

SHB 1490 - H AMD 292

By Representative Nelson

NOT CONSIDERED 04/26/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that land
4 use and transportation decisions can significantly affect the emissions
5 levels of greenhouse gases. Thoughtful and deliberate planning actions
6 that consider the relationship between land use and transportation,
7 while also being mindful of associated impacts upon affordable housing
8 needs, are both challenging and essential. Furthermore, the
9 legislature recognizes that, in addition to responding to present day
10 emissions issues, it must be equally dedicated to enacting broad,
11 prospective strategies. In doing so, the legislature will better
12 enable current Washingtonians and future generations to enjoy the
13 dividends resulting from fewer greenhouse gas emissions, and healthy,
14 economically vibrant communities.

15 (2) In recognition of the importance of reducing greenhouse gas
16 emissions through land use and transportation requirements, and the
17 resulting implementation actions of counties, cities, and others, the
18 legislature intends to establish new land use and transportation
19 provisions, while simultaneously granting certain jurisdictions two
20 additional years to meet existing planning requirements. In granting
21 jurisdictions with the earliest pending review and revision deadlines
22 under the growth management act two additional years to comply with
23 these obligations, the legislature intends to promote the successful
24 implementation of initial efforts to reduce greenhouse gas emissions
25 through comprehensive planning actions.

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

28 The following goals are adopted to guide the development and
29 adoption of comprehensive plans and development regulations of those

1 counties and cities that are required or choose to plan under RCW
2 36.70A.040. The following goals are not listed in order of priority
3 and shall be used exclusively for the purpose of guiding the
4 development of comprehensive plans and development regulations:

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

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

10 (3) Transportation. Encourage efficient multimodal transportation
11 systems that are based on regional priorities and coordinated with
12 county and city comprehensive plans.

13 (4) Housing. Encourage the availability of affordable housing to
14 all economic segments of the population of this state, promote a
15 variety of residential densities and housing types, and encourage
16 preservation of existing housing stock.

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

26 (6) Property rights. Private property shall not be taken for
27 public use without just compensation having been made. The property
28 rights of landowners shall be protected from arbitrary and
29 discriminatory actions.

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

33 (8) Natural resource industries. Maintain and enhance natural
34 resource-based industries, including productive timber, agricultural,
35 and fisheries industries. Encourage the conservation of productive
36 forest lands and productive agricultural lands, and discourage
37 incompatible uses.

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

5 (10) Environment. Protect the environment and enhance the state's
6 high quality of life, including air and water quality, and the
7 availability of water. Help achieve greenhouse gas emission reductions
8 established in RCW 70.235.020 through land use and transportation
9 planning.

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

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

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

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

23 The comprehensive plan of a county or city that is required or
24 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
25 and descriptive text covering objectives, principles, and standards
26 used to develop the comprehensive plan. The plan shall be an
27 internally consistent document and all elements shall be consistent
28 with the future land use map. A comprehensive plan shall be adopted
29 and amended with public participation as provided in RCW 36.70A.140.

30 Each comprehensive plan shall include a plan, scheme, or design for
31 each of the following:

32 (1) A land use element designating the proposed general
33 distribution and general location and extent of the uses of land, where
34 appropriate, for agriculture, timber production, housing, commerce,
35 industry, recreation, open spaces, general aviation airports, public
36 utilities, public facilities, and other land uses. The land use
37 element shall include population densities, building intensities, and

1 estimates of future population growth. The land use element shall
2 provide for protection of the quality and quantity of groundwater used
3 for public water supplies. Wherever possible, the land use element
4 should consider utilizing urban planning approaches that promote
5 physical activity. Where applicable, the land use element shall review
6 drainage, flooding, and storm water run-off in the area and nearby
7 jurisdictions and provide guidance for corrective actions to mitigate
8 or cleanse those discharges that pollute waters of the state, including
9 Puget Sound or waters entering Puget Sound.

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

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

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

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

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

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

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

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

26 (i) Containing or otherwise controlling rural development;

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

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

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

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

35 (d) Limited areas of more intensive rural development. Subject to
36 the requirements of this subsection and except as otherwise
37 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including
2 necessary public facilities and public services to serve the limited
3 area as follows:

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

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

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

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

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

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

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

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

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

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

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

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

37 (e) Exception. This subsection shall not be interpreted to permit

1 in the rural area a major industrial development or a master planned
2 resort unless otherwise specifically permitted under RCW 36.70A.360 and
3 36.70A.365.

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

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

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

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

14 (iii) Facilities and services needs, including:

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

21 (B) Level of service standards for all locally owned arterials and
22 transit routes to serve as a gauge to judge performance of the system.
23 These standards should be regionally coordinated and must consider all
24 transportation modes, as applicable, in meeting regional transportation
25 demands. In adopting level of service standards required under this
26 subsection (6)(a)(iii)(B), jurisdictions must also consider adopting
27 multimodal level of service standards;

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

1 ~~consisting of islands whose only connection to the mainland are state~~
2 ~~highways or ferry routes. In these island counties, state highways and~~
3 ~~ferry route capacity must be a factor in meeting the concurrency~~
4 ~~requirements in (b) of this subsection));~~

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

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

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

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

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

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

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

33 (vi) Demand-management strategies;

34 (vii) Pedestrian and bicycle component to include collaborative
35 efforts to identify and designate planned improvements for pedestrian
36 and bicycle facilities and corridors that address and encourage
37 enhanced community access (~~and promote~~), connections between land
38 uses and transportation modes, and the promotion of healthy lifestyles.

1 (b)(i) After adoption of the comprehensive plan by jurisdictions
2 required to plan or who choose to plan under RCW 36.70A.040, local
3 jurisdictions must adopt and enforce ordinances which prohibit
4 development approval if the development causes the level of service on
5 a locally owned transportation facility to decline below the standards
6 adopted in the transportation element of the comprehensive plan, unless
7 transportation improvements or strategies to accommodate the impacts of
8 development are made concurrent with the development. These strategies
9 must consider multimodal improvements or strategies, examples of which
10 may include increased public transportation service, ride sharing
11 programs, demand management, and other transportation systems
12 management strategies.

