
SUBSTITUTE SENATE BILL 5687

State of Washington

61st Legislature

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By Senate Government Operations & Elections (originally sponsored by Senators Marr, Pridemore, McDermott, Regala, Franklin, Kohl-Welles, Murray, Fairley, Jacobsen, Kauffman, McAuliffe, and Kline)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to reducing greenhouse gas emissions through land
2 use and transportation requirements; amending RCW 36.70A.020,
3 36.70A.070, 36.70A.100, 36.70A.108, 36.70A.200, 36.70A.490, 36.70A.500,
4 47.80.030, 43.21C.240, and 82.14.0455; adding a new section to chapter
5 36.70A RCW; adding a new section to chapter 43.21C RCW; and providing
6 an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (5) Rural element. Counties shall include a rural element
35 including lands that are not designated for urban growth, agriculture,
36 forest, or mineral resources. The following provisions shall apply to
37 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 and
15 transit routes to serve as a gauge to judge performance of the system.
16 These standards should be regionally coordinated and must consider all
17 transportation modes in meeting regional transportation demands. In
18 adopting level of service standards required under this subsection
19 (6)(a)(iii)(B), jurisdictions must also consider adopting multimodal
20 level of service standards;

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

36 (D) Specific actions and requirements for bringing into compliance
37 locally owned transportation facilities or services that are below an
38 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~~), connections between land
31 uses and transportation modes, and the promotion of healthy lifestyles.

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

1 development are made concurrent with the development. These strategies
2 must consider multimodal improvements or strategies, examples of which
3 may include increased public transportation service, ride sharing
4 programs, demand management, and other transportation systems
5 management strategies.

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

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

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

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

35 (8) A park and recreation element that implements, and is
36 consistent with, the capital facilities plan element as it relates to
37 park and recreation facilities. The element shall include: (a)
38 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, bicycling,
6 and plans for a multimodal network that may include transit services
7 and facilities; and

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

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

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

18 **Sec. 5.** RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read
19 as follows:

20 (1) The comprehensive plan of each county and city that is planning
21 under RCW 36.70A.040 shall include a process for identifying and siting
22 essential public facilities. Essential public facilities include those
23 facilities that are typically difficult to site, such as airports,
24 state education facilities and state or regional transportation
25 facilities as defined in RCW 47.06.140, regional transit authority
26 facilities as defined in RCW 81.112.020, state and local correctional
27 facilities, solid waste handling facilities, and in-patient facilities
28 including substance abuse facilities, mental health facilities, group
29 homes, and secure community transition facilities as defined in RCW
30 71.09.020.

31 (2) Each county and city planning under RCW 36.70A.040 shall, not
32 later than September 1, 2002, establish a process, or amend its
33 existing process, for identifying and siting essential public
34 facilities and adopt or amend its development regulations as necessary
35 to provide for the siting of secure community transition facilities
36 consistent with statutory requirements applicable to these facilities.

1 (3) Any city or county not planning under RCW 36.70A.040 shall, not
2 later than September 1, 2002, establish a process for siting secure
3 community transition facilities and adopt or amend its development
4 regulations as necessary to provide for the siting of such facilities
5 consistent with statutory requirements applicable to these facilities.

6 (4) The office of financial management shall maintain a list of
7 those essential state public facilities that are required or likely to
8 be built within the next six years. The office of financial management
9 may at any time add facilities to the list.

10 (5) No local comprehensive plan or development regulation may
11 preclude the siting of essential public facilities.

12 (6) No person may bring a cause of action for civil damages based
13 on the good faith actions of any county or city to provide for the
14 siting of secure community transition facilities in accordance with
15 this section and with the requirements of chapter 12, Laws of 2001 2nd
16 sp. sess. For purposes of this subsection, "person" includes, but is
17 not limited to, any individual, agency as defined in RCW 42.17.020,
18 corporation, partnership, association, and limited liability entity.

19 (7) Counties or cities siting facilities pursuant to subsection (2)
20 or (3) of this section shall comply with RCW 71.09.341.

21 (8) The failure of a county or city to act by the deadlines
22 established in subsections (2) and (3) of this section is not:

23 (a) A condition that would disqualify the county or city for
24 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

25 (b) A consideration for grants or loans provided under RCW
26 43.17.250(2); or

27 (c) A basis for any petition under RCW 36.70A.280 or for any
28 private cause of action.

