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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-0318.1/09

ATTY/TYPIST: LL:cro

BRIEF DESCRIPTION: Reducing greenhouse gas emissions through comprehensive planning requirements.

1 AN ACT Relating to reducing greenhouse gas emissions through  
2 comprehensive planning 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, and 43.21C.240; adding a new section to chapter  
5 36.70A RCW; and adding a new section to chapter 43.21C RCW.

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

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

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

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

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

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

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

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

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

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

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

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

33 (10) Environment. Protect the environment and enhance the state's  
34 high quality of life, including air and water quality, and the  
35 availability of water. Establish land use and transportation patterns  
36 that achieve and support state and federal greenhouse gas emissions  
37 reduction requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (i) Containing or otherwise controlling rural development;

21 (ii) Assuring visual compatibility of rural development with the  
22 surrounding rural area;

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

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

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

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

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

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

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

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

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

24 (iii) The intensification of development on lots containing  
25 isolated nonresidential uses or new development of isolated cottage  
26 industries and isolated small-scale businesses that are not principally  
27 designed to serve the existing and projected rural population and  
28 nonresidential uses, but do provide job opportunities for rural  
29 residents. Rural counties may allow the expansion of small-scale  
30 businesses as long as those small-scale businesses conform with the  
31 rural character of the area as defined by the local government  
32 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also  
33 allow new small-scale businesses to utilize a site previously occupied  
34 by an existing business as long as the new small-scale business  
35 conforms to the rural character of the area as defined by the local  
36 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services  
37 and public facilities shall be limited to those necessary to serve the

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

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

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

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

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

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

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

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

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

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

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

7 (iii) Facilities and services needs, including:

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

14 (B) Level of service standards for all locally owned arterials  
15 ~~((and transit routes)),~~ bicycle routes, pedestrian routes, and  
16 available or planned transit modes to serve as a gauge to judge  
17 performance of the system. These standards should be regionally  
18 coordinated and must consider contributions that all transportation  
19 modes make in meeting regional transportation demands;

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

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

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

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

8 (iv) Finance, including:

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

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

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

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

26 (vi) Demand-management strategies;

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

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

1 may include increased public transportation service, ride sharing  
2 programs, demand management, and other transportation systems  
3 management strategies. Ordinances adopted under this subsection  
4 (6)(b)(i) must consider multimodal improvements or strategies.

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

9 (iii) The concurrency requirements of this subsection (6)(b) do not  
10 apply to transportation facilities and services of statewide  
11 significance except for counties consisting of islands whose only  
12 connection to the mainland are state highways or ferry routes. In  
13 these island counties, state highway and ferry route capacity must be  
14 a factor in meeting the concurrency requirements of this subsection  
15 (6)(b).

16 (c) The transportation element described in this subsection (6),  
17 and the six-year plans required by RCW 35.77.010 for cities, RCW  
18 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
19 systems, and the ten-year investment program required by RCW 47.05.030  
20 for the state, must be consistent.

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

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

1 (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.100 and 1990 1st ex.s. c 17 s 10 are each  
12 amended to read as follows:

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

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

19 (2) Consistent with the regional transportation plans required  
20 under RCW 47.80.030 for the region within which the county or city is  
21 located.

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

24 (1) The transportation element required by RCW 36.70A.070 may  
25 include, in addition to improvements or strategies to accommodate the  
26 impacts of development authorized under RCW 36.70A.070(6)(b),  
27 multimodal transportation improvements or strategies that are made  
28 concurrent with the development. These transportation improvements or  
29 strategies may include, but are not limited to, measures implementing  
30 or evaluating:

31 (a) Multiple modes of transportation with peak and nonpeak hour  
32 capacity performance standards for locally owned transportation  
33 facilities; (~~and~~)

34 (b) Modal performance standards meeting the peak and nonpeak hour  
35 capacity performance standards; and

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

4 (i) "Compact development" means an area designated for mixed-use,  
5 higher density development patterns that encourage walking, cycling,  
6 and plans for a multimodal network that may include transit; and

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

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

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

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

19 (1) The department shall establish a program of technical and  
20 financial assistance and incentives to counties and cities to encourage  
21 and facilitate the adoption and implementation of comprehensive plans  
22 and development regulations throughout the state.

23 (2) The department shall develop a priority list and establish  
24 funding levels for planning and technical assistance grants both for  
25 counties and cities that plan under RCW 36.70A.040. Priority for  
26 assistance shall be based on a county's or city's population growth  
27 rates, commercial and industrial development rates, the existence and  
28 quality of a comprehensive plan and development regulations, and other  
29 relevant factors.

30 (3) The department shall develop and administer a grant program to  
31 provide direct financial assistance to counties and cities for the  
32 preparation of comprehensive plans under this chapter. The department  
33 may establish provisions for county and city matching funds to conduct  
34 activities under this subsection. Grants may be expended for any  
35 purpose directly related to the preparation of a county or city  
36 comprehensive plan as the county or city and the department may agree,  
37 including, without limitation, the conducting of surveys, inventories

1 and other data gathering and management activities, the retention of  
2 planning consultants, contracts with regional councils for planning and  
3 related services, and other related purposes.

