
HOUSE BILL 1490

State of Washington

61st Legislature

2009 Regular Session

By Representatives Nelson, Pedersen, Goodman, Simpson, Upthegrove, Appleton, Dickerson, Lias, Morris, Roberts, White, Ormsby, McCoy, and Miloscia

Read first time 01/21/09. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to reducing greenhouse gas emissions through land
2 use and transportation requirements; amending RCW 36.70A.020,
3 36.70A.070, 36.70A.100, 36.70A.108, 36.70A.190, 36.70A.210, 36.70A.490,
4 36.70A.500, 47.80.030, 43.21C.240, 81.104.015, and 82.14.0455; adding
5 a new section to chapter 36.70A RCW; adding a new section to chapter
6 43.21C RCW; adding a new section to chapter 81.112 RCW; and providing
7 an effective date.

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

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

11 The following goals are adopted to guide the development and
12 adoption of comprehensive plans and development regulations of those
13 counties and cities that are required or choose to plan under RCW
14 36.70A.040. The following goals are not listed in order of priority
15 and shall be used exclusively for the purpose of guiding the
16 development of comprehensive plans and development regulations:

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

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

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

6 (4) Housing. Encourage the availability of affordable housing to
7 all economic segments of the population of this state, promote a
8 variety of residential densities and housing types, and encourage
9 preservation of existing housing stock.

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

19 (6) Property rights. Private property shall not be taken for
20 public use without just compensation having been made. The property
21 rights of landowners shall be protected from arbitrary and
22 discriminatory actions.

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

26 (8) Natural resource industries. Maintain and enhance natural
27 resource-based industries, including productive timber, agricultural,
28 and fisheries industries. Encourage the conservation of productive
29 forest lands and productive agricultural lands, and discourage
30 incompatible uses.

31 (9) Open space and recreation. Retain open space, enhance
32 recreational opportunities, conserve fish and wildlife habitat,
33 increase access to natural resource lands and water, and develop parks
34 and recreation facilities.

35 (10) Environment. Protect the environment and enhance the state's
36 high quality of life, including air and water quality, and the
37 availability of water. Establish land use and transportation patterns

1 that, at a minimum, achieve and support state and federal greenhouse
2 gas emissions reduction requirements.

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

6 (12) Public facilities and services. Ensure that those public
7 facilities and services necessary to support development shall be
8 adequate to serve the development at the time the development is
9 available for occupancy and use without decreasing current service
10 levels below locally established minimum standards.

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

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

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

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

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

1 jurisdictions and provide guidance for corrective actions to mitigate
2 or cleanse those discharges that pollute waters of the state, including
3 Puget Sound or waters entering Puget Sound.

4 (2) A housing element ensuring the vitality and character of
5 established residential neighborhoods that: (a) Includes an inventory
6 and analysis of existing and projected housing needs that identifies
7 the number of housing units necessary to manage projected growth; (b)
8 includes a statement of goals, policies, objectives, and mandatory
9 provisions for the preservation, improvement, and development of
10 housing, including single-family residences; (c) includes incentives
11 and requirements to provide housing required by this subsection (2);
12 (d) identifies sufficient land for housing, including, but not limited
13 to, government-assisted housing, housing for low-income families,
14 manufactured housing, multifamily housing, and group homes and foster
15 care facilities; (~~and (d)~~) (e) makes adequate provisions for existing
16 and projected needs of all economic segments of the community; and (f)
17 designates sufficient land for and encourages housing within walking,
18 bicycling, or transit distance of employment concentrations that is
19 affordable to persons employed within such concentrations. Land
20 designated for housing under this subsection (2)(f) must be designated
21 at densities that support transit services.

