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House Committee on Local Government  
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1

2 AN ACT Relating to reducing greenhouse gas emissions through  
3 comprehensive planning requirements;

4

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

6

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

1 availability of water. Establish land use and transportation patterns  
2 that achieve and support state and federal greenhouse gas emissions  
3 reduction requirements.

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

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

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

16

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

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

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

28 (1) A land use element designating the proposed general  
29 distribution and general location and extent of the uses of land,  
30 where appropriate, for agriculture, timber production, housing,  
31 commerce, industry, recreation, open spaces, general aviation  
32 airports, public utilities, public facilities, and other land uses.  
33 The land use element shall include population densities, building  
34 intensities, and estimates of future population growth. The land use

1 element shall provide for protection of the quality and quantity of  
2 groundwater used for public water supplies. Wherever possible, the  
3 land use element should consider utilizing urban planning approaches  
4 that promote physical activity. Where applicable, the land use  
5 element shall review drainage, flooding, and storm water run-off in  
6 the area and nearby jurisdictions and provide guidance for corrective  
7 actions to mitigate or cleanse those discharges that pollute waters of  
8 the state, including Puget Sound or waters entering Puget Sound.

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

26 (3) A capital facilities plan element consisting of: (a) An  
27 inventory of existing capital facilities owned by public entities,  
28 showing the locations and capacities of the capital facilities; (b) a  
29 forecast of the future needs for such capital facilities; (c) the  
30 proposed locations and capacities of expanded or new capital  
31 facilities; (d) at least a six-year plan that will finance such  
32 capital facilities within projected funding capacities and clearly  
33 identifies sources of public money for such purposes; and (e) a  
34 requirement to reassess the land use element if probable funding falls

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

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

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

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

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

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

33 (i) Containing or otherwise controlling rural development;  
34

1 (ii) Assuring visual compatibility of rural development with the  
2 surrounding rural area;

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

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

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

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

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

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

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

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

32 (ii) The intensification of development on lots containing, or new  
33 development of, small-scale recreational or tourist uses, including  
34 commercial facilities to serve those recreational or tourist uses,

1 that rely on a rural location and setting, but that do not include new  
2 residential development. A small-scale recreation or tourist use is  
3 not required to be principally designed to serve the existing and  
4 projected rural population. Public services and public facilities  
5 shall be limited to those necessary to serve the recreation or tourist  
6 use and shall be provided in a manner that does not permit low-density  
7 sprawl;

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

24 (iv) A county shall adopt measures to minimize and contain the  
25 existing areas or uses of more intensive rural development, as  
26 appropriate, authorized under this subsection. Lands included in such  
27 existing areas or uses shall not extend beyond the logical outer  
28 boundary of the existing area or use, thereby allowing a new pattern  
29 of low-density sprawl. Existing areas are those that are clearly  
30 identifiable and contained and where there is a logical boundary  
31 delineated predominately by the built environment, but that may also  
32 include undeveloped lands if limited as provided in this subsection.  
33 The county shall establish the logical outer boundary of an area of  
34 more intensive rural development. In establishing the logical outer

1 boundary the county shall address (A) the need to preserve the  
2 character of existing natural neighborhoods and communities, (B)  
3 physical boundaries such as bodies of water, streets and highways, and  
4 land forms and contours, (C) the prevention of abnormally irregular  
5 boundaries, and (D) the ability to provide public facilities and  
6 public services in a manner that does not permit low-density sprawl;

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

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

11 (B) On the date the county adopted a resolution under RCW  
12 36.70A.040(2), in a county that is planning under all of the  
13 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

24 (a) The transportation element shall include the following  
25 subelements:

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

27 (ii) Estimated traffic impacts to state-owned transportation  
28 facilities resulting from land use assumptions to assist the  
29 department of transportation in monitoring the performance of state  
30 facilities, to plan improvements for the facilities, and to assess the  
31 impact of land-use decisions on state-owned transportation facilities;

32 (iii) Facilities and services needs, including:

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



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

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

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

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

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

32 ~~((+F))~~ (E) Identification of state and local system needs to meet  
33 current and future demands. Identified needs on state-owned  
34

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

3 (iv) Finance, including:

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

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

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

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

21 (vi) Demand-management strategies;

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

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

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

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

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

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

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

32 (8) A park and recreation element that implements, and is  
33 consistent with, the capital facilities plan element as it relates to  
34 park and recreation facilities. The element shall include: (a)

1 Estimates of park and recreation demand for at least a ten-year  
2 period; (b) an evaluation of facilities and service needs; and (c) an  
3 evaluation of intergovernmental coordination opportunities to provide  
4 regional approaches for meeting park and recreational demand.