13 (ii) For the purposes of this subsection (6), "concurrent with the
14 development" (~~shall mean~~) means that improvements or strategies are
15 in place at the time of development, or that a financial commitment is
16 in place to complete the improvements or strategies within six years.

17 (iii) The concurrency requirements of this subsection (6)(b) do not
18 apply to transportation facilities and services of statewide
19 significance except for counties consisting of islands whose only
20 connection to the mainland are state highways or ferry routes. In
21 these island counties, state highway and ferry route capacity must be
22 a factor in meeting the concurrency requirements of this subsection
23 (6)(b).

24 (c) The transportation element described in this subsection (6),
25 and the six-year plans required by RCW 35.77.010 for cities, RCW
26 36.81.121 for counties, and RCW 35.58.2795 for public transportation
27 systems, and the ten-year investment program required by RCW 47.05.030
28 for the state, must be consistent.

29 (7) 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) A summary
32 of the local economy such as population, employment, payroll, sectors,
33 businesses, sales, and other information as appropriate; (b) a summary
34 of the strengths and weaknesses of the local economy defined as the
35 commercial and industrial sectors and supporting factors such as land
36 use, transportation, utilities, education, workforce, housing, and
37 natural/cultural resources; and (c) an identification of policies,
38 programs, and projects to foster economic growth and development and to

1 address future needs. A city that has chosen to be a residential
2 community is exempt from the economic development element requirement
3 of this subsection.

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

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

18 **Sec. 4.** RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10 are each
19 amended to read as follows:

20 (1) The comprehensive plan of each county or city (~~that is~~)
21 adopted pursuant to RCW 36.70A.040 shall be coordinated with, and
22 consistent with, the comprehensive plans adopted pursuant to RCW
23 36.70A.040 of other counties or cities with which the county or city
24 has, in part, common borders or related regional issues.

25 (2) The applicable land use, transportation, and capital facilities
26 comprehensive plan elements of each county or city planning under RCW
27 36.70A.040 that is within the jurisdictional boundaries of a regional
28 transportation planning organization subject to RCW 47.80.030(2) must
29 be consistent with the applicable regional transportation plan adopted
30 under RCW 47.80.030.

31 **Sec. 5.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to read
32 as follows:

33 (1) The transportation element required by RCW 36.70A.070 may
34 include, in addition to improvements or strategies to accommodate the
35 impacts of development authorized under RCW 36.70A.070(6)(b),
36 multimodal transportation improvements or strategies that are made

1 concurrent with the development. These transportation improvements or
2 strategies may include, but are not limited to, measures implementing
3 or evaluating:

4 (a) Multiple modes of transportation with peak and nonpeak hour
5 capacity performance standards for locally owned transportation
6 facilities; (~~and~~)

7 (b) Modal performance standards meeting the peak and nonpeak hour
8 capacity performance standards; and

9 (c) Transit-oriented development or other compact development
10 strategies. For purposes of this subsection (1)(c) the following
11 definitions apply:

12 (i) "Compact development" means an area designated for mixed-use,
13 higher density development patterns that encourage walking, bicycling,
14 and plans for a multimodal network that may include transit services
15 and facilities; and

16 (ii) "Transit-oriented development" means a type of compact
17 development that provides compact, walkable communities with densities
18 that support transit service and have convenient access to transit
19 systems with frequent peak travel period service.

20 (2) Nothing in this section or RCW 36.70A.070(6)(b) shall be
21 construed as prohibiting a county or city planning under RCW 36.70A.040
22 from exercising existing authority to develop multimodal improvements
23 or strategies to satisfy the concurrency requirements of this chapter.

24 (3) Nothing in this section is intended to affect or otherwise
25 modify the authority of jurisdictions planning under RCW 36.70A.040.

26 **Sec. 6.** RCW 36.70A.130 and 2006 c 285 s 2 are each amended to read
27 as follows:

28 (1)(a) Each comprehensive land use plan and development regulations
29 shall be subject to continuing review and evaluation by the county or
30 city that adopted them. Except as otherwise provided, a county or city
31 shall take legislative action to review and, if needed, revise its
32 comprehensive land use plan and development regulations to ensure the
33 plan and regulations comply with the requirements of this chapter
34 according to the time periods specified in subsection (4) of this
35 section.

36 (b) Except as otherwise provided, a county or city not planning
37 under RCW 36.70A.040 shall take action to review and, if needed, revise

1 its policies and development regulations regarding critical areas and
2 natural resource lands adopted according to this chapter to ensure
3 these policies and regulations comply with the requirements of this
4 chapter according to the time periods specified in subsection (4) of
5 this section. Legislative action means the adoption of a resolution or
6 ordinance following notice and a public hearing indicating at a
7 minimum, a finding that a review and evaluation has occurred and
8 identifying the revisions made, or that a revision was not needed and
9 the reasons therefor.

10 (c) The review and evaluation required by this subsection may be
11 combined with the review required by subsection (3) of this section.
12 The review and evaluation required by this subsection shall include,
13 but is not limited to, consideration of critical area ordinances and,
14 if planning under RCW 36.70A.040, an analysis of the population
15 allocated to a city or county from the most recent ten-year population
16 forecast by the office of financial management.

17 (d) Any amendment of or revision to a comprehensive land use plan
18 shall conform to this chapter. Any amendment of or revision to
19 development regulations shall be consistent with and implement the
20 comprehensive plan.