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

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

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

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

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

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

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

26 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

15 (iv) Finance, including:

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

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

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

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

33 (vi) Demand-management strategies;

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

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

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

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

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

29 (7) An economic development element establishing local goals,
30 policies, objectives, and provisions for economic growth and vitality
31 and a high quality of life. The element shall include: (a) A summary
32 of the local economy such as population, employment, payroll, sectors,
33 businesses, sales, and other information as appropriate; (b) a summary
34 of the strengths and weaknesses of the local economy defined as the
35 commercial and industrial sectors and supporting factors such as land
36 use, transportation, utilities, education, workforce, housing, and
37 natural/cultural resources; and (c) an identification of policies,
38 programs, and projects to foster economic growth and development and to

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

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

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

18 **Sec. 3.** RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10 are each
19 amended to read as follows:

20 The comprehensive plan of each county or city (~~that is~~) adopted
21 pursuant to RCW 36.70A.040 shall be:

22 (1) Coordinated with, and consistent with, the comprehensive plans
23 adopted pursuant to RCW 36.70A.040 of other counties or cities with
24 which the county or city has, in part, common borders or related
25 regional issues; and

26 (2) Consistent with the regional transportation plans required
27 under RCW 47.80.030 for the region within which the county or city is
28 located.

29 **Sec. 4.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to read
30 as follows:

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

1 strategies may include, but are not limited to, measures implementing
2 or evaluating:

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

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

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

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

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

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

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

25 **Sec. 5.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to
26 read as follows:

27 (1) The department shall establish a program of technical and
28 financial assistance and incentives to counties and cities to encourage
29 and facilitate the adoption and implementation of comprehensive plans
30 and development regulations throughout the state.

31 (2) The department shall develop a priority list and establish
32 funding levels for planning and technical assistance grants both for
33 counties and cities that plan under RCW 36.70A.040. Priority for
34 assistance shall be based on a county's or city's population growth
35 rates, commercial and industrial development rates, the existence and
36 quality of a comprehensive plan and development regulations, and other
37 relevant factors.

1 (3) The department shall develop and administer a grant program to
2 provide direct financial assistance to counties and cities for the
3 preparation of comprehensive plans under this chapter. The department
4 may establish provisions for county and city matching funds to conduct
5 activities under this subsection. Grants may be expended for any
6 purpose directly related to the preparation of a county or city
7 comprehensive plan as the county or city and the department may agree,
8 including, without limitation, the conducting of surveys, inventories
9 and other data gathering and management activities, the retention of
10 planning consultants, contracts with regional councils for planning and
11 related services, and other related purposes.

12 (4) The department shall establish a program of technical
13 assistance:

14 (a)(i) Utilizing department staff, the staff of other state
15 agencies, and the technical resources of counties and cities to help in
16 the development of comprehensive plans required under this chapter.
17 The technical assistance may include, but not be limited to, model land
18 use ordinances, regional education and training programs, and
19 information for local and regional inventories. The technical
20 assistance shall include guidance that may be used by counties and
21 cities for developing and implementing: (A) Multimodal transportation
22 concurrency improvements and strategies; and (B) programs that
23 encourage, through developer incentives and other means, compact
24 development in urban growth areas.

25 (ii) Technical assistance required by (a)(i)(A) of this subsection
26 shall be developed by the department in cooperation with the department
27 of transportation, regional transportation planning organizations
28 authorized under chapter 47.80 RCW, regional transit authorities and
29 agencies, and local transportation entities.

30 (iii) Technical assistance required by (a)(i)(B) of this subsection
31 shall be developed by the department in cooperation with other state
32 agencies with relevant expertise, and may include an examination of
33 employed local government incentives, an assessment of applicable
34 advantages and disadvantages, and the development of model incentive
35 language; and

36 (b) Adopting by rule procedural criteria to assist counties and
37 cities in adopting comprehensive plans and development regulations that

1 meet the goals and requirements of this chapter. These criteria shall
2 reflect regional and local variations and the diversity that exists
3 among different counties and cities that plan under this chapter.

4 (5) The department shall provide mediation services to resolve
5 disputes between counties and cities regarding, among other things,
6 coordination of regional issues and designation of urban growth areas.

7 (6) The department shall provide planning grants to enhance citizen
8 participation under RCW 36.70A.140.

9 **Sec. 6.** RCW 36.70A.210 and 1998 c 171 s 4 are each amended to read
10 as follows:

11 (1) The legislature recognizes that counties are regional
12 governments within their boundaries, and cities are primary providers
13 of urban governmental services within urban growth areas. For the
14 purposes of this section, a "county-wide planning policy" is a written
15 policy statement or statements used solely for establishing a county-
16 wide framework from which county and city comprehensive plans are
17 developed and adopted pursuant to this chapter. This framework shall
18 ensure that city and county comprehensive plans are consistent as
19 required in RCW 36.70A.100. Nothing in this section shall be construed
20 to alter the land-use powers of cities.