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

12  
13 **Sec. 3.** RCW 36.70A.100 and 1990 1st ex.s. c 17 s 10 are each  
14 amended to read as follows:

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

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

21 (b) Consistent with the regional transportation plans required  
22 under RCW 47.80.030 for the region within which the county or city is  
23 located.

24  
25 **Sec. 4.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to  
26 read as follows:

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

34

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

4 (b) Modal performance standards meeting the peak and nonpeak hour  
5 capacity performance standards; and

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

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

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

16 (2) Nothing in this section or RCW 36.70A.070(6)(b) shall be  
17 construed as prohibiting a county or city planning under RCW  
18 36.70A.040 from exercising existing authority to develop multimodal  
19 improvements or strategies to satisfy the concurrency requirements of  
20 this chapter.

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

23  
24 **Sec. 5.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended  
25 to read as follows:

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

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

1 quality of a comprehensive plan and development regulations, and other  
2 relevant factors.

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

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

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

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

32 (iii) Technical assistance required by (a) (i) (B) of this  
33 subsection (4) shall be developed by the department in cooperation  
34 with other state agencies with relevant expertise, and may include an

1 examination of employed local government incentives, an assessment of  
2 applicable advantages and disadvantages, and the development of model  
3 incentive language; and

4 (b) Adopting by rule procedural criteria to assist counties and  
5 cities in adopting comprehensive plans and development regulations  
6 that meet the goals and requirements of this chapter. These criteria  
7 shall reflect regional and local variations and the diversity that  
8 exists among different counties and cities that plan under this  
9 chapter.

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

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

15

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

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

28 (2) The legislative authority of a county that plans under RCW  
29 36.70A.040 shall adopt a county-wide planning policy in cooperation  
30 with the cities located in whole or in part within the county as  
31 follows:

32 (a) No later than sixty calendar days from July 16, 1991, the  
33 legislative authority of each county that as of June 1, 1991, was  
34 required or chose to plan under RCW 36.70A.040 shall convene a meeting

1 with representatives of each city located within the county for the  
2 purpose of establishing a collaborative process that will provide a  
3 framework for the adoption of a county-wide planning policy. In other  
4 counties that are required or choose to plan under RCW 36.70A.040,  
5 this meeting shall be convened no later than sixty days after the date  
6 the county adopts its resolution of intention or was certified by the  
7 office of financial management.

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

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

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

34



1 (e) No later than July 1, 1992, the legislative authority of each  
2 county that was required or chose to plan under RCW 36.70A.040 as of  
3 June 1, 1991, or no later than fourteen months after the date the  
4 county adopted its resolution of intention or was certified by the  
5 office of financial management the county legislative authority of any  
6 other county that is required or chooses to plan under RCW 36.70A.040,  
7 shall adopt a county-wide planning policy according to the process  
8 provided under this section and that is consistent with the agreement  
9 pursuant to (b) of this subsection, and after holding a public hearing  
10 or hearings on the proposed county-wide planning policy.

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

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

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

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

19 (d) Policies for county-wide transportation facilities and  
20 strategies;

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

24 (f) Policies for joint county and city planning within urban  
25 growth areas;

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

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

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

30 ~~((h))~~ (j) An analysis of the fiscal impact.

31 (4) Federal agencies and Indian tribes may participate in and  
32 cooperate with the county-wide planning policy adoption process.  
33 Adopted county-wide planning policies shall be adhered to by state  
34 agencies.

1 (5) Failure to adopt a county-wide planning policy that meets the  
2 requirements of this section may result in the imposition of a  
3 sanction or sanctions on a county or city within the county, as  
4 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the  
5 governor shall specify the reasons for failure to adopt a county-wide  
6 planning policy in order that any imposed sanction or sanctions are  
7 fairly and equitably related to the failure to adopt a county-wide  
8 planning policy.

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

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

18  
19 **Sec. 7.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to  
20 read as follows:

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

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

31 (1) The department (~~(of community, trade, and economic~~  
32 ~~development))~~) shall provide management services for the fund created  
33 by RCW 36.70A.490. The department shall establish procedures for fund  
34 management. The department shall encourage participation in the

1 (~~(grant)~~) program by other public agencies. The department shall  
2 develop (~~(the)~~) grant and loan criteria, monitor the (~~(grant)~~)  
3 program, and select (~~(grant)~~) recipients in consultation with state  
4 agencies participating in the (~~(grant)~~) program through the provision  
5 of (~~(grant)~~) funds or technical assistance.

