
SENATE BILL 6580

State of Washington 60th Legislature 2008 Regular Session

By Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice, and McDermott

Read first time 01/18/08. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to mitigating the impacts of climate change through
2 the growth management act; amending RCW 36.70A.020, 36.70A.070,
3 36.70A.110, 36.70A.210, 36.70A.350, and 36.70A.360; adding new sections
4 to chapter 36.70A RCW; creating new sections; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
8 to read as follows:

9 (1) The legislature recognizes that the profound implications of a
10 changed climate will affect the peoples, institutions, and economies of
11 Washington. While no single local government can substantially
12 influence greenhouse gas emissions or climate change trends, the
13 legislature recognizes that the state, including its local governments
14 and citizens, must do their part to reduce greenhouse gas emissions.

15 (2) The legislature further recognizes that: (a) Transportation is
16 the largest source of greenhouse gas emissions in Washington; (b) the
17 state and its residents will not achieve emission reductions
18 established in RCW 80.80.020 without a significant lessening in
19 transportation emissions; and (c) transportation emissions are

1 significantly influenced by patterns of land use development. To this
2 end, the legislature finds that land use and transportation plans
3 should be developed to: Minimize greenhouse gas emissions associated
4 with new development and transportation improvements; and reduce
5 overall greenhouse gas emissions in accordance with RCW 80.80.020.
6 Furthermore, the legislature finds that comprehensive land use plans of
7 local governments can be a significant tool for meaningfully addressing
8 these difficult issues. Locally adopted plans should: (i) Minimize
9 land use patterns that increase vehicle usage; (ii) encourage compact
10 communities, in-filling, denser development, linkages with transit
11 options, and other practices that reduce the number of vehicle miles
12 traveled; and (iii) encourage green jobs and the provision of
13 affordable housing in areas near employment and service centers.

14 (3) The legislature finds that collaborative efforts between
15 counties and cities can result in reduced greenhouse gas emissions.
16 However, the legislature recognizes that an interjurisdictional
17 accounting is necessary, and that interjurisdictional cooperation is
18 imperative, to accomplish the state's emission reduction goals.

19 (4) The legislature finds that the longer the state and its
20 residents delay addressing climate issues, the worse things will be for
21 children and future generations.

22 (5) The legislature also finds that the effects of global warming
23 are becoming evident in Washington, adversely affecting its residents,
24 economy, and environment. Washington and its counties and cities must
25 plan to adapt to these adverse effects and must take steps to prevent
26 problematic circumstances from becoming worse.

27 (6) The legislature further finds that addressing climate issues in
28 conformity with this act will simultaneously advance many other land
29 use planning goals and provide public dividends, including: (a)
30 Realizing reductions in the costs of providing public facilities and
31 services through more compact development; (b) increasing housing
32 affordability through lower public costs and more compact patterns of
33 growth; (c) lessening transportation costs through reductions in the
34 number of vehicle miles traveled; and (d) accomplishing goals for the
35 protection of the environmental resources of rural areas and resource
36 lands through less development.

37 (7) Without prompt, effective, and comprehensive responses to the
38 environmental and governance challenges of climate change, meaningful

1 solutions to these borderless issues will continue to elude the state
2 and its residents. Unless action is taken now, the nature and quality
3 of life that Washingtonians enjoy may be irreversibly lost.

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

6 The following goals are adopted to guide the development and
7 adoption of comprehensive plans and development regulations of those
8 counties and cities that are required or choose to plan under RCW
9 36.70A.040. The following goals are not listed in order of priority
10 and shall be used exclusively for the purpose of guiding the
11 development of comprehensive plans and development regulations:

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

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

17 (3) Transportation. Encourage efficient multimodal transportation
18 systems that are based on regional priorities and coordinated with
19 county and city comprehensive plans.

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

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

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

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

4 (8) Natural resource industries. Maintain and enhance natural
5 resource-based industries, including productive timber, agricultural,
6 and fisheries industries. (~~Encourage the conservation of~~) Conserve
7 productive forest lands and productive agricultural lands, and
8 discourage incompatible uses.

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

13 (10) Environment. Protect the environment and enhance the state's
14 high quality of life, including air and water quality, and the
15 availability of water.

16 (11) Citizen participation and coordination. Encourage the
17 involvement of citizens in the planning process and ensure coordination
18 between communities and jurisdictions to reconcile conflicts.

