

HOUSE BILL 1051

State of Washington

66th Legislature

2019 Regular Session

By Representatives Walsh and Young

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1 AN ACT Relating to focusing growth management act requirements on
2 larger counties experiencing population growth; amending RCW
3 36.70A.040, 36.70A.060, 82.02.050, 36.70A.190, 36.70A.130,
4 36.70A.280, 36.70A.280, 36.70A.310, 19.27.097, 36.70A.020,
5 36.70A.110, 36.70A.115, 36.70A.120, 36.70A.140, 36.70A.150,
6 36.70A.160, 36.70A.210, 36.70A.260, 36.70A.350, 36.70A.360,
7 36.70A.362, 36.70A.365, 36.70A.370, 36.70A.500, 36.70A.520,
8 36.93.100, 36.93.157, 82.46.010, and 82.46.035; reenacting and
9 amending RCW 36.70A.070; providing effective dates; providing an
10 expiration date; and declaring an emergency.

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

12 **Part I: Amending Growth Management Act Planning**
13 **Requirements**

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

16 (1) (a) Each county ((that has both)), and the cities within such
17 a county, shall conform with all of the requirements of this chapter
18 if the county has both:

19 (i) A population of ((fifty)) seventy-five thousand or more;
20 and((,))

1 (ii)(A) Until May 16, 1995, has had its population increase by
2 more than ten percent in the previous ten years; or((7))

3 (B) On or after May 16, 1995, has had its population increase by
4 more than seventeen percent in the previous ten years((7—and the
5 cities located within such county, and any other county regardless of
6 its population that has had its population increase by more than
7 twenty percent in the previous ten years, and the cities located
8 within such county, shall conform with all of the requirements of
9 this chapter. However, the county legislative authority of such a
10 county with a population of less than fifty thousand population may
11 adopt a resolution removing the county, and the cities located within
12 the county, from the requirements of adopting comprehensive land use
13 plans and development regulations under this chapter if this
14 resolution is adopted and filed with the department by December 31,
15 1990, for counties initially meeting this set of criteria, or within
16 sixty days of the date the office of financial management certifies
17 that a county meets this set of criteria under subsection (5) of this
18 section)).

19 (b) For the purposes of this subsection, a county not currently
20 planning under this chapter is not required to include in its
21 population count those persons confined in a correctional facility
22 under the jurisdiction of the department of corrections that is
23 located in the county.

24 ~~((Once a county meets either of these sets of criteria, the~~
25 ~~requirement to conform with all of the requirements of this chapter~~
26 ~~remains in effect, even if the county no longer meets one of these~~
27 ~~sets of criteria.))~~

28 (c)(i) Once a county meets the criteria of (a) of this
29 subsection, the requirement to conform with all of the requirements
30 of this chapter remains in effect unless the county ceases to meet
31 the criteria of (a)(i) of this subsection.

32 (ii) A county, and the cities within such a county, that was
33 required to conform with all of the requirements of this chapter as
34 of January 1, 2019, but that does not meet the criteria of (a)(i) of
35 this subsection as of July 1, 2019, is no longer required to conform
36 with all of the requirements of this chapter beginning July 1, 2019.

37 (iii) A county, and the cities within such a county, that was
38 required to conform with all of the requirements of this chapter as
39 of January 1, 2019, but that ceases to meet the criteria of (a)(i) of
40 this subsection after July 1, 2019, is no longer required to conform

1 with all of the requirements of this chapter beginning July 1st of
2 the year in which the county's population size ceases to meet the
3 criteria of (a) (i) of this subsection, as estimated by the office of
4 financial management.

5 ~~(2) ((a) The county legislative authority of any county that does~~
6 ~~not meet either of the sets of criteria established under subsection~~
7 ~~(1) of this section may adopt a resolution indicating its intention~~
8 ~~to have subsection (1) of this section apply to the county. Each~~
9 ~~city, located in a county that chooses to plan under this subsection,~~
10 ~~shall conform with all of the requirements of this chapter. Once such~~
11 ~~a resolution has been adopted, the county and the cities located~~
12 ~~within the county remain subject to all of the requirements of this~~
13 ~~chapter, unless the county subsequently adopts a withdrawal~~
14 ~~resolution for partial planning pursuant to (b) (i) of this~~
15 ~~subsection.~~

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

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

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

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

29 ~~(D) The legislative bodies of at least sixty percent of those~~
30 ~~cities having an aggregate population of at least seventy-five~~
31 ~~percent of the incorporated county population have not: Adopted~~
32 ~~resolutions opposing the action by the county; and provided written~~
33 ~~notification of the resolutions to the county.~~

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

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

39 ~~(B) The county may not, for a minimum of ten years from the date~~
40 ~~of adoption of the resolution, adopt another resolution indicating~~

1 ~~its intention to have subsection (1) of this section apply to the~~
2 ~~county.~~

3 ~~(c) The adoption of a resolution for partial planning under~~
4 ~~(b)(i) of this subsection does not nullify or otherwise modify the~~
5 ~~requirements for counties and cities established in RCW 36.70A.060,~~
6 ~~36.70A.070(5) and associated development regulations, 36.70A.170, and~~
7 ~~36.70A.172.~~

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

38 ~~(4) Any county or city that is required to conform with all the~~
39 ~~requirements of this chapter, as a result of the county legislative~~
40 ~~authority adopting its resolution of intention under subsection (2)~~

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

19 ((~~(5)~~)) (3) If the office of financial management certifies that
20 the population of a county that previously had not been required to
21 plan under subsection (1) ((~~or (2)~~)) of this section has changed
22 sufficiently to meet ((~~either of~~)) the ((~~sets of~~)) criteria specified
23 under subsection (1) of this section, ((~~and where applicable, the~~
24 ~~county legislative authority has not adopted a resolution removing~~
25 ~~the county from these requirements as provided in subsection (1) of~~
26 ~~this section,~~)) the county and each city within such county shall
27 take actions under this chapter as follows: (a) The county
28 legislative authority shall adopt a countywide planning policy under
29 RCW 36.70A.210; (b) the county and each city located within the
30 county shall adopt development regulations under RCW 36.70A.060
31 conserving agricultural lands, forestlands, and mineral resource
32 lands it designated within one year of the certification by the
33 office of financial management; (c) the county shall designate and
34 take other actions related to urban growth areas under RCW
35 36.70A.110; and (d) the county and each city located within the
36 county shall adopt a comprehensive land use plan and development
37 regulations that are consistent with and implement the comprehensive
38 plan within four years of the certification by the office of
39 financial management, but a county or city may obtain an additional
40 six months before it is required to have adopted its development

1 regulations by submitting a letter notifying the department of its
2 need prior to the deadline for adopting both a comprehensive plan and
3 development regulations.

4 ~~((6))~~ (4) A copy of each document that is required under this
5 section shall be submitted to the department at the time of its
6 adoption.

7 ~~((7) Cities and counties planning under this chapter must amend
8 the transportation element of the comprehensive plan to be in
9 compliance with this chapter and chapter 47.80 RCW no later than
10 December 31, 2000))~~ (5) The transportation element of comprehensive
11 plans adopted under this chapter must be consistent with this chapter
12 and chapter 47.80 RCW.

13 **Sec. 2.** RCW 36.70A.060 and 2017 3rd sp.s. c 18 s 3 are each
14 amended to read as follows:

15 (1)(a) Each county that is required ~~((or chooses))~~ to plan under
16 RCW 36.70A.040, and each city within such county, shall adopt
17 development regulations on or before September 1, 1991, to assure the
18 conservation of agricultural, forest, and mineral resource lands
19 designated under RCW 36.70A.170. Regulations adopted under this
20 subsection may not prohibit uses legally existing on any parcel prior
21 to their adoption and shall remain in effect until the county or city
22 adopts development regulations pursuant to RCW 36.70A.040. Such
23 regulations shall assure that the use of lands adjacent to
24 agricultural, forest, or mineral resource lands shall not interfere
25 with the continued use, in the accustomed manner and in accordance
26 with best management practices, of these designated lands for the
27 production of food, agricultural products, or timber, or for the
28 extraction of minerals. Any county located to the west of the crest
29 of the Cascade mountains that has both a population of at least four
30 hundred thousand and a border that touches another state, and any
31 city in such county, may adopt development regulations to assure that
32 agriculture, forest, and mineral resource lands adjacent to short
33 line railroads may be developed for freight rail dependent uses.

