

2E2SSB 5239 - H AMD 641

By Representative Stanford

NOT CONSIDERED 01/05/2018

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

3 "Sec. 1. RCW 19.27.097 and 2015 c 225 s 17 are each amended to
4 read as follows:

5 (1) Each applicant for a building permit of a building
6 necessitating potable water shall provide evidence of an adequate
7 water supply for the intended use of the building. Evidence may be in
8 the form of a water right permit from the department of ecology, a
9 letter from an approved water purveyor stating the ability to provide
10 water, or another form sufficient to verify the existence of an
11 adequate water supply. In areas where rules have been adopted under
12 chapter 90.54 or 90.22 RCW that explicitly regulate permit-exempt
13 groundwater withdrawals, evidence of an adequate potable water supply
14 must, at a minimum, meet the specific requirements of the applicable
15 rule. In other areas of the state, until December 31, 2018, evidence
16 may consist of a water well report consistent with the requirements
17 of chapter 18.104 RCW, except that additional requirements shall
18 apply to demonstrate the physical and legal existence of an adequate
19 water supply if the building permit application applies to a building
20 located within:

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

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

27 (c) Water resource inventory areas 3 or 4, which were subject to
28 the Washington supreme court's October 3, 2013, decision in *Swinomish*
29 *Indian Tribal Community v. Washington State Department of Ecology,*
30 178 Wn.2d 571, 311 P.3d 6 (2013).

31 (2) In addition to other authorities, the county or city may
32 impose conditions on building permits requiring connection to an

1 existing public water system where the existing system is willing and
2 able to provide safe and reliable potable water to the applicant with
3 reasonable economy and efficiency. An application for a water right
4 shall not be sufficient proof of an adequate water supply.

5 ~~((+2))~~ (3) Within counties not required or not choosing to plan
6 pursuant to RCW 36.70A.040, the county and the state may mutually
7 determine those areas in the county in which the requirements of
8 subsection (1) of this section shall not apply. The departments of
9 health and ecology shall coordinate on the implementation of this
10 section. Should the county and the state fail to mutually determine
11 those areas to be designated pursuant to this subsection, the county
12 may petition the department of enterprise services to mediate or, if
13 necessary, make the determination.

14 ~~((+3))~~ (4) Buildings that do not need potable water facilities
15 are exempt from the provisions of this section. The department of
16 ecology, after consultation with local governments, may adopt rules
17 to implement this section, which may recognize differences between
18 high-growth and low-growth counties.

19 (5) In order for a building permit applicant to be eligible to
20 rely on a water well report for a groundwater withdrawal exempt from
21 permitting under RCW 90.44.050 and not prohibited by an applicable
22 water resources management rule adopted by the department of ecology
23 as evidence of adequate water supply, the applicant must submit a
24 valid and fully complete building permit application, as defined in
25 RCW 19.27.095, to the appropriate permitting authority by December
26 31, 2018.

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

29 The comprehensive plan of a county or city that is required or
30 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
31 and descriptive text covering objectives, principles, and standards
32 used to develop the comprehensive plan. The plan shall be an
33 internally consistent document and all elements shall be consistent
34 with the future land use map. A comprehensive plan shall be adopted
35 and amended with public participation as provided in RCW 36.70A.140.
36 Each comprehensive plan shall include a plan, scheme, or design for
37 each of the following:

38 (1) A land use element designating the proposed general
39 distribution and general location and extent of the uses of land,

1 where appropriate, for agriculture, timber production, housing,
2 commerce, industry, recreation, open spaces, general aviation
3 airports, public utilities, public facilities, and other land uses.
4 The land use element shall include population densities, building
5 intensities, and estimates of future population growth. The land use
6 element shall provide for protection of the quality and quantity of
7 groundwater used for public water supplies. In providing for the
8 protection of the quantity of groundwater used for public water
9 supplies under this subsection, and until December 31, 2018, a county
10 or city whose comprehensive plan revision deadline is governed by
11 either RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent
12 with state adopted rules, unless such a county or city has already
13 adopted its revised comprehensive plan as of the effective date of
14 this section. Wherever possible, the land use element should consider
15 utilizing urban planning approaches that promote physical activity.
16 Where applicable, the land use element shall review drainage,
17 flooding, and storm water run-off in the area and nearby
18 jurisdictions and provide guidance for corrective actions to mitigate
19 or cleanse those discharges that pollute waters of the state,
20 including Puget Sound or waters entering Puget Sound.

