

GROWTH MANAGEMENT ACT TECHNICAL ADVISORY COMMITTEE (PLANNERS) MEETING

Thursday, May 9, 2019
2:30 p.m. to 4:00 p.m.

Skagit Council of Governments Conference Room
315 South Third Street, Suite #100, Mount Vernon, WA 98273

AGENDA

1. Welcome and Introductions – *All*
2. Countywide Planning Policies – *Mark Hamilton*
3. Engrossed Second Substitute House Bill 1923 – *Kevin Murphy*
4. Initial Discussion of 2020 Work Program – *Kevin Murphy*
5. Roundtable (Planning Updates from Members) – *All*
6. Other – *All*

Please contact [Mark Hamilton](#) at (360) 416-7876 if there are any other items that need to be brought up for discussion.

Skagit County

Countywide Planning Policies

October 10, 2007

Commented [MH1]: POTENTIAL FLAGS:

- (1) Page 5 of the 2002 Framework Agreement includes “establish mechanism to systematically and logically update the CPPs as necessary” as a primary function of the planning organization (GMA Committee). This mechanism could be included in the CPPs, but isn’t currently. [WAC 365-196-305\(5\)\(a\)](#) recommends that CPPs include procedures by which CPPs will be reviewed and amended.
- (2) [RCW 36.70A.210\(3\)\(h\)](#) requires an analysis of the fiscal impact of the CPPs. It is unclear if and when this analysis occurred.

Commented [MH2]: Change date to reflect latest CPP amendment in 2016, update per any future amendments.

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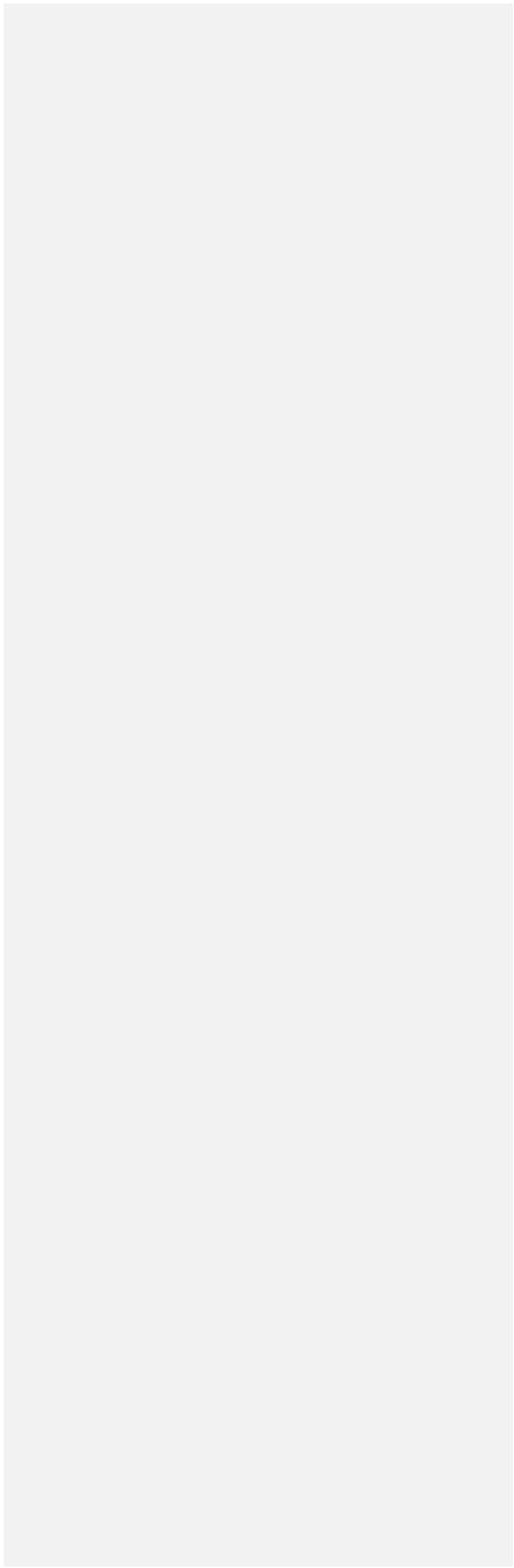
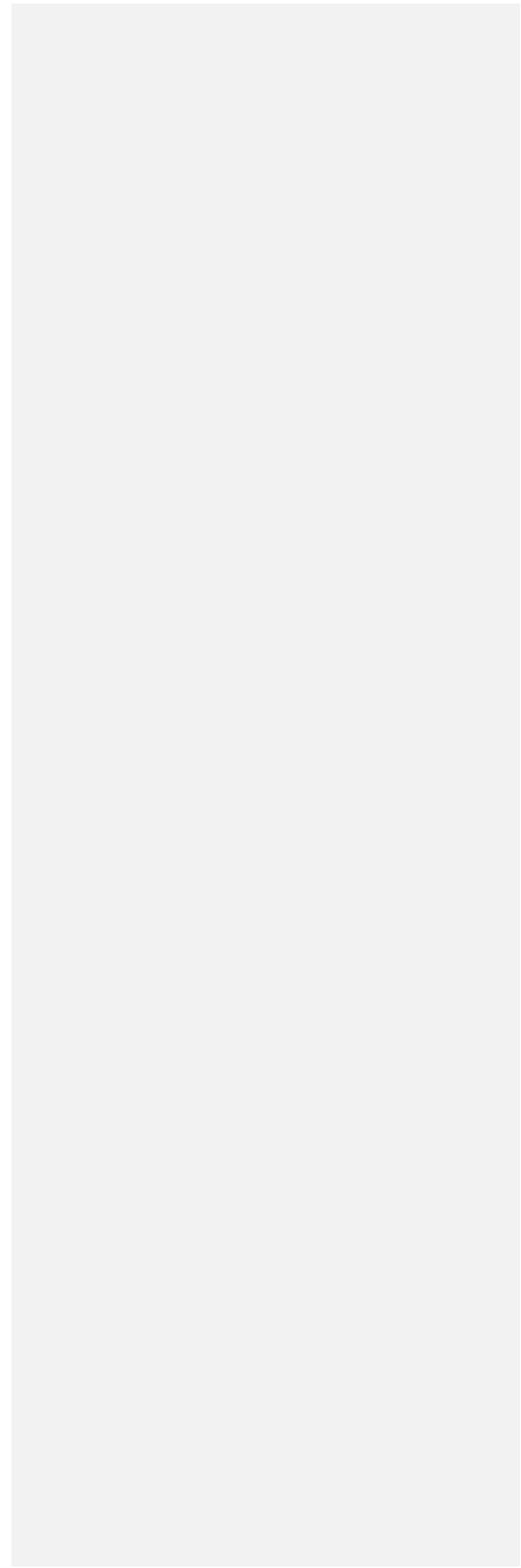


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Commented [MH3]: POTENTIAL FLAG: A "14th Goal" was added to GMA in 1995 (see RCW [36.70A.480](#)) regarding shorelines of the state. This GMA revision created a linkage between GMA and the Shoreline Management Act, which predates GMA by nearly 20 years. Though not a requirement to have as a CPP, the current CPPs track the 13 other planning goals in GMA.