34 (b) Counties and cities shall require that all plats, short
35 plats, development permits, and building permits issued for
36 development activities on, or within five hundred feet of, lands
37 designated as agricultural lands, forestlands, or mineral resource
38 lands, contain a notice that the subject property is within or near
39 designated agricultural lands, forestlands, or mineral resource lands

1 on which a variety of commercial activities may occur that are not
2 compatible with residential development for certain periods of
3 limited duration. The notice for mineral resource lands shall also
4 inform that an application might be made for mining-related
5 activities, including mining, extraction, washing, crushing,
6 stockpiling, blasting, transporting, and recycling of minerals.

7 ~~(c) ((Each county that adopts a resolution of partial planning
8 under RCW 36.70A.040(2) (b), and each city within such county, shall
9 adopt development regulations within one year after the adoption of
10 the resolution of partial planning to assure the conservation of
11 agricultural, forest, and mineral resource lands designated under RCW
12 36.70A.170. Regulations adopted under this subsection (1)(c) must
13 comply with the requirements governing regulations adopted under (a)
14 of this subsection.~~

15 ~~(d)(i) A county that adopts a resolution of partial planning
16 under RCW 36.70A.040(2) (b) and that is not in compliance with the
17 planning requirements of this section, RCW 36.70A.040(4),
18 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
19 is adopted must, by January 30, 2017, apply for a determination of
20 compliance from the department finding that the county's development
21 regulations, including development regulations adopted to protect
22 critical areas, and comprehensive plans are in compliance with the
23 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
24 36.70A.170, and 36.70A.172. The department must approve or deny the
25 application for a determination of compliance within one hundred
26 twenty days of its receipt or by June 30, 2017, whichever date is
27 earlier.~~

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

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

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

1 ~~(v) The department may implement this subsection (1)(d) by~~
2 ~~adopting rules related to determinations of compliance. The rules may~~
3 ~~address, but are not limited to: The requirements for applications~~
4 ~~for a determination of compliance; charging of costs under (d)(iv) of~~
5 ~~this subsection; procedures for processing applications; criteria for~~
6 ~~the evaluation of applications; issuance and notice of department~~
7 ~~decisions; and applicable timelines.~~

8 ~~(e)) Any county that borders both the Cascade mountains and~~
9 ~~another country and has a population of less than fifty thousand~~
10 ~~people, and any city in such county, may adopt development~~
11 ~~regulations to assure that agriculture, forest, and mineral resource~~
12 ~~lands adjacent to short line railroads may be developed for freight~~
13 ~~rail dependent uses.~~

14 (2) Each county and city shall adopt development regulations that
15 protect critical areas that are required to be designated under RCW
16 36.70A.170. ~~((For counties and cities that are required or choose to~~
17 ~~plan under RCW 36.70A.040, such development regulations shall be~~
18 ~~adopted on or before September 1, 1991. For the remainder of the~~
19 ~~counties and cities, such development regulations shall be adopted on~~
20 ~~or before March 1, 1992.))~~

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

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

31 **Sec. 3.** RCW 82.02.050 and 2015 c 241 s 1 are each amended to
32 read as follows:

33 (1) It is the intent of the legislature:

34 (a) To ensure that adequate facilities are available to serve new
35 growth and development;

36 (b) To promote orderly growth and development by establishing
37 standards by which counties, cities, and towns may require, by
38 ordinance, that new growth and development pay a proportionate share

1 of the cost of new facilities needed to serve new growth and
2 development; and

3 (c) To ensure that impact fees are imposed through established
4 procedures and criteria so that specific developments do not pay
5 arbitrary fees or duplicative fees for the same impact.

6 (2) Counties, cities, and towns that are required (~~or choose~~)
7 to plan under RCW 36.70A.040, or that were required to plan under RCW
8 36.70A.040 as of January 1, 2019, are authorized to impose impact
9 fees on development activity as part of the financing for public
10 facilities, provided that the financing for system improvements to
11 serve new development must provide for a balance between impact fees
12 and other sources of public funds and cannot rely solely on impact
13 fees.

14 (3)(a)(i) Counties, cities, and towns collecting impact fees
15 must, by September 1, 2016, adopt and maintain a system for the
16 deferred collection of impact fees for single-family detached and
17 attached residential construction. The deferral system must include a
18 process by which an applicant for a building permit for a single-
19 family detached or attached residence may request a deferral of the
20 full impact fee payment. The deferral system offered by a county,
21 city, or town under this subsection (3) must include one or more of
22 the following options:

23 (A) Deferring collection of the impact fee payment until final
24 inspection;

25 (B) Deferring collection of the impact fee payment until
26 certificate of occupancy or equivalent certification; or

27 (C) Deferring collection of the impact fee payment until the time
28 of closing of the first sale of the property occurring after the
29 issuance of the applicable building permit.

30 (ii) Counties, cities, and towns utilizing the deferral process
31 required by this subsection (3)(a) may withhold certification of
32 final inspection, certificate of occupancy, or equivalent
33 certification until the impact fees have been paid in full.

34 (iii) The amount of impact fees that may be deferred under this
35 subsection (3) must be determined by the fees in effect at the time
36 the applicant applies for a deferral.

37 (iv) Unless an agreement to the contrary is reached between the
38 buyer and seller, the payment of impact fees due at closing of a sale
39 must be made from the seller's proceeds. In the absence of an

1 agreement to the contrary, the seller bears strict liability for the
2 payment of the impact fees.

3 (b) The term of an impact fee deferral under this subsection (3)
4 may not exceed eighteen months from the date of building permit
5 issuance.

6 (c) Except as may otherwise be authorized in accordance with (f)
7 of this subsection (3), an applicant seeking a deferral under this
8 subsection (3) must grant and record a deferred impact fee lien
9 against the property in favor of the county, city, or town in the
10 amount of the deferred impact fee. The deferred impact fee lien,
11 which must include the legal description, tax account number, and
12 address of the property, must also be:

- 13 (i) In a form approved by the county, city, or town;
- 14 (ii) Signed by all owners of the property, with all signatures
15 acknowledged as required for a deed, and recorded in the county where
16 the property is located;
- 17 (iii) Binding on all successors in title after the recordation;
- 18 and
- 19 (iv) Junior and subordinate to one mortgage for the purpose of
20 construction upon the same real property granted by the person who
21 applied for the deferral of impact fees.

22 (d)(i) If impact fees are not paid in accordance with a deferral
23 authorized by this subsection (3), and in accordance with the term
24 provisions established in (b) of this subsection (3), the county,
25 city, or town may institute foreclosure proceedings in accordance
26 with chapter 61.12 RCW.

27 (ii) If the county, city, or town does not institute foreclosure
28 proceedings for unpaid school impact fees within forty-five days
29 after receiving notice from a school district requesting that it do
30 so, the district may institute foreclosure proceedings with respect
31 to the unpaid impact fees.

32 (e)(i) Upon receipt of final payment of all deferred impact fees
33 for a property, the county, city, or town must execute a release of
34 deferred impact fee lien for the property. The property owner at the
35 time of the release, at his or her expense, is responsible for
36 recording the lien release.

37 (ii) The extinguishment of a deferred impact fee lien by the
38 foreclosure of a lien having priority does not affect the obligation
39 to pay the impact fees as a condition of final inspection,

1 certificate of occupancy, or equivalent certification, or at the time
2 of closing of the first sale.

3 (f) A county, city, or town with an impact fee deferral process
4 on or before April 1, 2015, is exempt from the requirements of this
5 subsection (3) if the deferral process delays all impact fees and
6 remains in effect after September 1, 2016.

7 (g) (i) Each applicant for a single-family residential
8 construction permit, in accordance with his or her contractor
9 registration number or other unique identification number, is
10 entitled to annually receive deferrals under this subsection (3) for
11 the first twenty single-family residential construction building
12 permits per county, city, or town. A county, city, or town, however,
13 may elect, by ordinance, to defer more than twenty single-family
14 residential construction building permits for an applicant. If the
15 county, city, or town collects impact fees on behalf of one or more
16 school districts for which the collection of impact fees could be
17 delayed, the county, city, or town must consult with the district or
18 districts about the additional deferrals. A county, city, or town
19 considering additional deferrals must give substantial weight to
20 recommendations of each applicable school district regarding the
21 number of additional deferrals. If the county, city, or town
22 disagrees with the recommendations of one or more school districts,
23 the county, city, or town must provide the district or districts with
24 a written rationale for its decision.

