
HOUSE BILL 2239

State of Washington 65th Legislature 2017 3rd Special Session

By Representatives Stanford, Springer, Blake, Tharinger, and Dolan

Read first time 06/28/17.

1 AN ACT Relating to addressing water availability issues created
2 by the Washington supreme court decision in Whatcom County v. Western
3 Washington Growth Management Hearings Board, also known as the Hirst
4 decision, solely by providing immediate and temporary relief to
5 landowners affected by the Hirst decision by ensuring that a water
6 well report for a groundwater withdrawal exempt from permitting and
7 not prohibited by an applicable water resources management rule
8 adopted by the department of ecology may serve until December 31,
9 2018, as evidence of an adequate water supply for a building
10 necessitating potable water, allowing cities and counties to rely
11 until December 31, 2018, on water resource management rules adopted
12 by the department of ecology in providing for the protection of
13 surface water and groundwater resources except in certain water
14 resource inventory areas, and creating a task force; amending RCW
15 19.27.097, 36.70A.070, and 36.70A.070; creating a new section;
16 providing an effective date; providing expiration dates; and
17 declaring an emergency.

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

19 **Sec. 1.** RCW 19.27.097 and 2015 c 225 s 17 are each amended to
20 read as follows:

1 (1) Each applicant for a building permit of a building
2 necessitating potable water shall provide evidence of an adequate
3 water supply for the intended use of the building. Evidence may be in
4 the form of a water right permit from the department of ecology, a
5 letter from an approved water purveyor stating the ability to provide
6 water, ((~~or~~)) another form sufficient to verify the existence of an
7 adequate water supply, or, until December 31, 2018, and except in the
8 areas listed in subsection (4) of this section, a water well report
9 for a groundwater withdrawal exempt from permitting under RCW
10 90.44.050 and not prohibited by an applicable water resources
11 management rule adopted by the department of ecology. In addition to
12 other authorities, the county or city may impose conditions on
13 building permits requiring connection to an existing public water
14 system where the existing system is willing and able to provide safe
15 and reliable potable water to the applicant with reasonable economy
16 and efficiency. An application for a water right shall not be
17 sufficient proof of an adequate water supply.

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

27 (3) Buildings that do not need potable water facilities are
28 exempt from the provisions of this section. The department of
29 ecology, after consultation with local governments, may adopt rules
30 to implement this section, which may recognize differences between
31 high-growth and low-growth counties.

32 (4) A water well report for a groundwater withdrawal exempt from
33 permitting under RCW 90.44.050 and not prohibited by an applicable
34 water resources management rule adopted by the department of ecology
35 may not be used as evidence of an adequate water supply for a
36 building necessitating potable water in the following areas: Water
37 resource inventory areas subject to a federally administered
38 adjudication; water resource inventory areas with instream flow rules
39 adopted pursuant to chapter 90.54 RCW after 2001; and the Yakima
40 basin, water resource inventory areas 37, 38, and 39, the Skagit

1 basin, water resource inventory areas 3 and 4, and the Methow basin,
2 water resource inventory area 48.

3 (5) In order for a building permit applicant to be eligible to
4 rely on a water well report for a groundwater withdrawal exempt from
5 permitting under RCW 90.44.050 and not prohibited by an applicable
6 water resources management rule adopted by the department of ecology
7 as evidence of adequate water supply, the applicant must submit a
8 valid and fully complete building permit application, as defined in
9 RCW 19.27.095, to the appropriate permitting authority by December
10 31, 2018.

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

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

22 (1) A land use element designating the proposed general
23 distribution and general location and extent of the uses of land,
24 where appropriate, for agriculture, timber production, housing,
25 commerce, industry, recreation, open spaces, general aviation
26 airports, public utilities, public facilities, and other land uses.
27 The land use element shall include population densities, building
28 intensities, and estimates of future population growth. The land use
29 element shall provide for protection of the quality and quantity of
30 groundwater used for public water supplies. In providing for the
31 protection of the quantity of groundwater used for public water
32 supplies under this subsection, a county or city may, until December
33 31, 2018, rely on or refer to applicable water resources management
34 rules adopted by the department of ecology, except in the following
35 areas: Water resource inventory areas subject to a federally
36 administered adjudication; water resource inventory areas with
37 instream flow rules adopted pursuant to chapter 90.54 RCW after 2001;
38 and the Yakima basin, water resource inventory areas 37, 38, and 39,
39 the Skagit basin, water resource inventory areas 3 and 4, and the

1 Methow basin, water resource inventory area 48. Wherever possible,
2 the land use element should consider utilizing urban planning
3 approaches that promote physical activity. Where applicable, the land
4 use element shall review drainage, flooding, and storm water run-off
5 in the area and nearby jurisdictions and provide guidance for
6 corrective actions to mitigate or cleanse those discharges that
7 pollute waters of the state, including Puget Sound or waters entering
8 Puget Sound.

