

**2SSB 5254 - S AMD 299**

By Senator Fain

ADOPTED 06/29/2017

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

3 "Sec. 1. RCW 36.70A.115 and 2009 c 121 s 3 are each amended to  
4 read as follows:

5 (1) Counties and cities that are required or choose to plan under  
6 RCW 36.70A.040 shall ensure that, taken collectively, adoption of and  
7 amendments to their comprehensive plans and/or development  
8 regulations provide sufficient capacity of land suitable for  
9 development within their jurisdictions to accommodate their allocated  
10 housing and employment growth, including the accommodation of, as  
11 appropriate, the medical, governmental, educational, institutional,  
12 commercial, and industrial facilities related to such growth, as  
13 adopted in the applicable countywide planning policies and consistent  
14 with the twenty-year population forecast from the office of financial  
15 management.

16 (2) This analysis shall include the reasonable measures findings  
17 developed under RCW 36.70A.215, if applicable to such counties and  
18 cities.

19 **Sec. 2.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to  
20 read as follows:

21 (1) Subject to the limitations in subsection (~~(+7)~~) (5) of this  
22 section, a county shall adopt, in consultation with its cities,  
23 countywide planning policies to establish a review and evaluation  
24 program. This program shall be in addition to the requirements of RCW  
25 36.70A.110, 36.70A.130, and 36.70A.210. In developing and  
26 implementing the review and evaluation program required by this  
27 section, the county and its cities shall consider information from  
28 other appropriate jurisdictions and sources. The purpose of the  
29 review and evaluation program shall be to:

30 (a) Determine whether a county and its cities are achieving urban  
31 densities within urban growth areas by comparing growth and  
32 development assumptions, targets, and objectives contained in the

1 countywide planning policies and the county and city comprehensive  
2 plans with actual growth and development that has occurred in the  
3 county and its cities; and

4 (b) Identify reasonable measures, other than adjusting urban  
5 growth areas, that will be taken to comply with the requirements of  
6 this chapter. Reasonable measures are those actions necessary to  
7 reduce the differences between growth and development assumptions and  
8 targets contained in the countywide planning policies and the county  
9 and city comprehensive plans with actual development patterns. The  
10 reasonable measures process in subsection (3) of this section shall  
11 be used as part of the next comprehensive plan update to reconcile  
12 inconsistencies.

13 (2) The review and evaluation program shall:

14 (a) Encompass land uses and activities both within and outside of  
15 urban growth areas and provide for annual collection of data on urban  
16 and rural land uses, development, zoning and development standards,  
17 environmental regulations including but not limited to critical  
18 areas, stormwater, shoreline, and tree retention requirements; and  
19 capital facilities ~~((to the extent necessary))~~ to determine the  
20 quantity and type of land suitable for development, both for  
21 residential and employment-based activities;

22 (b) Provide for evaluation of the data collected under (a) of  
23 this subsection as provided in subsection (3) of this section. The  
24 evaluation shall be completed no later than ~~((one))~~ three years prior  
25 to the deadline for review and, if necessary, update of comprehensive  
26 plans and development regulations as required by RCW 36.70A.130. For  
27 comprehensive plans required to be updated before 2024, the  
28 evaluation as provided in subsection (3) of this section shall be  
29 completed no later than two years prior to the deadline for review  
30 and, if necessary, update of comprehensive plans. The county and its  
31 cities may establish in the countywide planning policies indicators,  
32 benchmarks, and other similar criteria to use in conducting the  
33 evaluation;

34 (c) Provide for methods to resolve disputes among jurisdictions  
35 relating to the countywide planning policies required by this section  
36 and procedures to resolve inconsistencies in collection and analysis  
37 of data; and

38 ~~((Provide for the amendment of the countywide policies and~~  
39 ~~county and city comprehensive plans as needed to remedy an~~  
40 ~~inconsistency identified through the evaluation required by this~~

1 ~~section, or to bring these policies into compliance with the~~  
2 ~~requirements of this chapter.))~~ Develop reasonable measures to use in  
3 reducing the differences between growth and development assumptions  
4 and targets contained in the countywide planning policies and county  
5 and city comprehensive plans, with the actual development patterns.  
6 The reasonable measures shall be adopted, if necessary, into the  
7 countywide planning policies and the county or city comprehensive  
8 plans and development regulations during the next scheduled update of  
9 the plans.

