
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1117

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Lekanoff, Fitzgibbon, Bateman, Simmons, Ramel, Peterson, Goodman, Ryu, Kloba, Chopp, Pollet, Macri, and Davis)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to promoting salmon recovery through revisions to
2 the state's comprehensive planning framework; amending RCW
3 36.70A.030, 36.70A.020, 36.70A.060, and 90.74.020; reenacting and
4 amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW;
5 adding a new section to chapter 90.58 RCW; and creating new sections.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Salmon and other anadromous fish have a special historical,
9 economic, and cultural importance to Washington;

10 (b) As a consequence of their centrality to treaty-protected
11 rights reserved to Indian tribes, and the efforts required to be
12 undertaken in order to preserve those rights and recover threatened
13 and endangered species, the preservation and recovery of salmonid
14 populations is a uniquely important legislative priority;

15 (c) Nontribal commercial and recreational fishing and salmon
16 viewing contribute significantly to the economic and social stability
17 and well-being of Washington residents; and

18 (d) Ensuring that future development, redevelopment, and
19 population growth are compatible with the long-term survival and
20 recovery of anadromous fish species is essential to Washington's
21 continued vibrancy and quality of life.

1 (2) Therefore, it is the intent of the legislature to support the
2 protection of salmon through:

3 (a) The adoption and state support of net ecological gain at the
4 WRIA scale and incorporation of applicable elements of the local
5 salmon recovery plan through local government growth and shoreline
6 planning efforts;

7 (b) Ensuring that proportional compensatory mitigation for direct
8 and indirect impacts that are predicted to occur over the expected
9 life of the project to wetlands, water, and fish and wildlife habitat
10 conservation areas and other elements of the environment that affect
11 salmon habitat achieves its desired outcomes; and

12 (c) Providing local governments the full resources needed in the
13 form of funding and technical support to achieve the goals and
14 requirements of this act.

15 **Sec. 2.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Adopt a comprehensive land use plan" means to enact a new
20 comprehensive land use plan or to update an existing comprehensive
21 land use plan.

22 (2) "Affordable housing" means, unless the context clearly
23 indicates otherwise, residential housing whose monthly costs,
24 including utilities other than telephone, do not exceed thirty
25 percent of the monthly income of a household whose income is:

26 (a) For rental housing, sixty percent of the median household
27 income adjusted for household size, for the county where the
28 household is located, as reported by the United States department of
29 housing and urban development; or

30 (b) For owner-occupied housing, eighty percent of the median
31 household income adjusted for household size, for the county where
32 the household is located, as reported by the United States department
33 of housing and urban development.

34 (3) "Agricultural land" means land primarily devoted to the
35 commercial production of horticultural, viticultural, floricultural,
36 dairy, apiary, vegetable, or animal products or of berries, grain,
37 hay, straw, turf, seed, Christmas trees not subject to the excise tax
38 imposed by RCW 84.33.100 through 84.33.140, finfish in upland

1 hatcheries, or livestock, and that has long-term commercial
2 significance for agricultural production.

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

4 (5) "Compensatory mitigation ratio" means a measurement of the
5 size, temporal duration, or quality of mitigation required by a
6 permitting agency in order to ensure that impacts to regulated
7 aspects of the environment from an activity subject to a permit are
8 fully mitigated over the life of the activity or project subject to
9 the permit.

10 (6) "Comprehensive land use plan," "comprehensive plan," or
11 "plan" means a generalized coordinated land use policy statement of
12 the governing body of a county or city that is adopted pursuant to
13 this chapter.

14 ((+6)) (7) "Critical areas" include the following areas and
15 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect
16 on aquifers used for potable water; (c) fish and wildlife habitat
17 conservation areas; (d) frequently flooded areas; and (e)
18 geologically hazardous areas. "Fish and wildlife habitat conservation
19 areas" does not include such artificial features or constructs as
20 irrigation delivery systems, irrigation infrastructure, irrigation
21 canals, or drainage ditches that lie within the boundaries of and are
22 maintained by a port district or an irrigation district or company.

23 ((+7)) (8) "Department" means the department of commerce.

24 ((+8)) (9) "Development regulations" or "regulation" means the
25 controls placed on development or land use activities by a county or
26 city, including, but not limited to, zoning ordinances, critical
27 areas ordinances, shoreline master programs, official controls,
28 planned unit development ordinances, subdivision ordinances, and
29 binding site plan ordinances together with any amendments thereto. A
30 development regulation does not include a decision to approve a
31 project permit application, as defined in RCW 36.70B.020, even though
32 the decision may be expressed in a resolution or ordinance of the
33 legislative body of the county or city.

