulations are compatible with the
36 installation's ability to carry out its mission requirements.

37 ~~((4))~~ (3) As part of the requirements of RCW 36.70A.070(1) each
38 county and city planning under RCW 36.70A.040 that has a federal
39 military installation, other than a reserve center, that employs one

1 hundred or more personnel and is operated by the United States
2 department of defense within or adjacent to its border, shall notify
3 the commander of the military installation of the county's or city's
4 intent to amend its comprehensive plan or development regulations to
5 address lands adjacent to military installations to ensure those
6 lands are protected from incompatible development.

7 ~~((5))~~ (4)(a) The notice provided under subsection ~~((4))~~ (3)
8 of this section shall request from the commander of the military
9 installation a written recommendation and supporting facts relating
10 to the use of land being considered in the adoption of a
11 comprehensive plan or an amendment to a plan. The notice shall
12 provide sixty days for a response from the commander. If the
13 commander does not submit a response to such request within sixty
14 days, the local government may presume that implementation of the
15 proposed plan or amendment will not have any adverse effect on the
16 operation of the installation.

17 (b) When a county or city intends to amend its development
18 regulations to be consistent with the comprehensive plan elements
19 addressed in (a) of this subsection, notice shall be provided to the
20 commander of the military installation consistent with subsection
21 ~~((4))~~ (3) of this section. The notice shall request from the
22 commander of the military installation a written recommendation and
23 supporting facts relating to the use of land being considered in the
24 amendment to the development regulations. The notice shall provide
25 sixty days for a response from the commander to the requesting
26 government. If the commander does not submit a response to such
27 request within sixty days, the local government may presume that
28 implementation of the proposed development regulation or amendment
29 will not have any adverse effect on the operation of the
30 installation.

31 **Sec. 33.** RCW 36.70C.020 and 2010 c 59 s 1 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Energy overlay zone" means a formal plan enacted by the
36 county legislative authority that establishes suitable areas for
37 siting renewable resource projects based on currently available
38 resources and existing infrastructure with sensitivity to adverse
39 environmental impact.

1 (2) "Land use decision" means a determination made in accordance
2 with chapter 36.70A RCW relating to a growth management plan or
3 action taken by a local jurisdiction, or a final determination by a
4 local jurisdiction's body or officer with the highest level of
5 authority to make the determination, including those with authority
6 to hear appeals, on:

7 (a) An application for a project permit or other governmental
8 approval required by law before real property may be improved,
9 developed, modified, sold, transferred, or used, but excluding
10 applications for permits or approvals to use, vacate, or transfer
11 streets, parks, and similar types of public property; excluding
12 applications for legislative approvals such as area-wide rezones and
13 annexations; and excluding applications for business licenses;

14 (b) An interpretative or declaratory decision regarding the
15 application to a specific property of zoning or other ordinances or
16 rules regulating the improvement, development, modification,
17 maintenance, or use of real property; and

18 (c) The enforcement by a local jurisdiction of ordinances
19 regulating the improvement, development, modification, maintenance,
20 or use of real property. However, when a local jurisdiction is
21 required by law to enforce the ordinances in a court of limited
22 jurisdiction, a petition may not be brought under this chapter.

23 Where a local jurisdiction allows or requires a motion for
24 reconsideration to the highest level of authority making the
25 determination, and a timely motion for reconsideration has been
26 filed, the land use decision occurs on the date a decision is entered
27 on the motion for reconsideration, and not the date of the original
28 decision for which the motion for reconsideration was filed.

29 (3) "Local jurisdiction" means a county, city, or incorporated
30 town.

31 (4) "Person" means an individual, partnership, corporation,
32 association, public or private organization, or governmental entity
33 or agency.

34 (5) "Renewable resources" has the same meaning provided in RCW
35 19.280.020.