10 (3) At a minimum, the evaluation component of the program  
11 required by subsection (1) of this section shall:

12 (a) Determine whether there is sufficient suitable land to  
13 accommodate the countywide population projection established for the  
14 county pursuant to RCW 43.62.035 and the subsequent population  
15 allocations within the county and between the county and its cities  
16 and the requirements of RCW 36.70A.110((+

17 ~~(b))~~). The zoned capacity of land alone is not a sufficient  
18 standard to deem land suitable for development or redevelopment  
19 within the twenty-year planning period;

20 (b) An evaluation and identification of land suitable for  
21 development or redevelopment shall include:

22 (i) A review and evaluation of the land use designation and  
23 zoning/development regulations; environmental regulations (such as  
24 tree retention, stormwater, or critical area regulations) impacting  
25 development; and other regulations that could prevent assigned  
26 densities from being achieved; infrastructure gaps (including but not  
27 limited to transportation, water, sewer, and stormwater); and

28 (ii) Use of a reasonable land market supply factor when  
29 evaluating land suitable to accommodate new development or  
30 redevelopment of land for residential development and employment  
31 activities. The reasonable market supply factor identifies reductions  
32 in the amount of land suitable for development and redevelopment. The  
33 methodology for conducting a reasonable land market factor shall be  
34 determined through the guidance developed in section 3 of this act;

35 (c) Provide an analysis of county and/or city development  
36 assumptions, targets, and objectives contained in the countywide  
37 planning policies and the county and city comprehensive plans when  
38 growth targets and assumptions are not being achieved. It is not  
39 appropriate to make a finding that assumed growth contained in the  
40 countywide planning policies and the county or city comprehensive

1 plan will occur at the end of the current comprehensive planning  
2 twenty-year planning cycle without rationale;

3 (d) Determine the actual density of housing that has been  
4 constructed and the actual amount of land developed for commercial  
5 and industrial uses within the urban growth area since the adoption  
6 of a comprehensive plan under this chapter or since the last periodic  
7 evaluation as required by subsection (1) of this section; and

8 ~~((e))~~ (e) Based on the actual density of development as  
9 determined under (b) of this subsection, review commercial,  
10 industrial, and housing needs by type and density range to determine  
11 the amount of land needed for commercial, industrial, and housing for  
12 the remaining portion of the twenty-year planning period used in the  
13 most recently adopted comprehensive plan.

14 ~~(4) ((If the evaluation required by subsection (3) of this~~  
15 ~~section demonstrates an inconsistency between what has occurred since~~  
16 ~~the adoption of the countywide planning policies and the county and~~  
17 ~~city comprehensive plans and development regulations and what was~~  
18 ~~envisioned in those policies and plans and the planning goals and the~~  
19 ~~requirements of this chapter, as the inconsistency relates to the~~  
20 ~~evaluation factors specified in subsection (3) of this section, the~~  
21 ~~county and its cities shall adopt and implement measures that are~~  
22 ~~reasonably likely to increase consistency during the subsequent five-~~  
23 ~~year period. If necessary, a county, in consultation with its cities~~  
24 ~~as required by RCW 36.70A.210, shall adopt amendments to countywide~~  
25 ~~planning policies to increase consistency. The county and its cities~~  
26 ~~shall annually monitor the measures adopted under this subsection to~~  
27 ~~determine their effect and may revise or rescind them as appropriate.~~

28 ~~(5)(a) Not later than July 1, 1998, the department shall prepare~~  
29 ~~a list of methods used by counties and cities in carrying out the~~  
30 ~~types of activities required by this section. The department shall~~  
31 ~~provide this information and appropriate technical assistance to~~  
32 ~~counties and cities required to or choosing to comply with the~~  
33 ~~provisions of this section.~~

34 ~~(b) By December 31, 2007, the department shall submit to the~~  
35 ~~appropriate committees of the legislature a report analyzing the~~  
36 ~~effectiveness of the activities described in this section in~~  
37 ~~achieving the goals envisioned by the countywide planning policies~~  
38 ~~and the comprehensive plans and development regulations of the~~  
39 ~~counties and cities.~~

1       ~~(6)~~) From funds appropriated by the legislature for this  
2 purpose, the department shall provide grants to counties, cities, and  
3 regional planning organizations required under subsection ~~((7))~~ (5)  
4 of this section to conduct the review and perform the evaluation  
5 required by this section.