21 (2)(a) Each county and city shall establish and broadly disseminate
22 to the public a public participation program consistent with RCW
23 36.70A.035 and 36.70A.140 that identifies procedures and schedules
24 whereby updates, proposed amendments, or revisions of the comprehensive
25 plan are considered by the governing body of the county or city no more
26 frequently than once every year. "Updates" means to review and revise,
27 if needed, according to subsection (1) of this section, and the time
28 periods specified in subsection (4) of this section or in accordance
29 with the provisions of subsections (5) (~~and~~), (8), and (9) of this
30 section. Amendments may be considered more frequently than once per
31 year under the following circumstances:

32 (i) The initial adoption of a subarea plan that does not modify the
33 comprehensive plan policies and designations applicable to the subarea;

34 (ii) The adoption or amendment of a shoreline master program under
35 the procedures set forth in chapter 90.58 RCW;

36 (iii) The amendment of the capital facilities element of a
37 comprehensive plan that occurs concurrently with the adoption or
38 amendment of a county or city budget; and

1 (iv) (~~Until June 30, 2006, the designation of recreational lands~~
2 ~~under RCW 36.70A.1701. A county amending its comprehensive plan~~
3 ~~pursuant to this subsection (2)(a)(iv) may not do so more frequently~~
4 ~~than every eighteen months; and~~

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

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

20 (3)(a) Each county that designates urban growth areas under RCW
21 36.70A.110 shall review, at least every ten years, its designated urban
22 growth area or areas, and the densities permitted within both the
23 incorporated and unincorporated portions of each urban growth area. In
24 conjunction with this review by the county, each city located within an
25 urban growth area shall review the densities permitted within its
26 boundaries, and the extent to which the urban growth occurring within
27 the county has located within each city and the unincorporated portions
28 of the urban growth areas.

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

36 (4) The department shall establish a schedule for counties and
37 cities to take action to review and, if needed, revise their
38 comprehensive plans and development regulations to ensure the plan and

1 regulations comply with the requirements of this chapter. Except as
2 provided in subsections (5) (~~and~~), (8), and (9) of this section, the
3 schedule established by the department shall provide for the reviews
4 and evaluations to be completed as follows:

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

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

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

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

20 (5)(a) Nothing in this section precludes a county or city from
21 conducting the review and evaluation required by this section before
22 the time limits established in subsection (4) of this section.
23 Counties and cities may begin this process early and may be eligible
24 for grants from the department, subject to available funding, if they
25 elect to do so.

26 (b) A county that is subject to a schedule established by the
27 department under subsection (4)(b) through (d) of this section and
28 meets the following criteria may comply with the requirements of this
29 section at any time within the thirty-six months following the date
30 established in the applicable schedule: The county has a population of
31 less than fifty thousand and has had its population increase by no more
32 than seventeen percent in the ten years preceding the date established
33 in the applicable schedule as of that date.

34 (c) A city that is subject to a schedule established by the
35 department under subsection (4)(b) through (d) of this section and
36 meets the following criteria may comply with the requirements of this
37 section at any time within the thirty-six months following the date
38 established in the applicable schedule: The city has a population of

1 no more than five thousand and has had its population increase by the
2 greater of either no more than one hundred persons or no more than
3 seventeen percent in the ten years preceding the date established in
4 the applicable schedule as of that date.

5 (d) State agencies are encouraged to provide technical assistance
6 to the counties and cities in the review of critical area ordinances,
7 comprehensive plans, and development regulations.

8 (6) A county or city subject to the time periods in subsection
9 (4)(a) of this section that, pursuant to an ordinance adopted by the
10 county or city establishing a schedule for periodic review of its
11 comprehensive plan and development regulations, has conducted a review
12 and evaluation of its comprehensive plan and development regulations
13 and, on or after January 1, 2001, has taken action in response to that
14 review and evaluation shall be deemed to have conducted the first
15 review required by subsection (4)(a) of this section. Subsequent
16 review and evaluation by the county or city of its comprehensive plan
17 and development regulations shall be conducted in accordance with the
18 time periods established under subsection (4)(a) of this section.

19 (7) The requirements imposed on counties and cities under this
20 section shall be considered "requirements of this chapter" under the
21 terms of RCW 36.70A.040(1). Only those counties and cities: (a)
22 Complying with the schedules in this section; (b) demonstrating
23 substantial progress towards compliance with the schedules in this
24 section for development regulations that protect critical areas; or (c)
25 complying with the extension provisions of subsection (5)(b) or (c) or
26 (9) of this section may receive grants, loans, pledges, or financial
27 guarantees from those accounts established in RCW 43.155.050 and
28 70.146.030. A county or city that is fewer than twelve months out of
29 compliance with the schedules in this section for development
30 regulations that protect critical areas is making substantial progress
31 towards compliance. Only those counties and cities in compliance with
32 the schedules in this section may receive preference for grants or
33 loans subject to the provisions of RCW 43.17.250.

34 (8) Except as provided in subsection (5)(b) and (c) of this
35 section:

36 (a) Counties and cities required to satisfy the requirements of
37 this section according to the schedule established by subsection (4)(b)
38 through (d) of this section may comply with the requirements of this

1 section for development regulations that protect critical areas one
2 year after the dates established in subsection (4)(b) through (d) of
3 this section;

4 (b) Counties and cities complying with the requirements of this
5 section one year after the dates established in subsection (4)(b)
6 through (d) of this section for development regulations that protect
7 critical areas shall be deemed in compliance with the requirements of
8 this section; and

9 (c) This subsection (8) applies only to the counties and cities
10 specified in subsection (4)(b) through (d) of this section, and only to
11 the requirements of this section for development regulations that
12 protect critical areas that must be satisfied by December 1, 2005,
13 December 1, 2006, and December 1, 2007.

14 (9) Counties and cities specified in subsection (4)(a) of this
15 section that are required to comply with this section on or before
16 December 1, 2011, may do so at any time on or before December 1, 2013.
17 Counties and cities that exercise this two-year deferral option and
18 comply with this section on or before December 1, 2013, are in
19 compliance with the requirements of this section.