21 (2) The legislative authority of a county that plans under RCW
22 36.70A.040 shall adopt a county-wide planning policy in cooperation
23 with the cities located in whole or in part within the county as
24 follows:

25 (a) No later than sixty calendar days from July 16, 1991, the
26 legislative authority of each county that as of June 1, 1991, was
27 required or chose to plan under RCW 36.70A.040 shall convene a meeting
28 with representatives of each city located within the county for the
29 purpose of establishing a collaborative process that will provide a
30 framework for the adoption of a county-wide planning policy. In other
31 counties that are required or choose to plan under RCW 36.70A.040, this
32 meeting shall be convened no later than sixty days after the date the
33 county adopts its resolution of intention or was certified by the
34 office of financial management.

35 (b) The process and framework for adoption of a county-wide
36 planning policy specified in (a) of this subsection shall determine the
37 manner in which the county and the cities agree to all procedures and

1 provisions including but not limited to desired planning policies,
2 deadlines, ratification of final agreements and demonstration thereof,
3 and financing, if any, of all activities associated therewith.

4 (c) If a county fails for any reason to convene a meeting with
5 representatives of cities as required in (a) of this subsection, the
6 governor may immediately impose any appropriate sanction or sanctions
7 on the county from those specified under RCW 36.70A.340.

8 (d) If there is no agreement by October 1, 1991, in a county that
9 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
10 or if there is no agreement within one hundred twenty days of the date
11 the county adopted its resolution of intention or was certified by the
12 office of financial management in any other county that is required or
13 chooses to plan under RCW 36.70A.040, the governor shall first inquire
14 of the jurisdictions as to the reason or reasons for failure to reach
15 an agreement. If the governor deems it appropriate, the governor may
16 immediately request the assistance of the department of community,
17 trade, and economic development to mediate any disputes that preclude
18 agreement. If mediation is unsuccessful in resolving all disputes that
19 will lead to agreement, the governor may impose appropriate sanctions
20 from those specified under RCW 36.70A.340 on the county, city, or
21 cities for failure to reach an agreement as provided in this section.
22 The governor shall specify the reason or reasons for the imposition of
23 any sanction.

24 (e) No later than July 1, 1992, the legislative authority of each
25 county that was required or chose to plan under RCW 36.70A.040 as of
26 June 1, 1991, or no later than fourteen months after the date the
27 county adopted its resolution of intention or was certified by the
28 office of financial management the county legislative authority of any
29 other county that is required or chooses to plan under RCW 36.70A.040,
30 shall adopt a county-wide planning policy according to the process
31 provided under this section and that is consistent with the agreement
32 pursuant to (b) of this subsection, and after holding a public hearing
33 or hearings on the proposed county-wide planning policy.

34 (3) A county-wide planning policy shall at a minimum, address the
35 following:

36 (a) Policies to implement RCW 36.70A.110;

37 (b) Policies for promotion of contiguous and orderly development
38 and provision of urban services to such development;

1 (c) Policies for siting public capital facilities of a county-wide
2 or statewide nature, including transportation facilities of statewide
3 significance as defined in RCW 47.06.140;

4 (d) Policies for county-wide transportation facilities and
5 strategies;

6 (e) Policies that consider the need for affordable housing, such as
7 housing for all economic segments of the population and parameters for
8 its distribution;

9 (f) Policies for joint county and city planning within urban growth
10 areas;

11 (g) Policies for county-wide economic development and employment;
12 (~~and~~)

13 (h) Policies for reducing greenhouse gas emissions that, at a
14 minimum, support and achieve: (i) State emission reduction
15 requirements adopted under RCW 70.235.020; (ii) per capita vehicle
16 miles traveled reductions in accordance with RCW 47.01.440; and (iii)
17 applicable federal emission reduction requirements;

18 (i) Policies for reducing dependence on foreign oil; and

19 (j) An analysis of the fiscal impact.

20 (4) Federal agencies and Indian tribes may participate in and
21 cooperate with the county-wide planning policy adoption process.
22 Adopted county-wide planning policies shall be adhered to by state
23 agencies.