36 **Sec. 34.** RCW 43.21B.005 and 2010 1st sp. s. c 7 s 39 and 2010 c
37 210 s 4 are each reenacted and amended to read as follows:

38 (1) There is created an environmental and land use hearings
39 office of the state of Washington. The environmental and land use

1 hearings office consists of the pollution control hearings board
2 created in RCW 43.21B.010((~~7~~)) and the shorelines hearings board
3 created in RCW 90.58.170(~~(, and the growth management hearings board~~
4 ~~created in RCW 36.70A.250. The governor shall designate one of the~~
5 ~~members of the pollution control hearings board or growth management~~
6 ~~hearings board to be the director of the environmental and land use~~
7 ~~hearings office during the term of the governor))~~. Membership,
8 powers, functions, and duties of the pollution control hearings
9 board((~~7~~)) and the shorelines hearings board(~~(, and the growth~~
10 ~~management hearings board))~~) shall be as provided by law.

11 (2) The director of the environmental and land use hearings
12 office may appoint one or more administrative appeals judges in cases
13 before the environmental boards and(~~(, with the consent of the chair~~
14 ~~of the growth management hearings board,~~)) one or more hearing
15 examiners in cases before the land use board comprising the office.
16 The administrative appeals judges shall possess the powers and duties
17 conferred by the administrative procedure act, chapter 34.05 RCW,
18 have a demonstrated knowledge of environmental law, and shall be
19 admitted to the practice of law in the state of Washington. ((~~The~~
20 ~~hearing examiners possess the powers and duties provided for in RCW~~
21 ~~36.70A.270-)~~))

22 (3) Administrative appeals judges are not subject to chapter
23 41.06 RCW. The administrative appeals judges appointed under
24 subsection (2) of this section are subject to discipline and
25 termination, for cause, by the director of the environmental and land
26 use hearings office. Upon written request by the person so
27 disciplined or terminated, the director of the environmental and land
28 use hearings office shall state the reasons for such action in
29 writing. The person affected has a right of review by the superior
30 court of Thurston county on petition for reinstatement or other
31 remedy filed within thirty days of receipt of such written reasons.

32 (4) The director of the environmental and land use hearings
33 office may appoint, discharge, and fix the compensation of such
34 administrative or clerical staff as may be necessary.

35 (5) The director of the environmental and land use hearings
36 office may also contract for required services.

37 **Sec. 35.** RCW 43.155.020 and 2009 c 565 s 33 are each amended to
38 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section shall apply throughout this chapter.

3 (1) "Board" means the public works board created in RCW
4 43.155.030.

5 (2) "Capital facility plan" means (~~(a capital facility plan~~
6 ~~required by the growth management act under chapter 36.70A RCW or,~~
7 ~~for local governments not fully planning under the growth management~~
8 ~~act,~~) a plan required by the public works board.

9 (3) "Department" means the department of commerce.

10 (4) "Financing guarantees" means the pledge of money in the
11 public works assistance account, or money to be received by the
12 public works assistance account, to the repayment of all or a portion
13 of the principal of or interest on obligations issued by local
14 governments to finance public works projects.

15 (5) "Local governments" means cities, towns, counties, special
16 purpose districts, and any other municipal corporations or quasi-
17 municipal corporations in the state excluding school districts and
18 port districts.

19 (6) "Public works project" means a project of a local government
20 for the planning, acquisition, construction, repair, reconstruction,
21 replacement, rehabilitation, or improvement of streets and roads,
22 bridges, water systems, or storm and sanitary sewage systems and
23 solid waste facilities, including recycling facilities. A planning
24 project may include the compilation of biological, hydrological, or
25 other data on a county, drainage basin, or region necessary to
26 develop a base of information for a capital facility plan.

27 (7) "Solid waste or recycling project" means remedial actions
28 necessary to bring abandoned or closed landfills into compliance with
29 regulatory requirements and the repair, restoration, and replacement
30 of existing solid waste transfer, recycling facilities, and landfill
31 projects limited to the opening of landfill cells that are in
32 existing and permitted landfills.