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Skagit County Countywide Planning Policies

The Role of the Skagit County Countywide Planning Policies and the Comprehensive Plan

- i These countywide planning policies shall be the foundation for the Skagit County Comprehensive Plan.
- ii All Elements of the Comprehensive Plan, including maps and procedures, shall comply with these policies. Amendments to the other components of the comprehensive plan shall conform to these policies.
- ~~iii As required by RCW 36.70A.120, all implementing regulations, including zoning maps and zoning regulations, shall be consistent with and implement these policies. Amendments to the implementing regulations shall conform to these policies.~~
- ~~iii~~ As required by RCW 36.70A.120, all planning, land use permitting actions and activities and capital budgeting decisions made by Skagit County, and all cities and towns located within the county, shall be made in conformity with the jurisdiction's adopted comprehensive plan.
- iv The Skagit County Comprehensive Plan adopts by reference the following functional plans: Shoreline, Drainage, Floodplain, Schools, Special Districts, Parks and Recreation, Transportation, Watershed, the Coordinated Water System Plan and any other functional plans adopted by Skagit County. Each referenced plan shall be coordinated with, and consistent with, the Comprehensive Plan.
- v All disputes over the proper interpretation of other functional plans and all implementing regulations, including zoning maps and zoning regulations, shall be resolved in favor of the interpretation which most clearly achieves Countywide Planning Policies.
- vi Skagit County shall pursue methods of collecting and displaying statistics, maps and other information necessary for government.
- vii Upon adoption of the county-wide Comprehensive Plan, sub-area plans will be considered to address homogeneous natural features and communities.
- viii A definition section will be incorporated into the final Comprehensive Plan document. Some definitions are clearly articulated in state statutes and local government implementing ordinances or regulations. Other words which are undefined at this time will be clarified through the Element development process.

Commented [MH4]: The preamble refers to the "Comprehensive Plan" and "Skagit County Comprehensive Plan", not comprehensive plans for cities and towns. Nearly every comprehensive plan reference in CPPs relates only to the Skagit County Comprehensive Plan and no other comprehensive plan.

Commented [MH5]: And comprehensive plans of cities and towns?

Commented [MH6]: And comprehensive plans of cities and towns?

Commented [MH7]: This RCW was amended in 1993 and no longer includes reference to "regulations" as it had in 1990. See [RCW 36.70A.120](#).

Commented [MH8]: Proposed revisions to align with [RCW 36.70A.120](#), as amended in 1993.

Commented [MH9]: Reference is to Skagit County government only. Expand to cities and towns?

Commented [MH10]: And comprehensive plans of cities and towns?

Commented [MH11]: And comprehensive plans of cities and towns?

1. Urban Growth

Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Commented [MH12]: Revisions to CPP 1 were adopted by the Board of County Commissioners in 2016 and have not yet been incorporated into the CPP document.

1.1 Urban growth shall be allowed only within cities and towns, their designated UGAs and within any non-municipal urban growth areas already characterized by urban growth, identified in the County Comprehensive Plan with a Capital Facilities Plan meeting urban standards. Population and commercial/industrial land allocations for each UGA shall be consistent with those allocations shown in the following table:

Urban Growth Areas	Residential Population (2025)	Commercial/Industrial Land Allocations (New)
Anacortes	18,300	558
Bayview Ridge ¹	5,600	750
Burlington	12,000	242
Concrete	1,350	28
Hamilton	450	60
La Conner	950	2
Lyman	550	0
Mount Vernon	47,900	959
Sedro-Woolley	15,000	278
Swinomish	3,650	0
Urban Growth Area Total²	105,750	2,877

¹ The residential population has been placed in a reserve category until the completion of the Bayview Ridge subarea plan. At that time, it will either be accommodated in the proposed Bayview Ridge UGA, reallocated to other UGAs, or a combination thereof. The Port of Skagit County has 258 acres of the designated commercial / industrial properties. A sub-area plan and implementing regulations were adopted for the Bayview Ridge UGA; the urban standards set forth in this plan/regulations for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. Police and Fire services shall, at a minimum, meet the requirements of CPP 1.7.

² The projected 2025 population for the remainder of Skagit County, outside of Urban Growth Areas, is 43,330. Adding that to the Urban Growth Area total cited above results in a total County population of 149,080. The Growth Management Act does not require a commercial/industrial land allocation for the rural area.

- 1.2 Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county's 20 year population projection.
- 1.3 Urban growth areas shall provide for urban densities of mixed uses and shall direct development of neighborhoods which provide adequate and accessible urban governmental services concurrent with development. The GMA defines urban governmental services as those governmental services historically and typically delivered by cities, and includes storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.
- 1.4 Urban growth areas shall include greenbelt, open space, and encourage the preservation of wildlife habitat areas.
- 1.5 Cities shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.
- 1.6 Annexations beyond urban growth areas are prohibited.
- 1.7 Development within established urban growth boundaries shall, as a minimum, conform to those urban development standards in effect within the respective municipality as of April, 1, 1999. Bayview Ridge UGA urban standards for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. UGAs with populations of over 1500 or a Commercial/Industrial land allocation (new) over 100 acres shall have, as a minimum, the following levels of urban law enforcement and fire service levels:

Law Enforcement:

One commissioned law enforcement officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is the higher number.

Fire:

Urban fire level of service standard for Urban Growth Areas are as follows:

1. For Cities and their adjacent Urban Growth Areas, an ISO grading of 5 or better shall be maintained; otherwise

2. Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute fire flow in an offensive (interior) attack, with a minimum of 4 firefighters, for responses to: structural fires, vehicle fires, other outside fires, motor vehicle accidents, activated fire alarm systems, or other hazardous conditions. The Fire Department shall also be capable of delivering a minimum of Basic Life Support including defibrillation, with a minimum of one First Responder or Emergency Medical Technician, for medical responses.

