

2E2SSB 5239 - H AMD 644

By Representative Taylor

NOT CONSIDERED 01/05/2018

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

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

5 (1)(a) Each applicant for a building permit of a building
6 necessitating potable water shall provide evidence of an adequate
7 water supply for the intended use of the building. Evidence may be in
8 the form of a water right permit from the department of ecology, a
9 letter from an approved water purveyor stating the ability to provide
10 water, or another form sufficient to verify the existence of an
11 adequate water supply. (~~In addition to other authorities, the county
12 or city may impose conditions on building permits requiring
13 connection to an existing public water system where the existing
14 system is willing and able to provide safe and reliable potable water
15 to the applicant with reasonable economy and efficiency. An
16 application for a water right shall not be sufficient proof of an
17 adequate water supply.~~) An application for a water right shall not
18 be sufficient proof of an adequate water supply.

19 (b) In areas where rules have been adopted under chapter 90.22 or
20 90.54 RCW that explicitly regulate permit-exempt groundwater
21 withdrawals, evidence of an adequate potable water supply must, at a
22 minimum, meet the specific rule requirements.

23 (c) In other areas of the state, evidence may consist of a water
24 well report consistent with the requirements of chapter 18.104 RCW,
25 except that additional requirements shall apply to demonstrate the
26 physical and legal existence of an adequate water supply if the
27 application is within:

28 (i) An area where water rights have been adjudicated in
29 accordance with chapter 90.03 RCW and is subject to federal flow
30 regulation, including the entire Yakima river basin (water resource
31 inventory areas 37, 38, or 39);

32 (ii) An area where water rights have been adjudicated in a
33 federal court action and is subject to federal flow regulation; or

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

5 (d) In the areas identified in (c)(i) through (iii) of this
6 subsection, an applicant may rely on a water well report where
7 hydrogeologic information demonstrates absence of connectivity with
8 regulated water bodies and indicates no impairment will occur.

9 (2) Providing evidence of an adequate water supply under
10 subsection (1) of this section does not require impairment review by
11 the applicant or local permitting authority.

12 (3) In addition to other authorities, the county or city may
13 impose conditions on building permits requiring connection to an
14 existing public water system where the existing system is willing and
15 able to provide safe and reliable potable water to the applicant with
16 reasonable economy and efficiency.

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

26 ~~((+3))~~ (5) Buildings that do not need potable water facilities
27 are exempt from the provisions of this section. The department of
28 ecology, after consultation with local governments, may adopt rules
29 to implement this section, which may recognize differences between
30 high-growth and low-growth counties.

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

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

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

3 (1) A land use element designating the proposed general
4 distribution and general location and extent of the uses of land,
5 where appropriate, for agriculture, timber production, housing,
6 commerce, industry, recreation, open spaces, general aviation
7 airports, public utilities, public facilities, and other land uses.
8 The land use element shall include population densities, building
9 intensities, and estimates of future population growth. The land use
10 element shall provide for protection of the quality and quantity of
11 groundwater used for public water supplies. In providing for the
12 protection of the quantity of groundwater used for public water
13 supplies under this subsection, a county or city may rely on or refer
14 to applicable water resources management rules adopted by the
15 department of ecology. Wherever possible, the land use element should
16 consider utilizing urban planning approaches that promote physical
17 activity. Where applicable, the land use element shall review
18 drainage, flooding, and storm water run-off in the area and nearby
19 jurisdictions and provide guidance for corrective actions to mitigate
20 or cleanse those discharges that pollute waters of the state,
21 including Puget Sound or waters entering Puget Sound.

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

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

1 identifies sources of public money for such purposes; and (e) a
2 requirement to reassess the land use element if probable funding
3 falls short of meeting existing needs and to ensure that the land use
4 element, capital facilities plan element, and financing plan within
5 the capital facilities plan element are coordinated and consistent.
6 Park and recreation facilities shall be included in the capital
7 facilities plan element.