24 (5) Failure to adopt a county-wide planning policy that meets the
25 requirements of this section may result in the imposition of a sanction
26 or sanctions on a county or city within the county, as specified in RCW
27 36.70A.340. In imposing a sanction or sanctions, the governor shall
28 specify the reasons for failure to adopt a county-wide planning policy
29 in order that any imposed sanction or sanctions are fairly and
30 equitably related to the failure to adopt a county-wide planning
31 policy.

32 (6) Cities and the governor may appeal an adopted county-wide
33 planning policy to the growth management hearings board within sixty
34 days of the adoption of the county-wide planning policy.

35 (7) Multicounty planning policies shall be adopted by two or more
36 counties, each with a population of four hundred fifty thousand or
37 more, with contiguous urban areas and may be adopted by other counties,

1 according to the process established under this section or other
2 processes agreed to among the counties and cities within the affected
3 counties throughout the multicounty region.

4 **Sec. 7.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to
5 read as follows:

6 The growth management planning and environmental review fund is
7 hereby established in the state treasury. Moneys may be placed in the
8 fund from the proceeds of bond sales, tax revenues, budget transfers,
9 federal appropriations, gifts, or any other lawful source. Moneys in
10 the fund may be spent only after appropriation. Moneys in the fund
11 shall be used to make grants and loans to local governments for the
12 purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500.

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

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

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

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

34 (b) Encourages use of plans and information developed for purposes
35 of complying with this chapter to satisfy requirements of other state
36 programs.

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

3 (a) Demonstrate that it will prepare an environmental analysis
4 pursuant to chapter 43.21C RCW and subsection (2) of this section that
5 is integrated with a comprehensive plan, subarea plan, plan element,
6 county-wide planning policy, development regulations, monitoring
7 program, or other planning activity adopted under or implementing this
8 chapter;

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

13 (c) Demonstrate that procedures for review of development permit
14 applications will be based on the integrated plans and environmental
15 analysis;

16 (d) Include mechanisms to monitor the consequences of growth as it
17 occurs in the plan area and to use the resulting data to update the
18 plan, policy, or implementing mechanisms and associated environmental
19 analysis;

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

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

26 (4) In awarding grants and loans, the department shall give
27 preference to proposals that include one or more of the following
28 elements:

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

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

32 ~~((b))~~ (c) Identification and monitoring of system capacities for
33 elements of the built environment, and to the extent appropriate, of
34 the natural environment;

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

37 ~~((d))~~ (e) Furtherance of important state objectives related to

1 economic development, protection of areas of statewide significance,
2 and siting of essential public facilities;

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

6 ~~((f))~~ (g) Programs for effective citizen and neighborhood
7 involvement that contribute to greater likelihood that planning
8 decisions can be implemented with community support; and

9 ~~((g))~~ (h) Programs to identify environmental impacts and
10 establish mitigation measures that provide effective means to satisfy
11 concurrency requirements and establish project consistency with the
12 plans.

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

17 (6) State agencies shall work with grant and loan recipients to
18 facilitate state and local project review processes that will implement
19 the projects receiving ~~((grants))~~ financial assistance under this
20 section.

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

23 (1) Except as provided in subsections (6) and (7) of this section,
24 comprehensive plans and development regulations adopted under this
25 chapter must authorize transit oriented development within one-half
26 mile of a major transit station. The allowed net density for these
27 transit oriented development areas must be fifty dwelling units per
28 acre. The adopted plans and regulations also must:

29 (a) Include standards for streets, sidewalks, and buildings that
30 encourage walking and bicycling, and a process to ensure that these
31 standards are met;

32 (b) Prioritize for safe walking and bicycling connections to
33 proximate major transit stations and transit centers;

34 (c) Provide for a net gain in housing units that are affordable to
35 low and moderate-income households;

36 (d) Require one-for-one replacement of demolished or converted
37 housing units that are affordable to the income level of the displaced

1 residents. The replacement units are in addition to other affordable
2 units required by this section. This subsection (1)(d) applies if the
3 following are demolished or converted: (i) Rental housing units that
4 are affordable to households earning sixty percent or less of the
5 adjusted county median income; and (ii) ownership housing that is
6 affordable to households earning eighty percent of the adjusted county
7 median income;