Within 10 minutes of being dispatched, the Fire Department shall be able to support the interior structural fire attack with teams which may include: a ventilation team, a search & rescue team, a team for a backup line, and standby firefighters, totaling between 8 and 12 firefighters on-scene. The Fire Department shall also be capable of providing Heavy Rescue capability, including heavy hydraulics, at Motor Vehicle Accidents.

Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gallons per minute fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 square feet, the Fire Department shall be capable of delivering 2000 Gallons per Minute, and shall have an elevated master stream capability.

These requirements shall be met for 90% of all incidents.

Mutual aid requested under the Mutual Aid Contract may be used to provide relief to the initial operating crews, but shall not be used to provide initial attack capability, support functions, or sustained attack capability. This does not preclude automatic aid agreements under separate contract which does provide these capabilities or functions from other agencies.

Times are considered to be "Response Time," which shall be measured by the sum of turnout time (the time from dispatch until the first arriving unit is enroute to the incident), plus travel time. Dispatch time shall be allocated a maximum of 1 additional minute which is measured from the time the 9-1-1 call is received until the fire department is dispatched.

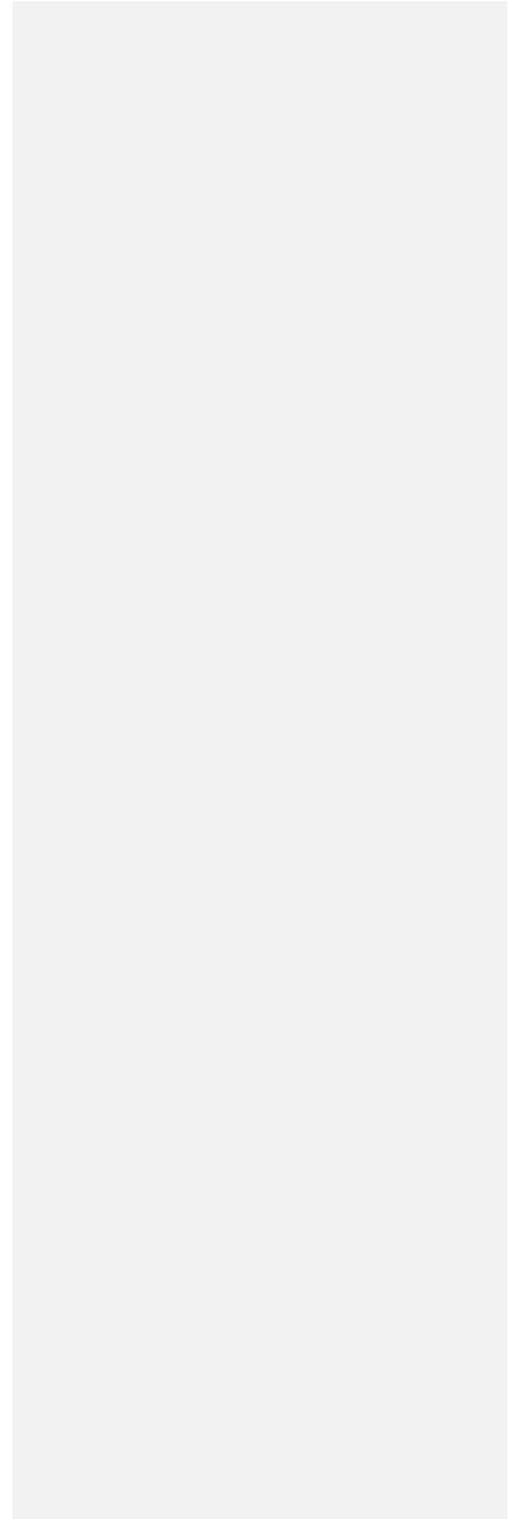
All operations shall be conducted in compliance with state and federal regulations, including training requirements for firefighters, and maintenance requirements for equipment and apparatus.

All commercial and industrial facilities shall be inspected for compliance with the Uniform Fire Code at least annually. Water systems shall be installed in accordance with the Skagit County Coordinated Water System Supply Plan, with a fire flow meeting the requirements of the Uniform Fire Code.

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- 1.8 All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

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2. Reduce Sprawl

Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

- 2.1 Contiguous and orderly development and provision of urban services to such development within urban growth boundaries shall be required.
- 2.2 Development within the urban growth area shall be coordinated and phased through inter-agency agreements.
- 2.3 Rural development shall be allowed in areas outside of the urban growth boundaries having limited resource production values (e.g. agriculture, timber, mineral) and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral lands, critical areas, shorelands, historic landscapes or cultural resources and must address their drainage and ground water impacts.
- 2.4 Rural commercial and industrial development shall be consistent with that permitted by the Growth Management Act, specifically including RCW 36.70A.070(5)(d) and related provisions and the 1997 ESB 6094 amendments thereto. This development shall not be urban in scale or character or require the extension of urban services outside of urban growth areas, except where necessary to address an existing public health, safety or environmental problem.
- 2.5 Rural commercial and industrial development shall be of a scale and nature consistent and compatible with rural character and rural services, or as otherwise allowed under RCW 36.70A.070(5)(d), and may include commercial services to serve the rural population, natural resource-related industries, small scale businesses and cottage industries that provide job opportunities for rural residents, and recreation, tourism and resort development that relies on the natural environment unique to the rural area.
- 2.6 Priority consideration will be given to siting of new rural commercial and industrial uses in areas of existing development, including existing Rural Villages and existing Rural Centers, followed by already developed sites in the rural area, and only lastly to wholly undeveloped sites in the rural area.
- 2.7 Master planned sites designated for industrial and large-scale commercial uses shall be clustered, landscaped, and buffered to alleviate adverse impacts to surrounding areas.
- 2.8 Commercial areas should be aggregated in cluster form, be pedestrian oriented, provide adequate parking and be designed to accommodate public transit. Strip commercial development shall be prohibited.

Commented [MH13]: POTENTIAL FLAG: Is this restriction being implemented countywide? And is "Strip Commercial" being consistently defined countywide?

- 2.9 Urban commercial and urban industrial development, except development directly dependent on local agriculture, forestry, mining, aquatic and resource operations, and major industrial development which meets the criteria contained in RCW 36.70A.365, should be restricted to urban or urban growth areas where adequate transportation networks and appropriate utility services are available.