29 **Sec. 6.** RCW 36.70A.490 and 1995 c 347 s 115 are each amended to
30 read as follows:

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

1 **Sec. 7.** RCW 36.70A.500 and 1997 c 429 s 28 are each amended to
2 read as follows:

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

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

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

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

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

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

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

37 (c) Demonstrate that procedures for review of development permit

1 applications will be based on the integrated plans and environmental
2 analysis;

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

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

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

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

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

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

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

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

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

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

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

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

37 (5) If the local funding includes funding provided by other state

1 functional planning programs, including open space planning and
2 watershed or basin planning, the functional plan shall be integrated
3 into and be consistent with the comprehensive plan.

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

8 NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW
9 to read as follows:

10 (1) Except as provided in subsections (8) and (9) of this section,
11 comprehensive plans and development regulations adopted under this
12 chapter must, after a major transit station is sited and funded,
13 authorize transit-oriented development within one-half mile walking
14 distance of a major transit station. Topography and permanent
15 pedestrian barriers must be considered when determining walking mile
16 distances under this section. The adopted plans and regulations also
17 must:

18 (a) Include standards for streets, sidewalks, and buildings that
19 encourage walking and bicycling, and a process to ensure progress
20 toward meeting these standards;

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

23 (c) Plan for park, recreational spaces, and green infrastructure
24 needed to serve those who live or work in the area;

25 (d) Provide for a net gain in housing units that are affordable to
26 low and moderate-income households;

27 (e) Require one-for-one replacement of demolished or converted
28 housing units that are affordable to the income level of the displaced
29 residents. The replacement units are in addition to other affordable
30 units required by this section. This subsection (1)(e) applies if the
31 following are demolished or converted: (i) Rental housing units that
32 are affordable to households earning sixty percent or less of the
33 adjusted county median income; and (ii) ownership housing that is
34 affordable to households earning eighty percent of the adjusted county
35 median income;

36 (f) Require that all new housing or mixed-use developments provide
37 housing that is affordable to the income groups in (g) of this

1 subsection and receive density bonuses equal to the number of housing
2 units produced under this subsection (1)(f), or provide for master
3 planned zoning that identifies locations and incentives sufficient to
4 provide housing that is affordable to the income groups in (g) of this
5 subsection. The housing units required by this subsection must be
6 constructed within one-half mile walking distance of a major transit
7 station and must be comparable to the associated market rate
8 development. Existing housing programs, including programs authorized
9 by RCW 36.70A.540, may be used to assist in complying with the
10 affordable housing requirements of this section. Affordable units
11 required by this subsection (1)(f) must be affordable for a minimum of
12 fifty years, but counties and cities should consider employing tools to
13 permanently maintain affordability;

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

26 (h) Authorize the waiving of minimum parking space requirements for
27 any land use. The waiving authorized under this subsection (1)(h) is
28 an acknowledgement that high levels of transit service and
29 opportunities for walking and biking in transit-oriented development
30 areas will reduce the need for motor vehicles;

31 (i) Require developers to provide the following to renters earning
32 less than eighty percent of the adjusted median income who will be
33 displaced by development: (i) No fewer than ninety days' notice of an
34 order to vacate the affected premises; and (ii) relocation assistance
35 in an amount determined by the applicable county or city. Relocation
36 assistance provided under this subsection (1)(i)(ii) may not exceed an
37 amount equaling three months rent for an affected tenant; and

1 (j) Require that notice be provided by sellers to the jurisdiction
2 when buildings with two or more housing units that are affordable to
3 households earning sixty percent or less of the adjusted county median
4 income are offered for sale. Upon receiving the notice required by
5 this subsection (1)(j), the jurisdiction must, within three business
6 days, send copies of the notice to housing authorities and nonprofit
7 housing providers that have requested copies of such notices.