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

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

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

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

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

- 35 (i) Containing or otherwise controlling rural development;
36 (ii) Assuring visual compatibility of rural development with the
37 surrounding rural area;
38 (iii) Reducing the inappropriate conversion of undeveloped land
39 into sprawling, low-density development in the rural area;

1 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
2 and surface water and groundwater resources, which may include
3 measures that rely on or refer to applicable water resources
4 management rules adopted by the department of ecology; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (iii) Facilities and services needs, including:

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

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

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

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

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

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

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

18 (iv) Finance, including:

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

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

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

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

36 (vi) Demand-management strategies;

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

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

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

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

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

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

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

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

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

22 (1) A land use element designating the proposed general
23 distribution and general location and extent of the uses of land,
24 where appropriate, for agriculture, timber production, housing,
25 commerce, industry, recreation, open spaces, general aviation
26 airports, public utilities, public facilities, and other land uses.
27 The land use element shall include population densities, building
28 intensities, and estimates of future population growth. The land use
29 element shall provide for protection of the quality and quantity of
30 groundwater used for public water supplies. In providing for the
31 protection of the quantity of groundwater used for public water
32 supplies under this subsection, a county or city may rely on or refer
33 to applicable water resources management rules adopted by the
34 department of ecology. Wherever possible, the land use element should
35 consider utilizing urban planning approaches that promote physical
36 activity. Where applicable, the land use element shall review
37 drainage, flooding, and storm water run-off in the area and nearby
38 jurisdictions and provide guidance for corrective actions to mitigate

1 or cleanse those discharges that pollute waters of the state,
2 including Puget Sound or waters entering Puget Sound.

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

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

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

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

37 (a) Growth management act goals and local circumstances. Because
38 circumstances vary from county to county, in establishing patterns of
39 rural densities and uses, a county may consider local circumstances,
40 but shall develop a written record explaining how the rural element

1 harmonizes the planning goals in RCW 36.70A.020 and meets the
2 requirements of this chapter.

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

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

16 (i) Containing or otherwise controlling rural development;

17 (ii) Assuring visual compatibility of rural development with the
18 surrounding rural area;

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

21 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
22 and surface water and groundwater resources, which may include
23 measures that rely on or refer to applicable water resources
24 management rules adopted by the department of ecology; and

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

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

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

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

1 subsection, but are not subject to the requirements of (c)(ii) and
2 (iii) of this subsection.

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

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

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

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

38 (iv) A county shall adopt measures to minimize and contain the
39 existing areas or uses of more intensive rural development, as
40 appropriate, authorized under this subsection. Lands included in such

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

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

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

20 (B) On the date the county adopted a resolution under RCW
21 36.70A.040(2), in a county that is planning under all of the
22 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

33 (a) The transportation element shall include the following
34 subelements:

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

36 (ii) Estimated traffic impacts to state-owned transportation
37 facilities resulting from land use assumptions to assist the
38 department of transportation in monitoring the performance of state
39 facilities, to plan improvements for the facilities, and to assess

1 the impact of land-use decisions on state-owned transportation
2 facilities;

3 (iii) Facilities and services needs, including:

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

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

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

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

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

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

38 (iv) Finance, including:

39 (A) An analysis of funding capability to judge needs against
40 probable funding resources;

1 (B) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required
4 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems. The multiyear financing
6 plan should be coordinated with the ten-year investment program
7 developed by the office of financial management as required by RCW
8 47.05.030;

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

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

16 (vi) Demand-management strategies;

17 (vii) Pedestrian and bicycle component to include collaborative
18 efforts to identify and designate planned improvements for pedestrian
19 and bicycle facilities and corridors that address and encourage
20 enhanced community access and promote healthy lifestyles.

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

39 (c) The transportation element described in this subsection (6),
40 the six-year plans required by RCW 35.77.010 for cities, RCW

1 36.81.121 for counties, and RCW 35.58.2795 for public transportation
2 systems, and the ten-year investment program required by RCW
3 47.05.030 for the state, must be consistent.