6       ~~((7))~~ (5) The provisions of this section shall apply to  
7 counties, and the cities within those counties, that were greater  
8 than one hundred fifty thousand in population in ~~((1995))~~ 1996 as  
9 determined by office of financial management population estimates and  
10 that are located west of the crest of the Cascade mountain range. Any  
11 other county planning under RCW 36.70A.040 may carry out the review,  
12 evaluation, and amendment programs and procedures as provided in this  
13 section.

14       (6) The requirements of this section are subject to the  
15 availability of funds appropriated for this specific purpose. If  
16 sufficient funds are not appropriated consistent with the timelines  
17 in subsection (2)(b) of this section, counties and cities shall be  
18 subject to the review and evaluation program as it existed prior to  
19 the effective date of this section.

20       NEW SECTION. Sec. 3. A new section is added to chapter 36.70A  
21 RCW to read as follows:

22       (1) The department of commerce, through a contract with a land  
23 use and economics entity, shall develop guidance for local  
24 governments on the review and evaluation program in RCW 36.70A.215.  
25 The contract shall be with an entity experienced in serving private  
26 and public sector clients which can assist developers and policy  
27 makers to understand near-term market realities and long-term  
28 planning considerations, and with experience facilitating successful  
29 conversations between multiple local governments and stakeholders on  
30 complex land use issues. The department of commerce shall enable  
31 appropriate public participation by affected stakeholders in the  
32 development of the guidance for the appropriate market factor  
33 analysis and review and update of the overall buildable lands  
34 program. This guidance regarding the market factor methodology and  
35 buildable lands program shall be completed by December 1, 2018. The  
36 buildable lands guidance shall analyze and provide recommendations  
37 on:

38       (a) The review and evaluation program in RCW 36.70A.215 and  
39 changes to the required information to be analyzed within the program

1 to increase the accuracy of the report when updating countywide  
2 planning policies and the county and city comprehensive plans;

3 (b) Whether a more effective schedule could be developed for  
4 countywide planning policies and the county and city comprehensive  
5 plan updates to better align with implementing reasonable measures  
6 identified through the review and evaluation program, and population  
7 projections and census data while maintaining appropriate and timely  
8 consideration of planning needs best done through a comprehensive  
9 planning process;

10 (c) A determination on how reasonable measures, based on the  
11 review and evaluation program, should be implemented into updates for  
12 countywide planning policies and the county and city comprehensive  
13 plans;

14 (d) Infrastructure costs, including but not limited to  
15 transportation, water, sewer, stormwater, and the cost to provide new  
16 or upgraded infrastructure if required to serve development; cost of  
17 development; timelines to permit and develop land; market  
18 availability of land; the nexus between proposed densities, economic  
19 conditions needed to achieve those densities, and the impact to  
20 housing affordability for home ownership and rental housing; and,  
21 market demand when evaluating if land is suitable for development or  
22 redevelopment. These all have an impact on whether development occurs  
23 or if planned for densities will differ from achieved densities;

24 (e) Identifying the measures to increase housing availability and  
25 affordability for all economic segments of the community and the  
26 factors contributing to the high cost of housing including zoning/  
27 development/environmental regulations, permit processing timelines,  
28 housing production trends by housing type and rents and prices,  
29 national and regional economic and demographic trends affecting  
30 housing affordability and production by rents and prices, housing  
31 unit size by housing type, and how well growth targets align with  
32 market conditions including the assumptions on where people desire to  
33 live;

34 (f) Evaluating how existing zoning and land use regulations are  
35 promoting or hindering attainment of the goal for affordable housing  
36 in RCW 36.70A.020(4). Barriers to meeting this goal shall be  
37 identified and considered as possible reasonable measures for each  
38 county and city, and as part of the next countywide planning policies  
39 and county and city comprehensive plan update;

1 (g) Identifying opportunities and strategies to encourage growth  
2 within urban growth areas;

3 (h) Identifying strategies to increase local government capacity  
4 to invest in the infrastructure necessary to accommodate growth and  
5 provide opportunities for affordable housing across all economic  
6 segments of the community and housing types; and

7 (i) Other topics identified by stakeholders and the department.