20 (10) Notwithstanding subsection (8) of this section and the
21 substantial progress provisions of subsections (7) and (~~(10)~~) (11) of
22 this section, only those counties and cities complying with the
23 schedule in subsection (4) of this section, or the extension provisions
24 of subsection (5)(b) or (c) or (9) of this section, may receive
25 preferences for grants, loans, pledges, or financial guarantees from
26 those accounts established in RCW 43.155.050 and 70.146.030.

27 (~~(10)~~) (11) Until December 1, 2005, and notwithstanding
28 subsection (7) of this section, a county or city subject to the time
29 periods in subsection (4)(a) of this section demonstrating substantial
30 progress towards compliance with the schedules in this section for its
31 comprehensive land use plan and development regulations may receive
32 grants, loans, pledges, or financial guarantees from those accounts
33 established in RCW 43.155.050 and 70.146.030. A county or city that is
34 fewer than twelve months out of compliance with the schedules in this
35 section for its comprehensive land use plan and development regulations
36 is deemed to be making substantial progress towards compliance.

1 **Sec. 7.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read
2 as follows:

3 (1) The comprehensive plan of each county and city that is planning
4 under RCW 36.70A.040 shall include a process for identifying and siting
5 essential public facilities. Essential public facilities include those
6 facilities that are typically difficult to site, such as airports,
7 state education facilities and state or regional transportation
8 facilities as defined in RCW 47.06.140, regional transit authority
9 facilities as defined in RCW 81.112.020, state and local correctional
10 facilities, solid waste handling facilities, and in-patient facilities
11 including substance abuse facilities, mental health facilities, group
12 homes, and secure community transition facilities as defined in RCW
13 71.09.020.

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

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

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

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

31 (6) No person may bring a cause of action for civil damages based
32 on the good faith actions of any county or city to provide for the
33 siting of secure community transition facilities in accordance with
34 this section and with the requirements of chapter 12, Laws of 2001 2nd
35 sp. sess. For purposes of this subsection, "person" includes, but is
36 not limited to, any individual, agency as defined in RCW 42.17.020,
37 corporation, partnership, association, and limited liability entity.

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

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

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

7 (b) A consideration for grants or loans provided under RCW
8 43.17.250(2); or

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

11 **Sec. 8.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to
12 read as follows:

13 (1) The department (~~(of community, trade, and economic~~
14 ~~development)) shall provide management services for the fund created by~~
15 RCW 36.70A.490. The department shall establish procedures for fund
16 management. The department shall encourage participation in the grant
17 program by other public agencies. The department shall develop the
18 grant criteria, monitor the grant program, and select grant recipients
19 in consultation with state agencies participating in the grant program
20 through the provision of grant funds or technical assistance.

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

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

31 (b) Encourages use of plans and information developed for purposes
32 of complying with this chapter to satisfy requirements of other state
33 programs.

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

35 (a) Demonstrate that it will prepare an environmental analysis
36 pursuant to chapter 43.21C RCW and subsection (2) of this section that
37 is integrated with a comprehensive plan, subarea plan, plan element,

1 county-wide planning policy, development regulations, monitoring
2 program, or other planning activity adopted under or implementing this
3 chapter;

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

8 (c) Demonstrate that procedures for review of development permit
9 applications will be based on the integrated plans and environmental
10 analysis;

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

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

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

21 (4) In awarding grants, the department shall give preference to
22 proposals that include one or more of the following elements:

23 (a) Furtherance of greenhouse gas emissions reduction requirements;

24 (b) Financial participation by the private sector, or a
25 public/private partnering approach;

26 ~~((b))~~ (c) Identification and monitoring of system capacities for
27 elements of the built environment, and to the extent appropriate, of
28 the natural environment;

29 ~~((e))~~ (d) Coordination with state, federal, and tribal
30 governments in project review;

31 ~~((d))~~ (e) Furtherance of important state objectives related to
32 economic development, protection of areas of statewide significance,
33 and siting of essential public facilities;

34 ~~((e))~~ (f) Programs to improve the efficiency and effectiveness of
35 the permitting process by greater reliance on integrated plans and
36 prospective environmental analysis;

37 ~~((f))~~ (g) Programs for effective citizen and neighborhood

1 involvement that contribute to greater likelihood that planning
2 decisions can be implemented with community support; and

3 ~~((g))~~ (h) Programs to identify environmental impacts and
4 establish mitigation measures that provide effective means to satisfy
5 concurrency requirements and establish project consistency with the
6 plans.

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

11 (6) State agencies shall work with grant recipients to facilitate
12 state and local project review processes that will implement the
13 projects receiving grants under this section.

14 (7) Counties and cities receiving more than two hundred fifty
15 thousand dollars in grants in a calendar year from the fund established
16 in RCW 36.70A.490, grants awarded under RCW 36.70A.190, or both, must
17 apply to the Washington state quality award program for an assessment
18 evaluation every three years.

19 NEW SECTION. Sec. 9. A new section is added to chapter 36.70A RCW
20 to read as follows:

21 (1) Comprehensive plans must encourage development along transit
22 lines and at major transit stations at levels that support transit-
23 oriented communities. These plans must also: (a) Encourage walking,
24 bicycling, and reduced vehicle trips; (b) include design standards for
25 streets, sidewalks, and buildings that encourage safe walking and
26 bicycling; (c) provide for a no net loss of affordable housing, and an
27 adequate supply of housing that is affordable to low-income households;
28 and (d) promote mixed-use and mixed-income developments.

29 (2) For purposes of this section, "major transit station" means any
30 of the following within an urban growth area:

31 (a) Stations on a high capacity transportation system approved by
32 the voters and funded or expanded under chapter 81.104 RCW. For
33 purposes of this subsection (2), streetcars or streetcar systems are
34 not considered high capacity transportation systems;

35 (b) Stops on rail or fixed guideway systems, including transitways,
36 but excluding stops in a streetcar system;

1 (c) Stations on bus rapid transit routes that operate on exclusive
2 rights-of-way for sixty-five percent or more of a route. For purposes
3 of this subsection (2)(c), "exclusive rights-of-way" means a roadway or
4 guideway that exclusively serves bus, rail transit, or both, and is not
5 normally accessible by privately owned or commercial vehicles; and

6 (d) Stations on a light rail line that is fewer than two miles in
7 length.