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

10 (a) Stations on a high capacity transportation system approved by
11 the voters and funded or expanded under chapter 81.104 RCW. For
12 purposes of this subsection (2), streetcars, including streetcar
13 systems expanded under chapter 81.104 RCW, are not considered a high
14 capacity transportation system;

15 (b) Commuter rail stations;

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

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

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

22 (4) Density determinations made in accordance with this section
23 must be calculated by dividing the number of allowed dwelling units by
24 the net acreage of the applicable area. Net acreage is the land area,
25 expressed in acres, after deducting: (a) Public buildings; (b) public
26 parks; (c) hospitals and similar public and semipublic places; (d)
27 military encroachment zones; (e) public rights-of-way; (f) critical
28 areas; (g) unbuildable lands; and (h) lands meeting the requirements of
29 subsection (9) of this section.

30 (5) Counties and cities must report the number of affordable
31 housing units created in accordance with subsection (1) of this section
32 to the department and the appropriate committees of the legislature by
33 January 1, 2015. Subsequent reports to the department and the
34 legislature must be completed according to the schedule established in
35 RCW 36.70A.130(4).

36 (6) Cities with transit-oriented development areas that are
37 designated as mixed-use centers by a plan adopted by a regional

1 transportation planning organization or by a countywide planning policy
2 must adopt comprehensive plan provisions and development regulations
3 meeting one or more of the following:

4 (a) Have an allowed average residential density of at least fifty
5 dwelling units per net acre;

6 (b) Have an allowed average employment density of at least fifty
7 jobs per acre; and

8 (c) Have a combination of residential dwelling units and net jobs
9 capacity of at least fifty jobs and housing units per acre. In
10 calculating the affordable housing that must be constructed under this
11 section, each job must be considered the same as a dwelling unit.

12 (7) Cities with transit-oriented development areas that are not
13 designated as mixed-use areas under subsection (6) of this section must
14 adopt comprehensive plan provisions and development regulations that
15 can achieve a similar level of walking, biking, and transit ridership,
16 and a similar number of affordable housing units, as would otherwise be
17 required under subsection (6) of this section.

18 (8) Nothing in this section modifies or otherwise affects planning
19 or regulatory requirements for airports or major transit stations
20 located on shorelands, as that term is defined in RCW 90.58.030.

21 (9) This section does not apply to lands: (a) Designated for
22 industrial or manufacturing uses in comprehensive plans or zoning
23 regulations; or (b) upon which stadiums that seat twenty-five thousand
24 or more persons are located.

25 **Sec. 9.** RCW 47.80.030 and 2005 c 328 s 2 are each amended to read
26 as follows:

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

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

34 (b) Identifies existing or planned transportation facilities,
35 services, and programs, including but not limited to major roadways
36 including state highways and regional arterials, transit and
37 nonmotorized services and facilities, multimodal and intermodal

1 facilities, marine ports and airports, railroads, and noncapital
2 programs including transportation demand management that should
3 function as an integrated regional transportation system, giving
4 emphasis to those facilities, services, and programs that exhibit one
5 or more of the following characteristics:

6 (i) Crosses member county lines;

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

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

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

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

18 (vi) Provides for system continuity;

19 (c) Establishes level of service standards for state highways and
20 state ferry routes, with the exception of transportation facilities of
21 statewide significance as defined in RCW 47.06.140. These regionally
22 established level of service standards for state highways and state
23 ferries shall be developed jointly with the department of
24 transportation, to encourage consistency across jurisdictions. In
25 establishing level of service standards for state highways and state
26 ferries, consideration shall be given for the necessary balance between
27 providing for the free interjurisdictional movement of people and goods
28 and the needs of local commuters using state facilities;

29 (d) Includes a financial plan demonstrating how the regional
30 transportation plan can be implemented, indicating resources from
31 public and private sources that are reasonably expected to be made
32 available to carry out the plan, and recommending any innovative
33 financing techniques to finance needed facilities, services, and
34 programs;

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

37 (i) Ensure the preservation of the existing regional transportation
38 system, including requirements for operational improvements,

1 resurfacing, restoration, and rehabilitation of existing and future
2 major roadways, as well as operations, maintenance, modernization, and
3 rehabilitation of existing and future transit, railroad systems and
4 corridors, and nonmotorized facilities; and

5 (ii) Make the most efficient use of existing transportation
6 facilities to relieve vehicular congestion and maximize the mobility of
7 people and goods;

8 (f) Sets forth a proposed regional transportation approach,
9 including capital investments, service improvements, programs, and
10 transportation demand management measures to guide the development of
11 the integrated, multimodal regional transportation system. For
12 regional growth centers, the approach must address transportation
13 concurrency strategies required under RCW 36.70A.070 and include a
14 measurement of vehicle level of service for off-peak periods and total
15 multimodal capacity for peak periods; and

16 (g) Where appropriate, sets forth the relationship of high capacity
17 transportation providers and other public transit providers with regard
18 to responsibility for, and the coordination between, services and
19 facilities.