33 (8) "Technical assistance" means training and other services
34 provided to local governments to: (a) Help such local governments
35 plan, apply, and qualify for loans and financing guarantees from the
36 board, and (b) help local governments improve their ability to plan
37 for, finance, acquire, construct, repair, replace, rehabilitate, and
38 maintain public facilities.

1 **Sec. 36.** RCW 43.155.070 and 2015 3rd sp.s. c 3 s 7033 are each
2 amended to read as follows:

3 (1) To qualify for financial assistance under this chapter the
4 board must determine that a local government meets all of the
5 following conditions:

6 (a) The city or county must be imposing a tax under chapter 82.46
7 RCW at a rate of at least one-quarter of one percent;

8 (b) The local government must have developed a capital facility
9 plan; and

10 (c) The local government must be using all local revenue sources
11 which are reasonably available for funding public works, taking into
12 consideration local employment and economic factors.

13 ~~(2) ((Except where necessary to address a public health need or~~
14 ~~substantial environmental degradation, a county, city, or town~~
15 ~~planning under RCW 36.70A.040 may not receive financial assistance~~
16 ~~under this chapter unless it has adopted a comprehensive plan,~~
17 ~~including a capital facilities plan element, and development~~
18 ~~regulations as required by RCW 36.70A.040. This subsection does not~~
19 ~~require any county, city, or town planning under RCW 36.70A.040 to~~
20 ~~adopt a comprehensive plan or development regulations before~~
21 ~~requesting or receiving financial assistance under this chapter if~~
22 ~~such request is made before the expiration of the time periods~~
23 ~~specified in RCW 36.70A.040. A county, city, or town planning under~~
24 ~~RCW 36.70A.040 that has not adopted a comprehensive plan and~~
25 ~~development regulations within the time periods specified in RCW~~
26 ~~36.70A.040 may apply for and receive financial assistance under this~~
27 ~~chapter if the comprehensive plan and development regulations are~~
28 ~~adopted as required by RCW 36.70A.040 before executing a contractual~~
29 ~~agreement for financial assistance with the board.~~

30 ~~(3) In considering awarding financial assistance for public~~
31 ~~facilities to special districts requesting funding for a proposed~~
32 ~~facility located in a county, city, or town planning under RCW~~
33 ~~36.70A.040, the board must consider whether the county, city, or town~~
34 ~~planning under RCW 36.70A.040 in whose planning jurisdiction the~~
35 ~~proposed facility is located has adopted a comprehensive plan and~~
36 ~~development regulations as required by RCW 36.70A.040.~~

37 ~~(4))~~ The board must develop a priority process for public works
38 projects as provided in this section. The intent of the priority
39 process is to maximize the value of public works projects
40 accomplished with assistance under this chapter. The board must

1 attempt to assure a geographical balance in assigning priorities to
2 projects. The board must consider at least the following factors in
3 assigning a priority to a project:

4 (a) Whether the local government receiving assistance has
5 experienced severe fiscal distress resulting from natural disaster or
6 emergency public works needs;

7 (b) Except as otherwise conditioned by RCW 43.155.110, whether
8 the entity receiving assistance is a Puget Sound partner, as defined
9 in RCW 90.71.010;

10 (c) Whether the project is referenced in the action agenda
11 developed by the Puget Sound partnership under RCW 90.71.310;

12 (d) Whether the project is critical in nature and would affect
13 the health and safety of a great number of citizens;

14 (e) Whether the applicant's permitting process has been certified
15 as streamlined by the office of regulatory assistance;

16 (f) Whether the applicant has developed and adhered to guidelines
17 regarding its permitting process for those applying for development
18 permits consistent with section 1(2), chapter 231, Laws of 2007;

19 (g) The cost of the project compared to the size of the local
20 government and amount of loan money available;