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

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

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

39 (5) Rural element. Counties shall include a rural element
40 including lands that are not designated for urban growth,

1 agriculture, forest, or mineral resources. The following provisions
2 shall apply to the rural element:

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

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

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

22 (i) Containing or otherwise controlling rural development;

23 (ii) Assuring visual compatibility of rural development with the
24 surrounding rural area;

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

27 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
28 and surface water and groundwater resources, which until December 31,
29 2018, and except in the areas listed in subsection (1) of this
30 section, may include measures that rely on or refer to applicable
31 water resources management rules adopted by the department of
32 ecology; 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
38 may allow for limited areas of more intensive rural development,
39 including necessary public facilities and public services to serve
40 the limited area as follows:

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

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

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

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

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

29 (iii) The intensification of development on lots containing
30 isolated nonresidential uses or new development of isolated cottage
31 industries and isolated small-scale businesses that are not
32 principally designed to serve the existing and projected rural
33 population and nonresidential uses, but do provide job opportunities
34 for rural residents. Rural counties may allow the expansion of small-
35 scale businesses as long as those small-scale businesses conform with
36 the rural character of the area as defined by the local government
37 according to RCW 36.70A.030(15). Rural counties may also allow new
38 small-scale businesses to utilize a site previously occupied by an
39 existing business as long as the new small-scale business conforms to
40 the rural character of the area as defined by the local government

1 according to RCW 36.70A.030(15). Public services and public
2 facilities shall be limited to those necessary to serve the isolated
3 nonresidential use and shall be provided in a manner that does not
4 permit low-density sprawl;

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

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

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

27 (B) On the date the county adopted a resolution under RCW
28 36.70A.040(2), in a county that is planning under all of the
29 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

1 (a) The transportation element shall include the following
2 subelements:

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

4 (ii) Estimated traffic impacts to state-owned transportation
5 facilities resulting from land use assumptions to assist the
6 department of transportation in monitoring the performance of state
7 facilities, to plan improvements for the facilities, and to assess
8 the impact of land-use decisions on state-owned transportation
9 facilities;

10 (iii) Facilities and services needs, including:

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

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

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

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

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

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

5 (iv) Finance, including:

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

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

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

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

23 (vi) Demand-management strategies;

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

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

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

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

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

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

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

38 **Sec. 3.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
39 read as follows:

1 The comprehensive plan of a county or city that is required or
2 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
3 and descriptive text covering objectives, principles, and standards
4 used to develop the comprehensive plan. The plan shall be an
5 internally consistent document and all elements shall be consistent
6 with the future land use map. A comprehensive plan shall be adopted
7 and amended with public participation as provided in RCW 36.70A.140.
8 Each comprehensive plan shall include a plan, scheme, or design for
9 each of the following:

10 (1) A land use element designating the proposed general
11 distribution and general location and extent of the uses of land,
12 where appropriate, for agriculture, timber production, housing,
13 commerce, industry, recreation, open spaces, general aviation
14 airports, public utilities, public facilities, and other land uses.
15 The land use element shall include population densities, building
16 intensities, and estimates of future population growth. The land use
17 element shall provide for protection of the quality and quantity of
18 groundwater used for public water supplies. In providing for the
19 protection of the quantity of groundwater used for public water
20 supplies under this subsection, a county or city may, until December
21 31, 2018, rely on or refer to applicable water resources management
22 rules adopted by the department of ecology, except in the following
23 areas: Water resource inventory areas subject to a federally
24 administered adjudication; water resource inventory areas with
25 instream flow rules adopted pursuant to chapter 90.54 RCW after 2001;
26 and the Yakima basin, water resource inventory areas 37, 38, and 39,
27 the Skagit basin, water resource inventory areas 3 and 4, and the
28 Methow basin, water resource inventory area 48. Wherever possible,
29 the land use element should consider utilizing urban planning
30 approaches that promote physical activity. Where applicable, the land
31 use element shall review drainage, flooding, and storm water run-off
32 in the area and nearby jurisdictions and provide guidance for
33 corrective actions to mitigate or cleanse those discharges that
34 pollute waters of the state, including Puget Sound or waters entering
35 Puget Sound.

36 (2) A housing element ensuring the vitality and character of
37 established residential neighborhoods that: (a) Includes an inventory
38 and analysis of existing and projected housing needs that identifies
39 the number of housing units necessary to manage projected growth; (b)
40 includes a statement of goals, policies, objectives, and mandatory

1 provisions for the preservation, improvement, and development of
2 housing, including single-family residences; (c) identifies
3 sufficient land for housing, including, but not limited to,
4 government-assisted housing, housing for low-income families,
5 manufactured housing, multifamily housing, and group homes and foster
6 care facilities; and (d) makes adequate provisions for existing and
7 projected needs of all economic segments of the community.