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

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

17 (b) Encourages use of plans and information developed for purposes  
18 of complying with this chapter to satisfy requirements of other state  
19 programs.

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

22 (a) Demonstrate that it will prepare an environmental analysis  
23 pursuant to chapter 43.21C RCW and subsection (2) of this section that  
24 is integrated with a comprehensive plan, subarea plan, plan element,  
25 county-wide planning policy, development regulations, monitoring  
26 program, or other planning activity adopted under or implementing this  
27 chapter;

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

32 (c) Demonstrate that procedures for review of development permit  
33 applications will be based on the integrated plans and environmental  
34 analysis;

1 (d) Include mechanisms to monitor the consequences of growth as it  
2 occurs in the plan area and to use the resulting data to update the  
3 plan, policy, or implementing mechanisms and associated environmental  
4 analysis;

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

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

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

14 (a) Furtherance of greenhouse gas emission reduction requirements;

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

17 ~~((b))~~ (c) Identification and monitoring of system capacities for  
18 elements of the built environment, and to the extent appropriate, of  
19 the natural environment;

20 ~~((c))~~ (d) Coordination with state, federal, and tribal  
21 governments in project review;

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

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

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

31 ~~((g))~~ (h) Programs to identify environmental impacts and  
32 establish mitigation measures that provide effective means to satisfy  
33 concurrency requirements and establish project consistency with the  
34 plans.

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

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

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

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

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

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

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

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

28 (b) Commuter rail stops;

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

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

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

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

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

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

(i) Crosses member county lines;

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

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

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

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

(vi) Provides for system continuity;

1 (c) Establishes level of service standards for state highways and  
2 state ferry routes, with the exception of transportation facilities of  
3 statewide significance as defined in RCW 47.06.140. These regionally  
4 established level of service standards for state highways and state  
5 ferries shall be developed jointly with the department of  
6 transportation, to encourage consistency across jurisdictions. In  
7 establishing level of service standards for state highways and state  
8 ferries, consideration shall be given for the necessary balance  
9 between providing for the free interjurisdictional movement of people  
10 and goods and the needs of local commuters using state facilities;

11 (d) Includes a financial plan demonstrating how the regional  
12 transportation plan can be implemented, indicating resources from  
13 public and private sources that are reasonably expected to be made  
14 available to carry out the plan, and recommending any innovative  
15 financing techniques to finance needed facilities, services, and  
16 programs;

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

19 (i) Ensure the preservation of the existing regional  
20 transportation system, including requirements for operational  
21 improvements, resurfacing, restoration, and rehabilitation of existing  
22 and future major roadways, as well as operations, maintenance,  
23 modernization, and rehabilitation of existing and future transit,  
24 railroad systems and corridors, and nonmotorized facilities; and

25 (ii) Make the most efficient use of existing transportation  
26 facilities to relieve vehicular congestion and maximize the mobility  
27 of people and goods;

28 (f) Sets forth a proposed regional transportation approach,  
29 including capital investments, service improvements, programs, and  
30 transportation demand management measures to guide the development of  
31 the integrated, multimodal regional transportation system. For  
32 regional growth centers, the approach must address transportation  
33 concurrency strategies required under RCW 36.70A.070 and include a

34

1 measurement of vehicle level of service for off-peak periods and total  
2 multimodal capacity for peak periods; and

3 (g) Where appropriate, sets forth the relationship of high  
4 capacity transportation providers and other public transit providers  
5 with regard to responsibility for, and the coordination between,  
6 services and facilities.

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

12 (3) The organization shall review the regional transportation plan  
13 biennially for currency and forward the adopted plan along with  
14 documentation of the biennial review to the state department of  
15 transportation. In satisfying the requirements of this subsection,  
16 the organization shall provide notice reasonably calculated to inform  
17 the public of the review, and opportunities for the public to comment  
18 on the review and plan adoption.

19 ~~((+3))~~ (4) All transportation projects, programs, and  
20 transportation demand management measures within the region that have  
21 an impact upon regional facilities or services must be consistent with  
22 the plan and with the adopted regional growth and transportation  
23 strategies.