21 (h) The number of communities served by or funding the project;

22 (i) Whether the project is located in an area of high
23 unemployment, compared to the average state unemployment;

24 (j) Whether the project is the acquisition, expansion,
25 improvement, or renovation by a local government of a public water
26 system that is in violation of health and safety standards, including
27 the cost of extending existing service to such a system;

28 (k) Except as otherwise conditioned by RCW 43.155.120, and
29 effective one calendar year following the development of model
30 evergreen community management plans and ordinances under RCW
31 35.105.050, whether the entity receiving assistance has been
32 recognized, and what gradation of recognition was received, in the
33 evergreen community recognition program created in RCW 35.105.030;

34 (l) The relative benefit of the project to the community,
35 considering the present level of economic activity in the community
36 and the existing local capacity to increase local economic activity
37 in communities that have low economic growth; and

38 (m) Other criteria that the board considers advisable.

39 ~~((+5))~~ (3) For the 2015-2017 fiscal biennium, in place of the
40 criteria, ranking, and submission processes for construction loan

1 lists provided in subsections ~~((+4))~~ (2) and ~~((+7))~~ (5) of this
2 section:

3 (a) The board must develop a process for numerically ranking
4 applications for construction loans submitted by local governments.
5 The board must consider, at a minimum and in any order, the following
6 factors in assigning a numerical ranking to a project:

7 (i) Whether the project is critical in nature and would affect
8 the health and safety of many people;

9 (ii) The extent to which the project leverages nonstate funds;

10 (iii) The extent to which the project is ready to proceed to
11 construction;

12 (iv) Whether the project is located in an area of high
13 unemployment, compared to the average state unemployment;

14 (v) Whether the project promotes the sustainable use of resources
15 and environmental quality;

16 (vi) Whether the project consolidates or regionalizes systems;

17 ~~((vii))~~ ~~((Whether the project encourages economic development
18 through mixed-use and mixed-income development consistent with
19 chapter 36.70A RCW;~~

20 ~~((viii))~~ Whether the system is being well-managed in the present
21 and for long-term sustainability;

22 ~~((+ix))~~ (viii) Achieving equitable distribution of funds by
23 geography and population;

24 ~~((+x))~~ (ix) The extent to which the project meets the following
25 state policy objectives:

26 (A) Efficient use of state resources;

27 (B) Preservation and enhancement of health and safety;

28 (C) Abatement of pollution and protection of the environment;

29 (D) Creation of new, family-wage jobs, and avoidance of shifting
30 existing jobs from one Washington state community to another;

31 ~~((E))~~ ~~((Fostering economic development consistent with chapter
32 36.70A RCW;~~

33 ~~((F))~~ Efficiency in delivery of goods and services, public
34 transit, and transportation;

35 ~~((+G))~~ (F) Avoidance of additional costs to state and local
36 governments that adversely impact local residents and small
37 businesses; and

38 ~~((+H))~~ (G) Reduction of the overall cost of public
39 infrastructure; and

1 ~~((xi))~~ (x) Other criteria that the board considers necessary to
2 achieve the purposes of this chapter.

3 (b) Before November 1, 2016, the board must develop and submit to
4 the appropriate fiscal committees of the senate and house of
5 representatives a ranked list of qualified public works projects
6 which have been evaluated by the board and are recommended for
7 funding by the legislature. The maximum amount of funding that the
8 board may recommend for any jurisdiction is ten million dollars per
9 biennium. For each project on the ranked list, as well as for
10 eligible projects not recommended for funding, the board must
11 document the numerical ranking that was assigned.

12 ~~((6))~~ (4) Existing debt or financial obligations of local
13 governments may not be refinanced under this chapter. Each local
14 government applicant must provide documentation of attempts to secure
15 additional local or other sources of funding for each public works
16 project for which financial assistance is sought under this chapter.