8 (3) A capital facilities plan element consisting of: (a) An
9 inventory of existing capital facilities owned by public entities,
10 showing the locations and capacities of the capital facilities; (b) a
11 forecast of the future needs for such capital facilities; (c) the
12 proposed locations and capacities of expanded or new capital
13 facilities; (d) at least a six-year plan that will finance such
14 capital facilities within projected funding capacities and clearly
15 identifies sources of public money for such purposes; and (e) a
16 requirement to reassess the land use element if probable funding
17 falls short of meeting existing needs and to ensure that the land use
18 element, capital facilities plan element, and financing plan within
19 the capital facilities plan element are coordinated and consistent.
20 Park and recreation facilities shall be included in the capital
21 facilities plan element.

22 (4) A utilities element consisting of the general location,
23 proposed location, and capacity of all existing and proposed
24 utilities, including, but not limited to, electrical lines,
25 telecommunication lines, and natural gas lines.

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

30 (a) Growth management act goals and local circumstances. Because
31 circumstances vary from county to county, in establishing patterns of
32 rural densities and uses, a county may consider local circumstances,
33 but shall develop a written record explaining how the rural element
34 harmonizes the planning goals in RCW 36.70A.020 and meets the
35 requirements of this chapter.

36 (b) Rural development. The rural element shall permit rural
37 development, forestry, and agriculture in rural areas. The rural
38 element shall provide for a variety of rural densities, uses,
39 essential public facilities, and rural governmental services needed
40 to serve the permitted densities and uses. To achieve a variety of

1 rural densities and uses, counties may provide for clustering,
2 density transfer, design guidelines, conservation easements, and
3 other innovative techniques that will accommodate appropriate rural
4 economic advancement, densities, and uses that are not characterized
5 by urban growth and that are consistent with rural character.

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

9 (i) Containing or otherwise controlling rural development;

10 (ii) Assuring visual compatibility of rural development with the
11 surrounding rural area;

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

14 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
15 and surface water and groundwater resources, which until December 31,
16 2018, and except in the areas listed in subsection (1) of this
17 section, may include measures that rely on or refer to applicable
18 water resources management rules adopted by the department of
19 ecology; and

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

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

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

33 (A) A commercial, industrial, residential, shoreline, or mixed-
34 use area are subject to the requirements of (d)(iv) of this
35 subsection, but are not subject to the requirements of (c)(ii) and
36 (iii) of this subsection.

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

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

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

16 (iii) The intensification of development on lots containing
17 isolated nonresidential uses or new development of isolated cottage
18 industries and isolated small-scale businesses that are not
19 principally designed to serve the existing and projected rural
20 population and nonresidential uses, but do provide job opportunities
21 for rural residents. Rural counties may allow the expansion of small-
22 scale businesses as long as those small-scale businesses conform with
23 the rural character of the area as defined by the local government
24 according to RCW 36.70A.030(15). Rural counties may also allow new
25 small-scale businesses to utilize a site previously occupied by an
26 existing business as long as the new small-scale business conforms to
27 the rural character of the area as defined by the local government
28 according to RCW 36.70A.030(15). Public services and public
29 facilities shall be limited to those necessary to serve the isolated
30 nonresidential use and shall be provided in a manner that does not
31 permit low-density sprawl;

32 (iv) A county shall adopt measures to minimize and contain the
33 existing areas or uses of more intensive rural development, as
34 appropriate, authorized under this subsection. Lands included in such
35 existing areas or uses shall not extend beyond the logical outer
36 boundary of the existing area or use, thereby allowing a new pattern
37 of low-density sprawl. Existing areas are those that are clearly
38 identifiable and contained and where there is a logical boundary
39 delineated predominately by the built environment, but that may also
40 include undeveloped lands if limited as provided in this subsection.

1 The county shall establish the logical outer boundary of an area of
2 more intensive rural development. In establishing the logical outer
3 boundary, the county shall address (A) the need to preserve the
4 character of existing natural neighborhoods and communities, (B)
5 physical boundaries, such as bodies of water, streets and highways,
6 and land forms and contours, (C) the prevention of abnormally
7 irregular boundaries, and (D) the ability to provide public
8 facilities and public services in a manner that does not permit low-
9 density sprawl;

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

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

14 (B) On the date the county adopted a resolution under RCW
15 36.70A.040(2), in a county that is planning under all of the
16 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

27 (a) The transportation element shall include the following
28 subelements:

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

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

36 (iii) Facilities and services needs, including:

37 (A) An inventory of air, water, and ground transportation
38 facilities and services, including transit alignments and general
39 aviation airport facilities, to define existing capital facilities
40 and travel levels as a basis for future planning. This inventory must

1 include state-owned transportation facilities within the city or
2 county's jurisdictional boundaries;

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

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

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

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

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

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (B) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required
37 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems. The multiyear financing
39 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

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

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

10 (vi) Demand-management strategies;

11 (vii) Pedestrian and bicycle component to include collaborative
12 efforts to identify and designate planned improvements for pedestrian
13 and bicycle facilities and corridors that address and encourage
14 enhanced community access and promote healthy lifestyles.