25 (ii) For purposes of this subsection (3)(g), an "applicant"
26 includes an entity that controls the applicant, is controlled by the
27 applicant, or is under common control with the applicant.

28 (h) Counties, cities, and towns may collect reasonable
29 administrative fees to implement this subsection (3) from permit
30 applicants who are seeking to delay the payment of impact fees under
31 this subsection (3).

32 (i) In accordance with RCW 44.28.812 and 43.31.980, counties,
33 cities, and towns must cooperate with and provide requested data,
34 materials, and assistance to the department of commerce and the joint
35 legislative audit and review committee.

36 (4) The impact fees:

37 (a) Shall only be imposed for system improvements that are
38 reasonably related to the new development;

39 (b) Shall not exceed a proportionate share of the costs of system
40 improvements that are reasonably related to the new development; and

1 (c) Shall be used for system improvements that will reasonably
2 benefit the new development.

3 (5) (a) Impact fees may be collected and spent only for the public
4 facilities defined in RCW 82.02.090 which are addressed by a capital
5 facilities plan element of a comprehensive land use plan adopted
6 pursuant to the provisions of RCW 36.70A.070 or the provisions for
7 comprehensive plan adoption contained in chapter 36.70, 35.63, or
8 35A.63 RCW. After the date a county, city, or town is required to
9 adopt its development regulations under chapter 36.70A RCW, continued
10 authorization to collect and expend impact fees is contingent on the
11 county, city, or town adopting or revising a comprehensive plan in
12 compliance with RCW 36.70A.070, and on the capital facilities plan
13 identifying:

14 (i) Deficiencies in public facilities serving existing
15 development and the means by which existing deficiencies will be
16 eliminated within a reasonable period of time;

17 (ii) Additional demands placed on existing public facilities by
18 new development; and

19 (iii) Additional public facility improvements required to serve
20 new development.

21 (b) If the capital facilities plan of the county, city, or town
22 is complete other than for the inclusion of those elements which are
23 the responsibility of a special district, the county, city, or town
24 may impose impact fees to address those public facility needs for
25 which the county, city, or town is responsible.

26 **Sec. 4.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended
27 to read as follows:

28 (1) The department shall establish a program of technical and
29 financial assistance and incentives to counties and cities to
30 encourage and facilitate the adoption and implementation of
31 comprehensive plans and development regulations throughout the state.

32 (2) The department shall develop a priority list and establish
33 funding levels for planning and technical assistance grants both for
34 counties and cities that plan under RCW 36.70A.040. Priority for
35 assistance shall be based on a county's or city's population growth
36 rates, commercial and industrial development rates, the existence and
37 quality of a comprehensive plan and development regulations, and
38 other relevant factors.

1 (3) The department shall develop and administer a grant program
2 to provide direct financial assistance to counties and cities for the
3 preparation of comprehensive plans under this chapter. The department
4 may establish provisions for county and city matching funds to
5 conduct activities under this subsection. Grants may be expended for
6 any purpose directly related to the preparation of a county or city
7 comprehensive plan as the county or city and the department may
8 agree, including, without limitation, the conducting of surveys,
9 inventories and other data gathering and management activities, the
10 retention of planning consultants, contracts with regional councils
11 for planning and related services, and other related purposes.

12 (4) The department shall establish a program of technical
13 assistance:

14 (a) Utilizing department staff, the staff of other state
15 agencies, and the technical resources of counties and cities to help
16 in the development of comprehensive plans required under this
17 chapter. The technical assistance may include, but not be limited to,
18 model land use ordinances, regional education and training programs,
19 and information for local and regional inventories; and

20 (b) Adopting by rule procedural criteria to assist counties and
21 cities in adopting comprehensive plans and development regulations
22 that meet the goals and requirements of this chapter. These criteria
23 shall reflect regional and local variations and the diversity that
24 exists among different counties and cities that plan under this
25 chapter.

26 (5) The department shall provide mediation services to resolve
27 disputes between counties and cities regarding, among other things,
28 coordination of regional issues and designation of urban growth
29 areas.

30 (6) The department shall provide planning grants to enhance
31 citizen participation under RCW 36.70A.140.

32 (7) The department may not provide technical assistance related
33 to the implementation of this act.

34 **Sec. 5.** RCW 36.70A.130 and 2012 c 191 s 1 are each amended to
35 read as follows:

36 (1)(a) Each comprehensive land use plan and development
37 regulations shall be subject to continuing review and evaluation by
38 the county or city that adopted them. Except as otherwise provided, a
39 county or city shall take legislative action to review and, if

1 needed, revise its comprehensive land use plan and development
2 regulations to ensure the plan and regulations comply with the
3 requirements of this chapter according to the deadlines in
4 subsections (4) and (5) of this section.

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

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

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

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

39 (i) The initial adoption of a subarea plan. Subarea plans adopted
40 under this subsection (2)(a)(i) must clarify, supplement, or

1 implement jurisdiction-wide comprehensive plan policies, and may only
2 be adopted if the cumulative impacts of the proposed plan are
3 addressed by appropriate environmental review under chapter 43.21C
4 RCW;

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

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

11 (iv) The amendment of the capital facilities element of a
12 comprehensive plan that occurs concurrently with the adoption or
13 amendment of a county or city budget; or

14 (v) The adoption of comprehensive plan amendments necessary to
15 enact a planned action under RCW (~~43.21C.031(2)~~) 43.21C.440,
16 provided that amendments are considered in accordance with the public
17 participation program established by the county or city under this
18 subsection (2)(a) and all persons who have requested notice of a
19 comprehensive plan update are given notice of the amendments and an
20 opportunity to comment.

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

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

39 (b) The county comprehensive plan designating urban growth areas,
40 and the densities permitted in the urban growth areas by the

1 comprehensive plans of the county and each city located within the
2 urban growth areas, shall be revised to accommodate the urban growth
3 projected to occur in the county for the succeeding twenty-year
4 period. The review required by this subsection may be combined with
5 the review and evaluation required by RCW 36.70A.215.

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

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

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

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

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

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

31 (a) On or before June 30, 2015, and every eight years thereafter,
32 for King, Pierce, and Snohomish counties and the cities within those
33 counties;

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

38 (c) On or before June 30, 2017, and every eight years thereafter,
39 for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania,

1 Spokane, and Yakima counties and the cities within those counties;
2 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (iii) The adoption or amendment of the development regulations is
11 necessary to enable the county to respond to an order of the growth
12 management hearings board or court;

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

15 (v) Three or more years have elapsed since the receipt of
16 funding.

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

26 **Sec. 6.** RCW 36.70A.280 and 2014 c 147 s 3 are each amended to
27 read as follows:

28 (1) The growth management hearings board shall hear and determine
29 only those petitions alleging either:

30 (a) That, except as provided otherwise by this subsection, a
31 state agency, county, or city planning under this chapter is not in
32 compliance with the requirements of this chapter, chapter 90.58 RCW
33 as it relates to the adoption of shoreline master programs or
34 amendments thereto, or chapter 43.21C RCW as it relates to plans,
35 development regulations, or amendments, adopted under RCW 36.70A.040
36 or chapter 90.58 RCW(~~Nothing in this subsection authorizes the~~
37 ~~board to hear petitions alleging noncompliance with RCW~~
38 ~~36.70A.5801));~~

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

4 (c) That the approval of a work plan adopted under RCW
5 36.70A.735(1)(a) is not in compliance with the requirements of the
6 program established under RCW 36.70A.710;

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

10 (e) That a department certification under RCW 36.70A.735(1)(c) is
11 erroneous (~~is or~~

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

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

20 (3) For purposes of this section "person" means any individual,
21 partnership, corporation, association, state agency, governmental
22 subdivision or unit thereof, or public or private organization or
23 entity of any character.