20 (2) Regional transportation planning organizations encompassing at
21 least one county planning under RCW 36.70A.040 with two hundred forty-
22 five thousand or more residents must adopt a regional transportation
23 plan for those counties that implement the goals to reduce annual per
24 capita vehicle miles traveled adopted under RCW 47.01.440.

25 (3) The organization shall review the regional transportation plan
26 biennially for currency and forward the adopted plan along with
27 documentation of the biennial review to the state department of
28 transportation. In satisfying the requirements of this subsection, the
29 organization shall provide notice reasonably calculated to inform the
30 public of the review, and opportunities for the public to comment on
31 the review and plan adoption.

32 ((+3)) (4) All transportation projects, programs, and
33 transportation demand management measures within the region that have
34 an impact upon regional facilities or services must be consistent with
35 the plan and with the adopted regional growth and transportation
36 strategies.

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

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

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

23 (a) In the course of project review, including any required
24 environmental analysis, the local government considers the specific
25 probable adverse environmental impacts of the proposed action and
26 determines that these specific impacts are adequately addressed by the
27 development regulations or other applicable requirements of the
28 comprehensive plan, subarea plan element of the comprehensive plan, or
29 other local, state, or federal rules or laws; and

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

32 (3) If a county, city, or town's comprehensive plans, subarea
33 plans, and development regulations adequately address a project's
34 probable specific adverse environmental impacts, as determined under
35 subsections (1) and (2) of this section, the county, city, or town
36 shall not impose additional mitigation under this chapter during
37 project review. Project review shall be integrated with environmental
38 analysis under this chapter.

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

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

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

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

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

23 (7) A project action that is consistent with the applicable
24 comprehensive plan and development regulations may not be challenged
25 for noncompliance under this chapter due to greenhouse gas emissions
26 if:

27 (a) The county, city, or town in which the project action is
28 located has prepared an environmental impact statement under RCW
29 43.21C.030 for the area covered by the comprehensive plan or subarea
30 plan that includes a greenhouse gas emissions analysis;

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

35 (c) The development authorized by the comprehensive plan and
36 development regulations will reduce greenhouse gas emissions in
37 accordance with RCW 70.235.020, and per capita vehicle miles traveled
38 in accordance with RCW 47.01.440;

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

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

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

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.21C
8 RCW to read as follows:

9 Cities and towns authorizing compact development in designated
10 centers or participating in a regional transfer of development rights
11 program under chapter 43.362 RCW may impose environmental fees on
12 development activity as part of the financing for environmental review
13 under this chapter. Environmental fees imposed under this section:

14 (1) May only be for: (a) A subarea plan for which the impacts of
15 compact development have been addressed by the applicable city or town;
16 or (b) a regional transfer of development rights program receiving area
17 for which the impacts of development within the receiving area have
18 been addressed by the applicable city or town;

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

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

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

27 **Sec. 12.** RCW 82.14.0455 and 2006 c 311 s 16 are each amended to
28 read as follows:

29 (1) Subject to the provisions in RCW 36.73.065, a transportation
30 benefit district under chapter 36.73 RCW may fix and impose a sales and
31 use tax in accordance with the terms of this chapter. The tax
32 authorized in this section is in addition to any other taxes authorized
33 by law and shall be collected from those persons who are taxable by the
34 state under chapters 82.08 and 82.12 RCW upon the occurrence of any
35 taxable event within the boundaries of the district. The rate of tax
36 shall not exceed two-tenths of one percent of the selling price in the

1 case of a sales tax, or value of the article used, in the case of a use
2 tax. ~~((The tax may not be imposed for a period exceeding ten years.
3 This tax may be extended for a period not exceeding ten years with an
4 affirmative vote of the voters voting at the election.))~~

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

7 NEW SECTION. **Sec. 13.** This act takes effect December 1, 2011.

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