8 (2) The requirements of this section are subject to the  
9 availability of funds appropriated for this specific purpose.

10 **Sec. 4.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to  
11 read as follows:

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

21 (1) A land use element designating the proposed general  
22 distribution and general location and extent of the uses of land,  
23 where appropriate, for agriculture, timber production, housing,  
24 commerce, industry, recreation, open spaces, general aviation  
25 airports, public utilities, public facilities, and other land uses.  
26 The land use element shall include population densities, building  
27 intensities, and estimates of future population growth. The land use  
28 element shall provide for protection of the quality and quantity of  
29 groundwater used for public water supplies. Wherever possible, the  
30 land use element should consider utilizing urban planning approaches  
31 that promote physical activity. Where applicable, the land use  
32 element shall review drainage, flooding, and storm water run-off in  
33 the area and nearby jurisdictions and provide guidance for corrective  
34 actions to mitigate or cleanse those discharges that pollute waters  
35 of the state, including Puget Sound or waters entering Puget Sound.

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

1 includes a statement of goals, policies, objectives, and mandatory  
2 provisions for the preservation, improvement, and development of  
3 housing, including single-family residences; (c) identifies  
4 sufficient land for housing, including, but not limited to,  
5 government-assisted housing, housing for low-income families,  
6 manufactured housing, multifamily housing, and group homes and foster  
7 care facilities; and (d) makes adequate provisions for existing and  
8 projected needs of all economic segments of the community. In  
9 counties and cities subject to the review and evaluation requirements  
10 of RCW 36.70A.215, any revision to the housing element shall include  
11 consideration of prior review and evaluation reports and any  
12 reasonable measures identified.

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

27 (4) A utilities element consisting of the general location,  
28 proposed location, and capacity of all existing and proposed  
29 utilities, including, but not limited to, electrical lines,  
30 telecommunication lines, and natural gas lines.

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

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



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

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

14 (i) Containing or otherwise controlling rural development;

15 (ii) Assuring visual compatibility of rural development with the  
16 surrounding rural area;

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

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

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

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

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

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

38 (B) Any development or redevelopment other than an industrial  
39 area or an industrial use within a mixed-use area or an industrial

1 area under this subsection (5)(d)(i) must be principally designed to  
2 serve the existing and projected rural population.

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

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

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

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

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

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

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

16 (B) On the date the county adopted a resolution under RCW  
17 36.70A.040(2), in a county that is planning under all of the  
18 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

29 (a) The transportation element shall include the following  
30 subelements:

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

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

38 (iii) Facilities and services needs, including:

39 (A) An inventory of air, water, and ground transportation  
40 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities  
2 and travel levels as a basis for future planning. This inventory must  
3 include state-owned transportation facilities within the city or  
4 county's jurisdictional boundaries;

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

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

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

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

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

33 (iv) Finance, including:

34 (A) An analysis of funding capability to judge needs against  
35 probable funding resources;

36 (B) A multiyear financing plan based on the needs identified in  
37 the comprehensive plan, the appropriate parts of which shall serve as  
38 the basis for the six-year street, road, or transit program required  
39 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
40 35.58.2795 for public transportation systems. The multiyear financing

1 plan should be coordinated with the ten-year investment program  
2 developed by the office of financial management as required by RCW  
3 47.05.030;

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

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

11 (vi) Demand-management strategies;

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

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

34 (c) The transportation element described in this subsection (6),  
35 the six-year plans required by RCW 35.77.010 for cities, RCW  
36 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
37 systems, and the ten-year investment program required by RCW  
38 47.05.030 for the state, must be consistent.

39 (7) An economic development element establishing local goals,  
40 policies, objectives, and provisions for economic growth and vitality

1 and a high quality of life. (~~The element may include the provisions~~  
2 ~~in section 3 of this act.~~) A city that has chosen to be a  
3 residential community is exempt from the economic development element  
4 requirement of this subsection.