17 ~~((7))~~ (5) Before November 1st of each even-numbered year, the
18 board must develop and submit to the appropriate fiscal committees of
19 the senate and house of representatives a description of the loans
20 made under RCW 43.155.065, 43.155.068, and subsection ~~((10))~~ (8) of
21 this section during the preceding fiscal year and a prioritized list
22 of projects which are recommended for funding by the legislature,
23 including one copy to the staff of each of the committees. The list
24 must include, but not be limited to, a description of each project
25 and recommended financing, the terms and conditions of the loan or
26 financial guarantee, the local government jurisdiction and
27 unemployment rate, demonstration of the jurisdiction's critical need
28 for the project and documentation of local funds being used to
29 finance the public works project. The list must also include measures
30 of fiscal capacity for each jurisdiction recommended for financial
31 assistance, compared to authorized limits and state averages,
32 including local government sales taxes; real estate excise taxes;
33 property taxes; and charges for or taxes on sewerage, water, garbage,
34 and other utilities.

35 ~~((8))~~ (6) The board may not sign contracts or otherwise
36 financially obligate funds from the public works assistance account
37 before the legislature has appropriated funds for a specific list of
38 public works projects. The legislature may remove projects from the
39 list recommended by the board. The legislature may not change the
40 order of the priorities recommended for funding by the board.

1 ~~((9))~~ (7) Subsection ~~((8))~~ (6) of this section does not apply
2 to loans made under RCW 43.155.065, 43.155.068, and subsection
3 ~~((10))~~ (8) of this section.

4 ~~((10))~~ (8) Loans made for the purpose of capital facilities
5 plans are exempted from subsection ~~((8))~~ (6) of this section.

6 ~~((11))~~ (9) To qualify for loans or pledges for solid waste or
7 recycling facilities under this chapter, a city or county must
8 demonstrate that the solid waste or recycling facility is consistent
9 with and necessary to implement the comprehensive solid waste
10 management plan adopted by the city or county under chapter 70.95
11 RCW.

12 ~~((12))~~ (10) After January 1, 2010, any project designed to
13 address the effects of storm water or wastewater on Puget Sound may
14 be funded under this section only if the project is not in conflict
15 with the action agenda developed by the Puget Sound partnership under
16 RCW 90.71.310.

17 ~~((13))~~ (11) During the 2015-2017 fiscal biennium, for projects
18 involving repair, replacement, or improvement of a wastewater
19 treatment plant or other public works facility for which an
20 investment grade efficiency audit is obtainable, the public works
21 board must require as a contract condition that the project sponsor
22 undertake an investment grade efficiency audit. The project sponsor
23 may finance the costs of the audit as part of its public works
24 assistance account program loan.

25 ~~((14))~~ (12)(a) For public works assistance account application
26 rounds conducted during the 2015-2017 fiscal biennium, the board must
27 implement policies and procedures designed to maximize local
28 government use of federal funds to finance local infrastructure
29 including, but not limited to, drinking water and clean water state
30 revolving funds operated by the state departments of health and
31 ecology. Projects that are eligible for the drinking water and clean
32 water state revolving funds may receive public works board
33 preconstruction loans. Projects that are eligible for the drinking
34 water and clean water state revolving funds are not eligible for
35 public works board construction loans. For purposes of this
36 subsection "eligible for drinking water and clean water state
37 revolving funds" means:

38 (i) Projects that have applied to the state revolving funds and
39 are awaiting a funding decision;

1 (ii) Projects that have been rejected for funding solely due to
2 not meeting readiness requirements; and

3 (iii) Projects that have not applied, but would likely be
4 eligible if the project applied and met the project readiness
5 requirements.