24  
25 **Sec. 11.** RCW 43.21C.240 and 2003 c 298 s 2 are each amended to  
26 read as follows:

27 (1) If the requirements of subsection (2) of this section are  
28 satisfied, a county, city, or town reviewing a project action shall  
29 determine that the requirements for environmental analysis,  
30 protection, and mitigation measures in the county, city, or town's  
31 development regulations and comprehensive plans adopted under chapter  
32 36.70A RCW, and in other applicable local, state, or federal laws and  
33 rules provide adequate analysis of and mitigation for the specific  
34 adverse environmental impacts of the project action to which the



1 requirements apply. Rules adopted by the department according to RCW  
2 43.21C.110 regarding project specific impacts that may not have been  
3 adequately addressed apply to any determination made under this  
4 section. In these situations, in which all adverse environmental  
5 impacts will be mitigated below the level of significance as a result  
6 of mitigation measures included by changing, clarifying, or  
7 conditioning of the proposed action and/or regulatory requirements of  
8 development regulations adopted under chapter 36.70A RCW or other  
9 local, state, or federal laws, a determination of nonsignificance or a  
10 mitigated determination of nonsignificance is the proper threshold  
11 determination.

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

14 (a) In the course of project review, including any required  
15 environmental analysis, the local government considers the specific  
16 probable adverse environmental impacts of the proposed action and  
17 determines that these specific impacts are adequately addressed by the  
18 development regulations or other applicable requirements of the  
19 comprehensive plan, subarea plan element of the comprehensive plan, or  
20 other local, state, or federal rules or laws; and

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

23 (3) If a county, city, or town's comprehensive plans, subarea  
24 plans, and development regulations adequately address a project's  
25 probable specific adverse environmental impacts, as determined under  
26 subsections (1) and (2) of this section, the county, city, or town  
27 shall not impose additional mitigation under this chapter during  
28 project review. Project review shall be integrated with environmental  
29 analysis under this chapter.

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

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

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

6 (5) In deciding whether a specific adverse environmental impact  
7 has been addressed by an existing rule or law of another agency with  
8 jurisdiction with environmental expertise with regard to a specific  
9 environmental impact, the county, city, or town shall consult orally  
10 or in writing with that agency and may expressly defer to that agency.  
11 In making this deferral, the county, city, or town shall base or  
12 condition its project approval on compliance with these other existing  
13 rules or laws.

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

18 (7) A project action that is consistent with the applicable  
19 comprehensive plan and development regulations may not be challenged  
20 for non-compliance under this chapter with greenhouse gas emission  
21 requirements if:

22 (a) The county, city, or town in which the project action is  
23 located has prepared an environmental impact statement under RCW  
24 43.21C.030 for the proposed action;

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

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

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

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

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

3  
4       NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C  
5 RCW to read as follows:

6       (1)(a) The legislature finds that detailed environmental analysis  
7 integrated with comprehensive plans, subarea plans, and development  
8 regulations will facilitate planning for and managing of growth, allow  
9 greater protection of the environment, and benefit both the general  
10 public and private property owners.

11       (b) The legislature also finds that compact development in  
12 designated centers or transfer of development rights programs will  
13 assist in the conservation of rural, agricultural, and forest land by  
14 redirecting growth from these lands to receiving or designated areas  
15 in cities and towns where growth should occur.

16       (c) The legislature finds also that compact development in  
17 designated centers will reduce greenhouse gas emissions and the  
18 economic and environmental effects of those emissions, and that  
19 additional funding sources for environmental reviews will encourage  
20 early reviews of environmental impacts, including potential greenhouse  
21 gas emissions.

22       (d) The legislature further finds that, in compliance with this  
23 chapter, planning for compact development in designated centers or  
24 receiving areas under chapter 43.362 RCW should be encouraged through  
25 additional funding sources for cities and towns, as the benefits  
26 resulting from additional funds and related actions will include  
27 reducing greenhouse gas emissions, protecting the quality of life, and  
28 maintaining environmental functions.

29       (2) Cities and towns authorizing compact development in designated  
30 centers or participating in a regional transfer of development rights  
31 program under chapter 43.362 RCW may impose environmental fees on  
32 development activity as part of the financing for environmental review  
33 under this chapter. Environmental fees imposed under this subsection:

34

1       (a) May only be imposed for: (i) A subarea plan for which the  
2 impacts of compact development have been addressed by the applicable  
3 city or town; or (ii) a regional transfer of development rights  
4 program receiving area for which the impacts of development within the  
5 receiving area have been addressed by the applicable city or town.

6       (b) May only be imposed for environmental review costs that have  
7 been identified as reasonably related to the new development;

8       (c) May not exceed a proportionate share of the environmental  
9 review costs financed under RCW 36.70A.500, if any, or the costs of  
10 environmental review and holding costs that would have been borne by  
11 the development if no environmental review had occurred; and

12       (d) Must be used to repay a loan authorized under RCW 36.70A.500,  
13 if applicable.

14

--- END ---