34 ((+9)) (10) "Extremely low-income household" means a single
35 person, family, or unrelated persons living together whose adjusted
36 income is at or below thirty percent of the median household income
37 adjusted for household size, for the county where the household is
38 located, as reported by the United States department of housing and
39 urban development.

1 (~~(10)~~) (11) "Forestland" means land primarily devoted to
2 growing trees for long-term commercial timber production on land that
3 can be economically and practically managed for such production,
4 including Christmas trees subject to the excise tax imposed under RCW
5 84.33.100 through 84.33.140, and that has long-term commercial
6 significance. In determining whether forestland is primarily devoted
7 to growing trees for long-term commercial timber production on land
8 that can be economically and practically managed for such production,
9 the following factors shall be considered: (a) The proximity of the
10 land to urban, suburban, and rural settlements; (b) surrounding
11 parcel size and the compatibility and intensity of adjacent and
12 nearby land uses; (c) long-term local economic conditions that affect
13 the ability to manage for timber production; and (d) the availability
14 of public facilities and services conducive to conversion of
15 forestland to other uses.

16 (~~(11)~~) (12) "Freight rail dependent uses" means buildings and
17 other infrastructure that are used in the fabrication, processing,
18 storage, and transport of goods where the use is dependent on and
19 makes use of an adjacent short line railroad. Such facilities are
20 both urban and rural development for purposes of this chapter.
21 "Freight rail dependent uses" does not include buildings and other
22 infrastructure that are used in the fabrication, processing, storage,
23 and transport of coal, liquefied natural gas, or "crude oil" as
24 defined in RCW 90.56.010.

25 (~~(12)~~) (13) "Geologically hazardous areas" means areas that
26 because of their susceptibility to erosion, sliding, earthquake, or
27 other geological events, are not suited to the siting of commercial,
28 residential, or industrial development consistent with public health
29 or safety concerns.

30 (~~(13)~~) (14) "Long-term commercial significance" includes the
31 growing capacity, productivity, and soil composition of the land for
32 long-term commercial production, in consideration with the land's
33 proximity to population areas, and the possibility of more intense
34 uses of the land.

35 (~~(14)~~) (15) "Low-income household" means a single person,
36 family, or unrelated persons living together whose adjusted income is
37 at or below eighty percent of the median household income adjusted
38 for household size, for the county where the household is located, as
39 reported by the United States department of housing and urban
40 development.

1 (~~(15)~~) (16) "Minerals" include gravel, sand, and valuable
2 metallic substances.

3 (~~(16)~~) (17) "Mitigation hierarchy requirement" means that a
4 proponent must first attempt to avoid impacts where avoidance is
5 reasonably attainable, must then attempt to minimize impacts where
6 avoidance is not reasonably attainable, and use compensatory
7 mitigation where avoidance and minimization are not reasonably
8 attainable.

9 (18) "Net ecological gain" means a standard for a comprehensive
10 plan adopted under this chapter in which the ecological integrity
11 within each WRIA or independent natural drainage that flows directly
12 into marine waters of the planning area is improved and enhanced
13 during the planning period as a result of the measures adopted by the
14 planning body, and other activities that occur within the planning
15 jurisdiction including, but not limited to, activities identified in
16 the applicable salmon recovery plan, including no net loss of
17 ecological function with respect to the permitting of individual
18 projects in order to advance salmon recovery and other environmental
19 benefits. The advancement of ecological function and advancement of
20 net ecological gain within each WRIA or independent natural drainage
21 that flows directly into marine waters will occur through the
22 appropriate selection and implementation of publicly funded projects,
23 including voluntary grant programs, salmon recovery projects,
24 ecological improvements made through the municipal stormwater permit
25 process, and investments made as a result of the capital facilities
26 element and transportation element of the comprehensive plan.

27 (19) "Permanent supportive housing" is subsidized, leased housing
28 with no limit on length of stay that prioritizes people who need
29 comprehensive support services to retain tenancy and utilizes
30 admissions practices designed to use lower barriers to entry than
31 would be typical for other subsidized or unsubsidized rental housing,
32 especially related to rental history, criminal history, and personal
33 behaviors. Permanent supportive housing is paired with on-site or
34 off-site voluntary services designed to support a person living with
35 a complex and disabling behavioral health or physical health
36 condition who was experiencing homelessness or was at imminent risk
37 of homelessness prior to moving into housing to retain their housing
38 and be a successful tenant in a housing arrangement, improve the
39 resident's health status, and connect the resident of the housing
40 with community-based health care, treatment, or employment services.