8 (e) Require that all new housing or mixed-use developments provide
9 housing that is affordable to the income groups in (f) of this
10 subsection and receive density bonuses equal to the number of housing
11 units produced under this subsection (1)(e), or provide for master
12 planned zoning that identifies locations and incentives sufficient to
13 provide housing that is affordable to the income groups in (f) of this
14 subsection. The housing units required by this subsection must be
15 constructed within one-half mile of a major transit station and must be
16 comparable to the associated market rate development. Affordable units
17 required by this subsection (1)(e) must be affordable for a minimum of
18 fifty years, but counties and cities should consider employing tools to
19 permanently maintain affordability;

20 (f) Require that: (i) Twenty-five percent of rental units be
21 affordable to people earning less than eighty percent of the adjusted
22 county median income, with ten percent of the rental units being
23 affordable to people earning less than sixty percent of the adjusted
24 county median income; and (ii) Twenty-five percent of ownership units
25 be affordable to people earning less than one hundred twenty percent of
26 the adjusted county median income, with ten percent of the ownership
27 units being affordable to people earning less than one hundred percent
28 of the adjusted county median income. Affordable units required by
29 this subsection (1)(f) must be affordable for a minimum of fifty years,
30 but counties and cities should consider employing tools to permanently
31 maintain affordability;

32 (g) Authorize the waiving of minimum parking space requirements for
33 any land use; and

34 (h) Require developers to provide the following to renters earning
35 less than eighty percent of the adjusted median income who will be
36 displaced by development: (i) No fewer than ninety days notice of an
37 order to vacate the affected premises; and (ii) relocation assistance

1 in an amount determined by the applicable county or city. Relocation
2 assistance provided under this subsection (1)(h)(ii) may not exceed an
3 amount equaling three months rent for an affected tenant.

4 (2) A major transit station includes any of the following within an
5 urban growth area:

6 (a) Stations on a high capacity transportation service approved by
7 the voters and funded or expanded under chapter 81.104 RCW. For
8 purposes of this subsection (2), streetcars are not considered a high
9 capacity transportation service;

10 (b) Commuter rail stations;

11 (c) Stops on rail or fixed guideway systems, including transitways,
12 but excluding stops in a streetcar system; and

13 (d) Stations on bus rapid transit routes that operate on designated
14 rights-of-way for sixty-five percent or more of a route.

15 (3) For purposes of this section, "transit oriented development"
16 has the same meaning as defined in RCW 36.70A.108.

17 (4) Density determinations made in accordance with this section
18 must be calculated by dividing the number of allowed dwelling units by
19 the net acreage of the applicable area.

20 (5) Counties and cities must report the number of affordable
21 housing units created in accordance with subsection (1) of this section
22 to the department and the appropriate committees of the legislature by
23 January 1, 2015. Subsequent reports to the department and the
24 legislature must be completed according to the schedule established in
25 RCW 36.70A.130(4).

26 (6) Nothing in this section modifies or otherwise affects planning
27 or regulatory requirements for airports.

28 (7) This section does not apply to lands: (a) Designated for
29 industrial or manufacturing uses in comprehensive plans or zoning
30 regulations; or (b) upon which stadiums that seat twenty-five thousand
31 or more persons are located.

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

34 (1) Each regional transportation planning organization shall
35 develop in cooperation with the department of transportation, providers
36 of public transportation and high capacity transportation, ports, and

1 local governments within the region, adopt, and periodically update a
2 regional transportation plan that:

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

5 (b) Identifies existing or planned transportation facilities,
6 services, and programs, including but not limited to major roadways
7 including state highways and regional arterials, transit and
8 nonmotorized services and facilities, multimodal and intermodal
9 facilities, marine ports and airports, railroads, and noncapital
10 programs including transportation demand management that should
11 function as an integrated regional transportation system, giving
12 emphasis to those facilities, services, and programs that exhibit one
13 or more of the following characteristics:

14 (i) Crosses member county lines;

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

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

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

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

26 (vi) Provides for system continuity;