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

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

17 (ii) Technical assistance required by (a)(i)(A) of this subsection  
18 shall be developed by the department in cooperation with the department  
19 of transportation, regional transportation planning organizations  
20 authorized under chapter 47.80 RCW, and local transportation entities.

21 (iii) Technical assistance required by (a)(i)(B) of this subsection  
22 shall be developed by the department in cooperation with other state  
23 agencies with relevant expertise, and may include an examination of  
24 employed local government incentives, an assessment of applicable  
25 advantages and disadvantages, and the development of model incentive  
26 language; and

27 (b) Adopting by rule procedural criteria to assist counties and  
28 cities in adopting comprehensive plans and development regulations that  
29 meet the goals and requirements of this chapter. These criteria shall  
30 reflect regional and local variations and the diversity that exists  
31 among different counties and cities that plan under this chapter.

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

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

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

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

13       (2) The legislative authority of a county that plans under RCW  
14 36.70A.040 shall adopt a county-wide planning policy in cooperation  
15 with the cities located in whole or in part within the county as  
16 follows:

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

27       (b) The process and framework for adoption of a county-wide  
28 planning policy specified in (a) of this subsection shall determine the  
29 manner in which the county and the cities agree to all procedures and  
30 provisions including but not limited to desired planning policies,  
31 deadlines, ratification of final agreements and demonstration thereof,  
32 and financing, if any, of all activities associated therewith.

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

37       (d) If there is no agreement by October 1, 1991, in a county that  
38 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,

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

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

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

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

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

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

33 (d) Policies for county-wide transportation facilities and  
34 strategies;

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

1 (f) Policies for joint county and city planning within urban growth  
2 areas;

3 (g) Policies for county-wide economic development and employment;  
4 ((and))

5 (h) Policies for reducing greenhouse gas emissions that support and  
6 achieve state and federal emission reduction requirements;

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

8 (j) An analysis of the fiscal impact.

9 (4) Federal agencies and Indian tribes may participate in and  
10 cooperate with the county-wide planning policy adoption process.  
11 Adopted county-wide planning policies shall be adhered to by state  
12 agencies.

13 (5) Failure to adopt a county-wide planning policy that meets the  
14 requirements of this section may result in the imposition of a sanction  
15 or sanctions on a county or city within the county, as specified in RCW  
16 36.70A.340. In imposing a sanction or sanctions, the governor shall  
17 specify the reasons for failure to adopt a county-wide planning policy  
18 in order that any imposed sanction or sanctions are fairly and  
19 equitably related to the failure to adopt a county-wide planning  
20 policy.

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

24 (7) Multicounty planning policies shall be adopted by two or more  
25 counties, each with a population of four hundred fifty thousand or  
26 more, with contiguous urban areas and may be adopted by other counties,  
27 according to the process established under this section or other  
28 processes agreed to among the counties and cities within the affected  
29 counties throughout the multicounty region.

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

32 The growth management planning and environmental review fund is  
33 hereby established in the state treasury. Moneys may be placed in the  
34 fund from the proceeds of bond sales, tax revenues, budget transfers,  
35 federal appropriations, gifts, or any other lawful source. Moneys in  
36 the fund may be spent only after appropriation. Moneys in the fund

1 shall be used to make grants and loans to local governments for the  
2 purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500.

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

5 (1) The department (~~of community, trade, and economic~~  
6 ~~development~~) shall provide management services for the fund created by  
7 RCW 36.70A.490. The department shall establish procedures for fund  
8 management. The department shall encourage participation in the  
9 (~~grant~~) program by other public agencies. The department shall  
10 develop (~~the~~) grant and loan criteria, monitor the (~~grant~~) program,  
11 and select (~~grant~~) recipients in consultation with state agencies  
12 participating in the (~~grant~~) program through the provision of  
13 (~~grant~~) funds or technical assistance.

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

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

24 (b) Encourages use of plans and information developed for purposes  
25 of complying with this chapter to satisfy requirements of other state  
26 programs.

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

29 (a) Demonstrate that it will prepare an environmental analysis  
30 pursuant to chapter 43.21C RCW and subsection (2) of this section that  
31 is integrated with a comprehensive plan, subarea plan, plan element,  
32 county-wide planning policy, development regulations, monitoring  
33 program, or other planning activity adopted under or implementing this  
34 chapter;

35 (b) Address environmental impacts and consequences, alternatives,  
36 and mitigation measures in sufficient detail to allow the analysis to

1 be adopted in whole or in part by applicants for development permits  
2 within the geographic area analyzed in the plan;

3 (c) Demonstrate that procedures for review of development permit  
4 applications will be based on the integrated plans and environmental  
5 analysis;

6 (d) Include mechanisms to monitor the consequences of growth as it  
7 occurs in the plan area and to use the resulting data to update the  
8 plan, policy, or implementing mechanisms and associated environmental  
9 analysis;

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

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

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

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

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

22 ~~((b))~~ (c) Identification and monitoring of system capacities for  
23 elements of the built environment, and to the extent appropriate, of  
24 the natural environment;

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

27 ~~((d))~~ (e) Furtherance of important state objectives related to  
28 economic development, protection of areas of statewide significance,  
29 and siting of essential public facilities;

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

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

36 ~~((g))~~ (h) Programs to identify environmental impacts and  
37 establish mitigation measures that provide effective means to satisfy

1 concurrency requirements and establish project consistency with the  
2 plans.