1 Permanent supportive housing is subject to all of the rights and
2 responsibilities defined in chapter 59.18 RCW.

3 ~~((17))~~ (20) "Public facilities" include streets, roads,
4 highways, sidewalks, street and road lighting systems, traffic
5 signals, domestic water systems, storm and sanitary sewer systems,
6 parks and recreational facilities, and schools.

7 ~~((18))~~ (21) "Public services" include fire protection and
8 suppression, law enforcement, public health, education, recreation,
9 environmental protection, and other governmental services.

10 ~~((19) "Recreational land" means land so designated under RCW
11 36.70A.1701 and that, immediately prior to this designation, was
12 designated as agricultural land of long-term commercial significance
13 under RCW 36.70A.170. Recreational land must have playing fields and
14 supporting facilities existing before July 1, 2004, for sports played
15 on grass playing fields.~~

16 ~~(20))~~ (22) "Rural character" refers to the patterns of land use
17 and development established by a county in the rural element of its
18 comprehensive plan:

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

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

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

25 (d) That are compatible with the use of the land by wildlife
26 ~~((and)),~~ for fish and wildlife habitat, and with the advancement of
27 net ecological gain;

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

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

32 (g) That are consistent with the protection and restoration of
33 natural surface water flows and groundwater and surface water
34 recharge and discharge areas.

35 ~~((21))~~ (23) "Rural development" refers to development outside
36 the urban growth area and outside agricultural, forest, and mineral
37 resource lands designated pursuant to RCW 36.70A.170. Rural
38 development can consist of a variety of uses and residential
39 densities, including clustered residential development, at levels
40 that are consistent with the preservation of rural character and the

1 requirements of the rural element. Rural development does not refer
2 to agriculture or forestry activities that may be conducted in rural
3 areas.

4 ~~((22))~~ (24) "Rural governmental services" or "rural services"
5 include those public services and public facilities historically and
6 typically delivered at an intensity usually found in rural areas, and
7 may include domestic water systems, fire and police protection
8 services, transportation and public transit services, and other
9 public utilities associated with rural development and normally not
10 associated with urban areas. Rural services do not include storm or
11 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

12 ~~((23))~~ (25) "Short line railroad" means those railroad lines
13 designated class II or class III by the United States surface
14 transportation board.

15 ~~((24))~~ (26) "Urban governmental services" or "urban services"
16 include those public services and public facilities at an intensity
17 historically and typically provided in cities, specifically including
18 storm and sanitary sewer systems, domestic water systems, street
19 cleaning services, fire and police protection services, public
20 transit services, and other public utilities associated with urban
21 areas and normally not associated with rural areas.

22 ~~((25))~~ (27) "Urban growth" refers to growth that makes
23 intensive use of land for the location of buildings, structures, and
24 impermeable surfaces to such a degree as to be incompatible with the
25 primary use of land for the production of food, other agricultural
26 products, or fiber, or the extraction of mineral resources, rural
27 uses, rural development, and natural resource lands designated
28 pursuant to RCW 36.70A.170. A pattern of more intensive rural
29 development, as provided in RCW 36.70A.070(5)(d), is not urban
30 growth. When allowed to spread over wide areas, urban growth
31 typically requires urban governmental services. "Characterized by
32 urban growth" refers to land having urban growth located on it, or to
33 land located in relationship to an area with urban growth on it as to
34 be appropriate for urban growth.

35 ~~((26))~~ (28) "Urban growth areas" means those areas designated
36 by a county pursuant to RCW 36.70A.110.

37 ~~((27))~~ (29) "Very low-income household" means a single person,
38 family, or unrelated persons living together whose adjusted income is
39 at or below fifty percent of the median household income adjusted for
40 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban
2 development.

3 ~~((28))~~ (30) "Watershed" means a water resource inventory area
4 or "WRIA" established consistent with chapter 90.82 RCW, subbasin
5 watershed therein, or an independent natural drainage that flows
6 directly into marine waters.

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

22 **Sec. 3.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
23 read as follows:

24 The following goals are adopted to guide the development and
25 adoption of comprehensive plans and development regulations of those
26 counties and cities that are required or choose to plan under RCW
27 36.70A.040. The following goals are not listed in order of priority
28 and shall be used exclusively for the purpose of guiding the
29 development of comprehensive plans and development regulations:

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

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

35 (3) Transportation. Encourage efficient multimodal transportation
36 systems that are based on regional priorities and coordinated with
37 county and city comprehensive plans.

38 (4) Housing. Encourage the availability of affordable housing to
39 all economic segments of the population of this state, promote a

1 variety of residential densities and housing types, and encourage
2 preservation of existing housing stock.