27 (c) Establishes level of service standards for state highways and
28 state ferry routes, with the exception of transportation facilities of
29 statewide significance as defined in RCW 47.06.140. These regionally
30 established level of service standards for state highways and state
31 ferries shall be developed jointly with the department of
32 transportation, to encourage consistency across jurisdictions. In
33 establishing level of service standards for state highways and state
34 ferries, consideration shall be given for the necessary balance between
35 providing for the free interjurisdictional movement of people and goods
36 and the needs of local commuters using state facilities;

37 (d) Includes a financial plan demonstrating how the regional
38 transportation plan can be implemented, indicating resources from

1 public and private sources that are reasonably expected to be made
2 available to carry out the plan, and recommending any innovative
3 financing techniques to finance needed facilities, services, and
4 programs;

5 (e) Assesses regional development patterns, capital investment and
6 other measures necessary to:

7 (i) Ensure the preservation of the existing regional transportation
8 system, including requirements for operational improvements,
9 resurfacing, restoration, and rehabilitation of existing and future
10 major roadways, as well as operations, maintenance, modernization, and
11 rehabilitation of existing and future transit, railroad systems and
12 corridors, and nonmotorized facilities; and

13 (ii) Make the most efficient use of existing transportation
14 facilities to relieve vehicular congestion and maximize the mobility of
15 people and goods;

16 (f) Sets forth a proposed regional transportation approach,
17 including capital investments, service improvements, programs, and
18 transportation demand management measures to guide the development of
19 the integrated, multimodal regional transportation system. For
20 regional growth centers, the approach must address transportation
21 concurrency strategies required under RCW 36.70A.070 and include a
22 measurement of vehicle level of service for off-peak periods and total
23 multimodal capacity for peak periods; and

24 (g) Where appropriate, sets forth the relationship of high capacity
25 transportation providers and other public transit providers with regard
26 to responsibility for, and the coordination between, services and
27 facilities.

28 (2) Regional transportation planning organizations encompassing:
29 (a) One county planning under RCW 36.70A.040 with one hundred thousand
30 or more residents; or (b) two or more counties planning under RCW
31 36.70A.040, one of which has one hundred thousand or more residents,
32 must ensure that the regional transportation plan for those counties
33 implements the goals to reduce annual per capita vehicle miles traveled
34 adopted under RCW 47.01.440.

35 (3) The organization shall review the regional transportation plan
36 biennially for currency and forward the adopted plan along with
37 documentation of the biennial review to the state department of
38 transportation. In satisfying the requirements of this subsection, the

1 organization shall provide notice reasonably calculated to inform the
2 public of the review, and opportunities for the public to comment on
3 the review and plan adoption.

4 ~~((3))~~ (4) All transportation projects, programs, and
5 transportation demand management measures within the region that have
6 an impact upon regional facilities or services must be consistent with
7 the plan and with the adopted regional growth and transportation
8 strategies.

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

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

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

31 (a) In the course of project review, including any required
32 environmental analysis, the local government considers the specific
33 probable adverse environmental impacts of the proposed action and
34 determines that these specific impacts are adequately addressed by the
35 development regulations or other applicable requirements of the
36 comprehensive plan, subarea plan element of the comprehensive plan, or
37 other local, state, or federal rules or laws; and

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

3 (3) If a county, city, or town's comprehensive plans, subarea
4 plans, and development regulations adequately address a project's
5 probable specific adverse environmental impacts, as determined under
6 subsections (1) and (2) of this section, the county, city, or town
7 shall not impose additional mitigation under this chapter during
8 project review. Project review shall be integrated with environmental
9 analysis under this chapter.

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

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

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

20 (5) In deciding whether a specific adverse environmental impact has
21 been addressed by an existing rule or law of another agency with
22 jurisdiction with environmental expertise with regard to a specific
23 environmental impact, the county, city, or town shall consult orally or
24 in writing with that agency and may expressly defer to that agency. In
25 making this deferral, the county, city, or town shall base or condition
26 its project approval on compliance with these other existing rules or
27 laws.

28 (6) Nothing in this section limits the authority of an agency in
29 its review or mitigation of a project to adopt or otherwise rely on
30 environmental analyses and requirements under other laws, as provided
31 by this chapter.