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

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

1 requirement to reassess the land use element if probable funding
2 falls short of meeting existing needs and to ensure that the land use
3 element, capital facilities plan element, and financing plan within
4 the capital facilities plan element are coordinated and consistent.
5 Park and recreation facilities shall be included in the capital
6 facilities plan element.

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

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

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

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

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

34 (i) Containing or otherwise controlling rural development;

35 (ii) Assuring visual compatibility of rural development with the
36 surrounding rural area;

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

39 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
40 and surface water and groundwater resources, which, in a county or a

1 city whose comprehensive plan revision deadline is governed by either
2 RCW 36.70A.130(5) (c) or (d), and until December 31, 2018, must, at a
3 minimum, be consistent with state adopted rules, unless such a county
4 or city has already adopted its revised comprehensive plan as of the
5 effective date of this section; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

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

23 (iii) Facilities and services needs, including:

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

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

33 (C) For state-owned transportation facilities, level of service
34 standards for highways, as prescribed in chapters 47.06 and 47.80
35 RCW, to gauge the performance of the system. The purposes of
36 reflecting level of service standards for state highways in the local
37 comprehensive plan are to monitor the performance of the system, to
38 evaluate improvement strategies, and to facilitate coordination
39 between the county's or city's six-year street, road, or transit
40 program and the office of financial management's ten-year investment

1 program. The concurrency requirements of (b) of this subsection do
2 not apply to transportation facilities and services of statewide
3 significance except for counties consisting of islands whose only
4 connection to the mainland are state highways or ferry routes. In
5 these island counties, state highways and ferry route capacity must
6 be a factor in meeting the concurrency requirements in (b) of this
7 subsection;

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

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

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

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against
20 probable funding resources;

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

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

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

36 (vi) Demand-management strategies;

37 (vii) Pedestrian and bicycle component to include collaborative
38 efforts to identify and designate planned improvements for pedestrian
39 and bicycle facilities and corridors that address and encourage
40 enhanced community access and promote healthy lifestyles.

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

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

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

37 (8) A park and recreation element that implements, and is
38 consistent with, the capital facilities plan element as it relates to
39 park and recreation facilities. The element shall include: (a)
40 Estimates of park and recreation demand for at least a ten-year

1 period; (b) an evaluation of facilities and service needs; and (c) an
2 evaluation of intergovernmental coordination opportunities to provide
3 regional approaches for meeting park and recreational demand.

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

11 **Sec. 3.** RCW 36.70A.070 and 2017 c 331 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, and until December 31, 2018, a county
33 or city whose comprehensive plan revision deadline is governed by
34 either RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent
35 with state adopted rules, unless such a county or city has already
36 adopted its revised comprehensive plan as of the effective date of
37 this section. Wherever possible, the land use element should consider
38 utilizing urban planning approaches that promote physical activity.
39 Where applicable, the land use element shall review drainage,

1 flooding, and storm water run-off in the area and nearby
2 jurisdictions and provide guidance for corrective actions to mitigate
3 or cleanse those discharges that pollute waters of the state,
4 including Puget Sound or waters entering Puget Sound.

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

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

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

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

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

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

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

18 (i) Containing or otherwise controlling rural development;

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

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

23 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
24 and surface water and groundwater resources, which, in a county or a
25 city whose comprehensive plan revision deadline is governed by either
26 RCW 36.70A.130(5) (c) or (d), and until December 31, 2018, must, at a
27 minimum, be consistent with state adopted rules, unless such a county
28 or city has already adopted its revised comprehensive plan as of the
29 effective date of this section; and

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

32 (d) Limited areas of more intensive rural development. Subject to
33 the requirements of this subsection and except as otherwise
34 specifically provided in this subsection (5)(d), the rural element
35 may allow for limited areas of more intensive rural development,
36 including necessary public facilities and public services to serve
37 the limited area as follows:

38 (i) Rural development consisting of the infill, development, or
39 redevelopment of existing commercial, industrial, residential, or
40 mixed-use areas, whether characterized as shoreline development,

1 villages, hamlets, rural activity centers, or crossroads
2 developments.