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

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

19 **Sec. 5.** RCW 36.22.179 and 2014 c 200 s 1 are each amended to  
20 read as follows:

21 (1) In addition to the surcharge authorized in RCW 36.22.178, and  
22 except as provided in subsection (2) of this section, an additional  
23 surcharge of ten dollars shall be charged by the county auditor for  
24 each document recorded, which will be in addition to any other charge  
25 allowed by law. From September 1, 2012, through June 30, (~~2019~~)  
26 2023, the surcharge shall be forty dollars. The funds collected  
27 pursuant to this section are to be distributed and used as follows:

28 (a) The auditor shall retain two percent for collection of the  
29 fee, and of the remainder shall remit sixty percent to the county to  
30 be deposited into a fund that must be used by the county and its  
31 cities and towns to accomplish the purposes of chapter 484, Laws of  
32 2005, six percent of which may be used by the county for the  
33 collection and local distribution of these funds and administrative  
34 costs related to its homeless housing plan, and the remainder for  
35 programs which directly accomplish the goals of the county's local  
36 homeless housing plan, except that for each city in the county which  
37 elects as authorized in RCW 43.185C.080 to operate its own local  
38 homeless housing program, a percentage of the surcharge assessed  
39 under this section equal to the percentage of the city's local

1 portion of the real estate excise tax collected by the county shall  
2 be transmitted at least quarterly to the city treasurer, without any  
3 deduction for county administrative costs, for use by the city for  
4 program costs which directly contribute to the goals of the city's  
5 local homeless housing plan; of the funds received by the city, it  
6 may use six percent for administrative costs for its homeless housing  
7 program.

8 (b) The auditor shall remit the remaining funds to the state  
9 treasurer for deposit in the home security fund account. The  
10 department may use twelve and one-half percent of this amount for  
11 administration of the program established in RCW 43.185C.020,  
12 including the costs of creating the statewide homeless housing  
13 strategic plan, measuring performance, providing technical assistance  
14 to local governments, and managing the homeless housing grant  
15 program. Of the remaining eighty-seven and one-half percent, at least  
16 forty-five percent must be set aside for the use of private rental  
17 housing payments, and the remainder is to be used by the department  
18 to:

19 (i) Provide housing and shelter for homeless people including,  
20 but not limited to: Grants to operate, repair, and staff shelters;  
21 grants to operate transitional housing; partial payments for rental  
22 assistance; consolidated emergency assistance; overnight youth  
23 shelters; grants and vouchers designated for victims of human  
24 trafficking and their families; and emergency shelter assistance; and

25 (ii) Fund the homeless housing grant program.

26 (2) The surcharge imposed in this section does not apply to (a)  
27 assignments or substitutions of previously recorded deeds of trust,  
28 (b) documents recording a birth, marriage, divorce, or death, (c) any  
29 recorded documents otherwise exempted from a recording fee or  
30 additional surcharges under state law, (d) marriage licenses issued  
31 by the county auditor, ~~((e))~~ (e) documents recording a state,  
32 county, or city lien or satisfaction of lien, or (f) documents  
33 recording a water-sewer district lien or satisfaction of a lien for  
34 delinquent utility payments.

35 **Sec. 6.** RCW 82.46.037 and 2016 c 138 s 4 are each amended to  
36 read as follows:

37 (1) A city or county that meets the requirements of subsection  
38 (2) of this section may use the greater of one hundred thousand  
39 dollars or twenty-five percent of available funds, but not to exceed

1 one million dollars per year, from revenues collected under RCW  
2 82.46.035 for:

3 (a) The maintenance of capital projects, as defined in RCW  
4 82.46.035(5); ~~((~~o~~))~~

5 (b) From July 1, 2017, until June 30, 2019, the acquisition,  
6 construction, improvement, or rehabilitation of facilities to provide  
7 housing for the homeless; or

8 (c) The planning, acquisition, construction, reconstruction,  
9 repair, replacement, rehabilitation, improvement, or maintenance of  
10 capital projects as defined in RCW 82.46.010(6)(b) that are not also  
11 included within the definition of capital projects in RCW  
12 82.46.035(5).