3 (5) Economic development. Encourage economic development
4 throughout the state that is consistent with adopted comprehensive
5 plans, promote economic opportunity for all citizens of this state,
6 especially for unemployed and for disadvantaged persons, promote the
7 retention and expansion of existing businesses and recruitment of new
8 businesses, recognize regional differences impacting economic
9 development opportunities, and encourage growth in areas experiencing
10 insufficient economic growth, all within the capacities of the
11 state's natural resources, public services, and public facilities.

12 (6) Property rights. Private property shall not be taken for
13 public use without just compensation having been made. The property
14 rights of landowners shall be protected from arbitrary and
15 discriminatory actions.

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

19 (8) Natural resource industries. Maintain and enhance natural
20 resource-based industries, including productive timber, agricultural,
21 and fisheries industries. Encourage the conservation of productive
22 forestlands and productive agricultural lands, and discourage
23 incompatible uses.

24 (9) Open space and recreation. Retain open space((~~τ~~)); enhance
25 recreational opportunities((~~τ~~)); conserve, protect, restore, and
26 contribute to net ecological gain with respect to fish and wildlife
27 habitat((~~τ~~)) in accordance with rules adopted pursuant to this act;
28 increase access to natural resource lands and water((~~τ~~)); and develop
29 parks and recreation facilities.

30 (10) Environment. Protect, restore, and contribute to net
31 ecological gain to the environment in accordance with rules adopted
32 pursuant to this act and enhance the state's high quality of life,
33 including air and water quality, ((~~and~~)) the availability of water,
34 and fish and wildlife habitat.

35 (11) Citizen participation and coordination. Encourage the
36 involvement of citizens in the planning process and ensure
37 coordination between communities and jurisdictions to reconcile
38 conflicts.

39 (12) Public facilities and services. Ensure that those public
40 facilities and services necessary to support development shall be

1 adequate to serve the development at the time the development is
2 available for occupancy and use without decreasing current service
3 levels below locally established minimum standards.

4 (13) Historic preservation. Identify and encourage the
5 preservation of lands, sites, and structures, that have historical or
6 archaeological significance.

7 (14) Salmon recovery. Support the recovery and enhancement of
8 salmon and steelhead stocks through the advancement of net ecological
9 gain from planning under this chapter in accordance with rules
10 adopted pursuant to this act in order to fulfill Washington's tribal
11 treaty obligations, support nontribal commercial and recreational
12 fisheries, and achieve the delisting and recovery of threatened or
13 endangered salmon and steelhead runs under the federal endangered
14 species act.

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

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

26 (1)(a) A land use element designating the proposed general
27 distribution and general location and extent of the uses of land,
28 where appropriate, for agriculture, timber production, housing,
29 commerce, industry, recreation, open spaces, general aviation
30 airports, public utilities, public facilities, and other land uses.
31 The land use element shall include population densities, building
32 intensities, and estimates of future population growth. The land use
33 element shall provide for protection of the quality and quantity of
34 groundwater used for public water supplies. Wherever possible, the
35 land use element should consider utilizing urban planning approaches
36 that promote physical activity. Where applicable, the land use
37 element shall review drainage, flooding, and stormwater runoff in the
38 area and nearby jurisdictions and provide guidance for corrective

1 actions to mitigate or cleanse those discharges that pollute waters
2 of the state, including Puget Sound or waters entering Puget Sound.

3 (b) Beginning with plan updates adopted after January 1, 2024,
4 the land use element must, in accordance with rules adopted pursuant
5 to this act, include a strategy that, through a combination of
6 regulatory and nonregulatory programs, achieves net ecological gain
7 of in-water and upland habitats that contribute to anadromous fish
8 habitat on a watershed basis, including applicable elements of salmon
9 recovery plans adopted pursuant to either the federal endangered
10 species act or chapter 77.85 RCW, such as vegetation, water quantity,
11 water quality, and other natural features. This strategy must be
12 developed after providing notice and an opportunity to consult to
13 each federally recognized Indian tribe with property, tribal
14 reservation land, or usual and accustomed fishing areas in, adjacent
15 to, or directly affected by the planning jurisdiction. The
16 advancement of net ecological gain may rely on activities or
17 mitigation carried out by a county or city that are physically
18 located outside the county or city if the activities or mitigation
19 are still within the same watershed. Development regulations adopted
20 pursuant to this section may not require individual private projects
21 to contribute to net ecological gain. Development regulations adopted
22 pursuant to this section must require that projects owned by public
23 entities including, but not limited to, state agencies, counties,
24 cities, towns, public utilities districts, schools, libraries, and
25 transportation agencies, contribute to net ecological gain. In the
26 course of complying with development regulations adopted pursuant to
27 this subsection, projects owned by public entities may not rely on
28 existing salmon recovery projects funded and implemented by other
29 entities as a means of achieving net ecological gain.