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

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

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

35 If adjusted by the board, a county growth management planning
36 population projection shall only be used for the planning purposes
37 set forth in this chapter and shall be known as the "board adjusted
38 population projection." None of these changes shall affect the
39 official state and county population forecasts prepared by the office

1 of financial management, which shall continue to be used for state
2 budget and planning purposes.

3 **Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
4 read as follows:

5 (1) The growth management hearings board shall hear and determine
6 only those petitions alleging either:

7 (a) That, except as provided otherwise by this subsection, a
8 state agency, county, or city planning under this chapter is not in
9 compliance with the requirements of this chapter, chapter 90.58 RCW
10 as it relates to the adoption of shoreline master programs or
11 amendments thereto, or chapter 43.21C RCW as it relates to plans,
12 development regulations, or amendments, adopted under RCW 36.70A.040
13 or chapter 90.58 RCW(~~(. Nothing in this subsection authorizes the~~
14 ~~board to hear petitions alleging noncompliance with RCW~~
15 ~~36.70A.5801))~~);

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

19 (c) That the approval of a work plan adopted under RCW
20 36.70A.735(1)(a) is not in compliance with the requirements of the
21 program established under RCW 36.70A.710;

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

25 (e) That a department certification under RCW 36.70A.735(1)(c) 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) a 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 34.05.530.

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

37 (4) To establish participation standing under subsection (2)(b)
38 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.

17 **Part II: Conforming Amendments**

18 **Sec. 8.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
19 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

20 The comprehensive plan of a county or city that is required (~~(or~~
21 ~~chooses)~~) to plan under RCW 36.70A.040 shall consist of a map or
22 maps, and descriptive text covering objectives, principles, and
23 standards used to develop the comprehensive plan. The plan shall be
24 an internally consistent document and all elements shall be
25 consistent with the future land use map. A comprehensive plan shall
26 be adopted and amended with public participation as provided in RCW
27 36.70A.140. Each comprehensive plan shall include a plan, scheme, or
28 design for each of the following:

29 (1) A land use element designating the proposed general
30 distribution and general location and extent of the uses of land,
31 where appropriate, for agriculture, timber production, housing,
32 commerce, industry, recreation, open spaces, general aviation
33 airports, public utilities, public facilities, and other land uses.
34 The land use element shall include population densities, building
35 intensities, and estimates of future population growth. The land use
36 element shall provide for protection of the quality and quantity of
37 groundwater used for public water supplies. Wherever possible, the
38 land use element should consider utilizing urban planning approaches

1 that promote physical activity. Where applicable, the land use
2 element shall review drainage, flooding, and storm water run-off in
3 the area and nearby jurisdictions and provide guidance for corrective
4 actions to mitigate or cleanse those discharges that pollute waters
5 of the state, including Puget Sound or waters entering Puget Sound.

6 (2) A housing element ensuring the vitality and character of
7 established residential neighborhoods that: (a) Includes an inventory
8 and analysis of existing and projected housing needs that identifies
9 the number of housing units necessary to manage projected growth; (b)
10 includes a statement of goals, policies, objectives, and mandatory
11 provisions for the preservation, improvement, and development of
12 housing, including single-family residences; (c) identifies
13 sufficient land for housing, including, but not limited to,
14 government-assisted housing, housing for low-income families,
15 manufactured housing, multifamily housing, and group homes and foster
16 care facilities; and (d) makes adequate provisions for existing and
17 projected needs of all economic segments of the community. In
18 counties and cities subject to the review and evaluation requirements
19 of RCW 36.70A.215, any revision to the housing element shall include
20 consideration of prior review and evaluation reports and any
21 reasonable measures identified.

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

36 (4) A utilities element consisting of the general location,
37 proposed location, and capacity of all existing and proposed
38 utilities, including, but not limited to, electrical lines,
39 telecommunication lines, and natural gas lines.

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

25 (ii) Assuring visual compatibility of rural development with the
26 surrounding rural area;

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

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

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

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

39 (i) Rural development consisting of the infill, development, or
40 redevelopment of existing commercial, industrial, residential, or

1 mixed-use areas, whether characterized as shoreline development,
2 villages, hamlets, rural activity centers, or crossroads
3 developments.

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

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

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

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

27 (iii) The intensification of development on lots containing
28 isolated nonresidential uses or new development of isolated cottage
29 industries and isolated small-scale businesses that are not
30 principally designed to serve the existing and projected rural
31 population and nonresidential uses, but do provide job opportunities
32 for rural residents. Rural counties may allow the expansion of small-
33 scale businesses as long as those small-scale businesses conform with
34 the rural character of the area as defined by the local government
35 according to RCW 36.70A.030(16). Rural counties may also allow new
36 small-scale businesses to utilize a site previously occupied by an
37 existing business as long as the new small-scale business conforms to
38 the rural character of the area as defined by the local government
39 according to RCW 36.70A.030(16). Public services and public
40 facilities shall be limited to those necessary to serve the isolated

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

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

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

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

25 (B) On the date the ~~((county adopted a resolution under RCW~~
26 ~~36.70A.040(2), in a county that is planning under all of the~~
27 ~~provisions of this chapter under RCW 36.70A.040(2); or~~

28 ~~(C) On the date the))~~ office of financial management certifies
29 the county's population ~~((as provided in RCW 36.70A.040(5), in a~~
30 ~~county that is planning under all of the provisions of this chapter~~
31 ~~pursuant to RCW 36.70A.040(5))~~ meets the population size and
32 population growth criteria of RCW 36.70A.040(1).

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

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

39 (a) The transportation element shall include the following
40 subelements:

- 1 (i) Land use assumptions used in estimating travel;
- 2 (ii) Estimated traffic impacts to state-owned transportation
3 facilities resulting from land use assumptions to assist the
4 department of transportation in monitoring the performance of state
5 facilities, to plan improvements for the facilities, and to assess
6 the impact of land-use decisions on state-owned transportation
7 facilities;
- 8 (iii) Facilities and services needs, including:
- 9 (A) An inventory of air, water, and ground transportation
10 facilities and services, including transit alignments and general
11 aviation airport facilities, to define existing capital facilities
12 and travel levels as a basis for future planning. This inventory must
13 include state-owned transportation facilities within the city or
14 county's jurisdictional boundaries;
- 15 (B) Level of service standards for all locally owned arterials
16 and transit routes to serve as a gauge to judge performance of the
17 system. These standards should be regionally coordinated;
- 18 (C) For state-owned transportation facilities, level of service
19 standards for highways, as prescribed in chapters 47.06 and 47.80
20 RCW, to gauge the performance of the system. The purposes of
21 reflecting level of service standards for state highways in the local
22 comprehensive plan are to monitor the performance of the system, to
23 evaluate improvement strategies, and to facilitate coordination
24 between the county's or city's six-year street, road, or transit
25 program and the office of financial management's ten-year investment
26 program. The concurrency requirements of (b) of this subsection do
27 not apply to transportation facilities and services of statewide
28 significance except for counties consisting of islands whose only
29 connection to the mainland are state highways or ferry routes. In
30 these island counties, state highways and ferry route capacity must
31 be a factor in meeting the concurrency requirements in (b) of this
32 subsection;
- 33 (D) Specific actions and requirements for bringing into
34 compliance locally owned transportation facilities or services that
35 are below an established level of service standard;
- 36 (E) Forecasts of traffic for at least ten years based on the
37 adopted land use plan to provide information on the location, timing,
38 and capacity needs of future growth;
- 39 (F) Identification of state and local system needs to meet
40 current and future demands. Identified needs on state-owned

1 transportation facilities must be consistent with the statewide
2 multimodal transportation plan required under chapter 47.06 RCW;

3 (iv) Finance, including:

4 (A) An analysis of funding capability to judge needs against
5 probable funding resources;

6 (B) A multiyear financing plan based on the needs identified in
7 the comprehensive plan, the appropriate parts of which shall serve as
8 the basis for the six-year street, road, or transit program required
9 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
10 35.58.2795 for public transportation systems. The multiyear financing
11 plan should be coordinated with the ten-year investment program
12 developed by the office of financial management as required by RCW
13 47.05.030;

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

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

21 (vi) Demand-management strategies;

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

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

1 delayed under RCW 82.02.050(3), the six-year period required by this
2 subsection (6)(b) must begin after full payment of all impact fees is
3 due to the county or city.