8 **Sec. 10.** RCW 47.80.030 and 2005 c 328 s 2 are each amended to read
9 as follows:

10 (1) Each regional transportation planning organization shall
11 develop in cooperation with the department of transportation, providers
12 of public transportation and high capacity transportation, ports, and
13 local governments within the region, adopt, and periodically update a
14 regional transportation plan that:

15 (a) Is based on a least cost planning methodology that identifies
16 the most cost-effective facilities, services, and programs;

17 (b) Identifies existing or planned transportation facilities,
18 services, and programs, including but not limited to major roadways
19 including state highways and regional arterials, transit and
20 nonmotorized services and facilities, multimodal and intermodal
21 facilities, marine ports and airports, railroads, and noncapital
22 programs including transportation demand management that should
23 function as an integrated regional transportation system, giving
24 emphasis to those facilities, services, and programs that exhibit one
25 or more of the following characteristics:

26 (i) Crosses member county lines;

27 (ii) Is or will be used by a significant number of people who live
28 or work outside the county in which the facility, service, or project
29 is located;

30 (iii) Significant impacts are expected to be felt in more than one
31 county;

32 (iv) Potentially adverse impacts of the facility, service, program,
33 or project can be better avoided or mitigated through adherence to
34 regional policies;

35 (v) Transportation needs addressed by a project have been
36 identified by the regional transportation planning process and the
37 remedy is deemed to have regional significance; and

- 1 (vi) Provides for system continuity;
- 2 (c) Establishes level of service standards for state highways and
3 state ferry routes, with the exception of transportation facilities of
4 statewide significance as defined in RCW 47.06.140. These regionally
5 established level of service standards for state highways and state
6 ferries shall be developed jointly with the department of
7 transportation, to encourage consistency across jurisdictions. In
8 establishing level of service standards for state highways and state
9 ferries, consideration shall be given for the necessary balance between
10 providing for the free interjurisdictional movement of people and goods
11 and the needs of local commuters using state facilities;
- 12 (d) Includes a financial plan demonstrating how the regional
13 transportation plan can be implemented, indicating resources from
14 public and private sources that are reasonably expected to be made
15 available to carry out the plan, and recommending any innovative
16 financing techniques to finance needed facilities, services, and
17 programs;
- 18 (e) Assesses regional development patterns, capital investment and
19 other measures necessary to:
- 20 (i) Ensure the preservation of the existing regional transportation
21 system, including requirements for operational improvements,
22 resurfacing, restoration, and rehabilitation of existing and future
23 major roadways, as well as operations, maintenance, modernization, and
24 rehabilitation of existing and future transit, railroad systems and
25 corridors, and nonmotorized facilities; and
- 26 (ii) Make the most efficient use of existing transportation
27 facilities to relieve vehicular congestion and maximize the mobility of
28 people and goods;
- 29 (f) Sets forth a proposed regional transportation approach,
30 including capital investments, service improvements, programs, and
31 transportation demand management measures to guide the development of
32 the integrated, multimodal regional transportation system. For
33 regional growth centers, the approach must address transportation
34 concurrency strategies required under RCW 36.70A.070 and include a
35 measurement of vehicle level of service for off-peak periods and total
36 multimodal capacity for peak periods; and
- 37 (g) Where appropriate, sets forth the relationship of high capacity

1 transportation providers and other public transit providers with regard
2 to responsibility for, and the coordination between, services and
3 facilities.

4 (2) Regional transportation planning organizations encompassing at
5 least one county planning under RCW 36.70A.040 with two hundred forty-
6 five thousand or more residents must adopt a regional transportation
7 plan for those counties that implements the goals to reduce annual per
8 capita vehicle miles traveled adopted under RCW 47.01.440.

9 (3) The organization shall review the regional transportation plan
10 biennially for currency and forward the adopted plan along with
11 documentation of the biennial review to the state department of
12 transportation.

13 ~~((3))~~ (4) All transportation projects, programs, and
14 transportation demand management measures within the region that have
15 an impact upon regional facilities or services must be consistent with
16 the plan and with the adopted regional growth and transportation
17 strategies.

18 **Sec. 11.** RCW 43.21C.240 and 2003 c 298 s 2 are each amended to
19 read as follows:

20 (1) If the requirements of subsection (2) of this section are
21 satisfied, a county, city, or town reviewing a project action shall
22 determine that the requirements for environmental analysis, protection,
23 and mitigation measures in the county, city, or town's development
24 regulations and comprehensive plans adopted under chapter 36.70A RCW,
25 and in other applicable local, state, or federal laws and rules provide
26 adequate analysis of and mitigation for the specific adverse
27 environmental impacts of the project action to which the requirements
28 apply. Rules adopted by the department according to RCW 43.21C.110
29 regarding project specific impacts that may not have been adequately
30 addressed apply to any determination made under this section. In these
31 situations, in which all adverse environmental impacts will be
32 mitigated below the level of significance as a result of mitigation
33 measures included by changing, clarifying, or conditioning of the
34 proposed action and/or regulatory requirements of development
35 regulations adopted under chapter 36.70A RCW or other local, state, or
36 federal laws, a determination of nonsignificance or a mitigated
37 determination of nonsignificance is the proper threshold determination.

1 (2) A county, city, or town shall make the determination provided
2 for in subsection (1) of this section if:

3 (a) In the course of project review, including any required
4 environmental analysis, the local government considers the specific
5 probable adverse environmental impacts of the proposed action and
6 determines that these specific impacts are adequately addressed by the
7 development regulations or other applicable requirements of the
8 comprehensive plan, subarea plan element of the comprehensive plan, or
9 other local, state, or federal rules or laws; and

10 (b) The local government bases or conditions its approval on
11 compliance with these requirements or mitigation measures.