13 (2) A city or county may use revenues pursuant to subsection (1)  
14 of this section if:

15 (a) The city or county prepares a written report demonstrating  
16 that it has or will have adequate funding from all sources of public  
17 funding to pay for all capital projects, as defined in RCW  
18 82.46.035(5), identified in its capital facilities plan for the  
19 succeeding two-year period; and

20 (b)(i) The city or county has not enacted, after June 9, 2016,  
21 any requirement on the listing or sale of real property; or any  
22 requirement on landlords, at the time of executing a lease, to  
23 perform or provide physical improvements or modifications to real  
24 property or fixtures, except if necessary to address an immediate  
25 threat to health or safety; ~~((~~o~~))~~

26 (ii) Any local requirement adopted by the city or county under  
27 (b)(i) of this subsection is: Specifically authorized by RCW  
28 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW;  
29 specifically authorized by other state or federal law; or a seller or  
30 landlord disclosure requirement pursuant to RCW 64.06.080; or

31 (iii) For a city or county using funds under subsection (1)(b) of  
32 this section, the requirements of this subsection apply, except that  
33 the date for such enactment under (b)(i) of this subsection is ninety  
34 days after the effective date of this section.

35 (3) The report prepared under subsection (2)(a) of this section  
36 must: (a) Include information necessary to determine compliance with  
37 the requirements of subsection (2)(a) of this section; (b) identify  
38 how revenues collected under RCW 82.46.035 were used by the city or  
39 county during the prior two-year period; (c) identify how funds  
40 authorized under subsection (1) of this section will be used during



1 the succeeding two-year period; and (d) identify what percentage of  
2 funding for capital projects within the city or county is  
3 attributable to revenues under RCW 82.46.035 compared to all other  
4 sources of capital project funding. The city or county must prepare  
5 and adopt the report as part of its regular, public budget process.

6 ~~(4) ((The authority to use funds as authorized in this section is  
7 in addition to the authority to use funds pursuant to RCW  
8 82.46.035(7)), which remains in effect through December 31, 2016.~~

9 ~~(5))~~ For purposes of this section, "maintenance" means the use  
10 of funds for labor and materials that will preserve, prevent the  
11 decline of, or extend the useful life of a capital project.  
12 "Maintenance" does not include labor or material costs for routine  
13 operations of a capital project.

14 **Sec. 7.** RCW 43.21C.440 and 2012 1st sp.s. c 1 s 303 are each  
15 amended to read as follows:

16 (1) For purposes of this chapter, a planned action means one or  
17 more types of development or redevelopment that meet the following  
18 criteria:

19 (a) Are designated as planned actions by an ordinance or  
20 resolution adopted by a county, city, or town planning under RCW  
21 36.70A.040;

22 (b) In conjunction with, or to implement, a comprehensive plan or  
23 subarea plan adopted under chapter 36.70A RCW, or a fully contained  
24 community, a master planned resort, a master planned development, or  
25 a phased project, have had the significant impacts adequately  
26 addressed:

27 (i) In an environmental impact statement under the requirements  
28 of this chapter ((in conjunction with, or to implement, a  
29 comprehensive plan or subarea plan adopted under chapter 36.70A RCW,  
30 or a fully contained community, a master planned resort, a master  
31 planned development, or a phased project)); or

32 (ii) In a threshold determination or, where one is appropriate,  
33 in an environmental impact statement under the requirements of this  
34 chapter, if the planned action contains mixed use or residential  
35 development and encompasses an area that:

36 (A) Is within one-half mile of a major transit stop; or

37 (B) Will be within one-half mile of a major transit stop no later  
38 than five years from the date of the designation of the planned  
39 action;

1 (c) Have had project level significant impacts adequately  
2 addressed in a threshold determination or, where one is required  
3 under (b) of this subsection or where otherwise appropriate, an  
4 environmental impact statement, unless the impacts are specifically  
5 deferred for consideration at the project level pursuant to  
6 subsection (3)(b) of this section;

7 (d) Are subsequent or implementing projects for the proposals  
8 listed in (b) of this subsection;

9 (e) Are located within an urban growth area designated pursuant  
10 to RCW 36.70A.110;

11 (f) Are not essential public facilities, as defined in RCW  
12 36.70A.200, unless an essential public facility is accessory to or  
13 part of a residential, office, school, commercial, recreational,  
14 service, or industrial development that is designated a planned  
15 action under this subsection; and

16 (g) Are consistent with a comprehensive plan or subarea plan  
17 adopted under chapter 36.70A RCW.

18 (2) A county, city, or town shall define the types of development  
19 included in the planned action and may limit a planned action to:

20 (a) A specific geographic area that is less extensive than the  
21 jurisdictional boundaries of the county, city, or town; or

22 (b) A time period identified in the ordinance or resolution  
23 adopted under this subsection.