30 (2) A housing element ensuring the vitality and character of
31 established residential neighborhoods that: (a) Includes an inventory
32 and analysis of existing and projected housing needs that identifies
33 the number of housing units necessary to manage projected growth; (b)
34 includes a statement of goals, policies, objectives, and mandatory
35 provisions for the preservation, improvement, and development of
36 housing, including single-family residences; (c) identifies
37 sufficient land for housing, including, but not limited to,
38 government-assisted housing, housing for low-income families,
39 manufactured housing, multifamily housing, and group homes and foster
40 care facilities; and (d) makes adequate provisions for existing and

1 projected needs of all economic segments of the community. In
2 counties and cities subject to the review and evaluation requirements
3 of RCW 36.70A.215, any revision to the housing element shall include
4 consideration of prior review and evaluation reports and any
5 reasonable measures identified.

6 (3) A capital facilities plan element consisting of: (a) An
7 inventory of existing capital facilities owned by public entities,
8 showing the locations and capacities of the capital facilities; (b) a
9 forecast of the future needs for such capital facilities that
10 includes a schedule for the elimination of all identified fish
11 passage barriers, consistent with the prioritization schedule
12 identified by the fish passage barrier removal board established
13 pursuant to RCW 77.95.160, but not otherwise included in the
14 transportation and open space elements; (c) the proposed locations
15 and capacities of expanded or new capital facilities; (d) at least a
16 six-year plan that will finance such capital facilities within
17 projected funding capacities and clearly identifies sources of public
18 money for such purposes; and (e) a requirement to reassess the land
19 use element if probable funding falls short of meeting existing needs
20 and to ensure that the land use element, capital facilities plan
21 element, and financing plan within the capital facilities plan
22 element are coordinated and consistent. Park and recreation
23 facilities shall be included in the capital facilities plan element.
24 For the purposes of the requirement in this subsection to include a
25 schedule for the elimination of all identified fish passage barriers,
26 "capital facilities" do not include any facility covered by a
27 hydropower license issued by the federal energy regulatory commission
28 or included in a habitat conservation plan approved under the federal
29 endangered species act.

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

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

38 (a) Growth management act goals and local circumstances. Because
39 circumstances vary from county to county, in establishing patterns of
40 rural densities and uses, a county may consider local circumstances,

1 but shall develop a written record explaining how the rural element
2 harmonizes the planning goals in RCW 36.70A.020 and meets the
3 requirements of this chapter.

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

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

17 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

37 (A) A commercial, industrial, residential, shoreline, or mixed-
38 use area are subject to the requirements of (d)(iv) of this
39 subsection, but are not subject to the requirements of (c)(ii) and
40 (iii) of this subsection.

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

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

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

20 (iii) The intensification of development on lots containing
21 isolated nonresidential uses or new development of isolated cottage
22 industries and isolated small-scale businesses that are not
23 principally designed to serve the existing and projected rural
24 population and nonresidential uses, but do provide job opportunities
25 for rural residents. Rural counties may allow the expansion of small-
26 scale businesses as long as those small-scale businesses conform with
27 the rural character of the area as defined by the local government
28 according to RCW 36.70A.030(~~((+16))~~) (22). Rural counties may also
29 allow new small-scale businesses to utilize a site previously
30 occupied by an existing business as long as the new small-scale
31 business conforms to the rural character of the area as defined by
32 the local government according to RCW 36.70A.030(~~((+16))~~) (22). Public
33 services and public facilities shall be limited to those necessary to
34 serve the isolated nonresidential use and shall be provided in a
35 manner that does not permit low-density sprawl;

36 (iv) A county shall adopt measures to minimize and contain the
37 existing areas or uses of more intensive rural development, as
38 appropriate, authorized under this subsection. Lands included in such
39 existing areas or uses shall not extend beyond the logical outer
40 boundary of the existing area or use, thereby allowing a new pattern

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

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

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

18 (B) On the date the county adopted a resolution under RCW
19 36.70A.040(2), in a county that is planning under all of the
20 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

31 (a) The transportation element shall include the following
32 subelements:

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

34 (ii) Estimated traffic impacts to state-owned transportation
35 facilities resulting from land use assumptions to assist the
36 department of transportation in monitoring the performance of state
37 facilities, to plan improvements for the facilities, and to assess
38 the impact of land-use decisions on state-owned transportation
39 facilities;

