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HOUSE BILL 2248

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State of Washington                      65th Legislature      2017 3rd Special Session

By Representatives Springer, Stanford, and Tharinger

Read first time 07/20/17.

1            AN ACT Relating to addressing water availability issues by  
2 addressing the Washington supreme court decision in Whatcom County v.  
3 Western Washington Growth Management Hearings Board, also known as  
4 the Hirst decision, solely by providing immediate and temporary  
5 relief to landowners affected by the Hirst decision by ensuring that  
6 a water well report for a groundwater withdrawal exempt from  
7 permitting and not prohibited by an applicable water resources  
8 management rule adopted by the department of ecology may serve until  
9 July 1, 2019, as evidence of an adequate water supply for a building  
10 necessitating potable water, and allowing cities and counties to rely  
11 until July 1, 2019, on water resource management rules adopted by the  
12 department of ecology in providing for the protection of surface  
13 water and groundwater resources except in certain water resource  
14 inventory areas, and by creating a task force that may consider, in  
15 addition to water availability issues relating to the Hirst decision,  
16 water availability issues relating to the Washington supreme court  
17 decision in Foster v. Washington State Department of Ecology;  
18 amending RCW 19.27.097, 36.70A.070, and 36.70A.070; creating a new  
19 section; providing an effective date; providing expiration dates; and  
20 declaring an emergency.

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

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

3       (1) Each applicant for a building permit of a building  
4 necessitating potable water shall provide evidence of an adequate  
5 water supply for the intended use of the building. Evidence may be in  
6 the form of a water right permit from the department of ecology, a  
7 letter from an approved water purveyor stating the ability to provide  
8 water, or another form sufficient to verify the existence of an  
9 adequate water supply. In areas where rules have been adopted under  
10 chapter 90.54 or 90.22 RCW that explicitly regulate permit-exempt  
11 groundwater withdrawals, evidence of an adequate potable water supply  
12 must, at a minimum, meet the specific requirements of the applicable  
13 rule. In other areas of the state, until July 1, 2019, evidence may  
14 consist of a water well report consistent with the requirements of  
15 chapter 18.104 RCW, except that additional requirements shall apply  
16 to demonstrate the physical and legal existence of an adequate water  
17 supply if the building permit application applies to a building  
18 located within:

19       (a) An area where water rights have been adjudicated in  
20 accordance with chapter 90.03 RCW and that is subject to federal flow  
21 regulation, including the entire Yakima river basin, water resource  
22 inventory areas 37, 38, and 39;

23       (b) An area where water rights have been adjudicated in a federal  
24 court action and that is subject to federal flow regulation; or

25       (c) Water resource inventory areas 3 or 4, which were subject to  
26 the Washington supreme court's October 3, 2013, decision in *Swinomish*  
27 *Indian Tribal Community v. Washington State Department of Ecology,*  
28 178 Wn.2d 571, 311 P.3d 6 (2013).

29       (2) In addition to other authorities, the county or city may  
30 impose conditions on building permits requiring connection to an  
31 existing public water system where the existing system is willing and  
32 able to provide safe and reliable potable water to the applicant with  
33 reasonable economy and efficiency. An application for a water right  
34 shall not be sufficient proof of an adequate water supply.

35       ~~((2))~~ (3) Within counties not required or not choosing to plan  
36 pursuant to RCW 36.70A.040, the county and the state may mutually  
37 determine those areas in the county in which the requirements of  
38 subsection (1) of this section shall not apply. The departments of  
39 health and ecology shall coordinate on the implementation of this  
40 section. Should the county and the state fail to mutually determine

1 those areas to be designated pursuant to this subsection, the county  
2 may petition the department of enterprise services to mediate or, if  
3 necessary, make the determination.

4 ~~((3))~~ (4) Buildings that do not need potable water facilities  
5 are exempt from the provisions of this section. The department of  
6 ecology, after consultation with local governments, may adopt rules  
7 to implement this section, which may recognize differences between  
8 high-growth and low-growth counties.

9 (5) In order for a building permit applicant to be eligible to  
10 rely on a water well report for a groundwater withdrawal exempt from  
11 permitting under RCW 90.44.050 and not prohibited by an applicable  
12 water resources management rule adopted by the department of ecology  
13 as evidence of adequate water supply, the applicant must submit a  
14 valid and fully complete building permit application, as defined in  
15 RCW 19.27.095, to the appropriate permitting authority by July 1,  
16 2019.