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service
19 on a locally owned transportation facility to decline below the
20 standards adopted in the transportation element of the comprehensive
21 plan, unless transportation improvements or strategies to accommodate
22 the impacts of development are made concurrent with the development.
23 These strategies may include increased public transportation service,
24 ride-sharing programs, demand management, and other transportation
25 systems management strategies. For the purposes of this subsection
26 (6), "concurrent with the development" means that improvements or
27 strategies are in place at the time of development, or that a
28 financial commitment is in place to complete the improvements or
29 strategies within six years. If the collection of impact fees is
30 delayed under RCW 82.02.050(3), the six-year period required by this
31 subsection (6)(b) must begin after full payment of all impact fees is
32 due to the county or city.

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. The element may include the provisions in

1 section 3 of this act. 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
8 period; (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 NEW SECTION. **Sec. 4.** (1) A joint legislative task force on
19 water supply is established to review the treatment of groundwater
20 withdrawals that are exempt from permitting requirements under RCW
21 90.44.050 and to review the implementation of RCW 19.27.097 and
22 36.70A.070. The task force must consist of the following members:

23 (a) Appointed by the president of the senate, two members from
24 each of the two largest caucuses of the senate;

25 (b) Appointed by the speaker of the house of representatives, two
26 members from each of the two largest caucuses of the house of
27 representatives;

28 (c) A representative from the department of ecology, chosen by
29 the director of the department of ecology;

30 (d) A representative from the department of fish and wildlife,
31 chosen by the director of the department of fish and wildlife;

32 (e) A representative from the department of agriculture, chosen
33 by the director of the department of agriculture;

34 (f) One individual for each of the following groups, appointed by
35 the consensus of the cochairs of the committee:

36 (i) An environmental advocacy organization;

37 (ii) An organization representing Washington counties;

38 (iii) An organization representing Washington cities; and

39 (iv) An organization representing the development community; and

1 (g) Representatives of three Indian tribes, two invited by the
2 cochairs to participate at the recommendation of the northwest Indian
3 fisheries commission, and one invited to participate at the
4 recommendation of the Columbia river intertribal fish commission.

5 (2) The first meeting of the task force must occur by September
6 30, 2017. One cochair of the task force must be a member of the
7 largest caucus of the house of representatives, and one cochair must
8 be a member of the largest caucus of the senate, as those caucuses
9 existed as of the effective date of this section.

10 (3) Staff support for the task force must be provided by the
11 office of program research and senate committee services. The
12 department of ecology and the department of fish and wildlife shall
13 cooperate with the task force and provide information as the cochairs
14 reasonably request.

15 (4) Within existing appropriations, the expenses of the
16 operations of the task force, including the expenses associated with
17 the task force's meetings, must be paid jointly and in equal amounts
18 by the senate and house of representatives. Task force expenditures
19 are subject to approval by the house executive rules committee and
20 the senate facility and operations committee. Legislative members of
21 the task force are reimbursed for travel expenses in accordance with
22 RCW 44.04.120. Nonlegislative members are not entitled to be
23 reimbursed for travel expenses if they are elected officials or are
24 participating on behalf of an employer, governmental entity, or other
25 organization. Any reimbursement for other nonlegislative members is
26 subject to chapter 43.03 RCW.

27 (5)(a) By December 1, 2018, the joint legislative task force must
28 make recommendations to the legislature.

29 (b) Recommendations of the joint legislative task force must be
30 made by a two-thirds majority of the members of the committee. The
31 representatives of the departments of ecology, fish and wildlife, and
32 agriculture are not entitled to vote on the recommendations. Minority
33 recommendations that achieve the support of at least five of the
34 named voting members of the committee may also be submitted to the
35 legislature.

36 (6) The joint legislative task force expires June 30, 2019.

37 (7) This section expires July 1, 2019.

38 NEW SECTION. **Sec. 5.** (1) Sections 1 and 3 of this act expire
39 January 1, 2019.

1 (2) Section 2 of this act expires July 23, 2017.

2 NEW SECTION. **Sec. 6.** Except for section 3 of this act, which
3 takes effect July 23, 2017, this act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of
5 the state government and its existing public institutions, and takes
6 effect immediately.

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