40 (iii) Facilities and services needs, including:

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

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

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

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

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

31 (F) Identification of state and local system needs to meet
32 current and future demands. System needs must include a schedule for
33 the elimination of all identified fish passage barriers, consistent
34 with the prioritization schedule identified by the fish passage
35 barrier removal board established pursuant to RCW 77.95.160,
36 identified on the local transportation system. Identified needs on
37 state-owned transportation facilities must be consistent with the
38 statewide multimodal transportation plan required under chapter 47.06
39 RCW. For the purposes of the requirement in this subsection to
40 include a schedule for the elimination of all identified fish passage

1 barriers, "system needs" may not be construed so as to include any
2 facility covered by a hydropower license issued by the federal energy
3 regulatory commission or included in a habitat conservation plan
4 approved under the federal endangered species act;

5 (iv) Finance, including:

6 (A) An analysis of funding capability to judge needs against
7 probable funding resources;

8 (B) A multiyear financing plan based on the needs identified in
9 the comprehensive plan, the appropriate parts of which shall serve as
10 the basis for the six-year street, road, or transit program required
11 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
12 35.58.2795 for public transportation systems. The multiyear financing
13 plan should be coordinated with the ten-year investment program
14 developed by the office of financial management as required by RCW
15 47.05.030;

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

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

23 (vi) Demand-management strategies;

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

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

1 financial commitment is in place to complete the improvements or
2 strategies within six years. If the collection of impact fees is
3 delayed under RCW 82.02.050(3), the six-year period required by this
4 subsection (6)(b) must begin after full payment of all impact fees is
5 due to the county or city.

6 (c) The transportation element described in this subsection (6),
7 the six-year plans required by RCW 35.77.010 for cities, RCW
8 36.81.121 for counties, and RCW 35.58.2795 for public transportation
9 systems, and the ten-year investment program required by RCW
10 47.05.030 for the state, must be consistent.

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

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

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

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
31 RCW to read as follows:

32 (1) The department of fish and wildlife, with recommendations
33 from the Washington state academy of sciences, shall adopt rules that
34 establish criteria for net ecological gain and consistency with the
35 applicable regional salmon recovery plans that counties and cities
36 planning under RCW 36.70A.040 must meet through adoption of their
37 comprehensive plans in order to support salmon recovery. In adopting
38 rules pursuant to this section, the department of fish and wildlife
39 must consult on an early and continuous basis with each federally

1 recognized Indian tribe with property, tribal reservation land, or
2 usual and accustomed fishing areas in, adjacent to, or directly
3 affected by the planning jurisdiction. The department must also
4 communicate with governments planning under RCW 36.70A.040 during the
5 process of adopting rules pursuant to this section.

6 (2) The rules adopted under this section must address the
7 applicable components of salmon recovery plans that local governments
8 have authority over, such as the habitat restoration and protection
9 elements of the recovery plans.

10 (3) The rules adopted under this section must ensure that, where
11 appropriate, the interjurisdictional coordination process required by
12 RCW 36.70A.100 addresses the issue of salmon recovery.

13 (4) The rules adopted under this section must not require or
14 assume that the proponents of individual private projects will be
15 responsible for achieving net ecological gain. Rules adopted under
16 this section must ensure that individual private projects achieve no
17 net loss of ecological function. Rules adopted under this section
18 must ensure that net ecological gain is advanced through the
19 appropriate selection of publicly funded projects, and voluntary
20 projects whose purpose is salmon recovery but which may receive
21 funding from either public or private sources. Rules adopted under
22 this section related to net ecological gain must account for the
23 impact of the urban heat island effect on ecological function.

24 (5) The department of fish and wildlife shall monitor progress
25 towards the goals set forth in the regional salmon recovery plans,
26 including parameters that affect salmonid health, including, but not
27 limited to, stream temperature, impervious surfaces, and tree canopy
28 cover. As part of its monitoring, and as appropriate, the department
29 of fish and wildlife shall obtain monitoring data from relevant and
30 reliable sources, including, but not limited to, local governments,
31 state agencies, federal agencies, and Indian tribes. In addition, the
32 department of fish and wildlife shall also monitor and report the
33 progress that each jurisdiction planning under RCW 36.70A.040 has
34 made toward achieving no net loss of ecological function and net
35 ecological gain. As part of this ongoing monitoring effort, the
36 department of fish and wildlife, in early and continuous consultation
37 with each federally recognized Indian tribe with property, tribal
38 reservation land, or usual and accustomed fishing areas in, adjacent
39 to, or directly affected by the planning jurisdiction, and in
40 communication with the affected local governments, shall first

1 establish the current environmental baseline conditions within each
2 county and city planning under RCW 36.70A.040, identify any
3 monitoring data gaps and make recommendations to fill those gaps, and
4 monitor the degree to which each jurisdiction is successful at
5 achieving net ecological gains, and no net losses through individual
6 projects, over time, including, where appropriate, the efforts made
7 by jurisdictions to address the effect of urban heat islands on
8 salmonid health. The department of fish and wildlife is encouraged to
9 work with or seek feedback from the local watershed groups in review
10 of the current environmental baseline conditions and monitoring
11 efforts.