The process to consider siting of specific major industrial developments outside of urban growth areas shall follow the process included in the Memorandum of Understanding 2002 Framework Agreement between the County, ~~and the cities and towns~~ for adoption of Countywide Planning Policies. Major industrial developments shall mean a master planned location for specific manufacturing, industrial, or commercial business that:

Commented [MH14]: Proposed revision to add name of agreement, instead of reference to MOU.

1. Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or
2. Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multi-tenant office park.

A major industrial development may be approved outside an urban growth area if the following criteria are met:

1. New infrastructure is provided for and/or applicable impact fees are paid;
2. Transit-oriented site planning and traffic demand management programs are implemented;
3. Buffers are provided between the major industrial development and adjacent non-urban areas;
4. Environmental protection including air and water quality has been addressed and provided for;
5. Development regulations are established to ensure that urban growth will not occur in adjacent non-urban areas;
6. Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
8. The plan for the major industrial development is consistent with the County's development regulations established for the protection of critical areas; and

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9. An inventory of developable land has been conducted and the County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth areas.

Final approval of an application for a major industrial development shall be considered an adopted amendment to the Comprehensive Plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of the application shall not be considered an amendment to the Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

- 2.10 Establishment or expansion of local improvement districts and special purpose taxing districts, except flood control, diking districts and other districts formed for the purpose of protecting water quality, in designated commercial forest resource lands shall be discouraged.

3. Transportation

Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

- 3.1 Multi-purpose transportation routes and facilities shall be designed to accommodate present and future traffic volumes.
- 3.2 Primary arterial access points shall be designed to ensure maximum safety while minimizing traffic flow disruptions.
- 3.3 The development of new transportation routes and improvements to existing routes shall minimize adverse social, economic and environmental impacts and costs.
- 3.4 The Transportation Element of the Comprehensive Plan shall be designed to; facilitate the flow of people, goods and services so as to strengthen the local and regional economy; conform with the Land Use Element of the Comprehensive Plan; be based upon an inventory of the existing Skagit County transportation network and needs; and encourage the conservation of energy.
- 3.5 Comprehensive Plan provisions for the location and improvement of existing and future transportation networks and public transportation shall be made in a manner consistent with the goals, policies and land use map of the Comprehensive Plan.
- 3.6 The development of a recreational transportation network shall be encouraged and coordinated between state and local governments and private enterprises.
- 3.7 The Senior Citizen and Handicapped transportation system shall be provided with an adequate budget to provide for those who, through age and/or disability, are unable to transport themselves.
- 3.8 Level of service (LOS) standards and safety standards shall be established that coordinate and link with the urban growth and urban areas to optimize land use and traffic compatibility over the long term. New development shall mitigate transportation impacts concurrently with the development and occupancy of the project.
- 3.9 An all-weather arterial road system shall be coordinated with industrial and commercial areas.

Commented [MH15]: And comprehensive plans of cities and towns?

Commented [MH16]: And comprehensive plans of cities and towns?

Commented [MH17]: And comprehensive plans of cities and towns?

Commented [MH18]: And comprehensive plans of cities and towns?

Commented [MH19]: POTENTIAL FLAG: Is this CPP still relevant with the creation of Skagit Transit in 1993? Did responsibility that had been with Skagit County (and/or others) shift to the transit authority? FTA 5310 program provides funding for seniors and individuals with disabilities. FTA 5310 was established in 1975 per relevant [FTA Circular](#).

- 3.10 Cost effectiveness shall be a consideration in transportation expenditure decisions and balanced for both safety and service improvements.
- 3.11 An integrated regional transportation system shall be designed to minimize air pollution by promoting the use of alternative transportation modes, reducing vehicular traffic, maintaining acceptable traffic flow, and siting of facilities.
- 3.12 All new and expanded transportation facilities shall be sited, constructed and maintained to minimize noise levels.

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4. Housing

Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

- 4.1 Local governments shall allow for an adequate supply of land use options to provide housing for a wide range of incomes, housing types and densities.
- 4.2 Public/private partnerships shall be encouraged to build affordable housing and devise incentives for innovative and environmentally sensitive design to meet the housing needs of people with low and moderate incomes and special needs populations.
- 4.3 The Comprehensive Plan should support innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights.
- 4.4 The existing affordable housing stock should be maintained and efforts to rehabilitate older and substandard housing, which are otherwise consistent with comprehensive plan policies, should be encouraged.
- 4.5 The construction of housing that promotes innovative, energy efficient and less expensive building technologies shall be encouraged.
- 4.6 Comprehensive Plan provisions for the location of residential development shall be made in a manner consistent with protecting natural resource lands, aquatic resources, and critical areas.
- 4.7 Manufactured home parks shall be allowed only within urban or urban growth boundary areas.

Commented [MH20]: And comprehensive plans of cities and towns?

Commented [MH21]: And comprehensive plans of cities and towns?

5. Economic Development

Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, **promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.**

Commented [MH22]: Economic Development policy goal was amended in GMA in 2002. See [RCW 36.70A.020](#).

- 5.1 The development of environmentally sensitive industries shall be encouraged.
- 5.2 Home occupations that do not significantly change or impact neighborhood character shall be permitted.
- 5.3 Economic diversity should be encouraged in rural communities where special incentives and services can be provided.
- 5.4 Commercial and industrial activities directly related to local natural resource production may be allowed in designated natural resource areas provided they can demonstrate their location and existence as natural resource area dependent businesses.
- 5.5 A diversified economic base shall be encouraged to minimize the vulnerability of the local economy to economic fluctuations.
- 5.6 Commercial, industrial and residential acreage shall be designated to meet future needs without adversely affecting natural resource lands, critical areas, and rural character and life styles.
- 5.7 Tourism, recreation and land preservation shall be promoted provided they do not conflict with the long-term commercial significance of natural resources and critical areas or rural life styles.
- 5.8 Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands.
- 5.9 The primary land use within designated forest resource lands shall be commercial forestry. Residential development shall be strongly discouraged within designated forest resource lands.
- 5.10 Lands within designated agricultural resource areas should remain in large parcels and ownership patterns conducive to commercial agricultural operations and production.