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

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

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

24 **Sec. 4.** RCW 58.17.110 and 1995 c 32 s 3 are each amended to read
25 as follows:

26 (1) The city, town, or county legislative body shall inquire into
27 the public use and interest proposed to be served by the
28 establishment of the subdivision and dedication. It shall determine:
29 (a) If appropriate provisions are made for, but not limited to, the
30 public health, safety, and general welfare, for open spaces, drainage
31 ways, streets or roads, alleys, other public ways, transit stops,
32 potable water supplies, sanitary wastes, parks and recreation,
33 playgrounds, schools and schoolgrounds, and shall consider all other
34 relevant facts, including sidewalks and other planning features that
35 assure safe walking conditions for students who only walk to and from
36 school; and (b) whether the public interest will be served by the
37 subdivision and dedication.

38 (2) A proposed subdivision and dedication shall not be approved
39 unless the city, town, or county legislative body makes written

1 findings that: (a) Appropriate provisions are made for the public
2 health, safety, and general welfare and for such open spaces,
3 drainage ways, streets or roads, alleys, other public ways, transit
4 stops, potable water supplies, sanitary wastes, parks and recreation,
5 playgrounds, schools and schoolgrounds and all other relevant facts,
6 including sidewalks and other planning features that assure safe
7 walking conditions for students who only walk to and from school; and
8 (b) the public use and interest will be served by the platting of
9 such subdivision and dedication. If it finds that the proposed
10 subdivision and dedication make such appropriate provisions and that
11 the public use and interest will be served, then the legislative body
12 shall approve the proposed subdivision and dedication. Dedication of
13 land to any public body, provision of public improvements to serve
14 the subdivision, and/or impact fees imposed under RCW 82.02.050
15 through 82.02.090 may be required as a condition of subdivision
16 approval. Dedications shall be clearly shown on the final plat. No
17 dedication, provision of public improvements, or impact fees imposed
18 under RCW 82.02.050 through 82.02.090 shall be allowed that
19 constitutes an unconstitutional taking of private property. The
20 legislative body shall not as a condition to the approval of any
21 subdivision require a release from damages to be procured from other
22 property owners.

23 (3) If the preliminary plat includes a dedication of a public
24 park with an area of less than two acres and the donor has designated
25 that the park be named in honor of a deceased individual of good
26 character, the city, town, or county legislative body must adopt the
27 designated name.

28 (4) In approving a subdivision, dedication, or short subdivision
29 under this chapter, a city, town, or county may rely on or refer to
30 applicable water resources management rules adopted by the department
31 of ecology to determine if appropriate provisions have been made for
32 potable water supplies. Such a determination does not require
33 impairment review by the applicant, city, town, or county.

34 **Sec. 5.** RCW 18.104.055 and 2005 c 84 s 4 are each amended to
35 read as follows:

36 (1) A fee is hereby imposed on each well constructed in this
37 state on or after July 1, 2005.

38 (2)(a) The fee for one water well, other than a dewatering well,
39 with a minimum top casing diameter of less than twelve inches is two

1 hundred dollars. This fee does not apply to a ground source heat pump
2 boring or a grounding well.

3 (b) The fee for one water well, other than a dewatering well,
4 with a minimum top casing diameter of twelve inches or greater is
5 three hundred dollars.

6 (c) The fee for a resource protection well, except for an
7 environmental investigation well, a ground source heat pump boring,
8 or a grounding well, is forty dollars for each well.

9 (d) The fee for an environmental investigation well in which
10 groundwater is sampled or measured is forty dollars for construction
11 of up to four environmental investigation wells per project, ten
12 dollars for each additional environmental investigation well
13 constructed on a project with more than four wells. There is no fee
14 for soil or vapor sampling purposes.

15 (e) The fee for a ground source heat pump boring or a grounding
16 well is forty dollars for construction of up to four ground source
17 heat pump borings or grounding wells per project and ten dollars for
18 each additional ground source heat pump boring or grounding well
19 constructed on a project with more than four wells.

20 (f) The combined fee for construction and decommissioning of a
21 dewatering well system shall be forty dollars for each two hundred
22 horizontal lineal feet, or portion thereof, of the dewatering well
23 system.

24 (g) The fee to decommission a water well is fifty dollars.

25 (h) The fee to decommission a resource protection well, except
26 for an environmental investigation well, is twenty dollars. There is
27 no fee to decommission an environmental investigation well or a
28 geotechnical soil boring.