19 (12) Public facilities and services. Ensure that those public
20 facilities and services necessary to support development shall be
21 adequate to serve the development at the time the development is
22 available for occupancy and use without decreasing current service
23 levels below locally established minimum standards.

24 (13) Historic preservation. Identify and encourage the
25 preservation of lands, sites, and structures, that have historical or
26 archaeological significance.

27 (14) Climate change. Reduce climate change impacts by lessening
28 emissions of greenhouse gases in accordance with emission reductions
29 established in RCW 80.80.020, and adapt to the effects of climate
30 change to protect people, property, the economy, and the environment.

31 **Sec. 3.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
32 as follows:

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

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

4 Except as provided otherwise by this section, each comprehensive
5 plan shall include a plan, scheme, or design for each of the following:

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

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

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

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

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

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

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

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

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

36 (i) Containing or otherwise controlling rural development;

37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (a) The transportation element shall include the following
17 subelements:

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

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

24 (iii) Facilities and services needs, including:

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

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

34 (C) For state-owned transportation facilities, level of service
35 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
36 to gauge the performance of the system. The purposes of reflecting
37 level of service standards for state highways in the local
38 comprehensive plan are to monitor the performance of the system, to

1 evaluate improvement strategies, and to facilitate coordination between
2 the county's or city's six-year street, road, or transit program and
3 the department of transportation's six-year investment program. The
4 concurrency requirements of (b) of this subsection do not apply to
5 transportation facilities and services of statewide significance except
6 for counties consisting of islands whose only connection to the
7 mainland are state highways or ferry routes. In these island counties,
8 state highways and ferry route capacity must be a factor in meeting the
9 concurrency requirements in (b) of this subsection;

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

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

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

20 (iv) Finance, including:

21 (A) An analysis of funding capability to judge needs against
22 probable funding resources;

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

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

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

38 (vi) Demand-management strategies;

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

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

20 (c) The transportation element described in this subsection (6),
21 and the six-year plans required by RCW 35.77.010 for cities, RCW
22 36.81.121 for counties, and RCW 35.58.2795 for public transportation
23 systems, and the ten-year plan required by RCW 47.05.030 for the
24 state, must be consistent.

25 (7)(a) A climate element to: (i) Mitigate the impacts of climate
26 change by minimizing emissions of greenhouse gases related to existing
27 development, land use patterns, transportation, and the provision of
28 public facilities and services; and (ii) adapt to the effects of global
29 warming and climate change. For the purposes of this subsection (7),
30 "public facilities" include publicly owned utilities.

31 (b) Jurisdictions subject to this subsection (7) must:

32 (i) Estimate 1990 greenhouse gas emissions, inventory emission
33 sources, and estimate ongoing greenhouse gas emissions;

34 (ii) Project future emissions for a reasonable range of land use
35 and transportation alternatives. Jurisdictions must, for each periodic
36 update required by RCW 36.70A.130, project emissions for each year for
37 which an emissions reduction has been established under RCW 80.80.020

1 that is within twenty years of the applicable completion date
2 established in RCW 36.70A.130;

3 (iii) Adopt a comprehensive plan or periodic update that reduces
4 greenhouse gas emissions consistent with the emission reductions
5 established in RCW 80.80.020 or 36.70A.210(3)(g);

6 (iv) Adopt policies and provisions to mitigate greenhouse gas
7 emissions resulting from land use decisions;

8 (v) Adopt policies and other measures to: (A) Adapt to the likely
9 adverse effects of climate change on the jurisdiction; and (B) improve
10 the management of water and other resources made more scarce by climate
11 change;

12 (vi) Enhance programs encouraging, and otherwise providing for,
13 energy, water, and other resource conservation, and the construction of
14 structures meeting green building standards; and

15 (vii) Evaluate a program for transferring development rights from
16 rural and natural resource lands to urban growth areas. In complying
17 with this subsection (7)(b)(vii), local governments should consider:
18 (A) Implementing recommendations and findings made by the department in
19 accordance with chapter 43.362 RCW; and (B) developing transfer of
20 development rights programs under RCW 36.70A.210(3)(g) through
21 interlocal agreements under chapter 39.34 RCW.

22 (c) Estimates and projections required by this subsection (7) must
23 be submitted to the department at the time of adoption and when
24 documents are submitted under RCW 36.70A.040(6).

25 (d) This subsection (7) applies only to counties planning under RCW
26 36.70A.040 with a population exceeding fifty thousand and cities
27 planning under RCW 36.70A.040 with a population exceeding thirty
28 thousand.