- 5.11 Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas, where the principal and preferred land uses will be long term commercial resource management.
- 5.12 Value added natural resource industries shall be encouraged.
- 5.13 Skagit County shall increase the availability of renewable resources and encourage the maximum attainable recycling of non-renewable resources.
- 5.14 Commercial and industrial activities directly related to or dependent on local aquatic resource areas should be encouraged in shoreline areas provided they are shoreline dependent and/or related.
- 5.15 The **Comprehensive Plan** shall support and encourage economic development and employment to provide opportunities for prosperity.

Commented [MH23]: And comprehensive plans of cities and towns?

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6. **Property Rights**

Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

- 6.1 Proposed regulatory or administrative actions shall not result in an unconstitutional taking of private property.
- 6.2 The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety or welfare purpose is served by more restrictive regulation.
- 6.3 Surface water runoff and drainage facilities shall be designed and utilized in a manner which protects against the destruction of private property and the degradation of water quality.

7. **Permits**

Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

- 7.1 Inter-agency agreements with other agencies to facilitate multi-agency permits shall be pursued to better serve the public.
- 7.2 Upon receipt of a complete application, land use proposals and permits shall be expeditiously reviewed and decisions made in a timely manner.
- 7.3 Variances which would allow for a violation of Comprehensive Plan policies shall not be permitted.
- 7.4 New implementing codes and amendments shall provide clear regulations to reduce the possibility of multiple interpretations by staff and applicants.
- 7.5 Impact fees shall be imposed through established ordinances, procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.
- 7.6 Special purpose districts permitted by statute to request impact fees shall to the extent possible utilize similar formulas to calculate costs of new development.

Commented [MH24]: And comprehensive plans of cities and towns?

8. Natural Resource Industries

Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

- 8.1 Identified critical areas, shorelands, aquatic resource areas and natural resource lands shall be protected by restricting conversion. Encroachment by incompatible uses shall be prevented by maintenance of adequate buffering between conflicting activities.
- 8.2 Land uses adjacent to agricultural, forest, or mineral resource lands and designated aquatic resource areas shall not interfere with the continued use of these designated lands for the production of food, agricultural and aquatic based products, or timber, or for the extraction of minerals.
- 8.3 Forest and agricultural lands located within urban growth areas shall not be designated as forest or agricultural land of long-term commercial significance unless a program authorizing transfer or purchase of development rights is established.
- 8.4 Mining sites or portions of mining sites shall be reclaimed when they are abandoned, depleted, or when operations are discontinued for long periods.
- 8.5 Long term commercially significant natural resource lands and designated aquatic resource areas shall be protected and conserved. Skagit County shall adopt policies and regulations that encourage and facilitate the retention and enhancement of natural resource areas in perpetuity.
- 8.6 When plats, short plats, building permits and development permits are issued for development activities on or adjacent to natural resource lands and aquatic resource areas, notice shall be provided to those seeking permit approvals that certain activities may occur that are not compatible with residences.
- 8.7 Fishery resources, including the county's river systems inclusive of their tributaries, as well as the area's lakes, associated wetlands, and marine waters, shall be protected and enhanced for continued productivity.
- 8.8 Skagit County shall encourage sustainable use of the natural resources of the County, including but not limited to agriculture, forestry, and aquatic resources.
- 8.9 Skagit County shall conserve agricultural, aquatic based, forest and mineral resources for productive use by designating natural resource lands and aquatic resource areas where the principal and preferred land uses will be long term commercial resource management.

9. Open Space and Recreation

~~Encourage the retention of~~Retain open space and development of, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

Commented [MH25]: Open Space and Recreation policy goal was amended in GMA in 2002. See [RCW 36.70A.020](#).

- 9.1 Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails, and connection of critical areas.
- 9.2 To preserve open space and create recreational opportunities, innovative regulatory techniques and incentives such as but not limited to, purchase of development rights, transfer of development rights, conservation easements, land trusts and community acquisition of lands for public ownership shall be encouraged.
- 9.3 The use of Open Space Taxation Laws shall be encouraged as a useful method of land use control and resource preservation.
- 9.4 Expansion and enhancement of parks, recreation and scenic areas and viewing points shall be identified, planned for and improved in shorelands, and urban and rural designated areas.
- 9.5 Property owners shall be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, lakes, waterways and beaches.
- 9.6 Development of new park and recreational facilities shall adhere to the policies set out in this Comprehensive Plan document.
- 9.7 The Skagit Wild and Scenic River System (which includes portions of the Sauk, Suiattle, Cascade and Skagit Rivers) is a resource that should be protected, enhanced and utilized for recreation purposes when there are not potential conflicts with the values (fisheries, wildlife, and scenic quality) of the river system.
- 9.8 Incompatible adjacent uses including industrial and commercial areas shall be adequately buffered by means of landscaping, or by maintaining recreation and open space corridors.
- 9.9 A park and recreation system shall be promoted which is integrated with existing and planned land use patterns.
- 9.10 Indoor and outdoor recreation facilities shall be designed to provide a wide range of opportunities allowing for individual needs of those using these facilities.

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- 9.11 School districts, public agencies and private entities should work together to develop joint inter-agency agreements to provide facilities that not only meet the demands of the education for our youth, but also provide for public recreation opportunities that reduce the unnecessary duplication of facilities within Skagit County.
 - 9.12 In planning new park and recreation facilities, Skagit County shall take into consideration natural features, topography, floodplains, relationship to population characteristics, types of facilities, various user group needs and standards of access including travel time.

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10. Environment

Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

- 10.1 Natural resource lands, including aquatic resource areas and critical areas shall be classified and designated, and regulations adopted to assure their long-term conservation. Land uses and developments which are incompatible with critical areas shall be prohibited except when impacts from such uses and developments can be mitigated.
- 10.2 Land use decisions shall take into account the immediate and long range cumulative effects of proposed uses on the environment, both on and off-site.
- 10.3 The County shall reduce the loss of critical aquatic and terrestrial habitat by minimizing habitat fragmentation.
- 10.4 Wetlands, woodlands, watersheds and aquifers are essential components of the hydrologic system and shall be managed to protect surface and groundwater quality.
- 10.5 Skagit County shall recognize the river systems within the County as pivotal freshwater resources and shall manage development within the greater watershed in a manner consistent with planning practices that enhance the integrity of the aquatic resource, fish and wildlife habitat, and recreational and aesthetic qualities.
- 10.6 Rural character shall be preserved by regulatory mechanisms through which development can occur with minimal environmental impact.
- 10.7 Development shall be directed away from designated natural resource lands, aquatic resource areas and critical areas.
- 10.8 The conversion of tidelands to uplands by means of diking, drainage and filling shall be prohibited, except when carried out by a public body to implement a Comprehensive Plan for flood plain management or to respond to a natural disaster threatening life and property.
- 10.9 Septic systems, disposal of dredge spoils and land excavation, filling and clearing activities shall not have an adverse significant affect on Skagit County waters with respect to public health, fisheries, aquifers, water quality, wetlands, wildlife habitat, natural marine ecology and aquatic based resources.
- 10.10 Usual and accustomed activities on natural resource lands and aquatic resource areas shall be protected from interference when they are conducted in accordance with best management practices and environmental laws.