4 (c) The transportation element described in this subsection (6),
5 the six-year plans required by RCW 35.77.010 for cities, RCW
6 36.81.121 for counties, and RCW 35.58.2795 for public transportation
7 systems, and the ten-year investment program required by RCW
8 47.05.030 for the state, must be consistent.

9 (7) An economic development element establishing local goals,
10 policies, objectives, and provisions for economic growth and vitality
11 and a high quality of life. A city that has chosen to be a
12 residential community is exempt from the economic development element
13 requirement of this subsection.

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

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

28 **Sec. 9.** RCW 36.70A.310 and 2010 c 211 s 11 are each amended to
29 read as follows:

30 A request for review by the state to the growth management
31 hearings board may be made only by the governor, or with the
32 governor's consent the head of an agency, or by the commissioner of
33 public lands as relating to state trust lands, for the review of
34 whether: (1) A county or city that is required (~~or chooses~~) to plan
35 under RCW 36.70A.040 has failed to adopt a comprehensive plan or
36 development regulations, or countywide planning policies within the
37 time limits established by this chapter; or (2) a county or city that
38 is required (~~or chooses~~) to plan under this chapter has adopted a
39 comprehensive plan, development regulations, or countywide planning

1 policies, that are not in compliance with the requirements of this
2 chapter.

3 **Sec. 10.** RCW 19.27.097 and 2018 c 1 s 101 are each amended to
4 read as follows:

5 (1)(a) Each applicant for a building permit of a building
6 necessitating potable water shall provide evidence of an adequate
7 water supply for the intended use of the building. Evidence may be in
8 the form of a water right permit from the department of ecology, a
9 letter from an approved water purveyor stating the ability to provide
10 water, or another form sufficient to verify the existence of an
11 adequate water supply. An application for a water right shall not be
12 sufficient proof of an adequate water supply.

13 (b) In a water resource inventory area with rules adopted by the
14 department of ecology pursuant to RCW 90.94.020 or 90.94.030 and the
15 following water resource inventory areas with instream flow rules
16 adopted by the department of ecology under chapters 90.22 and 90.54
17 RCW that explicitly regulate permit-exempt groundwater withdrawals,
18 evidence of an adequate water supply must be consistent with the
19 specific applicable rule requirements: 5 (Stillaguamish); 17
20 (Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-
21 Washougal); 32 (Walla Walla); 45 (Wenatchee); 46 (Entiat); 48
22 (Methow); and 57 (Middle Spokane).

23 (c) In the following water resource inventory areas with instream
24 flow rules adopted by the department of ecology under chapters 90.22
25 and 90.54 RCW that do not explicitly regulate permit-exempt
26 groundwater withdrawals, evidence of an adequate water supply must be
27 consistent with RCW 90.94.020, unless the applicant provides other
28 evidence of an adequate water supply that complies with chapters
29 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22 (Lower
30 Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane);
31 and 59 (Colville).

32 (d) In the following water resource inventory areas with instream
33 flow rules adopted by the department of ecology under chapters 90.22
34 and 90.54 RCW that do not explicitly regulate permit-exempt
35 groundwater withdrawals, evidence of an adequate water supply must be
36 consistent with RCW 90.94.030, unless the applicant provides other
37 evidence of an adequate water supply that complies with chapters
38 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-

1 Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14
2 (Kennedy-Goldsborough); and 15 (Kitsap).

3 (e) In water resource inventory areas 37 (Lower Yakima), 38
4 (Naches), and 39 (Upper Yakima), the department of ecology may impose
5 requirements to satisfy adjudicated water rights.

6 (f) Additional requirements apply in areas within water resource
7 inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated
8 by chapter 173-503 WAC, as a result of *Swinomish Indian Tribal*
9 *Community v. Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

10 (g) In other areas of the state, physical and legal evidence of
11 an adequate water supply may be demonstrated by the submission of a
12 water well report consistent with the requirements of chapter 18.104
13 RCW.

14 (h) For the purposes of this subsection (1), "water resource
15 inventory areas" means those areas described in chapter 173-500 WAC
16 as of January 19, 2018.

17 (2) In addition to other authorities, the county or city may
18 impose additional requirements, including conditions on building
19 permits requiring connection to an existing public water system where
20 the existing system is willing and able to provide safe and reliable
21 potable water to the applicant with reasonable economy and
22 efficiency.

23 (3) Within counties not required (~~or not choosing~~) to plan
24 pursuant to RCW 36.70A.040, the county and the state may mutually
25 determine those areas in the county in which the requirements of
26 subsection (1) of this section shall not apply. The departments of
27 health and ecology shall coordinate on the implementation of this
28 section. Should the county and the state fail to mutually determine
29 those areas to be designated pursuant to this subsection, the county
30 may petition the department of enterprise services to mediate or, if
31 necessary, make the determination.

32 (4) Buildings that do not need potable water facilities are
33 exempt from the provisions of this section. The department of
34 ecology, after consultation with local governments, may adopt rules
35 to implement this section, which may recognize differences between
36 high-growth and low-growth counties.

37 (5) Any permit-exempt groundwater withdrawal authorized under RCW
38 90.44.050 associated with a water well constructed in accordance with
39 the provisions of chapter 18.104 RCW before January 19, 2018, is
40 deemed to be evidence of adequate water supply under this section.

1 **Sec. 11.** 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. 12.** RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
23 read as follows:

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

35 (2) Based upon the growth management population projection made
36 for the county by the office of financial management, the county and
37 each city within the county shall include areas and densities
38 sufficient to permit the urban growth that is projected to occur in
39 the county or city for the succeeding twenty-year period, except for

1 those urban growth areas contained totally within a national
2 historical reserve. As part of this planning process, each city
3 within the county must include areas sufficient to accommodate the
4 broad range of needs and uses that will accompany the projected urban
5 growth including, as appropriate, medical, governmental,
6 institutional, commercial, service, retail, and other nonresidential
7 uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (iii) Urban growth area expansions where:

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

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

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

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

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

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

33 (9) If a county, city, or utility has adopted a capital facility
34 plan or utilities element to provide sewer service within the urban
35 growth areas during the twenty-year planning period, nothing in this
36 chapter obligates counties, cities, or utilities to install sanitary
37 sewer systems to properties within urban growth areas designated
38 under subsection (2) of this section by the end of the twenty-year
39 planning period when those properties:

1 (a)(i) Have existing, functioning, nonpolluting on-site sewage
2 systems;

3 (ii) Have a periodic inspection program by a public agency to
4 verify the on-site sewage systems function properly and do not
5 pollute surface or groundwater; and

6 (iii) Have no redevelopment capacity; or

7 (b) Do not require sewer service because development densities
8 are limited due to wetlands, flood plains, fish and wildlife
9 habitats, or geological hazards.

10 **Sec. 13.** RCW 36.70A.115 and 2017 3rd sp.s. c 16 s 1 are each
11 amended to read as follows:

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

23 (2) This analysis shall include the reasonable measures findings
24 developed under RCW 36.70A.215, if applicable to such counties and
25 cities.

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

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

31 **Sec. 15.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to
32 read as follows:

33 Each county and city that is required (~~or chooses~~) to plan
34 under RCW 36.70A.040 shall establish and broadly disseminate to the
35 public a public participation program identifying procedures
36 providing for early and continuous public participation in the
37 development and amendment of comprehensive land use plans and

1 development regulations implementing such plans. The procedures shall
2 provide for broad dissemination of proposals and alternatives,
3 opportunity for written comments, public meetings after effective
4 notice, provision for open discussion, communication programs,
5 information services, and consideration of and response to public
6 comments. In enacting legislation in response to the board's decision
7 pursuant to RCW 36.70A.300 declaring part or all of a comprehensive
8 plan or development regulation invalid, the county or city shall
9 provide for public participation that is appropriate and effective
10 under the circumstances presented by the board's order. Errors in
11 exact compliance with the established program and procedures shall
12 not render the comprehensive land use plan or development regulations
13 invalid if the spirit of the program and procedures is observed.