6 (b) For all construction loan projects proposed to the
7 legislature for funding during the 2015-2017 fiscal biennium, the
8 board must base interest rates on the average daily market interest
9 rate for tax-exempt municipal bonds as published in the bond buyer's
10 index for the period from sixty to thirty days before the start of
11 the application cycle. For projects with a repayment period between
12 five and twenty years, the rate must be sixty percent of the market
13 rate. For projects with a repayment period under five years, the rate
14 must be thirty percent of the market rate. The board must also
15 provide reduced interest rates, extended repayment periods, or
16 forgivable principal loans for projects that meet financial hardship
17 criteria as measured by the affordability index or similar standard
18 measure of financial hardship.

19 **Sec. 37.** RCW 43.155.140 and 2011 c 180 s 302 are each amended to
20 read as follows:

21 The board shall solicit qualifying projects to plan, design, and
22 construct public works projects needed to attract new industrial and
23 commercial activities in areas impacted by the closure or potential
24 closure of large coal-fired electric generation facilities, which for
25 the purposes of this section means a facility that emitted more than
26 one million tons of greenhouse gases in any calendar year prior to
27 2008. The projects should be consistent with any applicable plans for
28 major industrial activity on lands formerly used or designated for
29 surface coal mining (~~and supporting uses under RCW 36.70A.368~~).
30 When the board receives timely and eligible project applications from
31 a political subdivision of the state for financial assistance for
32 such projects, the board from available funds shall give priority
33 consideration to such projects.

34 NEW SECTION. **Sec. 38.** A new section is added to chapter 36.70A
35 RCW to read as follows:

36 (1) The growth management hearings board may not accept any new
37 petitions after the effective date of this section. The board must
38 issue a final order or dismissal of a case without prejudice in all

1 of its cases on or before June 30, 2017. For the purposes of the
2 board's review of all petitions received on or before the effective
3 date of this section, the applicable provisions of chapter 36.70 RCW
4 in effect on June 30, 2017, govern, except that the board's authority
5 with regard to petitions ceases the effective date of section 41 of
6 this act.

7 (2) Any party aggrieved by a final decision of the hearings board
8 may appeal the decision to superior court as provided in RCW
9 34.05.514 or 36.01.050 within thirty days of the final order of the
10 board.

11 NEW SECTION. **Sec. 39.** (1) The growth management hearings board
12 is abolished.

13 (2) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the board must be
15 delivered to the custody of the department of enterprise services for
16 appropriate disbursement or to the appropriate party if there is
17 evidence related to a pending case. All office furnishings, office
18 equipment, motor vehicles, and other tangible property in the
19 possession of the board must be transferred to the department of
20 enterprise services.

21 (3) All funds, credits, or other assets held by the growth
22 management hearings board must, on the effective date of this
23 section, be transferred to the office of financial management. If any
24 question arises as to the transfer of any funds, books, documents,
25 records, papers, files, equipment, or other tangible property used or
26 held by the growth management hearings board, the director of
27 financial management shall make a determination as to the proper
28 allocation and certify the same to the state agencies concerned.

29 (4) All existing contracts and obligations must be terminated or
30 transferred to the office of financial management.

31 (5) All cases decided and all orders previously issued by the
32 growth management hearings board remain in full force and effect and
33 are not affected by this act.

34 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 36.70A.045 (Phasing of comprehensive plan submittal) and
37 1991 sp.s. c 32 s 15;