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

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

28 (1) A land use element designating the proposed general  
29 distribution and general location and extent of the uses of land,  
30 where appropriate, for agriculture, timber production, housing,  
31 commerce, industry, recreation, open spaces, general aviation  
32 airports, public utilities, public facilities, and other land uses.  
33 The land use element shall include population densities, building  
34 intensities, and estimates of future population growth. The land use  
35 element shall provide for protection of the quality and quantity of  
36 groundwater used for public water supplies. In providing for the  
37 protection of the quantity of groundwater used for public water  
38 supplies under this subsection, and until July 1, 2019, a county or  
39 city whose comprehensive plan revision deadline is governed by either

1 RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent with  
2 state adopted rules, unless such a county or city has already adopted  
3 its revised comprehensive plan as of the effective date of this  
4 section. Wherever possible, the land use element should consider  
5 utilizing urban planning approaches that promote physical activity.  
6 Where applicable, the land use element shall review drainage,  
7 flooding, and storm water run-off in the area and nearby  
8 jurisdictions and provide guidance for corrective actions to mitigate  
9 or cleanse those discharges that pollute waters of the state,  
10 including Puget Sound or waters entering Puget Sound.

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

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

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

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

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

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

29 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
30 and surface water and groundwater resources, which, in a county or a  
31 city whose comprehensive plan revision deadline is governed by either  
32 RCW 36.70A.130(5) (c) or (d), and until July 1, 2019, must, at a  
33 minimum, be consistent with state adopted rules, unless such a county  
34 or city has already adopted its revised comprehensive plan as of the  
35 effective date of this section; and

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

38 (d) Limited areas of more intensive rural development. Subject to  
39 the requirements of this subsection and except as otherwise  
40 specifically provided in this subsection (5)(d), the rural element

1 may allow for limited areas of more intensive rural development,  
2 including necessary public facilities and public services to serve  
3 the limited 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  
8 developments.

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

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

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

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

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

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

8 (iv) A county shall adopt measures to minimize and contain the  
9 existing areas or uses of more intensive rural development, as  
10 appropriate, authorized under this subsection. Lands included in such  
11 existing areas or uses shall not extend beyond the logical outer  
12 boundary of the existing area or use, thereby allowing a new pattern  
13 of low-density sprawl. Existing areas are those that are clearly  
14 identifiable and contained and where there is a logical boundary  
15 delineated predominately by the built environment, but that may also  
16 include undeveloped lands if limited as provided in this subsection.  
17 The county shall establish the logical outer boundary of an area of  
18 more intensive rural development. In establishing the logical outer  
19 boundary, the county shall address (A) the need to preserve the  
20 character of existing natural neighborhoods and communities, (B)  
21 physical boundaries, such as bodies of water, streets and highways,  
22 and land forms and contours, (C) the prevention of abnormally  
23 irregular boundaries, and (D) the ability to provide public  
24 facilities and public services in a manner that does not permit low-  
25 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  
32 provisions 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  
35 that is planning under all of the provisions of this chapter pursuant  
36 to RCW 36.70A.040(5).

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

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

3 (a) The transportation element shall include the following  
4 subelements:

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

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

12 (iii) Facilities and services needs, including:

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

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

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

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



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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against  
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in  
12 the comprehensive plan, the appropriate parts of which shall serve as  
13 the basis for the six-year street, road, or transit program required  
14 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
15 35.58.2795 for public transportation systems. The multiyear financing  
16 plan should be coordinated with the ten-year investment program  
17 developed by the office of financial management as required by RCW  
18 47.05.030;

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

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

26 (vi) Demand-management strategies;

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

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

1 systems management strategies. For the purposes of this subsection  
2 (6), "concurrent with the development" means that improvements or  
3 strategies are in place at the time of development, or that a  
4 financial commitment is in place to complete the improvements or  
5 strategies within six years. If the collection of impact fees is  
6 delayed under RCW 82.02.050(3), the six-year period required by this  
7 subsection (6)(b) must begin after full payment of all impact fees is  
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),  
10 the six-year plans required by RCW 35.77.010 for cities, RCW  
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
12 systems, and the ten-year investment program required by RCW  
13 47.05.030 for the state, must be consistent.