29 (i) The fee to decommission a ground source heat pump boring or a
30 grounding well is twenty dollars.

31 (3)(a) For a well constructed under subsection (2)(a) or (b) of
32 this section, the department must collect an additional fee of three
33 hundred dollars. The amounts collected under this subsection must be
34 used by the department for water infrastructure projects, or projects
35 designed to measure or improve stream flow. This fee may not be used
36 in any manner so as to require mitigation when drilling a well
37 constructed under subsection (2)(a) or (b) of this section.

38 (b) The fee in (a) of this subsection may not be collected:

1 (i) In areas where the department of ecology has adopted rules
2 under chapter 90.54 or 90.22 RCW that explicitly regulate permit-
3 exempt groundwater withdrawals;

4 (ii) In areas where water rights have been adjudicated in
5 accordance with chapter 90.03 RCW and that are subject to federal
6 flow regulation, including the entire Yakima river basin, water
7 resource inventory areas 37, 38, and 39;

8 (iii) In areas where water rights have been adjudicated in a
9 federal court action and that are subject to federal flow regulation;
10 or

11 (iv) In water resource inventory areas 3 or 4, which were subject
12 to the Washington supreme court's October 3, 2013, decision in
13 *Swinomish Indian Tribal Community v. Washington State Department of*
14 *Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

15 (4) The fees imposed by this section shall be paid at the time
16 the notice of well construction is submitted to the department as
17 provided by RCW 18.104.048. The department by rule may adopt
18 procedures to permit the fees required for resource protection wells
19 to be paid after the number of wells actually constructed has been
20 determined. The department shall refund the amount of any fee
21 collected for wells, borings, probes, or excavations as long as
22 construction has not started and the department has received a refund
23 request within one hundred eighty days from the time the department
24 received the fee. The refund request shall be made on a form provided
25 by the department.

26 **Sec. 6.** RCW 18.104.150 and 1993 c 387 s 20 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (3) of this section, all
29 fees paid under this chapter shall be credited by the state treasurer
30 to the reclamation account established by chapter 89.16 RCW. Subject
31 to legislative appropriation, the fees collected under this chapter
32 shall be allocated and expended by the director for the
33 administration of the well construction, well operators' licensing,
34 and education programs.

35 (2) The department shall provide grants to local governing
36 entities that have been delegated portions of the well construction
37 program pursuant to RCW 18.104.043 to assist in supporting well
38 inspectors hired by the local governing body. Grants provided to a
39 local governing body shall not exceed the revenues generated from

1 fees for the portion of the program delegated and from the area in
2 which authority is delegated to the local governing body.

3 (3)(a) All fees collected under RCW 18.104.055(3) must be
4 deposited into the water resources project account created in section
5 7 of this act. Subject to legislative appropriation, the director
6 shall allocate and expend fees collected under RCW 18.104.055(3) for
7 water infrastructure projects, or projects designed to measure or
8 improve stream flow. The director may seek the advice of an advisory
9 committee when allocating or expending fees collected under RCW
10 18.104.055(3). The director must consult, on a government to
11 government basis, with affected federally recognized Indian tribes
12 about proposed projects.

13 (b) If, by September 1st or when the omnibus capital
14 appropriations act becomes law, whichever is sooner, the department
15 shall increase the fee in (a) of this subsection only if the omnibus
16 capital appropriations act does not appropriate at least ten million
17 dollars to the water resources project account created in section 7
18 of this act during each biennium, then the department shall increase
19 the fee in (a) of this subsection by up to one thousand two hundred
20 dollars with a maximum fee of one thousand five hundred dollars per
21 well only for that biennium, such that the combination of capital
22 appropriation and fees is projected to be ten million dollars per
23 biennium.

24 NEW SECTION. Sec. 7. A new section is added to chapter 90.54
25 RCW to read as follows:

26 (1)(a) The water resources project account is created in the
27 state treasury. All receipts collected under RCW 18.104.055(3) must
28 be deposited into the account. Moneys in the account may only be
29 spent after appropriation. Moneys in the account may only be used as
30 designated in this section.