12 (3) If a county, city, or town's comprehensive plans, subarea
13 plans, and development regulations adequately address a project's
14 probable specific adverse environmental impacts, as determined under
15 subsections (1) and (2) of this section, the county, city, or town
16 shall not impose additional mitigation under this chapter during
17 project review. Project review shall be integrated with environmental
18 analysis under this chapter.

19 (4) A comprehensive plan, subarea plan, or development regulation
20 shall be considered to adequately address an impact if the county,
21 city, or town, through the planning and environmental review process
22 under chapter 36.70A RCW and this chapter, has identified the specific
23 adverse environmental impacts and:

24 (a) The impacts have been avoided or otherwise mitigated; or

25 (b) The legislative body of the county, city, or town has
26 designated as acceptable certain levels of service, land use
27 designations, development standards, or other land use planning
28 required or allowed by chapter 36.70A RCW.

29 (5) In deciding whether a specific adverse environmental impact has
30 been addressed by an existing rule or law of another agency with
31 jurisdiction with environmental expertise with regard to a specific
32 environmental impact, the county, city, or town shall consult orally or
33 in writing with that agency and may expressly defer to that agency. In
34 making this deferral, the county, city, or town shall base or condition
35 its project approval on compliance with these other existing rules or
36 laws.

37 (6) Nothing in this section limits the authority of an agency in

1 its review or mitigation of a project to adopt or otherwise rely on
2 environmental analyses and requirements under other laws, as provided
3 by this chapter.

4 (7) A project action that is consistent with the applicable
5 comprehensive plan and development regulations may not be challenged
6 for noncompliance under this chapter due to greenhouse gas emissions
7 if:

8 (a) The county, city, or town in which the project action is
9 located has prepared an environmental impact statement under RCW
10 43.21C.030 for the area covered by the comprehensive plan or subarea
11 plan that includes a greenhouse gas emissions analysis;

12 (b) The county, city, or town in which the project action is
13 located has adopted a comprehensive plan or subarea plan and
14 development regulations that comply with subsections (3) and (4) of
15 this section;

16 (c) The development authorized by the comprehensive plan and
17 development regulations will reduce greenhouse gas emissions in
18 accordance with RCW 70.235.020, and per capita vehicle miles traveled
19 in accordance with RCW 47.01.440;

20 (d) The project action complies with the definition of compact
21 development in RCW 36.70A.108; and

22 (e) The project action is located in an urban growth area.

23 (8) This section shall apply only to a county, city, or town
24 planning under RCW 36.70A.040.

25 NEW SECTION. Sec. 12. A new section is added to chapter 43.21C
26 RCW to read as follows:

27 Cities and towns authorizing compact development in accordance with
28 RCW 36.70A.108(1)(c)(i) or participating in a regional transfer of
29 development rights program under chapter 43.362 RCW may impose
30 environmental fees on development activity as part of the financing for
31 environmental review under this chapter. For purposes of this section,
32 "development activity" has the same meaning as defined in RCW
33 82.02.090(1). Environmental fees imposed under this section:

34 (1) May only be for: (a) A subarea plan for which the impacts of
35 compact development have been addressed by the applicable city or town;
36 or (b) a regional transfer of development rights program receiving area

1 for which the impacts of development within the receiving area have
2 been addressed by the applicable city or town;

3 (2) May only be for environmental review costs that have been
4 identified as reasonably related to the new development;

5 (3) May not exceed a proportionate share of the environmental
6 review costs financed under RCW 36.70A.500, if any, or the costs of
7 environmental review and holding costs that would have been borne by
8 the development if no environmental review had occurred; and

9 (4) Must be used to repay a loan authorized under RCW 36.70A.500,
10 if applicable.

11 NEW SECTION. **Sec. 13.** A new section is added to chapter 81.112
12 RCW to read as follows:

13 (1) An authority that intends to dispose of land under RCW
14 81.112.080(3) that is located within one-quarter mile walking distance
15 of a major transit station must provide qualifying public or nonprofit
16 entities an opportunity of first offer to develop the land. For
17 purposes of this section and section 14 of this act, "major transit
18 station" has the same meaning as defined in section 9(2) of this act.
19 For purposes of this section, a "qualifying public or nonprofit entity"
20 is an entity that: (a) Is eligible for assistance from the housing
21 trust fund established in chapter 43.185 RCW; (b) certifies that it
22 will seek assistance from the housing trust fund for development of the
23 land in the next application round for the fund; and (c) meets other
24 financial and development requirements of the authority. The authority
25 may provide that any agreement with a qualifying public or nonprofit
26 entity be contingent upon receipt of a funding award within a
27 reasonable period of time, be subject to approval by a federal granting
28 agency, or include such other contingencies that the authority may
29 reasonably require.

30 (2) Nothing in this section is intended to conflict with state or
31 federal requirements or to require an authority to take any action that
32 the authority reasonably determines would cause it to forego or repay
33 federal funding or forego incentives to develop property around transit
34 stations.

35 NEW SECTION. **Sec. 14.** A new section is added to chapter 81.112
36 RCW to read as follows:

1 (1) An authority may donate air rights over any authority-owned
2 parking facility that is associated with a major transit station to a
3 qualifying public or nonprofit entity for the development of housing
4 units. For purposes of this section, a "qualifying public or nonprofit
5 entity" is an organization that:

6 (a) Is eligible for assistance from the housing trust fund
7 established in chapter 43.185 RCW;

8 (b) Certifies that it will seek financial assistance from the
9 program for development of the land or air rights in the next
10 application round; and

11 (c) Meets other financial and development requirements of the
12 authority.