14 **Sec. 16.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to
15 read as follows:

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

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

28 **Sec. 17.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to
29 read as follows:

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

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

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

13 **Sec. 18.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
14 read as follows:

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

25 (2) The legislative authority of a county that plans under RCW
26 36.70A.040 shall adopt a countywide planning policy in cooperation
27 with the cities located in whole or in part within the county as
28 follows:

29 (a) No later than sixty calendar days from July 16, 1991, the
30 legislative authority of each county that as of June 1, 1991, was
31 required or chose to plan under RCW 36.70A.040 shall convene a
32 meeting with representatives of each city located within the county
33 for the purpose of establishing a collaborative process that will
34 provide a framework for the adoption of a countywide planning policy.
35 In other counties that are required (~~or choose~~) to plan under RCW
36 36.70A.040, this meeting shall be convened no later than sixty days
37 after the date the county (~~adopts its resolution of intention or~~)
38 was certified by the office of financial management.

1 (b) The process and framework for adoption of a countywide
2 planning policy specified in (a) of this subsection shall determine
3 the manner in which the county and the cities agree to all procedures
4 and provisions including but not limited to desired planning
5 policies, deadlines, ratification of final agreements and
6 demonstration thereof, and financing, if any, of all activities
7 associated therewith.

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

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

29 (e) No later than July 1, 1992, the legislative authority of each
30 county that was required (~~or chose~~) to plan under RCW 36.70A.040 as
31 of June 1, 1991, or no later than fourteen months after the date the
32 county (~~adopted its resolution of intention or~~) was certified by
33 the office of financial management the county legislative authority
34 of any other county that is required (~~or chooses~~) to plan under RCW
35 36.70A.040, shall adopt a countywide planning policy according to the
36 process provided under this section and that is consistent with the
37 agreement pursuant to (b) of this subsection, and after holding a
38 public hearing or hearings on the proposed countywide planning
39 policy.

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

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

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

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

9 (d) Policies for countywide transportation facilities and
10 strategies;

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

14 (f) Policies for joint county and city planning within urban
15 growth areas;

16 (g) Policies for countywide economic development and employment,
17 which must include consideration of the future development of
18 commercial and industrial facilities; and

19 (h) An analysis of the fiscal impact.

20 (4) Federal agencies and Indian tribes may participate in and
21 cooperate with the countywide planning policy adoption process.
22 Adopted countywide planning policies shall be adhered to by state
23 agencies.

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

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

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

1 **Sec. 19.** RCW 36.70A.260 and 2010 c 211 s 5 are each amended to
2 read as follows:

3 (1) Each petition for review that is filed with the growth
4 management hearings board shall be heard and decided by a regional
5 panel of growth management hearings board members. Regional panels
6 shall be constituted as follows:

7 (a) Central Puget Sound region. A three-member central Puget
8 Sound panel shall be selected to hear matters pertaining to cities
9 and counties located within the region comprised of King, Pierce,
10 Snohomish, and Kitsap counties.

11 (b) Eastern Washington region. A three-member eastern Washington
12 panel shall be selected to hear matters pertaining to cities and
13 counties that are required (~~(or choose)~~) to plan under RCW 36.70A.040
14 and are located east of the crest of the Cascade mountains.

15 (c) Western Washington region. A three-member western Washington
16 panel shall be selected to hear matters pertaining to cities and
17 counties that are required (~~(or choose)~~) to plan under RCW
18 36.70A.040, are located west of the crest of the Cascade mountains,
19 and are not included in the central Puget Sound region. Skamania
20 county, if it is required (~~(or chooses)~~) to plan under RCW
21 36.70A.040, may elect to be included within either the western
22 Washington region or the eastern Washington region.

23 (2)(a) Each regional panel selected to hear and decide cases
24 shall consist of three board members, at least a majority of whom
25 shall reside within the region in which the case arose, unless such
26 members cannot sit on a particular case because of recusal or
27 disqualification, or unless the board administrative officer
28 determines that there is an emergency including, but not limited to,
29 the unavailability of a board member due to illness, absence,
30 vacancy, or significant workload imbalance. The presiding officer of
31 each case shall reside within the region in which the case arose,
32 unless the board administrative officer determines that there is an
33 emergency.

34 (b) Except as provided otherwise in this subsection (2)(b), each
35 regional panel must: (i) Include one member admitted to practice law
36 in this state; (ii) include one member who has been a city or county
37 elected official; and (iii) reflect the political composition of the
38 board. The requirements of this subsection (2)(b) may be waived by
39 the board administrative officer due to member unavailability,
40 significant workload imbalances, or other reasons.

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

3 A county required (~~(or choosing)~~) to plan under RCW 36.70A.040
4 may establish a process as part of its urban growth areas, that are
5 designated under RCW 36.70A.110, for reviewing proposals to authorize
6 new fully contained communities located outside of the initially
7 designated urban growth areas.

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

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

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

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

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

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

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

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

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

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

29 (2) New fully contained communities may be approved outside
30 established urban growth areas only if a county reserves a portion of
31 the twenty-year population projection and offsets the urban growth
32 area accordingly for allocation to new fully contained communities
33 that meet the requirements of this chapter. Any county electing to
34 establish a new community reserve shall do so no more often than once
35 every five years as a part of the designation or review of urban
36 growth areas required by this chapter. The new community reserve
37 shall be allocated on a project-by-project basis, only after specific
38 project approval procedures have been adopted pursuant to this
39 chapter as a development regulation. When a new community reserve is
40 established, urban growth areas designated pursuant to this chapter

1 shall accommodate the unreserved portion of the twenty-year
2 population projection.

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

7 **Sec. 21.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to
8 read as follows:

9 (1) Counties that are required (~~or choose~~) to plan under RCW
10 36.70A.040 may permit master planned resorts which may constitute
11 urban growth outside of urban growth areas as limited by this
12 section. A master planned resort means a self-contained and fully
13 integrated planned unit development, in a setting of significant
14 natural amenities, with primary focus on destination resort
15 facilities consisting of short-term visitor accommodations associated
16 with a range of developed on-site indoor or outdoor recreational
17 facilities.

18 (2) Capital facilities, utilities, and services, including those
19 related to sewer, water, stormwater, security, fire suppression, and
20 emergency medical, provided on-site shall be limited to meeting the
21 needs of the master planned resort. Such facilities, utilities, and
22 services may be provided to a master planned resort by outside
23 service providers, including municipalities and special purpose
24 districts, provided that all costs associated with service extensions
25 and capacity increases directly attributable to the master planned
26 resort are fully borne by the resort. A master planned resort and
27 service providers may enter into agreements for shared capital
28 facilities and utilities, provided that such facilities and utilities
29 serve only the master planned resort or urban growth areas.

30 Nothing in this subsection may be construed as: Establishing an
31 order of priority for processing applications for water right
32 permits, for granting such permits, or for issuing certificates of
33 water right; altering or authorizing in any manner the alteration of
34 the place of use for a water right; or affecting or impairing in any
35 manner whatsoever an existing water right.

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

38 (3) A master planned resort may include other residential uses
39 within its boundaries, but only if the residential uses are

1 integrated into and support the on-site recreational nature of the
2 resort.

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

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

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

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

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

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

21 **Sec. 22.** RCW 36.70A.362 and 1997 c 382 s 1 are each amended to
22 read as follows:

23 Counties that are required (~~or choose~~) to plan under RCW
24 36.70A.040 may include existing resorts as master planned resorts
25 which may constitute urban growth outside of urban growth areas as
26 limited by this section. An existing resort means a resort in
27 existence on July 1, 1990, and developed, in whole or in part, as a
28 significantly self-contained and integrated development that includes
29 short-term visitor accommodations associated with a range of indoor
30 and outdoor recreational facilities within the property boundaries in
31 a setting of significant natural amenities. An existing resort may
32 include other permanent residential uses, conference facilities, and
33 commercial activities supporting the resort, but only if these other
34 uses are integrated into and consistent with the on-site recreational
35 nature of the resort.

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

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

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

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

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

13 (5) On-site and off-site infrastructure impacts are fully
14 considered and mitigated.

15 A county may allocate a portion of its twenty-year population
16 projection, prepared by the office of financial management, to the
17 master planned resort corresponding to the projected number of
18 permanent residents within the master planned resort.

