
HOUSE BILL 2248

State of Washington 65th Legislature 2017 3rd Special Session

By Representatives Springer and Stanford

1 AN ACT Relating to addressing water availability issues by
2 addressing the Washington supreme court decision in Whatcom County v.
3 Western Washington Growth Management Hearings Board, also known as
4 the Hirst decision, solely by providing immediate and temporary
5 relief to landowners affected by the Hirst decision by ensuring that
6 a water well report for a groundwater withdrawal exempt from
7 permitting and not prohibited by an applicable water resources
8 management rule adopted by the department of ecology may serve until
9 July 1, 2019, as evidence of an adequate water supply for a building
10 necessitating potable water, and allowing cities and counties to rely
11 until July 1, 2019, on water resource management rules adopted by the
12 department of ecology in providing for the protection of surface
13 water and groundwater resources except in certain water resource
14 inventory areas, and by creating a task force that may consider, in
15 addition to water availability issues relating to the Hirst decision,
16 water availability issues relating to the Washington supreme court
17 decision in Foster v. Washington State Department of Ecology;
18 amending RCW 19.27.097, 36.70A.070, and 36.70A.070; creating a new
19 section; providing an effective date; providing expiration dates; and
20 declaring an emergency.

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

1 **Sec. 1.** RCW 19.27.097 and 2015 c 225 s 17 are each amended to
2 read as follows:

3 (1) Each applicant for a building permit of a building
4 necessitating potable water shall provide evidence of an adequate
5 water supply for the intended use of the building. Evidence may be in
6 the form of a water right permit from the department of ecology, a
7 letter from an approved water purveyor stating the ability to provide
8 water, or another form sufficient to verify the existence of an
9 adequate water supply. In areas where rules have been adopted under
10 chapter 90.54 or 90.22 RCW that explicitly regulate permit-exempt
11 groundwater withdrawals, evidence of an adequate potable water supply
12 must, at a minimum, meet the specific requirements of the applicable
13 rule. In other areas of the state, until July 1, 2019, evidence may
14 consist of a water well report consistent with the requirements of
15 chapter 18.104 RCW, except that additional requirements shall apply
16 to demonstrate the physical and legal existence of an adequate water
17 supply if the building permit application applies to a building
18 located within:

19 (a) An area where water rights have been adjudicated in
20 accordance with chapter 90.03 RCW and that is subject to federal flow
21 regulation, including the entire Yakima river basin, water resource
22 inventory areas 37, 38, and 39;

23 (b) An area where water rights have been adjudicated in a federal
24 court action and that is subject to federal flow regulation; or

25 (c) Water resource inventory areas 3 or 4, which were subject to
26 the Washington supreme court's October 3, 2013, decision in *Swinomish*
27 *Indian Tribal Community v. Washington State Department of Ecology,*
28 178 Wn.2d 571, 311 P.3d 6 (2013).

29 (2) In addition to other authorities, the county or city may
30 impose conditions on building permits requiring connection to an
31 existing public water system where the existing system is willing and
32 able to provide safe and reliable potable water to the applicant with
33 reasonable economy and efficiency. An application for a water right
34 shall not be sufficient proof of an adequate water supply.

35 ~~((+2))~~ (3) Within counties not required or not choosing to plan
36 pursuant to RCW 36.70A.040, the county and the state may mutually
37 determine those areas in the county in which the requirements of
38 subsection (1) of this section shall not apply. The departments of
39 health and ecology shall coordinate on the implementation of this
40 section. Should the county and the state fail to mutually determine

1 those areas to be designated pursuant to this subsection, the county
2 may petition the department of enterprise services to mediate or, if
3 necessary, make the determination.

4 ~~((3))~~ (4) Buildings that do not need potable water facilities
5 are exempt from the provisions of this section. The department of
6 ecology, after consultation with local governments, may adopt rules
7 to implement this section, which may recognize differences between
8 high-growth and low-growth counties.

9 (5) In order for a building permit applicant to be eligible to
10 rely on a water well report for a groundwater withdrawal exempt from
11 permitting under RCW 90.44.050 and not prohibited by an applicable
12 water resources management rule adopted by the department of ecology
13 as evidence of adequate water supply, the applicant must submit a
14 valid and fully complete building permit application, as defined in
15 RCW 19.27.095, to the appropriate permitting authority by July 1,
16 2019.