13 (2) The authority may provide that any agreement with a qualifying
14 public or nonprofit organization be contingent upon receipt of a
15 funding award within a reasonable period of time, be subject to
16 approval by a federal granting agency, or include such other
17 contingencies that the authority may reasonably require. In addition,
18 if the development within the donated air rights will increase the
19 costs of or require modifications to the parking facility, the
20 qualifying public or nonprofit entity must, as a condition to the
21 donation of the air rights, agree to pay or provide for the payment of
22 those costs or modifications.

23 (3) Nothing in this section is intended to conflict with state or
24 federal requirements or to require an authority to take any action that
25 the authority reasonably determines would cause it to forego or repay
26 federal funding or to forego incentives to develop property around
27 transit stations.

28 (4) The donation of air rights under this section will encourage
29 the development of transit-oriented development, increase transit
30 ridership, and is declared to be a proper purpose of and for the
31 benefit of an authority that makes such a donation.

32 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.58 RCW
33 to read as follows:

34 (1) A metropolitan municipal corporation that intends to dispose of
35 land that is located within one-quarter mile walking distance of a
36 major transit station must provide qualifying public or nonprofit
37 entities an opportunity of first offer to develop the land. For

1 purposes of this section and section 16 of this act, "major transit
2 station" has the same meaning as defined in section 9(2) of this act.
3 For purposes of this section, a "qualifying public or nonprofit entity"
4 is an entity that: (a) Is eligible for assistance from the housing
5 trust fund established in chapter 43.185 RCW; (b) certifies that it
6 will seek assistance from the housing trust fund for development of the
7 land in the next application round for the fund; and (c) meets other
8 financial and development requirements of the metropolitan municipal
9 corporation. The metropolitan municipal corporation may provide that
10 any agreement with a qualifying public or nonprofit entity be
11 contingent upon receipt of a funding award within a reasonable period
12 of time, be subject to approval by a federal granting agency, or
13 include such other contingencies that the metropolitan municipal
14 corporation may reasonably require.

15 (2) Nothing in this section is intended to conflict with state or
16 federal requirements or to require a metropolitan municipal corporation
17 to take any action that the metropolitan municipal corporation
18 reasonably determines would cause it to forego or repay federal funding
19 or forego incentives to develop property around transit stations.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.58 RCW
21 to read as follows:

22 (1) A metropolitan municipal corporation may donate air rights over
23 any parking facility owned by the metropolitan municipal corporation
24 that is associated with a major transit station to a qualifying public
25 or nonprofit entity for the development of housing units. For purposes
26 of this section, a "qualifying public or nonprofit entity" is an
27 organization that:

28 (a) Is eligible for assistance from the housing trust fund
29 established in chapter 43.185 RCW;

30 (b) Certifies that it will seek financial assistance from the
31 program for development of the land or air rights in the next
32 application round; and

33 (c) Meets other financial and development requirements of the
34 metropolitan municipal corporation.

35 (2) The metropolitan municipal corporation may provide that any
36 agreement with a qualifying public or nonprofit organization be
37 contingent upon receipt of a funding award within a reasonable period

1 of time, be subject to approval by a federal granting agency, or
2 include such other contingencies that the metropolitan municipal
3 corporation may reasonably require. In addition, if the development
4 within the donated air rights will increase the costs of or require
5 modifications to the parking facility, the qualifying public or
6 nonprofit entity must, as a condition to the donation of the air
7 rights, agree to pay or provide for the payment of those costs or
8 modifications.

9 (3) Nothing in this section is intended to conflict with state or
10 federal requirements or to require a metropolitan municipal corporation
11 to take any action that the metropolitan municipal corporation
12 reasonably determines would cause it to forego or repay federal funding
13 or to forego incentives to develop property around transit stations.

14 (4) The donation of air rights under this section will encourage
15 the development of transit-oriented development, increase transit
16 ridership, and is declared to be a proper purpose of and for the
17 benefit of a metropolitan municipal corporation that makes such a
18 donation.

19 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.57A
20 RCW to read as follows:

21 (1) Public transportation benefit areas that intend to dispose of
22 land that is located within one-quarter mile walking distance of a
23 major transit station must provide qualifying public or nonprofit
24 entities an opportunity of first offer to develop the land. For
25 purposes of this section and section 18 of this act, "major transit
26 station" has the same meaning as defined in section 9(2) of this act.
27 For purposes of this section, a "public transportation benefit area" or
28 "benefit area" means a public transportation benefit area serving areas
29 in a county having a population of more than six hundred thousand
30 residents, but fewer than one million. For purposes of this section,
31 a "qualifying public or nonprofit entity" is an entity that: (a) Is
32 eligible for assistance from the housing trust fund established in
33 chapter 43.185 RCW; (b) certifies that it will seek assistance from the
34 housing trust fund for development of the land in the next application
35 round for the fund; and (c) meets other financial and development
36 requirements of the benefit area. The public transportation benefit
37 area may provide that any agreement with a qualifying public or

1 nonprofit entity be contingent upon receipt of a funding award within
2 a reasonable period of time, be subject to approval by a federal
3 granting agency, or include such other contingencies that the benefit
4 area may reasonably require.

5 (2) Nothing in this section is intended to conflict with state or
6 federal requirements or to require a public transportation benefit area
7 to take any action that the benefit area reasonably determines would
8 cause it to forego or repay federal funding or forego incentives to
9 develop property around transit stations.

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 36.57A
11 RCW to read as follows:

12 (1) Public transportation benefit areas may donate air rights over
13 any parking facility owned by the benefit area that is associated with
14 a major transit station to a qualifying public or nonprofit entity for
15 the development of housing units. For purposes of this section, a
16 "public transportation benefit area" or "benefit area" means a public
17 transportation benefit area serving areas in a county having a
18 population of more than six hundred thousand residents, but fewer than
19 one million. For purposes of this section, a "qualifying public or
20 nonprofit entity" is an organization that:

21 (a) Is eligible for assistance from the housing trust fund
22 established in chapter 43.185 RCW;

23 (b) Certifies that it will seek financial assistance from the
24 program for development of the land or air rights in the next
25 application round; and

26 (c) Meets other financial and development requirements of the
27 benefit area.