12 (6) The department of fish and wildlife shall facilitate an
13 ongoing and collaborative process for the purpose of identifying gaps
14 and targets related to salmon habitat and funding, to be informed by
15 its monitoring work pursuant to this section.

16 (7) The department of fish and wildlife shall provide a report of
17 its monitoring under this section to the governor, the appropriate
18 committees of the legislature, and the local governments subject to
19 this act, no later than October 15th of every even-numbered year,
20 beginning in 2022.

21 **Sec. 6.** RCW 36.70A.060 and 2017 3rd sp.s. c 18 s 3 are each
22 amended to read as follows:

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

1 agriculture, forest, and mineral resource lands adjacent to short
2 line railroads may be developed for freight rail dependent uses.

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

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

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

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

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

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

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

17 (e) Any county that borders both the Cascade mountains and
18 another county and has a population of less than fifty thousand
19 people, and any city in such county, may adopt development
20 regulations to assure that agriculture, forest, and mineral resource
21 lands adjacent to short line railroads may be developed for freight
22 rail dependent uses.

23 (2) Each county and city shall adopt development regulations that
24 protect critical areas that are required to be designated under RCW
25 36.70A.170. For counties and cities that are required or choose to
26 plan under RCW 36.70A.040, such development regulations shall be
27 adopted on or before September 1, 1991. For the remainder of the
28 counties and cities, such development regulations shall be adopted on
29 or before March 1, 1992. Regulations that protect critical areas must
30 apply the mitigation hierarchy requirement, as defined in RCW
31 36.70A.030, by requiring that projects avoid impacts where avoidance
32 is reasonably attainable, minimize impacts where avoidance is not
33 reasonably attainable, and use compensatory mitigation where
34 avoidance and minimization are not reasonably attainable. When using
35 compensatory mitigation, regulations must ensure that measures to
36 mitigate by compensating for the impact by replacing, enhancing, or
37 providing substitute resources or environments result in no net loss
38 of ecological function under a range of compensatory mitigation
39 implementation scenarios, including compensatory mitigation
40 implementation scenarios in which:

1 (a) The ecological functions and values provided by impacted
2 elements of the environment are superior to the ecological functions
3 and values provided by the mitigation measures; and

4 (b) Mitigation measures do not function as successfully as
5 designed, intended, or expected.

6 (3) Such counties and cities shall review these designations and
7 development regulations when adopting their comprehensive plans under
8 RCW 36.70A.040 and implementing development regulations under RCW
9 36.70A.120 and may alter such designations and development
10 regulations to insure consistency.

11 (4) Forestland and agricultural land located within urban growth
12 areas shall not be designated by a county or city as forestland or
13 agricultural land of long-term commercial significance under RCW
14 36.70A.170 unless the city or county has enacted a program
15 authorizing transfer or purchase of development rights.

16 **Sec. 7.** RCW 90.74.020 and 2012 c 62 s 4 are each amended to read
17 as follows:

18 (1) Project proponents may use a mitigation plan to propose
19 compensatory mitigation within a watershed. A mitigation plan shall:

20 (a) Contain provisions that guarantee the long-term viability of
21 the created, restored, enhanced, or preserved habitat, including
22 assurances for protecting any essential biological functions and
23 values defined in the mitigation plan;

24 (b) Contain provisions for long-term monitoring of any created,
25 restored, or enhanced mitigation site; (~~and~~)

26 (c) Be consistent with the local comprehensive land use plan and
27 any other applicable planning process in effect for the development
28 area, such as an adopted subbasin or watershed plan; and

29 (d) Apply the mitigation hierarchy requirement as defined in RCW
30 36.70A.030 by requiring that projects avoid impacts where avoidance
31 is reasonably attainable, minimize impacts where avoidance is not
32 reasonably attainable, and use compensatory mitigation where
33 avoidance and minimization are not reasonably attainable. When using
34 compensatory mitigation, a mitigation plan must ensure that measures
35 to mitigate by compensating for the impact by replacing, enhancing,
36 or providing substitute resources or environments result in no net
37 loss of ecological function under a range of compensatory mitigation
38 implementation scenarios, including compensatory mitigation
39 implementation scenarios in which:

1 (i) The ecological functions and values provided by impacted
2 elements of the environment are superior to the ecological functions
3 and values provided by the mitigation measures; and

4 (ii) Mitigation measures do not function as successfully as
5 designed, intended, or expected.