17 **Sec. 2.** RCW 36.70A.070 and 2015 c 241 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 for
27 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
35 element shall provide for protection of the quality and quantity of
36 groundwater used for public water supplies. In providing for the
37 protection of the quantity of groundwater used for public water
38 supplies under this subsection, and until July 1, 2019, a county or
39 city whose comprehensive plan revision deadline is governed by either

1 RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent with
2 state adopted rules, unless such a county or city has already adopted
3 its revised comprehensive plan as of the effective date of this
4 section. Wherever possible, the land use element should consider
5 utilizing urban planning approaches that promote physical activity.
6 Where applicable, the land use element shall review drainage,
7 flooding, and storm water run-off in the area and nearby
8 jurisdictions and provide guidance for corrective actions to mitigate
9 or cleanse those discharges that pollute waters of the state,
10 including Puget Sound or waters entering Puget Sound.

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

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

37 (4) A utilities element consisting of the general location,
38 proposed location, and capacity of all existing and proposed
39 utilities, including, but not limited to, electrical lines,
40 telecommunication lines, and natural gas lines.

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

25 (ii) Assuring visual compatibility of rural development with the
26 surrounding rural area;

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

29 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
30 and surface water and groundwater resources, which, in a county or a
31 city whose comprehensive plan revision deadline is governed by either
32 RCW 36.70A.130(5) (c) or (d), and until July 1, 2019, must, at a
33 minimum, be consistent with state adopted rules, unless such a county
34 or city has already adopted its revised comprehensive plan as of the
35 effective date of this section; and

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

38 (d) Limited areas of more intensive rural development. Subject to
39 the requirements of this subsection and except as otherwise
40 specifically provided in this subsection (5)(d), the rural element

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

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

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

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

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

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

32 (iii) The intensification of development on lots containing
33 isolated nonresidential uses or new development of isolated cottage
34 industries and isolated small-scale businesses that are not
35 principally designed to serve the existing and projected rural
36 population and nonresidential uses, but do provide job opportunities
37 for rural residents. Rural counties may allow the expansion of small-
38 scale businesses as long as those small-scale businesses conform with
39 the rural character of the area as defined by the local government
40 according to RCW 36.70A.030(15). Rural counties may also allow new

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

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

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

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

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

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

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

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

3 (a) The transportation element shall include the following
4 subelements:

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

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

12 (iii) Facilities and services needs, including:

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

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

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

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

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

4 (F) Identification of state and local system needs to meet
5 current and future demands. Identified needs on state-owned
6 transportation facilities must be consistent with the statewide
7 multimodal 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
12 the comprehensive plan, the appropriate parts of which shall serve as
13 the basis for the six-year street, road, or transit program required
14 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
15 35.58.2795 for public transportation systems. The multiyear financing
16 plan should be coordinated with the ten-year investment program
17 developed by the office of financial management as required by RCW
18 47.05.030;

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

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

26 (vi) Demand-management strategies;

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

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

1 systems management strategies. For the purposes of this subsection
2 (6), "concurrent with the development" means that improvements or
3 strategies are in place at the time of development, or that a
4 financial commitment is in place to complete the improvements or
5 strategies within six years. If the collection of impact fees is
6 delayed under RCW 82.02.050(3), the six-year period required by this
7 subsection (6)(b) must begin after full payment of all impact fees is
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),
10 the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation
12 systems, and the ten-year investment program required by RCW
13 47.05.030 for the state, must be consistent.

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

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

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

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

3 The comprehensive plan of a county or city that is required or
4 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
5 and descriptive text covering objectives, principles, and standards
6 used to develop the comprehensive plan. The plan shall be an
7 internally consistent document and all elements shall be consistent
8 with the future land use map. A comprehensive plan shall be adopted
9 and amended with public participation as provided in RCW 36.70A.140.
10 Each comprehensive plan shall include a plan, scheme, or design for
11 each of the following:

12 (1) A land use element designating the proposed general
13 distribution and general location and extent of the uses of land,
14 where appropriate, for agriculture, timber production, housing,
15 commerce, industry, recreation, open spaces, general aviation
16 airports, public utilities, public facilities, and other land uses.
17 The land use element shall include population densities, building
18 intensities, and estimates of future population growth. The land use
19 element shall provide for protection of the quality and quantity of
20 groundwater used for public water supplies. In providing for the
21 protection of the quantity of groundwater used for public water
22 supplies under this subsection, and until July 1, 2019, a county or
23 city whose comprehensive plan revision deadline is governed by either
24 RCW 36.70A.130(5) (c) or (d) must, at a minimum, be consistent with
25 state adopted rules, unless such a county or city has already adopted
26 its revised comprehensive plan as of the effective date of this
27 section. Wherever possible, the land use element should consider
28 utilizing urban planning approaches that promote physical activity.
29 Where applicable, the land use element shall review drainage,
30 flooding, and storm water run-off in the area and nearby
31 jurisdictions and provide guidance for corrective actions to mitigate
32 or cleanse those discharges that pollute waters of the state,
33 including Puget Sound or waters entering Puget Sound.

34 (2) A housing element ensuring the vitality and character of
35 established residential neighborhoods that: (a) Includes an inventory
36 and analysis of existing and projected housing needs that identifies
37 the number of housing units necessary to manage projected growth; (b)
38 includes a statement of goals, policies, objectives, and mandatory
39 provisions for the preservation, improvement, and development of
40 housing, including single-family residences; (c) identifies

1 sufficient land for housing, including, but not limited to,
2 government-assisted housing, housing for low-income families,
3 manufactured housing, multifamily housing, and group homes and foster
4 care facilities; and (d) makes adequate provisions for existing and
5 projected needs of all economic segments of the community.

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

20 (4) A utilities element consisting of the general location,
21 proposed location, and capacity of all existing and proposed
22 utilities, including, but not limited to, electrical lines,
23 telecommunication lines, and natural gas lines.

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

28 (a) Growth management act goals and local circumstances. Because
29 circumstances vary from county to county, in establishing patterns of
30 rural densities and uses, a county may consider local circumstances,
31 but shall develop a written record explaining how the rural element
32 harmonizes the planning goals in RCW 36.70A.020 and meets the
33 requirements of this chapter.

34 (b) Rural development. The rural element shall permit rural
35 development, forestry, and agriculture in rural areas. The rural
36 element shall provide for a variety of rural densities, uses,
37 essential public facilities, and rural governmental services needed
38 to serve the permitted densities and uses. To achieve a variety of
39 rural densities and uses, counties may provide for clustering,
40 density transfer, design guidelines, conservation easements, and

1 other innovative techniques that will accommodate appropriate rural
2 economic advancement, densities, and uses that are not characterized
3 by urban growth and that are consistent with rural character.

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

7 (i) Containing or otherwise controlling rural development;

8 (ii) Assuring visual compatibility of rural development with the
9 surrounding rural area;

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

12 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
13 and surface water and groundwater resources, which, in a county or a
14 city whose comprehensive plan revision deadline is governed by either
15 RCW 36.70A.130(5) (c) or (d), and until July 1, 2019, must, at a
16 minimum, be consistent with state adopted rules, unless such a county
17 or city has already adopted its revised comprehensive plan as of the
18 effective date of this section; and

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

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element
24 may allow for limited areas of more intensive rural development,
25 including necessary public facilities and public services to serve
26 the limited area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads
31 developments.

32 (A) A commercial, industrial, residential, shoreline, or mixed-
33 use area are subject to the requirements of (d)(iv) of this
34 subsection, but are not subject to the requirements of (c)(ii) and
35 (iii) of this subsection.

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

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

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

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

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

1 The county shall establish the logical outer boundary of an area of
2 more intensive rural development. In establishing the logical outer
3 boundary, the county shall address (A) the need to preserve the
4 character of existing natural neighborhoods and communities, (B)
5 physical boundaries, such as bodies of water, streets and highways,
6 and land forms and contours, (C) the prevention of abnormally
7 irregular boundaries, and (D) the ability to provide public
8 facilities and public services in a manner that does not permit low-
9 density sprawl;

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

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

14 (B) On the date the county adopted a resolution under RCW
15 36.70A.040(2), in a county that is planning under all of the
16 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

27 (a) The transportation element shall include the following
28 subelements:

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

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

36 (iii) Facilities and services needs, including:

37 (A) An inventory of air, water, and ground transportation
38 facilities and services, including transit alignments and general
39 aviation airport facilities, to define existing capital facilities
40 and travel levels as a basis for future planning. This inventory must

1 include state-owned transportation facilities within the city or
2 county's jurisdictional boundaries;

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

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

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

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

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

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (B) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required
37 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems. The multiyear financing
39 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

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

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

10 (vi) Demand-management strategies;

11 (vii) Pedestrian and bicycle component to include collaborative
12 efforts to identify and designate planned improvements for pedestrian
13 and bicycle facilities and corridors that address and encourage
14 enhanced community access and promote healthy lifestyles.

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

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. The element may include the provisions in

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

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

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

18 NEW SECTION. **Sec. 4.** (1) A joint legislative task force on
19 water supply is established to review the treatment of surface water
20 and groundwater withdrawals. The task force must consist of the
21 following members:

22 (a) Appointed by the president of the senate, two members from
23 each of the two largest caucuses of the senate;

24 (b) Appointed by the speaker of the house of representatives, two
25 members from each of the two largest caucuses of the house of
26 representatives;

27 (c) A representative from the department of ecology, chosen by
28 the director of the department of ecology;

29 (d) A representative from the department of fish and wildlife,
30 chosen by the director of the department of fish and wildlife;

31 (e) A representative from the department of agriculture, chosen
32 by the director of the department of agriculture;

33 (f) One individual for each of the following groups, appointed by
34 the consensus of the cochair of the committee:

35 (i) An organization representing the farming industry in
36 Washington;

37 (ii) An organization representing Washington counties;

38 (iii) An organization representing Washington cities;

1 (g) Two individuals from an environmental advocacy organization
2 or organizations appointed by the consensus of the cochairs of the
3 committee;

4 (h) Two individuals from an organization or organizations
5 representing the development community appointed by the consensus of
6 the cochairs of the committee; and

7 (i) Representatives of three federally recognized Indian tribes,
8 two invited by the cochairs to participate at the recommendation of
9 the northwest Indian fisheries commission, and one invited to
10 participate at the recommendation of the Columbia river intertribal
11 fish commission.

12 (2) The first meeting of the task force must occur by September
13 30, 2017. One cochair of the task force must be a member of the
14 largest caucus of the house of representatives, and one cochair must
15 be a member of the largest caucus of the senate, as those caucuses
16 existed as of the effective date of this section.

17 (3) Staff support for the task force must be provided by the
18 office of program research and senate committee services. The
19 department of ecology and the department of fish and wildlife shall
20 cooperate with the task force and provide information as the cochairs
21 reasonably request.

22 (4) Within existing appropriations, the expenses of the
23 operations of the task force, including the expenses associated with
24 the task force's meetings, must be paid jointly and in equal amounts
25 by the senate and house of representatives. Task force expenditures
26 are subject to approval by the house executive rules committee and
27 the senate facility and operations committee. Legislative members of
28 the task force are reimbursed for travel expenses in accordance with
29 RCW 44.04.120. Nonlegislative members are not entitled to be
30 reimbursed for travel expenses if they are elected officials or are
31 participating on behalf of an employer, governmental entity, or other
32 organization. Any reimbursement for other nonlegislative members is
33 subject to chapter 43.03 RCW.

34 (5)(a) By December 1, 2018, the joint legislative task force must
35 make recommendations to the legislature.

36 (b) Recommendations of the joint legislative task force must be
37 made by a two-thirds majority of the members of the committee. The
38 representatives of the departments of fish and wildlife, ecology, and
39 agriculture are not entitled to vote on the recommendations. Minority
40 recommendations that achieve the support of at least five of the

1 named voting members of the committee may also be submitted to the
2 legislature.

3 (6) The joint legislative task force expires June 30, 2019.

4 (7) This section expires July 1, 2019.

5 NEW SECTION. **Sec. 5.** (1) Sections 1 and 3 of this act expire
6 July 2, 2019.

7 (2) Section 2 of this act expires July 23, 2017.

8 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and takes
11 effect immediately, except for section 3 of this act, which takes
12 effect July 23, 2017.

--- END ---