32 (7) A project action that is consistent with the applicable
33 comprehensive plan and development regulations may not be challenged
34 for noncompliance under this chapter with greenhouse gas emissions
35 requirements if:

36 (a) The county, city, or town in which the project action is
37 located has prepared an environmental impact statement under RCW

1 43.21C.030 for the area covered by the comprehensive plan or subarea
2 plan that includes a greenhouse gas emissions analysis;

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

7 (c) The comprehensive plan and development regulations will reduce
8 greenhouse gas emissions in accordance with RCW 70.235.020, and per
9 capita vehicle miles traveled in accordance with RCW 47.01.440;

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

12 (e) The project action is located in an urban growth area and a
13 center designated by the county, city, or town comprehensive plan.

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

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

18 Cities and towns authorizing compact development in designated
19 centers or participating in a regional transfer of development rights
20 program under chapter 43.362 RCW may impose environmental fees on
21 development activity as part of the financing for environmental review
22 under this chapter. Environmental fees imposed under this section:

23 (1) May only be for: (a) A subarea plan for which the impacts of
24 compact development have been addressed by the applicable city or town;
25 or (b) a regional transfer of development rights program receiving area
26 for which the impacts of development within the receiving area have
27 been addressed by the applicable city or town;

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

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

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

1 **Sec. 13.** RCW 81.104.015 and 1999 c 202 s 9 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "High capacity transportation system" means a system of public
6 transportation services within an urbanized region operating
7 principally on exclusive rights-of-way, and the supporting services and
8 facilities necessary to implement such a system, including regional
9 transit systems and interim express services and high occupancy vehicle
10 lanes, which taken as a whole, provides a substantially higher level of
11 passenger capacity, speed, and service frequency than traditional
12 public transportation systems operating principally in general purpose
13 roadways.

14 (2) "Rail fixed guideway system" means a light, heavy, or rapid
15 rail system, monorail, inclined plane, funicular, trolley, or other
16 fixed rail guideway component of a high capacity transportation system
17 that is not regulated by the Federal Railroad Administration, or its
18 successor. "Rail fixed guideway system" does not mean elevators,
19 moving sidewalks or stairs, and vehicles suspended from aerial cables,
20 unless they are an integral component of a station served by a rail
21 fixed guideway system.

22 (3) "Regional transit system" means a high capacity transportation
23 system under the jurisdiction of one or more transit agencies except
24 where a regional transit authority created under chapter 81.112 RCW
25 exists, in which case "regional transit system" means the high capacity
26 transportation system under the jurisdiction of a regional transit
27 authority.

28 (4) "Transit agency" means city-owned transit systems, county
29 transportation authorities, metropolitan municipal corporations, and
30 public transportation benefit areas.

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

33 (1) An authority that owns surplus land located within one-half
34 mile of a major transit station must provide qualifying public or
35 nonprofit entities an opportunity of first offer to develop the land.
36 For purposes of this section, a "qualifying public or nonprofit entity"
37 is an entity that: (a) Is eligible for assistance from the housing

1 trust fund established in chapter 43.185 RCW; (b) will seek assistance
2 from the housing trust fund for development of the land; and (c) meets
3 other financial and development requirements of the authority.

4 (2) Nothing in this section is intended to conflict with federal
5 requirements or to require an authority to forego federal funding or
6 incentives to develop property around transit stations.

7 **Sec. 15.** RCW 82.14.0455 and 2006 c 311 s 16 are each amended to
8 read as follows:

9 (1) Subject to the provisions in RCW 36.73.065, a transportation
10 benefit district under chapter 36.73 RCW may fix and impose a sales and
11 use tax in accordance with the terms of this chapter. The tax
12 authorized in this section is in addition to any other taxes authorized
13 by law and shall be collected from those persons who are taxable by the
14 state under chapters 82.08 and 82.12 RCW upon the occurrence of any
15 taxable event within the boundaries of the district. The rate of tax
16 shall not exceed two-tenths of one percent of the selling price in the
17 case of a sales tax, or value of the article used, in the case of a use
18 tax. ~~((The tax may not be imposed for a period exceeding ten years.
19 This tax may be extended for a period not exceeding ten years with an
20 affirmative vote of the voters voting at the election.))~~

21 (2) Money received from the tax imposed under this section must be
22 spent in accordance with the requirements of chapter 36.73 RCW.

23 NEW SECTION. **Sec. 16.** This act takes effect December 1, 2011.

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