28 (2) The public transportation benefit area may provide that any
29 agreement with a qualifying public or nonprofit organization be
30 contingent upon receipt of a funding award within a reasonable period
31 of time, be subject to approval by a federal granting agency, or
32 include such other contingencies that the benefit area may reasonably
33 require. In addition, if the development within the donated air rights
34 will increase the costs of or require modifications to the parking
35 facility, the qualifying public or nonprofit entity must, as a
36 condition to the donation of the air rights, agree to pay or provide
37 for the payment of those costs or modifications.

1 (3) Nothing in this section is intended to conflict with state or
2 federal requirements or to require a public transportation benefit area
3 to take any action that the benefit area reasonably determines would
4 cause it to forego or repay federal funding or to forego incentives to
5 develop property around transit stations.

6 (4) The donation of air rights under this section will encourage
7 the development of transit-oriented development, increase transit
8 ridership, and is declared to be a proper purpose of and for the
9 benefit of a public transportation benefit area that makes such a
10 donation.

11 NEW SECTION. **Sec. 19.** A new section is added to chapter 36.33 RCW
12 to read as follows:

13 (1) Each county legislative authority must establish and maintain
14 a transit-oriented housing fund for the purpose of funding qualifying
15 housing projects. All receipts from gifts, grants, endowments from
16 public or private sources, in trust or otherwise, and other designated
17 public and private sources must be deposited in the fund. The
18 legislature may also appropriate moneys into the fund. Expenditures
19 may only be used for:

20 (a) Developing residential housing within single, multifamily, or
21 mixed-use developments that are: (i) Located within one-half mile of
22 a major transit stop; and (ii) affordable to a person or household with
23 an income that is less than eighty percent of the median household
24 income, adjusted for household size, for the county in which the
25 residential housing is located;

26 (b) Purchasing real property or development rights in accordance
27 with (a) of this subsection; and

28 (c) The administration of this section by the county and by lead
29 agencies or entities designated in accordance with this section.

30 (2)(a) Each county legislative authority must designate a lead
31 agency or entity to administer the fund established in subsection (1)
32 of this section. Lead agencies and entities may either be:

33 (i) A city or county housing authority created under chapter 35.82
34 RCW; or

35 (ii) An organization that is eligible to receive financial
36 assistance under RCW 43.185.060.

1 (b) Lead agencies or entities designated under (a) of this
2 subsection may:

3 (i) Purchase, rent, lease, sell, or operate residential housing
4 that complies with subsection (1)(a) of this section;

5 (ii) Provide for the construction, reconstruction, improvement,
6 alteration, or repair of any residential housing, or part thereof, that
7 complies with subsection (1)(a) of this section; and

8 (iii) Perform all other duties and actions deemed necessary and
9 appropriate to implement this section.

10 (3) Public and nonprofit organizations receiving more than two
11 hundred fifty thousand dollars in a calendar year from the fund
12 established in subsection (1) of this section must apply to the
13 Washington state quality award program for an assessment evaluation
14 every three years.

15 NEW SECTION. **Sec. 20.** Sections 1 through 5 and 7 through 19 of
16 this act take effect December 1, 2011.

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

21 Correct the title.

EFFECT: (1) Modifies provisions of the environment goal of the
Growth Management Act (GMA) to specify that one aspect of the goal is
to help achieve greenhouse gas emission reductions in accordance with
certain reduction requirements through land use and transportation
planning.

(2) Specifies that comprehensive plans must, rather than should,
encourage development along transit lines and at major transit stations
at levels that support transit-oriented communities. These plans must
also encourage walking, include design standards, provide for no net
loss of affordable housing, and promote mixed-use and mixed income
developments.

(3) Defines major transit station.

(4) Removes a provision authorizing transportation benefit
districts to extend sales and use taxes beyond a current ten-year limit
without voter approval.

(5) Specifies that the applicable land use, transportation, and capital facilities plan elements of each qualifying county or city within the jurisdictional boundaries of a regional transportation planning organization that must implement goals to reduce annual per capita vehicle miles traveled, must be consistent with the applicable regional transportation plan.

(6) Grants qualifying counties and cities two additional years to complete specific review and revision requirements of the GMA.

(7) Makes this two-year extension provision effective 90 days after adjournment of the session in which the bill is enacted.

(8) Deletes provisions allowing the Department of Community, Trade, and Economic Development to make loans from the Planning and Environmental Review Fund.

(9) Specifies that counties and cities receiving more than \$250,000 in total financial assistance in a calendar year from the Planning and Environmental Review Fund, comprehensive plan grants awarded under the GMA, or both, must apply to the Washington State Quality Award Program (WSQA) for an assessment evaluation every three years.

(10) Removes specific public notice requirements for regional transportation plans that must be made by a regional transportation planning organization.

(11) Specifies that cities and towns authorizing qualifying compact development, rather than compact development in designated centers, may impose environmental fees under the State Environmental Policy Act (SEPA).

(12) Modifies criteria that must be met for a project action to be immune from certain noncompliance challenges pertaining to greenhouse gas emissions under the SEPA.

(13) Specifies that regional transit authorities intending to dispose of land located within one-quarter mile walking distance of a major transit station, rather than one-half mile, must provide qualifying entities an opportunity of first offer to develop the land.

(14) Inserts land disposal notice requirements and air rights donation provisions for metropolitan municipal corporations and certain public transportation benefit areas.

(15) Specifies that county legislative authorities must establish and maintain a transit-oriented housing (TOH) fund for the purpose of funding qualifying housing, rather than development projects.

(16) Modifies the income affordability requirements for residential housing produced from the TOH fund.

(17) Specifies that public and nonprofit organizations receiving more than \$250,000 in a calendar year from the TOH fund must apply to the WSQA for an assessment evaluation every three years.

(18) Adds a severability clause.

(19) Adds intent language.

--- END ---