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

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

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

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

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

12       (1) A land use element designating the proposed general  
13 distribution and general location and extent of the uses of land,  
14 where appropriate, for agriculture, timber production, housing,  
15 commerce, industry, recreation, open spaces, general aviation  
16 airports, public utilities, public facilities, and other land uses.  
17 The land use element shall include population densities, building  
18 intensities, and estimates of future population growth. The land use  
19 element shall provide for protection of the quality and quantity of  
20 groundwater used for public water supplies. In providing for the  
21 protection of the quantity of groundwater used for public water  
22 supplies under this subsection, and until July 1, 2019, a county or  
23 city whose comprehensive plan revision deadline is governed by either  
24 RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent with  
25 state adopted rules, unless such a county or city has already adopted  
26 its revised comprehensive plan as of the effective date of this  
27 section. Wherever possible, the land use element should consider  
28 utilizing urban planning approaches that promote physical activity.  
29 Where applicable, the land use element shall review drainage,  
30 flooding, and storm water run-off in the area and nearby  
31 jurisdictions and provide guidance for corrective actions to mitigate  
32 or cleanse those discharges that pollute waters of the state,  
33 including Puget Sound or waters entering Puget Sound.

34       (2) A housing element ensuring the vitality and character of  
35 established residential neighborhoods that: (a) Includes an inventory  
36 and analysis of existing and projected housing needs that identifies  
37 the number of housing units necessary to manage projected growth; (b)  
38 includes a statement of goals, policies, objectives, and mandatory  
39 provisions for the preservation, improvement, and development of  
40 housing, including single-family residences; (c) identifies

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

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

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

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

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

34 (b) Rural development. The rural element shall permit rural  
35 development, forestry, and agriculture in rural areas. The rural  
36 element shall provide for a variety of rural densities, uses,  
37 essential public facilities, and rural governmental services needed  
38 to serve the permitted densities and uses. To achieve a variety of  
39 rural densities and uses, counties may provide for clustering,  
40 density transfer, design guidelines, conservation easements, and

1 other innovative techniques that will accommodate appropriate rural  
2 economic advancement, densities, and uses that are not characterized  
3 by urban growth and that are consistent with rural character.

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

7 (i) Containing or otherwise controlling rural development;

8 (ii) Assuring visual compatibility of rural development with the  
9 surrounding rural area;

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

12 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
13 and surface water and groundwater resources, which, in a county or a  
14 city whose comprehensive plan revision deadline is governed by either  
15 RCW 36.70A.130(5) (c) or (d), and until July 1, 2019, must, at a  
16 minimum, be consistent with state adopted rules, unless such a county  
17 or city has already adopted its revised comprehensive plan as of the  
18 effective date of this section; and

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

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

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

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

36 (B) Any development or redevelopment other than an industrial  
37 area or an industrial use within a mixed-use area or an industrial  
38 area under this subsection (5)(d)(i) must be principally designed to  
39 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 surface water  
20 and groundwater withdrawals. The task force must consist of the  
21 following members:

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

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

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

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

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

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

35 (i) An organization representing the farming industry in  
36 Washington;

37 (ii) An organization representing Washington counties;

38 (iii) An organization representing Washington cities;

1 (g) Two individuals from an environmental advocacy organization  
2 or organizations appointed by the consensus of the cochairs of the  
3 committee;

4 (h) Two individuals from an organization or organizations  
5 representing the development community appointed by the consensus of  
6 the cochairs of the committee; and

7 (i) Representatives of three federally recognized Indian tribes,  
8 two invited by the cochairs to participate at the recommendation of  
9 the northwest Indian fisheries commission, and one invited to  
10 participate at the recommendation of the Columbia river intertribal  
11 fish commission.

12 (2) The first meeting of the task force must occur by September  
13 30, 2017. One cochair of the task force must be a member of the  
14 largest caucus of the house of representatives, and one cochair must  
15 be a member of the largest caucus of the senate, as those caucuses  
16 existed as of the effective date of this section.

17 (3) Staff support for the task force must be provided by the  
18 office of program research and senate committee services. The  
19 department of ecology and the department of fish and wildlife shall  
20 cooperate with the task force and provide information as the cochairs  
21 reasonably request.

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

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

36 (b) Recommendations of the joint legislative task force must be  
37 made by a two-thirds majority of the members of the committee. The  
38 representatives of the departments of fish and wildlife, ecology, and  
39 agriculture are not entitled to vote on the recommendations. Minority  
40 recommendations that achieve the support of at least five of the

1 named voting members of the committee may also be submitted to the  
2 legislature.

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

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

5 NEW SECTION. **Sec. 5.** (1) Sections 1 and 3 of this act expire  
6 July 2, 2019.

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

8 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of  
10 the state government and its existing public institutions, and takes  
11 effect immediately, except for section 3 of this act, which takes  
12 effect July 23, 2017.

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