1 (2) RCW 36.70A.050 (Guidelines to classify agriculture, forest,
2 and mineral lands and critical areas) and 1990 1st ex.s. c 17 s 5;
3 (3) RCW 36.70A.106 (Comprehensive plans—Development regulations—
4 Transmittal to state—Amendments—Expedited review) and 2004 c 197 s 1
5 & 1991 sp.s. c 32 s 8;
6 (4) RCW 36.70A.175 (Wetlands to be delineated in accordance with
7 manual) and 1995 c 382 s 12;
8 (5) RCW 36.70A.180 (Chapter implementation—Intent) and 2012 1st
9 sp.s. c 5 s 3 & 1990 1st ex.s. c 17 s 19;
10 (6) RCW 36.70A.190 (Technical assistance, procedural criteria,
11 grants, and mediation services) and 1991 sp.s. c 32 s 3 & 1990 1st
12 ex.s. c 17 s 20;
13 (7) RCW 36.70A.250 (Growth management hearings board—Creation—
14 Members) and 2010 c 211 s 4, 1994 c 249 s 29, & 1991 sp.s. c 32 s 5;
15 (8) RCW 36.70A.252 (Growth management hearings board—
16 Consolidation into environmental and land use hearings office) and
17 2010 c 210 s 15;
18 (9) RCW 36.70A.260 (Growth management hearings board—Regional
19 panels) and 2010 c 211 s 5, 1994 c 249 s 30, & 1991 sp.s. c 32 s 6;
20 (10) RCW 36.70A.270 (Growth management hearings board—Conduct,
21 procedure, and compensation) and 2010 c 211 s 6, 2010 c 210 s 16,
22 1997 c 429 s 11, 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s. c 32 s
23 7;
24 (11) RCW 36.70A.290 (Growth management hearings board—Petitions—
25 Evidence) and 2011 c 277 s 1, 2010 c 211 s 8, 1997 c 429 s 12, & 1995
26 c 347 s 109;
27 (12) RCW 36.70A.295 (Growth management hearings board—Direct
28 judicial review) and 2010 c 211 s 9 & 1997 c 429 s 13;
29 (13) RCW 36.70A.300 (Final orders) and 2013 c 275 s 1, 1997 c 429
30 s 14, 1995 c 347 s 110, & 1991 sp.s. c 32 s 11;
31 (14) RCW 36.70A.302 (Growth management hearings board—
32 Determination of invalidity—Vesting of development permits—Interim
33 controls) and 2010 c 211 s 10 & 1997 c 429 s 16;
34 (15) RCW 36.70A.305 (Expedited review) and 1996 c 325 s 4;
35 (16) RCW 36.70A.310 (Growth management hearings board—Limitations
36 on appeal by the state) and 2010 c 211 s 11, 1994 c 249 s 32, & 1991
37 sp.s. c 32 s 12;

1 (17) RCW 36.70A.320 (Presumption of validity—Burden of proof—
2 Plans and regulations) and 1997 c 429 s 20, 1995 c 347 s 111, & 1991
3 sp.s. c 32 s 13;

4 (18) RCW 36.70A.330 (Noncompliance) and 1997 c 429 s 21, 1995 c
5 347 s 112, & 1991 sp.s. c 32 s 14;

6 (19) RCW 36.70A.335 (Order of invalidity issued before July 27,
7 1997) and 1997 c 429 s 22;

8 (20) RCW 36.70A.340 (Noncompliance and sanctions) and 2013 c 225
9 s 604, 2011 c 120 s 2, & 1991 sp.s. c 32 s 26;

10 (21) RCW 36.70A.345 (Sanctions) and 2010 c 211 s 13, 1994 c 249 s
11 33, & 1993 sp.s. c 6 s 5;

12 (22) RCW 36.70A.380 (Extension of designation date) and 1991
13 sp.s. c 32 s 39;

14 (23) RCW 36.70A.385 (Environmental planning pilot projects) and
15 1998 c 245 s 30, 1995 c 399 s 43, & 1991 sp.s. c 32 s 20; and

16 (24) RCW 36.70A.903 (Transfer of powers, duties, and functions)
17 and 2010 c 210 s 43.

18 NEW SECTION. **Sec. 41.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 42.** Section 21 of this act expires December
23 31, 2020.

24 NEW SECTION. **Sec. 43.** Section 22 of this act takes effect
25 December 31, 2020.

26 NEW SECTION. **Sec. 44.** Sections 1 through 21 and 23 through 38
27 of this act are necessary for the immediate preservation of the
28 public peace, health, or safety, or support of the state government
29 and its existing public institutions, and take effect July 1, 2017.

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