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

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

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70A RCW  
12 to read as follows:

13 (1) Except as provided in subsection (4) of this section,  
14 comprehensive plans and development regulations adopted under this  
15 chapter must authorize transit oriented development within one-half  
16 mile of a major transit stop. The minimum net density for these  
17 transit oriented development areas must be fifty dwelling units per  
18 acre. The adopted plans and regulations also must:

19 (a) Include standards for streets, sidewalks, and buildings that  
20 encourage walking and cycling, and a process to ensure that these  
21 standards are met; and

22 (b) Provide for safe walking and cycling connections to the nearest  
23 major transit stop.

24 (2) A major transit stop includes any of the following within an  
25 urban growth area:

26 (a) Stops on a high capacity transportation service approved by the  
27 voters and funded or expanded under chapter 81.104 RCW;

28 (b) Commuter rail stops;

29 (c) Stops on rail or fixed guideway systems, including transitways;  
30 and

31 (d) Stops on bus rapid transit routes or routes that run on high  
32 occupancy vehicle lanes.

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

35 (4) Nothing in this section modifies or otherwise affects planning  
36 or regulatory requirements for airports.

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

3       (1) Each regional transportation planning organization shall  
4 develop in cooperation with the department of transportation, providers  
5 of public transportation and high capacity transportation, ports, and  
6 local governments within the region, adopt, and periodically update a  
7 regional transportation plan that:

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

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

19       (i) Crosses member county lines;

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

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

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

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

31       (vi) Provides for system continuity;

32       (c) Establishes level of service standards for state highways and  
33 state ferry routes, with the exception of transportation facilities of  
34 statewide significance as defined in RCW 47.06.140. These regionally  
35 established level of service standards for state highways and state  
36 ferries shall be developed jointly with the department of  
37 transportation, to encourage consistency across jurisdictions. In  
38 establishing level of service standards for state highways and state

1 ferries, consideration shall be given for the necessary balance between  
2 providing for the free interjurisdictional movement of people and goods  
3 and the needs of local commuters using state facilities;

4 (d) Includes a financial plan demonstrating how the regional  
5 transportation plan can be implemented, indicating resources from  
6 public and private sources that are reasonably expected to be made  
7 available to carry out the plan, and recommending any innovative  
8 financing techniques to finance needed facilities, services, and  
9 programs;

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

12 (i) Ensure the preservation of the existing regional transportation  
13 system, including requirements for operational improvements,  
14 resurfacing, restoration, and rehabilitation of existing and future  
15 major roadways, as well as operations, maintenance, modernization, and  
16 rehabilitation of existing and future transit, railroad systems and  
17 corridors, and nonmotorized facilities; and

18 (ii) Make the most efficient use of existing transportation  
19 facilities to relieve vehicular congestion and maximize the mobility of  
20 people and goods;

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

29 (g) Where appropriate, sets forth the relationship of high capacity  
30 transportation providers and other public transit providers with regard  
31 to responsibility for, and the coordination between, services and  
32 facilities.

33 (2) Regional transportation planning organizations encompassing one  
34 or more counties planning under RCW 36.70A.040 with one hundred  
35 thousand or more residents must ensure that the regional transportation  
36 plan for those counties implements the goals to reduce annual per  
37 capita vehicle miles traveled adopted under RCW 47.01.440.

1       (3) The organization shall review the regional transportation plan  
2 biennially for currency and forward the adopted plan along with  
3 documentation of the biennial review to the state department of  
4 transportation. In satisfying the requirements of this subsection, the  
5 organization shall provide notice reasonably calculated to inform the  
6 public of the review, and opportunities for the public to comment on  
7 the review and plan adoption.

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

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

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

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

35       (a) In the course of project review, including any required  
36 environmental analysis, the local government considers the specific  
37 probable adverse environmental impacts of the proposed action and

1 determines that these specific impacts are adequately addressed by the  
2 development regulations or other applicable requirements of the  
3 comprehensive plan, subarea plan element of the comprehensive plan, or  
4 other local, state, or federal rules or laws; and

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

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

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

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

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

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

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

36 (7) A project action that is consistent with the applicable  
37 comprehensive plan and development regulations may not be challenged

1 for noncompliance under this chapter with greenhouse gas emissions  
2 requirements if:

3 (a) The county, city, or town in which the project action is  
4 located has prepared an environmental impact statement under RCW  
5 43.21C.030 for the proposed action;

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

10 (c) The comprehensive plan and development regulations will reduce  
11 greenhouse gas emissions in accordance with RCW 70.235.020;

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

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

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

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

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

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

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

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

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

--- END ---