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- 10.11 When evaluating and conditioning commercial, industrial or residential development, Skagit County shall consider threatened or endangered wildlife.
 - 10.12 Skagit County shall enter into inter-agency agreements with appropriate state and local agencies and Native American Tribes for compliance with watershed protection, including but not limited to, the cumulative effects of construction, logging and non-point pollution in watersheds.
 - 10.13 Skagit County and Cities and Towns, in cooperation with appropriate local, state and Federal agencies, shall develop and implement flood hazard reduction programs, consistent with and supportive of the Corps Feasibility Study.
 - 10.14 The Skagit River Floodway and the Skagit River Floodplain shall be regulated to protect human life, property and the public health and safety of the citizens of Skagit County; minimize the expenditure of public money; and maintain flood insurance eligibility while avoiding regulations which are unnecessary restrictive or difficult to administer.
 - 10.15 Skagit County and Cities and Towns shall work together to provide ongoing public education about flooding in a coordinated and consistent program, and shall adopt a flood hazard reduction plan, that works together with the natural and beneficial functions of floodplains.

11. Citizen Participation and Coordination

Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Commented [MH26]: Proposed revision reflects name of planning goal in [RCW 36.70A.020](#).

11.1 Skagit County shall maintain procedures to provide for the broad dissemination of proposals and alternatives for public inspection; opportunities for written comments; public hearings after effective notice; open discussions; communication programs and information services; consideration of and response to public comments; and the notification of the public for the adoption, implementation and evaluation of the Comprehensive Plan.

Commented [MH27]: What about cities and towns?

11.2 Skagit County shall continue to encourage public awareness of the Comprehensive Plan by providing for public participation opportunities and public education programs designed to promote a widespread understanding of the Plan's purpose and intent.

Commented [MH28]: And comprehensive plans of cities and towns?

Commented [MH29]: What about cities and towns?

Commented [MH30]: And comprehensive plans of cities and towns?

11.3 For land use proposals, including those within the marine environment, all applicants shall bear the costs for public notification, by mail, and by posting of signs. Affected neighbors and surrounding shoreline owners shall be notified as prescribed by ordinance.

Commented [MH31]: And comprehensive plans of cities and towns?

11.4 Skagit County shall provide regular and ongoing opportunities for public review and comment throughout the Comprehensive Plan development process.

Commented [MH32]: What about cities and towns?

Commented [MH33]: And comprehensive plans of cities and towns?

11.5 Skagit County shall encourage citizen participation throughout the planning process as mandated by state statute and codes for environmental, land use, and development permits.

Commented [MH34]: What about cities and towns?

11.6 Skagit County shall utilize broad based Citizen Advisory Committees to participate and assist in the development of the Comprehensive Plan Elements, sub-area plans and functional plans.

Commented [MH35]: What about cities and towns?

Commented [MH36]: And comprehensive plans of cities and towns?

12. Public Facilities and Services

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

- 12.1 Public facilities and services shall be integrated and consistent with locally adopted comprehensive plans and implementing regulations.
- 12.2 All communities within a region shall fairly share the burden of regional public facilities. (The GMA defines regional public facilities as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities and schools.)
- 12.3 A process shall be developed for identifying and siting essential public facilities. The Comprehensive Plan may not preclude the siting of essential public facilities. (The GMA defines essential public facilities as those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local corrections facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and, group homes, and secure community transition facilities.)
- 12.4 Lands shall be identified for public purposes, such as: utility corridors, transportation corridors, landfill, sewage treatment facilities, recreation, schools, and other public uses. The County shall work with the state, cities, communities and utility providers to identify areas of shared need for public facilities.
- 12.5 Lands designated for urban growth by this Comprehensive Plan shall have an urban level of regional public facilities prior to or concurrent with development.
- 12.6 Development shall be allowed only when and where all public facilities are adequate, and only when and where such development can be adequately served by regional public services without reducing levels of service elsewhere.
- 12.7 Public facilities and services needed to support development shall be available concurrent with the impacts of development.
- 12.8 The financing for system improvements to public facilities to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

Commented [MH37]: And comprehensive plans of cities and towns?

Commented [MH38]: Proposed revision to reflect essential public facilities applicable to Skagit County. "Secure community transition facilities" is not in current CPPs, but is in [RCW 36.70A.200](#).

Commented [MH39]: And comprehensive plans of cities and towns?

- 12.9 New development shall pay for or provide for its share of new infrastructure through impact fees or as conditions of development through the environmental review process.
- 12.10 Public water supply for new development shall conform to or exceed the Coordinated Water System Plan for public water systems.
- 12.11 Future development of land adjacent to existing and proposed schools and other public facilities shall be compatible with such uses.
- 12.12 Library service within the county should be developed and coordinated to assure the delivery of comprehensive services throughout the County, with the county, cities and towns fairly sharing the burden.
- 12.13 A county-wide recycling program shall be developed.
- 12.14 Public drainage facilities shall be designed to control both stormwater quantity and quality impacts.
- 12.15 Skagit County shall provide results of the required six year capital facilities plan, including a financing plan, and these shall be consistent with land use designations.
- 12.16 Citizens shall have the opportunity to participate in and comment on proposed capital facilities financing.
- 12.17 The Washington State Boundary Review Board for Skagit County should be disbanded pursuant to RCW 36.93.230 provided that the following tasks are accomplished: (a) that ALL cities and the County have adopted comprehensive plans and development regulations consistent with the requirements of these Countywide Planning Policies and RCW 36.70A, including appropriate urban levels of service for all public facilities and services; (b) that ALL cities and the County have adopted a concurrency ordinance that requires the adopted urban levels of service addressed in (a) above be accomplished in time frames that are consistent with RCW 36.70A.; (c) that special purpose districts that serve UGAs have adopted urban levels of service standards appropriate for their service areas; (d) that ALL cities and the County have an adopted capital facility plan for urban levels of service that indicates sources of revenue and a timeline for meeting such service; and (e) that ALL cities and special purpose districts have in place adopted “interlocal agreements” that discuss arrangements for transfer of assets and obligations that may be affected by transference of governance or annexation of the service area consistent with the requirements of applicable RCWs.