24 (3)(a) A county, city, or town shall determine during permit  
25 review whether a proposed project is consistent with a planned action  
26 ordinance adopted by the jurisdiction. To determine project  
27 consistency with a planned action ordinance, a county, city, or town  
28 may utilize a modified checklist pursuant to the rules adopted to  
29 implement RCW 43.21C.110, a form that is designated within the  
30 planned action ordinance, or a form contained in agency rules adopted  
31 pursuant to RCW 43.21C.120.

32 (b) A county, city, or town is not required to make a threshold  
33 determination and may not require additional environmental review,  
34 for a proposal that is determined to be consistent with the  
35 development or redevelopment described in the planned action  
36 ordinance, except for impacts that are specifically deferred to the  
37 project level at the time of the planned action ordinance's adoption.  
38 At least one community meeting must be held before the notice is  
39 issued for the planned action ordinance. Notice for the planned  
40 action and notice of the community meeting required by this

1 subsection (3)(b) must be mailed or otherwise verifiably provided to:  
2 (i) All affected federally recognized tribal governments; and (ii)  
3 agencies with jurisdiction over the future development anticipated  
4 for the planned action. The determination of consistency, and the  
5 adequacy of any environmental review that was specifically deferred,  
6 are subject to the type of administrative appeal that the county,  
7 city, or town provides for the proposal itself consistent with RCW  
8 36.70B.060.

9 (4) For a planned action ordinance that encompasses the entire  
10 jurisdictional boundary of a county, city, or town, at least one  
11 community meeting must be held before the notice is issued for the  
12 planned action ordinance. Notice for the planned action ordinance and  
13 notice of the community meeting required by this subsection must be  
14 mailed or otherwise verifiably provided to:

15 (a) All property owners of record within the county, city, or  
16 town;

17 (b) All affected federally recognized tribal governments; and

18 (c) All agencies with jurisdiction over the future development  
19 anticipated for the planned action.

20 (5) For purposes of this section, "major transit stop" means a  
21 commuter rail stop, a stop on a rail or fixed guideway or transitway  
22 system, or a stop on a high capacity transportation service funded or  
23 expanded under chapter 81.104 RCW.

24 NEW SECTION. Sec. 8. Section 2 of this act expires January 1,  
25 2030."

**2SSB 5254 - S AMD 299**

By Senator Fain

**ADOPTED 06/29/2017**

26 On page 1, line 3 of the title, after "programs;" strike the  
27 remainder of the title and insert "amending RCW 36.70A.115,  
28 36.70A.215, 36.70A.070, 36.22.179, 82.46.037, and 43.21C.440; adding  
29 a new section to chapter 36.70A RCW; and providing an expiration  
30 date."

EFFECT: (1) Removes a new provision requiring an evaluation of  
how existing zoning and land use regulations are promoting or  
hindering affordable housing goals.

(2) Expires the amendments to the buildable lands program in the bill in 2023.

(3) Adds that the buildable lands program guidance developed by Commerce must evaluate how existing zoning and land use regulations are promoting or hindering affordable housing goals.

(4) Removes a new provision allowing cities and the governor to appeal the denial of a proposed update, revision, or amendment of a countywide planning policy to the growth management hearings board.

(5) Removes sections creating a new property tax exemption program to preserve affordable housing.

(6) Eliminates a requirement that all planned actions designated by counties, cities, and towns planning under the GMA undergo an environmental impact statement, and instead authorizes a threshold determination of environmental impacts under SEPA for planned actions that contain mixed-use or residential development and encompass an area located near certain transit stops.

(7) Removes an amendment to the affordable housing for all surcharge that would have allowed up to six percent of funds to be used by counties for local distribution to its homeless housing plan.

(8) Removes a section that would have allowed cities in King County to impose the housing and essential needs local option sales tax after two years if King County did not impose the tax.

(9) Removes sections restricting regional transportation planning organizations and county comprehensive planning policies from rejecting smaller city GMA comprehensive plans by using growth targets as maximum caps on growth.

(10) Removes a section adding data on job growth and affordable housing to OFM's annual population trends report.

(11) Removes sections modifying state homelessness planning, including reporting requirements, and adding recommendations from an OFM performance audit of homelessness programs.

(12) Extends the document recording fee for homelessness programs until 2023.

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