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

1 an identification of policies, programs, and projects to foster
2 economic growth and development and to address future needs.

3 (b) This element may establish policies to further the climate
4 change goal adopted under RCW 36.70A.020, including, but not limited
5 to, policies that encourage: (i) The creation of jobs related to new
6 technologies and other means of reducing greenhouse gas emissions; and
7 (ii) employment in areas well-served by transit and near residential
8 areas.

9 (c) A city that has chosen to be a residential community is exempt
10 from the economic development element requirement of this subsection.

11 ~~((+8))~~ (9) A park and recreation element that implements, and is
12 consistent with, the capital facilities plan element as it relates to
13 park and recreation facilities. The element shall include: (a)
14 Estimates of park and recreation demand for at least a ten-year period;
15 (b) an evaluation of facilities and service needs; and (c) an
16 evaluation of intergovernmental coordination opportunities to provide
17 regional approaches for meeting park and recreational demand.

18 ~~((+9))~~ (10) It is the intent that new or amended elements required
19 after January 1, 2002, be adopted concurrent with the scheduled update
20 provided in RCW 36.70A.130. Requirements to incorporate any such new
21 or amended elements shall be null and void until funds sufficient to
22 cover applicable local government costs are appropriated and
23 distributed by the state at least two years before local government
24 must update comprehensive plans as required in RCW 36.70A.130.

25 **Sec. 4.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
26 as follows:

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

1 (2) Based upon the growth management population projection made for
2 the county by the office of financial management, the county and each
3 city within the county shall include areas and densities sufficient to
4 permit the urban growth that is projected to occur in the county or
5 city for the succeeding twenty-year period, except for those urban
6 growth areas contained totally within a national historical reserve.

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

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

35 (3) Urban growth should be located first in areas already
36 characterized by urban growth that have adequate existing public
37 facility and service capacities to serve such development, second in
38 areas already characterized by urban growth that will be served

1 adequately by a combination of both existing public facilities and
2 services and any additional needed public facilities and services that
3 are provided by either public or private sources, and third in the
4 remaining portions of the urban growth areas. Urban growth may also be
5 located in designated new fully contained communities as defined by RCW
6 36.70A.350.

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

14 (5) On or before October 1, 1993, each county that was initially
15 required to plan under RCW 36.70A.040(1) shall adopt development
16 regulations designating interim urban growth areas under this chapter.
17 Within three years and three months of the date the county legislative
18 authority of a county adopts its resolution of intention or of
19 certification by the office of financial management, all other counties
20 that are required or choose to plan under RCW 36.70A.040 shall adopt
21 development regulations designating interim urban growth areas under
22 this chapter. Adoption of the interim urban growth areas may only
23 occur after public notice; public hearing; and compliance with the
24 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
25 Such action may be appealed to the appropriate growth management
26 hearings board under RCW 36.70A.280. Final urban growth areas shall be
27 adopted at the time of comprehensive plan adoption under this chapter.

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

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

34 (8) A county proposing to increase the amount of territory within
35 an urban growth area must evaluate and adopt measures and requirements
36 to mitigate anticipated greenhouse gas emissions associated with the
37 urban growth area increase. Mitigation completed under this subsection
38 must comply with the emission reductions established in RCW 80.80.020.

1 **Sec. 5.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
2 as follows:

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

13 (2) The legislative authority of a county that plans under RCW
14 36.70A.040 shall adopt a county-wide planning policy in cooperation
15 with the cities located in whole or in part within the county as
16 follows:

17 (a) No later than sixty calendar days from July 16, 1991, the
18 legislative authority of each county that as of June 1, 1991, was
19 required or chose to plan under RCW 36.70A.040 shall convene a meeting
20 with representatives of each city located within the county for the
21 purpose of establishing a collaborative process that will provide a
22 framework for the adoption of a county-wide planning policy. In other
23 counties that are required or choose to plan under RCW 36.70A.040, this
24 meeting shall be convened no later than sixty days after the date the
25 county adopts its resolution of intention or was certified by the
26 office of financial management.

27 (b) The process and framework for adoption of a county-wide
28 planning policy specified in (a) of this subsection shall determine the
29 manner in which the county and the cities agree to all procedures and
30 provisions including but not limited to desired planning policies,
31 deadlines, ratification of final agreements and demonstration thereof,
32 and financing, if any, of all activities associated therewith.