Commented [MH40]: POTENTIAL FLAG: The Skagit County Board of Commissioners has the authority to disband the boundary review board (BRB) per [RCW 36.93.230](#) after GMA-compliant comprehensive plans and development regulations have been adopted.

A number of tasks, in excess of what RCW requires, have been included in CPP 12.17 that must be accomplished prior to BRB dissolution. Have all these tasks been achieved? Is this being tracked anywhere?

13. Historic Preservation

Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

- 13.1 Skagit County shall cooperate with local historic preservation groups to ensure coordination of plans and policies by the State Office of Archeology and Historic Preservation.

DRAFT

1. Urban Growth

Encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

- 1.1 Urban growth shall be allowed only within cities and towns, their designated UGAs and within any non-municipal urban growth areas already characterized by urban growth, identified in the County Comprehensive Plan with a Capital Facilities Plan meeting urban standards. Population and employment commercial/industrial land allocations for each UGA shall be consistent with those allocations shown in Appendix A, the following table:

Urban Growth Areas	Residential Population (2025)	Commercial/Industrial Land Allocations (New)
Anacortes	48,300	558
Bayview Ridge ¹	5,600	750
Burlington	42,000	242
Concrete	4,350	28
Hamilton	450	60
La Conner	950	2
Lyman	550	0
Mount Vernon	47,900	959
Sedro Woolley	45,000	278
Swinomish	3,650	0
Urban Growth Area Total²	105,750	2,877

¹The residential population has been placed in a reserve category until the completion of the Bayview Ridge subarea plan. At that time, it will either be accommodated in the proposed Bayview Ridge UGA, reallocated to other UGAs, or a combination thereof. The Port of Skagit County has 258 acres of the designated commercial/industrial properties. A sub-area plan and implementing regulations were adopted for the Bayview Ridge UGA; the urban standards set forth in this plan/regulations for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. Police and Fire services shall, at a minimum, meet the requirements of CPP 1.7.

²The projected 2025 population for the remainder of Skagit County, outside of Urban Growth Areas, is 43,330. Adding that to the Urban Growth Area total cited above results in a total County population of 149,080. The Growth Management Act does not require a commercial/industrial land allocation for the rural area.

- 1.2 Cities and towns and their urban growth areas, and non-municipal urban growth areas designated pursuant to CPP 1.1, shall include areas and densities sufficient to accommodate as a target 80% of the county's 20 year population projection.
- 1.3 Urban growth areas shall provide for urban densities of mixed uses and shall direct development of neighborhoods which provide adequate and accessible urban governmental services concurrent with development. The GMA defines urban governmental services as those governmental services historically and typically delivered by cities, ~~and including~~ storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.
- 1.4 Urban growth areas shall include greenbelts ~~and~~, open space, and encourage the preservation of wildlife habitat areas.
- 1.5 Cities shall encourage development, including greenbelt and open space areas, on existing vacant land and in-fill properties before expanding beyond their present corporate city limits towards urban growth boundaries.
- 1.6 Annexations beyond urban growth areas are prohibited.

1.7 The baseline for 20-year countywide population forecasts shall be the official Growth Management Act Population Projections from the State of Washington's Office of Financial Management. The Growth Management Act Technical Advisory Committee ("Planners Committee") shall recommend the process for allocating forecasted population and employment, which shall be cooperatively reviewed by the Growth Management Act Steering Committee (GMASC), consistent with the "2002 Framework Agreement." Final growth allocations will be ratified by each government's legislative body. The growth allocation process shall use the procedures in Appendix B, which calls for the following steps:

- a. Initial Growth Allocations;
- b. Reconciliation;
- c. Long Term Monitoring; and
- d. Allocation Adjustment

1.8 The County and cities/towns shall use consistent land capacity analysis methods as approved by the GMASC to determine the amount of undeveloped buildable urban land needed. The inventory of the undeveloped buildable urban land supply is to be maintained by Skagit County in a Regional GIS database.

1.9 The County and cities/towns will establish a common method to monitor urban development to evaluate the rate of growth and maintain an inventory of the amount of buildable land remaining. The Planners Committee shall develop a monitoring process, prepare annual monitoring reports and present the reports to the Growth Management Act Steering Committee annually.

~~1.7 Development within established urban growth boundaries shall, as a minimum,~~

~~conform to those urban development standards in effect within the respective municipality as of April, 1, 1999. Bayview Ridge UGA urban standards for roads, sewer, and stormwater shall meet or exceed those in effect in the City of Burlington on April 1, 1999. UGAs with populations of over 1500 or a Commercial/Industrial land allocation (new) over 100 acres shall have, as a minimum, the following levels of urban law enforcement and fire service levels:~~

Law Enforcement:

~~One commissioned law enforcement officer per 1,000 population served or per 100 acres of developed commercial or industrial property, whichever is the higher number.~~

Fire:

~~Urban fire level of service standard for Urban Growth Areas are as follows:~~

~~1. For Cities and their adjacent Urban Growth Areas, an ISO grading of 5 or better shall be maintained; otherwise~~^{2.} ~~Within 5 minutes of being dispatched, the Fire Department shall arrive and be able to deliver up to 200 gallons per minute fire flow in an offensive (interior) attack, with a minimum of 4 firefighters, for responses to: structural fires, vehicle fires, other outside fires, motor vehicle accidents, activated fire alarm systems, or other hazardous conditions. The Fire Department shall also be capable of delivering a minimum of Basic Life Support including defibrillation, with a minimum of one First Responder or Emergency Medical Technician, for medical responses.~~

~~Within 10 minutes of being dispatched, the Fire Department shall be able to support the interior structural fire attack with teams which may include: a ventilation team, a search & rescue team, a team for a backup line, and standby firefighters, totaling between 8 and 12 firefighters on scene. The Fire Department shall also be capable of providing Heavy Rescue capability, including heavy hydraulics, at Motor Vehicle Accidents.~~

~~Within 20 minutes of being dispatched, the Fire Department shall be capable of delivering 1500 gallons per minute fire flow in a sustained defensive attack mode for structural fire responses. For buildings larger than 10,000 square feet, the Fire Department shall be capable of delivering 2000 Gallons per Minute, and shall have an elevated master stream capability.~~