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

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

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

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

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

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

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

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

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

25 (B) On the date the county adopted a resolution under RCW
26 36.70A.040(2), in a county that is planning under all of the
27 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

38 (a) The transportation element shall include the following
39 subelements:

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

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

7 (iii) Facilities and services needs, including:

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

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

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

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

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

38 (F) Identification of state and local system needs to meet
39 current and future demands. Identified needs on state-owned

1 transportation facilities must be consistent with the statewide
2 multimodal transportation plan required under chapter 47.06 RCW;

3 (iv) Finance, including:

4 (A) An analysis of funding capability to judge needs against
5 probable funding resources;

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

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

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

21 (vi) Demand-management strategies;

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

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

1 delayed under RCW 82.02.050(3), the six-year period required by this
2 subsection (6)(b) must begin after full payment of all impact fees is
3 due to the county or city.

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

9 (7) An economic development element establishing local goals,
10 policies, objectives, and provisions for economic growth and vitality
11 and a high quality of life. The element may include the provisions in
12 section 3 of this act. A city that has chosen to be a residential
13 community is exempt from the economic development element requirement
14 of this subsection.

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

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

29 NEW SECTION. **Sec. 4.** (1) A joint legislative task force on
30 water supply is established to review the treatment of groundwater
31 withdrawals that are exempt from permitting requirements under RCW
32 90.44.050 and to review the implementation of RCW 19.27.097 and
33 36.70A.070. The task force must consist of the following members:

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

36 (b) Appointed by the speaker of the house of representatives, two
37 members from each of the two largest caucuses of the house of
38 representatives;

1 (c) A representative from the department of ecology, chosen by
2 the director of the department of ecology;

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

5 (e) A representative from the department of agriculture, chosen
6 by the director of the department of agriculture;

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

9 (i) An environmental advocacy organization;

10 (ii) An organization representing Washington counties;

11 (iii) An organization representing Washington cities; and

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

13 (g) Representatives of three federally recognized Indian tribes,
14 two invited by the cochairs to participate at the recommendation of
15 the northwest Indian fisheries commission, and one invited to
16 participate at the recommendation of the Columbia river intertribal
17 fish commission.

18 (2) The first meeting of the task force must occur by September
19 30, 2017. One cochair of the task force must be a member of the
20 largest caucus of the house of representatives, and one cochair must
21 be a member of the largest caucus of the senate, as those caucuses
22 existed as of the effective date of this section.

23 (3) Staff support for the task force must be provided by the
24 office of program research and senate committee services. The
25 department of ecology and the department of fish and wildlife shall
26 cooperate with the task force and provide information as the cochairs
27 reasonably request.

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

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

3 (b) Recommendations of the joint legislative task force must be
4 made by a two-thirds majority of the members of the committee. The
5 representatives of the departments of fish and wildlife and
6 agriculture are not entitled to vote on the recommendations. Minority
7 recommendations that achieve the support of at least five of the
8 named voting members of the committee may also be submitted to the
9 legislature.

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

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

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

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

15 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect immediately, except for section 3 of this act, which takes
19 effect July 23, 2017."

20 Correct the title.

EFFECT: Allows an applicant for a building permit requiring
potable water to present a water well report for a permit-exempt
groundwater withdrawal that is not prohibited by an instream flow
rule, as evidence of an adequate water supply for the building, until
December 31, 2018, and except in certain areas.

Authorizes a county or city to rely on or refer to applicable
water resource management rules adopted by the department of ecology
(ecology) in complying with the growth management act's (GMA) mandate
to provide for protection of the quality and quantity of groundwater
used for public water supplies, until December 31, 2018, and except
in certain areas.

Requires the rural element of a comprehensive plan adopted
pursuant to the GMA to include measures to protect critical areas,
and surface water and groundwater resources, which may include
measures that rely on or refer to applicable water resource
management rules adopted by ecology, until December 31, 2018, and
except in certain areas.

Creates a joint legislative task force to review the treatment of permit-exempt groundwater withdrawals and certain other water-related topics.

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