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

37 (d) If there is no agreement by October 1, 1991, in a county that
38 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,

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

15 (e) No later than July 1, 1992, the legislative authority of each
16 county that was required or chose to plan under RCW 36.70A.040 as of
17 June 1, 1991, or no later than fourteen months after the date the
18 county adopted its resolution of intention or was certified by the
19 office of financial management the county legislative authority of any
20 other county that is required or chooses to plan under RCW 36.70A.040,
21 shall adopt a county-wide planning policy according to the process
22 provided under this section and that is consistent with the agreement
23 pursuant to (b) of this subsection, and after holding a public hearing
24 or hearings on the proposed county-wide planning policy.

25 (3) A county-wide planning policy shall at a minimum, address the
26 following:

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

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

30 (c) Policies for siting public capital facilities of a county-wide
31 or statewide nature, including transportation facilities of statewide
32 significance as defined in RCW 47.06.140;

33 (d) Policies for county-wide transportation facilities and
34 strategies;

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

1 (f) Policies for joint county and city planning within urban growth
2 areas;

3 (g)(i) Policies for regionally coordinated approaches to reducing
4 emissions of greenhouse gases. Policies developed under this
5 subsection (3)(g): (A) Shall require the designation and development
6 of urban centers and other planning actions that promote compact
7 development and efficiently link housing units with transit options for
8 employment and service needs; and (B) may provide for the permanent
9 transfer of development rights from unincorporated rural and natural
10 resource lands to urban growth areas.

11 (ii) County-wide planning policies may allocate greenhouse gas
12 emissions and reductions required to meet the goals established in RCW
13 80.80.020 among counties and cities on a pro rata or other basis. This
14 allocation should consider the documented benefits of accommodating
15 growth within urban centers that provide for compact development, an
16 appropriate mix of uses, transit, and nonmotorized travel choices.

17 (iii) Counties subject to subsection (7) of this section and the
18 cities within those counties may include the requirements of this
19 subsection (3)(g) within their multicounty planning policies.

20 (iv) This subsection (3)(g) applies only to counties that:

21 (A) Plan under RCW 36.70A.040;

22 (B) Have a population exceeding fifty thousand; and

23 (C) Amend their county-wide planning policies after the effective
24 date of this section;

25 (h) Policies for county-wide economic development and employment;
26 and

27 ~~((h))~~ (i) An analysis of the fiscal impact.

28 (4) Federal agencies and Indian tribes may participate in and
29 cooperate with the county-wide planning policy adoption process.
30 Adopted county-wide planning policies shall be adhered to by state
31 agencies.

32 (5) Failure to adopt a county-wide planning policy that meets the
33 requirements of this section may result in the imposition of a sanction
34 or sanctions on a county or city within the county, as specified in RCW
35 36.70A.340. In imposing a sanction or sanctions, the governor shall
36 specify the reasons for failure to adopt a county-wide planning policy
37 in order that any imposed sanction or sanctions are fairly and

1 equitably related to the failure to adopt a county-wide planning
2 policy.

3 (6) Cities and the governor may appeal an adopted county-wide
4 planning policy to the growth management hearings board within sixty
5 days of the adoption of the county-wide planning policy.

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

12 **Sec. 6.** RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended
13 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

4 (j) An evaluation of the anticipated greenhouse gas emissions
5 associated with the new community has been completed; and

6 (k) Measures and requirements to mitigate anticipated greenhouse
7 gas emissions for the new fully contained community have been adopted
8 to comply with emission reductions established in RCW 80.80.020.

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

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

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

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

36 (2) Capital facilities, utilities, and services, including those
37 related to sewer, water, storm water, security, fire suppression, and

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

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

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

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

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

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

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

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

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

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

1 (f) The county has evaluated and mitigated greenhouse gas emissions
2 associated with the proposed resort and has adopted measures and
3 requirements to mitigate those emissions. Mitigation completed under
4 this subsection (4)(f) must comply with the emission reductions
5 established in RCW 80.80.020.

6 **NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW
7 to read as follows:

8 (1) The department shall adopt by rule advisory methodologies and
9 estimates to assist counties and cities in complying with this act.
10 Advisory methodologies and estimates must reflect regional and local
11 variations and the diversity of counties and cities planning under this
12 chapter. At a minimum, the advisory methodologies and estimates must:

13 (a) Identify one or more methodologies for inventorying,
14 estimating, and projecting greenhouse gas emissions;

15 (b) Identify the greenhouse gas emission reductions that various
16 land use and building measures are estimated to produce. Estimates
17 made under this subsection (1)(b) may be expressed as a methodology or
18 a quantification of probable reductions. The estimates shall consider
19 documented benefits of accommodating growth within urban centers that
20 provide for compact development, appropriate mixes of uses, transit,
21 and nonmotorized travel choices; and

22 (c) Identify potential policies, regulatory programs, and other
23 measures counties and cities can implement to adapt to the likely
24 adverse effects of global warming and climate change.