6 (2) (a) The departments of ecology and fish and wildlife may not
7 limit the scope of options in a mitigation plan to areas on or near
8 the project site, or to habitat types of the same type as contained
9 on the project site. The departments of ecology and fish and wildlife
10 shall fully review and give due consideration to compensatory
11 mitigation proposals that improve the overall biological functions
12 and values of the watershed or bay and accommodate the mitigation
13 needs of the infrastructure development or noninfrastructure
14 development, including proposals or portions of proposals that are
15 explored or developed in RCW 90.74.040.

16 (b) The departments of ecology and fish and wildlife are not
17 required to grant approval to a mitigation plan that the departments
18 find does not provide equal or better biological functions and values
19 within the watershed or bay.

20 (3) When making a permit or other regulatory decision under the
21 guidance of this chapter, the departments of ecology and fish and
22 wildlife shall consider whether the mitigation plan provides equal or
23 better biological functions and values, compared to the existing
24 conditions, for the target resources or species identified in the
25 mitigation plan. This consideration shall be based upon the following
26 factors:

27 (a) The relative value of the mitigation for the target
28 resources, in terms of the quality and quantity of biological
29 functions and values provided;

30 (b) The compatibility of the proposal with the intent of broader
31 resource management and habitat management objectives and plans, such
32 as existing resource management plans, watershed plans, critical
33 areas ordinances, the forestry riparian easement program, the
34 riparian open space program, the family forest fish passage program,
35 and shoreline master programs;

36 (c) The ability of the mitigation to address scarce functions or
37 values within a watershed;

38 (d) The benefits of the proposal to broader watershed landscape,
39 including the benefits of connecting various habitat units or

1 providing population-limiting habitats or functions for target
2 species;

3 (e) The benefits of early implementation of habitat mitigation
4 for projects that provide compensatory mitigation in advance of the
5 project's planned impacts; and

6 (f) The significance of any negative impacts to nontarget species
7 or resources.

8 (4) A mitigation plan may be approved through a memorandum of
9 agreement between the project proponent and either the department of
10 ecology or the department of fish and wildlife, or both.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 90.58
12 RCW to read as follows:

13 Mitigation imposed under this chapter and consistent with chapter
14 43.21C RCW must apply the mitigation hierarchy requirement as defined
15 in RCW 36.70A.030 by requiring that projects avoid impacts where
16 avoidance is reasonably attainable, minimize impacts where avoidance
17 is not reasonably attainable, and use compensatory mitigation where
18 avoidance and minimization are not reasonably attainable. When using
19 compensatory mitigation, regulations must ensure that measures to
20 mitigate by compensating for the impact by replacing, enhancing, or
21 providing substitute resources or environments result in no net loss
22 of ecological function under a range of compensatory mitigation
23 implementation scenarios, including compensatory mitigation
24 implementation scenarios in which:

25 (1) The ecological functions and values provided by impacted
26 elements of the environment are superior to the ecological functions
27 and values provided by the mitigation measures; and

28 (2) Mitigation measures do not function as successfully as
29 designed, intended, or expected.

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70A
31 RCW to read as follows:

32 Nothing in this act is intended to reduce mitigation requirements
33 under other applicable state and federal environmental laws.

34 NEW SECTION. **Sec. 10.** The obligation of local governments to
35 comply with the requirements established in: (a) The amendments to
36 RCW 36.70A.020, 36.70A.060, 36.70A.070, and 90.74.020 set forth in
37 this act; (b) the rules related to net ecological gain adopted

1 pursuant to section 5 of this act; and (c) section 8 of this act, is
2 contingent on the provision of state funding to local governments for
3 the specific purpose of complying with these requirements. The
4 obligation of local governments to comply with the requirements
5 established in: (a) The amendments to RCW 36.70A.020, 36.70A.060,
6 36.70A.070, and 90.74.020 set forth in this act; (b) the rules
7 related to net ecological gain adopted pursuant to section 5 of this
8 act; and (c) section 8 of this act, takes effect two years after the
9 date the legislature appropriates state funding to provide to local
10 governments for the purpose of complying with these requirements.

11 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
12 this act, referencing this act by bill or chapter number, is not
13 provided by June 30, 2021, in the omnibus appropriations act, this
14 act is null and void.

--- END ---