31 (b) Funding from this account is for water infrastructure
32 projects, or projects designed to measure or improve stream flow.

33 (c) The department shall prioritize projects that offset an
34 estimated total consumptive quantity of water expected from
35 withdrawals exempt from permitting under RCW 90.44.050 as near as
36 possible to the area of direct impact. When such higher priority
37 projects are not feasible, the department may fund projects not in
38 the same basin or tributary but occur within the same water resource
39 inventory area.

1 (2) Consistent with RCW 43.01.036, the department must submit a
2 report to the legislature by December 1, 2020, that includes:

- 3 (a) The amount of fees collected under RCW 18.104.055(3);
4 (b) How these fees were allocated;
5 (c) A description of the projects;
6 (d) An evaluation of the effectiveness of the projects; and
7 (e) Any recommendations to the legislature regarding the fees
8 collected under RCW 18.104.055(3).

9 NEW SECTION. **Sec. 8.** Section 2 of this act expires July 23,
10 2017.

11 NEW SECTION. **Sec. 9.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of
17 the state government and its existing public institutions, and takes
18 effect immediately, except for section 3 of this act, which takes
19 effect July 23, 2017.

20 NEW SECTION. **Sec. 11.** Nothing in this act shall be construed to
21 affect the ability of any person to pursue a cause of action
22 cognizable under Washington state law for the protection of the
23 person's water right."

24 Correct the title.

EFFECT: Allows a building permit applicant, in certain areas of
the state, to rely on a water well report where hydrogeologic
information demonstrates absence of connectivity with regulated water
bodies and indicates no impairment will occur.

Strikes the section authorizing mitigation that does not involve
the provision of replacement water rights to offset consumptive
impacts.

Narrows the scope of projects that may be funded from the fee
created in the act to projects designed to measure or improve stream
flows, and water infrastructure projects.

Prohibits collection of the fee created in the act in the
following areas: Areas where the department of ecology has adopted
rules under chapter 90.54 or 90.22 RCW that explicitly regulate
permit-exempt groundwater withdrawals; areas where water rights have
been adjudicated in accordance with chapter 90.03 RCW and that are

subject to federal flow regulation, including the entire Yakima river basin, water resource inventory areas 37, 38, and 39; areas where water rights have been adjudicated in a federal court action and that are subject to federal flow regulation; and, water resource inventory areas 3 or 4, which were subject to the Washington supreme court's October 3, 2013, decision in *Swinomish Indian Tribal Community v. Washington State Department of Ecology*, 178 Wn.2d 571, 311 P.3d 6 (2013).

Creates the water resources project account in the state treasury.

Requires that all receipts from the fee created in the act be deposited in the water resources project account.

Authorizes the director of the department of ecology, subject to legislative appropriation, to expend funds from the account for projects designed to measure or improve stream flow, or water infrastructure projects.

Authorizes the director of the department of ecology to seek the advice of an advisory committee when allocating or expending funds generated by the fee created in the act.

Directs the director of the department of ecology to consult, on a government to government basis, with affected federally recognized Indian tribes about proposed projects.

Directs the department of ecology, if at least \$10 million is not appropriated in the omnibus capital appropriations act, by September 1st or when the omnibus capital appropriations act becomes law, whichever is sooner, each biennium for the account, to increase the fee created in the act by up to \$1200 per well, for a maximum total fee of \$1500, for that biennium only, such that the combination of capital appropriation and fees is projected to be ten million dollars per biennium.

Requires the department of ecology, in spending funds from the account, to prioritize projects that offset an estimated total consumptive quantity of water expected from withdrawals exempt from permitting under RCW 90.44.050 as near as possible to the area of direct impact.

Allows the department of ecology, when such higher priority projects are not available, to fund projects not in the same basin or tributary but that occur within the same water resource inventory area.

Directs the department of ecology to submit a report to the legislature by December 1, 2020, that includes the amount of fees collected under the act, the manner in which those fees were allocated, a description of the projects funded by the fees, an evaluation of the effectiveness of the projects, and recommendations to the legislature regarding the fees collected under the act.

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