19 **Sec. 23.** RCW 36.70A.365 and 1995 c 190 s 1 are each amended to
20 read as follows:

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

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

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

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

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

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

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

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

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

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

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

19 (3) Final approval of an application for a major industrial
20 development shall be considered an adopted amendment to the
21 comprehensive plan adopted pursuant to RCW 36.70A.070 designating the
22 major industrial development site on the land use map as an urban
23 growth area. Final approval of an application for a major industrial
24 development shall not be considered an amendment to the comprehensive
25 plan for the purposes of RCW 36.70A.130(2) and may be considered at
26 any time.

27 **Sec. 24.** RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each
28 amended to read as follows:

29 (1) The state attorney general shall establish by October 1,
30 1991, an orderly, consistent process, including a checklist if
31 appropriate, that better enables state agencies and local governments
32 to evaluate proposed regulatory or administrative actions to assure
33 that such actions do not result in an unconstitutional taking of
34 private property. It is not the purpose of this section to expand or
35 reduce the scope of private property protections provided in the
36 state and federal Constitutions. The attorney general shall review
37 and update the process at least on an annual basis to maintain
38 consistency with changes in case law.

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

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

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

13 **Sec. 25.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each
14 amended to read as follows:

15 (1) The department of commerce shall provide management services
16 for the growth management planning and environmental review fund
17 created by RCW 36.70A.490. The department shall establish procedures
18 for fund management. The department shall encourage participation in
19 the grant or loan program by other public agencies. The department
20 shall develop the grant or loan criteria, monitor the grant or loan
21 program, and select grant or loan recipients in consultation with
22 state agencies participating in the grant or loan program through the
23 provision of grant or loan funds or technical assistance.

24 (2) A grant or loan may be awarded to a county or city that is
25 required to (~~(or has chosen to)~~) plan under RCW 36.70A.040 and that
26 is qualified pursuant to this section. The grant or loan shall be
27 provided to assist a county or city in paying for the cost of
28 preparing an environmental analysis under chapter 43.21C RCW, that is
29 integrated with a comprehensive plan, subarea plan, plan element,
30 countywide planning policy, development regulation, monitoring
31 program, or other planning activity adopted under or implementing
32 this chapter that:

33 (a) Improves the process for project permit review while
34 maintaining environmental quality; or

35 (b) Encourages use of plans and information developed for
36 purposes of complying with this chapter to satisfy requirements of
37 other state programs.

38 (3) In order to qualify for a grant or loan, a county or city
39 shall:

1 (a) Demonstrate that it will prepare an environmental analysis
2 pursuant to chapter 43.21C RCW and subsection (2) of this section
3 that is integrated with a comprehensive plan, subarea plan, plan
4 element, countywide planning policy, development regulations,
5 monitoring program, or other planning activity adopted under or
6 implementing this chapter;

7 (b) Address environmental impacts and consequences, alternatives,
8 and mitigation measures in sufficient detail to allow the analysis to
9 be adopted in whole or in part by applicants for development permits
10 within the geographic area analyzed in the plan;

11 (c) Demonstrate that procedures for review of development permit
12 applications will be based on the integrated plans and environmental
13 analysis;

14 (d) Include mechanisms to monitor the consequences of growth as
15 it occurs in the plan area and to use the resulting data to update
16 the plan, policy, or implementing mechanisms and associated
17 environmental analysis;

18 (e) Demonstrate substantial progress towards compliance with the
19 requirements of this chapter. A county or city that is more than six
20 months out of compliance with a requirement of this chapter is deemed
21 not to be making substantial progress towards compliance; and

22 (f) Provide local funding, which may include financial
23 participation by the private sector.

24 (4) In awarding grants or loans, the department shall give
25 preference to proposals that include one or more of the following
26 elements:

27 (a) Financial participation by the private sector, or a public/
28 private partnering approach;

29 (b) Identification and monitoring of system capacities for
30 elements of the built environment, and to the extent appropriate, of
31 the natural environment;

32 (c) Coordination with state, federal, and tribal governments in
33 project review;

34 (d) Furtherance of important state objectives related to economic
35 development, protection of areas of statewide significance, and
36 siting of essential public facilities;

37 (e) Programs to improve the efficiency and effectiveness of the
38 permitting process by greater reliance on integrated plans and
39 prospective environmental analysis;

1 (f) Programs for effective citizen and neighborhood involvement
2 that contribute to greater likelihood that planning decisions can be
3 implemented with community support;

4 (g) Programs to identify environmental impacts and establish
5 mitigation measures that provide effective means to satisfy
6 concurrency requirements and establish project consistency with the
7 plans; or

8 (h) Environmental review that addresses the impacts of increased
9 density or intensity of comprehensive plans, subarea plans, or
10 receiving areas designated by a city or town under the regional
11 transfer of development rights program in chapter 43.362 RCW.

12 (5) If the local funding includes funding provided by other state
13 functional planning programs, including open space planning and
14 watershed or basin planning, the functional plan shall be integrated
15 into and be consistent with the comprehensive plan.

16 (6) State agencies shall work with grant or loan recipients to
17 facilitate state and local project review processes that will
18 implement the projects receiving grants or loans under this section.

19 **Sec. 26.** RCW 36.70A.520 and 2000 c 196 s 1 are each amended to
20 read as follows:

21 Counties that are required (~~or choose~~) to plan under RCW
22 36.70A.040 may authorize and designate national historic towns that
23 may constitute urban growth outside of urban growth areas as limited
24 by this section. A national historic town means a town or district
25 that has been designated a national historic landmark by the United
26 States secretary of the interior pursuant to 16 U.S.C. 461 et seq.,
27 as amended, based on its significant historic urban features, and
28 which historically contained a mix of residential and commercial or
29 industrial uses.

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

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

35 (2) The comprehensive plan and development regulations specify a
36 mix of residential, commercial, industrial, tourism-recreation,
37 waterfront, or other historical uses, along with other uses,
38 infrastructure, and services which promote the economic
39 sustainability of the town and its historic character. To promote

1 historic preservation, redevelopment, and an economically sustainable
2 community, the town also may include the types of uses that existed
3 at times during its history and is not limited to those present at
4 the time of the historic designation. Portions of the town may
5 include urban densities if they reflect density patterns that existed
6 at times during its history;

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

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

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

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

28 A county may allocate a portion of its twenty-year population
29 projection, prepared by the office of financial management, to the
30 national historic town corresponding to the projected number of
31 permanent residents within the national historic town.

32 **Sec. 27.** RCW 36.93.100 and 1994 c 216 s 13 are each amended to
33 read as follows:

34 The board shall review and approve, disapprove, or modify any of
35 the actions set forth in RCW 36.93.090 when any of the following
36 shall occur within forty-five days of the filing of a notice of
37 intention:

38 (1) Three members of a five-member boundary review board or five
39 members of a boundary review board in a county with a population of

1 one million or more files a request for review: PROVIDED, That the
2 members of the boundary review board shall not be authorized to file
3 a request for review of the following actions:

4 (a) The incorporation of any special district or change in the
5 boundary of any city, town, or special purpose district;

6 (b) The extension of permanent water service outside of its
7 existing corporate boundaries by a city, town, or special purpose
8 district if (i) the extension is through the installation of water
9 mains of six inches or less in diameter or (ii) the county
10 legislative authority for the county in which the proposed extension
11 is to be built is required (~~(or chooses)~~) to plan under RCW
12 36.70A.040 and has by a majority vote waived the authority of the
13 board to initiate review of all other extensions; or

14 (c) The extension of permanent sewer service outside of its
15 existing corporate boundaries by a city, town, or special purpose
16 district if (i) the extension is through the installation of sewer
17 mains of eight inches or less in diameter or (ii) the county
18 legislative authority for the county in which the proposed extension
19 is to be built is required (~~(or chooses)~~) to plan under RCW
20 36.70A.040 and has by a majority vote waived the authority of the
21 board to initiate review of all other extensions;

22 (2) Any governmental unit affected, including the governmental
23 unit for which the boundary change or extension of permanent water or
24 sewer service is proposed, or the county within which the area of the
25 proposed action is located, files a request for review of the
26 specific action;

27 (3) A petition requesting review is filed and is signed by:

28 (a) Five percent of the registered voters residing within the
29 area which is being considered for the proposed action (as determined
30 by the boundary review board in its discretion subject to immediate
31 review by writ of certiorari to the superior court); or

32 (b) An owner or owners of property consisting of five percent of
33 the assessed valuation within such area;

34 (4) The majority of the members of boundary review boards concur
35 with a request for review when a petition requesting the review is
36 filed by five percent of the registered voters who deem themselves
37 affected by the action and reside within one-quarter mile of the
38 proposed action but not within the jurisdiction proposing the action.