25 (2) The department shall adopt the advisory methodologies and
26 estimates required by this section by December 1, 2009. The
27 methodologies and estimates shall also be updated two years before each
28 completion date established in RCW 36.70A.130(4)(a).

29 (3) Counties and cities may use computer programs for inventorying,
30 estimating, and projecting greenhouse gas emissions, and identifying
31 greenhouse gas emissions reductions. Any computer program used for
32 such a purpose must be certified by the department, by rule, as a
33 reasonably accurate forecasting tool. Certified computer programs must
34 include features for: (a) Estimating the number of vehicle miles
35 traveled; (b) estimating the greenhouse gas emissions generated by
36 motor vehicles; and (c) determining measures to reduce greenhouse gas
37 emissions by lessening vehicle travel.

1 (4) If a county or city uses the advisory methodologies and
2 estimates required by subsection (1) of this section to adopt: (a) A
3 climate element or an amendment to or update thereof; or (b)
4 development regulations implementing and consistent with a climate
5 element, a growth management hearings board or reviewing court may only
6 review county or city methodologies, estimates of greenhouse gas
7 reductions, and forecasts of greenhouse gas emissions for consistency
8 with the advisory methodologies and estimates.

9 (5) If a county or city uses computer programs certified by the
10 department under subsection (3) of this section to adopt: (a) A
11 climate element or an amendment to or update thereof; or (b)
12 development regulations implementing and consistent with a climate
13 element, a growth management hearings board or reviewing court may only
14 review county or city methodologies, estimates of greenhouse gas
15 reductions, and forecasts of greenhouse gas emissions for consistency
16 with the computer program certified by the department.

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

19 (1) If a high-capacity transportation service is approved by the
20 voters and funded or expanded under chapter 81.104 RCW, counties and
21 cities within the service area must amend their comprehensive plans and
22 development regulations as they apply to areas:

23 (a) In high-capacity transportation corridors; and

24 (b) Near passenger stations.

25 (2) Amendments must provide for mixed-use development with uses,
26 densities, amenities, walking, biking, and transit connections that
27 support the high-capacity service.

28 (3) Amendments required by this section must be completed after the
29 applicable transit agency identifies the transportation corridors and
30 stations for the high-capacity service.

31 NEW SECTION. **Sec. 10.** (1) The legislature recognizes that one of
32 the goals of the growth management act is to conserve productive
33 natural resource lands. Among other benefits, these lands extract
34 global warming gases from the atmosphere, a process referred to as
35 carbon sequestration. While the growth management act has realized

1 some successes in achieving this goal, it has not stopped the
2 inappropriate conversion of productive natural resource lands.

3 (2) The department of community, trade, and economic development,
4 shall, by December 1, 2008, ensure that revisions to guidelines adopted
5 under RCW 36.70A.050 better protect natural resource lands from
6 conversions to other uses.

7 NEW SECTION. **Sec. 11.** (1) A global warming adaptation pilot
8 program is established. The pilot program shall be administered by the
9 department of community, trade, and economic development. The
10 department shall, through a competitive process, select a county for
11 the pilot program. A county selected for the pilot program may not
12 plan under RCW 36.70A.040, but must have potential to be adversely
13 impacted by global warming through sea-level increases, storms,
14 flooding, and other adverse effects.

15 (2) The pilot program must commence by July 1, 2009, and conclude
16 by July 1, 2011. The department shall provide grants and technical
17 assistance to aid the selected county in its efforts to anticipate and
18 address future problems associated with global warming.

19 (3) By December 1, 2011, the department shall provide a report to
20 the governor and the appropriate committees of the house of
21 representatives and the senate on pilot program results and measures
22 that could be replicated in counties and cities that do not plan under
23 RCW 36.70A.040.

24 (4) This section expires January 1, 2012.

25 NEW SECTION. **Sec. 12.** A new section is added to chapter 36.70A
26 RCW to read as follows:

27 By December 1, 2012, and every two years thereafter, the department
28 shall provide a report to the governor and appropriate committees of
29 the house of representatives and the senate on the effects of this act
30 and any recommendations to improve its effectiveness.

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