1 If a period of forty-five days shall elapse without the board's
2 jurisdiction having been invoked as set forth in this section, the
3 proposed action shall be deemed approved.

4 If a review of a proposal is requested, the board shall make a
5 finding as prescribed in RCW 36.93.150 within one hundred twenty days
6 after the filing of such a request for review. If this period of one
7 hundred twenty days shall elapse without the board making a finding
8 as prescribed in RCW 36.93.150, the proposal shall be deemed approved
9 unless the board and the person who submitted the proposal agree to
10 an extension of the one hundred twenty day period.

11 **Sec. 28.** RCW 36.93.157 and 1992 c 162 s 2 are each amended to
12 read as follows:

13 The decisions of a boundary review board located in a county that
14 is required (~~(or chooses)~~) to plan under RCW 36.70A.040 must be
15 consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210.

16 **Sec. 29.** RCW 82.46.010 and 2015 2nd sp.s. c 10 s 1 are each
17 amended to read as follows:

18 (1) The legislative authority of any county or city must identify
19 in the adopted budget the capital projects funded in whole or in part
20 from the proceeds of the tax authorized in this section, and must
21 indicate that such tax is intended to be in addition to other funds
22 that may be reasonably available for such capital projects.

23 (2)(a) The legislative authority of any county or any city may
24 impose an excise tax on each sale of real property in the
25 unincorporated areas of the county for the county tax and in the
26 corporate limits of the city for the city tax at a rate not exceeding
27 one-quarter of one percent of the selling price. The revenues from
28 this tax must be used by any city or county with a population of five
29 thousand or less and any city or county that does not plan under RCW
30 36.70A.040 for any capital purpose identified in a capital
31 improvements plan and local capital improvements, including those
32 listed in RCW 35.43.040.

33 (b) After April 30, 1992, revenues generated from the tax imposed
34 under this subsection (2) in counties over five thousand population
35 and cities over five thousand population that are required (~~(or~~
36 ~~choose)~~) to plan under RCW 36.70A.040 must be used solely for
37 financing capital projects specified in a capital facilities plan
38 element of a comprehensive plan and housing relocation assistance

1 under RCW 59.18.440 and 59.18.450. However, revenues (i) pledged by
2 such counties and cities to debt retirement prior to April 30, 1992,
3 may continue to be used for that purpose until the original debt for
4 which the revenues were pledged is retired, or (ii) committed prior
5 to April 30, 1992, by such counties or cities to a project may
6 continue to be used for that purpose until the project is completed.

7 (3) In lieu of imposing the tax authorized in RCW 82.14.030(2),
8 the legislative authority of any county or any city may impose an
9 additional excise tax on each sale of real property in the
10 unincorporated areas of the county for the county tax and in the
11 corporate limits of the city for the city tax at a rate not exceeding
12 one-half of one percent of the selling price.

13 (4) Taxes imposed under this section must be collected from
14 persons who are taxable by the state under chapter 82.45 RCW upon the
15 occurrence of any taxable event within the unincorporated areas of
16 the county or within the corporate limits of the city, as the case
17 may be.

18 (5) Taxes imposed under this section must comply with all
19 applicable rules, regulations, laws, and court decisions regarding
20 real estate excise taxes as imposed by the state under chapter 82.45
21 RCW.

22 (6) The definitions in this subsection (6) apply throughout this
23 section unless the context clearly requires otherwise.

24 (a) "City" means any city or town.

25 (b) "Capital project" means those public works projects of a
26 local government for planning, acquisition, construction,
27 reconstruction, repair, replacement, rehabilitation, or improvement
28 of streets; roads; highways; sidewalks; street and road lighting
29 systems; traffic signals; bridges; domestic water systems; storm and
30 sanitary sewer systems; parks; recreational facilities; law
31 enforcement facilities; fire protection facilities; trails;
32 libraries; administrative facilities; judicial facilities; river
33 flood control projects; waterway flood control projects by those
34 jurisdictions that, prior to June 11, 1992, have expended funds
35 derived from the tax authorized by this section for such purposes;
36 until December 31, 1995, housing projects for those jurisdictions
37 that, prior to June 11, 1992, have expended or committed to expend
38 funds derived from the tax authorized by this section or the tax
39 authorized by RCW 82.46.035 for such purposes; and technology
40 infrastructure that is integral to the capital project.

1 (7) From July 22, 2011, until December 31, 2016, a city or county
2 may use the greater of one hundred thousand dollars or thirty-five
3 percent of available funds under this section, but not to exceed one
4 million dollars per year, for the operations and maintenance of
5 existing capital projects as defined in subsection (6) of this
6 section.

7 **Sec. 30.** RCW 82.46.035 and 2011 c 354 s 3 are each amended to
8 read as follows:

9 (1) The legislative authority of any county or city must identify
10 in the adopted budget the capital projects funded in whole or in part
11 from the proceeds of the tax authorized in this section, and must
12 indicate that such tax is intended to be in addition to other funds
13 that may be reasonably available for such capital projects.

14 (2) The legislative authority of any county or any city that
15 plans under RCW 36.70A.040(1) may impose an additional excise tax on
16 each sale of real property in the unincorporated areas of the county
17 for the county tax and in the corporate limits of the city for the
18 city tax at a rate not exceeding one-quarter of one percent of the
19 selling price. ~~((Any county choosing to plan under RCW 36.70A.040(2)
20 and any city within such a county may only adopt an ordinance
21 imposing the excise tax authorized by this section if the ordinance
22 is first authorized by a proposition approved by a majority of the
23 voters of the taxing district voting on the proposition at a general
24 election held within the district or at a special election within the
25 taxing district called by the district for the purpose of submitting
26 such proposition to the voters.))~~

27 (3) Revenues generated from the tax imposed under subsection (2)
28 of this section must be used by such counties and cities solely for
29 financing capital projects specified in a capital facilities plan
30 element of a comprehensive plan. However, revenues (a) pledged by
31 such counties and cities to debt retirement prior to March 1, 1992,
32 may continue to be used for that purpose until the original debt for
33 which the revenues were pledged is retired, or (b) committed prior to
34 March 1, 1992, by such counties or cities to a project may continue
35 to be used for that purpose until the project is completed.

36 (4) Revenues generated by the tax imposed by this section must be
37 deposited in a separate account.

38 (5) As used in this section, "city" means any city or town and
39 "capital project" means those public works projects of a local

1 government for planning, acquisition, construction, reconstruction,
2 repair, replacement, rehabilitation, or improvement of streets,
3 roads, highways, sidewalks, street and road lighting systems, traffic
4 signals, bridges, domestic water systems, storm and sanitary sewer
5 systems, and planning, construction, reconstruction, repair,
6 rehabilitation, or improvement of parks.

7 (6) When the governor files a notice of noncompliance under RCW
8 36.70A.340 with the secretary of state and the appropriate county or
9 city, the county or city's authority to impose the additional excise
10 tax under this section is temporarily rescinded until the governor
11 files a subsequent notice rescinding the notice of noncompliance.

12 (7) From June 30, 2012, until December 31, 2016, a city or county
13 may use the greater of one hundred thousand dollars or thirty-five
14 percent of available funds under this section, but not to exceed one
15 million dollars per year, for operations and maintenance of existing
16 capital projects as defined in subsection (5) of this section, and
17 counties may use available funds under this section for the payment
18 of existing debt service incurred for capital projects as defined in
19 RCW 82.46.010. If a county uses available funds for payment of
20 existing debt service under RCW 82.46.010, the total amount used for
21 payment of debt service and any amounts used for operations and
22 maintenance is subject to the limits in this subsection.

23 NEW SECTION. **Sec. 31.** Section 6 of this act expires December
24 31, 2020.

25 NEW SECTION. **Sec. 32.** Section 7 of this act takes effect
26 December 31, 2020.

27 NEW SECTION. **Sec. 33.** Sections 1 through 6 and 8 through 30 of
28 this act are necessary for the immediate preservation of the public
29 peace, health, or safety, or support of the state government and its
30 existing public institutions, and take effect July 1, 2019.

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