~~These requirements shall be met for 90% of all incidents.~~

~~Mutual aid requested under the Mutual Aid Contract may be used to provide relief to the initial operating crews, but shall not be used to provide initial attack capability, support functions, or sustained attack capability. This does not preclude automatic aid agreements under separate contract which does provide these capabilities or functions from other agencies.~~

~~Times are considered to be "Response Time," which shall be measured by the sum of turnout time (the time from dispatch until the first arriving unit is enroute to the incident), plus travel time. Dispatch time shall be allocated a maximum of 1 additional minute which is measured from the time the 9-1-1 call is received until the fire department is dispatched.~~

~~All operations shall be conducted in compliance with state and federal regulations, including training requirements for firefighters, and maintenance requirements for equipment and apparatus.~~

~~All commercial and industrial facilities shall be inspected for compliance with the Uniform Fire Code at least annually. Water systems shall be installed in accordance with the Skagit County Coordinated Water System Supply Plan, with a fire flow meeting the requirements of the Uniform Fire Code~~

1.108 All growth outside the urban growth boundary shall be rural in nature as defined in the Rural Element, not requiring urban governmental services, except in those limited circumstances shown to be necessary to the satisfaction of both the County and the affected city to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Appendix A

Table 1: 2036 Initial Growth Allocations				
Urban Growth Areas	2015 – 2036 Forecast Population Growth	Total 2036 Population	2015 – 2036 Forecast Employment Growth	Total 2036 Employment
<u>Anacortes</u>	<u>5,895</u>	<u>22,293</u>	<u>2,076</u>	<u>10,480</u>
<u>Burlington</u>	<u>3,808</u>	<u>14,272</u>	<u>3,516</u>	<u>13,412</u>
<u>Mount Vernon</u>	<u>12,434</u>	<u>47,403</u>	<u>4,785</u>	<u>21,288</u>
<u>Sedro-Woolley</u>	<u>4,555</u>	<u>17,069</u>	<u>4,427</u>	<u>9,179</u>
<u>Concrete</u>	<u>320</u>	<u>1,193</u>	<u>109</u>	<u>467</u>
<u>Hamilton</u>	<u>114</u>	<u>427</u>	<u>66</u>	<u>288</u>
<u>La Conner</u>	<u>329</u>	<u>1,226</u>	<u>329</u>	<u>1,420</u>
<u>Lyman</u>	<u>162</u>	<u>605</u>	<u>9</u>	<u>38</u>
<u>Bayview Ridge</u>	<u>72</u>	<u>1,883</u>	<u>1,799</u>	<u>3,455</u>
<u>Swinomish</u>	<u>912</u>	<u>3,416</u>	<u>290</u>	<u>1,247</u>
<u>UGAs Subtotal</u>	<u>28,601</u>	<u>109,787</u>	<u>17,406</u>	<u>61,274</u>
<u>Rural (outside UGAs)</u>	<u>7,150</u>	<u>45,665</u>	<u>1,447</u>	<u>9,343</u>
<u>County Total</u>	<u>35,751</u>	<u>155,452</u>	<u>18,853</u>	<u>70,617</u>

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Appendix B – Growth Allocations Procedure Steps

The process of setting and reviewing growth allocations shall be consistent with the 2002 Framework Agreement among Skagit County and the cities and towns as currently adopted or amended.

1. **Initial Growth Allocations:** The Planners Committee will develop initial population and employment allocations for review and adoption by the GMASC.
 - a. The Initial allocations will be based on the most recently published official 20-year population projections for Skagit County from the Office of Financial Management (OFM).

Jurisdictions shall use these initial allocations for at least one of the plan alternatives they evaluate for their GMA plan updates.
2. **Reconciliation:** Once the GMA comprehensive plan updates of jurisdictions have identified a preferred growth plan with sufficient detail to determine if the population and employment allocation can be accommodated, the Growth Management Act Steering Committee (GMASC) will review and, if necessary, recommend adjusting the population and employment growth allocations to be included in the CPPs.
 - a. The County and cities/towns shall jointly review the preferred growth alternatives proposed in local comprehensive plans for discrepancies with the allocation associated with the County's preferred plan alternative.
 - b. Based on the land supply, permitted densities, capital facilities, urban service capacities and other information associated with the preferred growth alternatives of proposed local comprehensive plans, the Planners Committee shall recommend to the GMASC a reconciled 20-year population and employment allocation.
 - c. The GMASC shall review and recommend to the Board of County Commissioners a reconciled 20-year population and employment allocation. Substantial consideration shall be given to the plan of each jurisdiction, and the recommendation shall be consistent with the GMA and the CPPs.
 - d. The Board of County Commissioners shall consider the recommendation of the GMASC and shall replace the allocations in the CPPs with a reconciled 20-year population and employment allocation.
3. **Long Term Monitoring:** Subsequent to reconciliation, GMASC shall maintain a long term monitoring process to review annually the population and employment growth allocations contained in the CPPs.
 - a. Skagit County and the cities shall jointly monitor the following:
 - i. Estimated population and employment growth;
 - ii. Annexations and incorporations;
 - iii. Residential and non-residential development trends;
 - b. Results of the monitoring program shall be published in a growth monitoring report developed by the Planners Committee and recommended to the GMASC.
 - c. GMASC shall review and approve the annual report by resolution.

4. **Allocation Adjustment:** The GMASC may consider adjustments to the population and employment growth allocations contained in Appendix A of CPPs in the years between state-required updates. The following steps shall be used:
- a. Based on the results of the long term monitoring process, the Planners Committee may review and recommend to the GMASC an adjustment to the population and employment allocations.
 - b. The GMASC shall review the Planners Committee recommendation to adjust growth allocations and may recommend to the Board of County Commissioners an adjustment to the population and employment allocations. Adjustments to the growth allocations shall be based on the results of the monitoring program and shall be consistent with the GMA and the CPPs.
 - c. The Board of County Commissioners shall consider the recommendation of the GMASC and may amend the CPPs with adjusted population and employment allocations for cities, UGAs, and rural areas.

Any disputes regarding the roles and responsibilities of the Board of County Commissioners, the GMA Steering Committee, and individual jurisdictions in reviewing and approving amendments to the Countywide Planning Policies shall be resolved in accordance with the procedures established by the 2002 Framework Agreement.

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

66th Legislature
2019 Regular Session

Passed by the House April 24, 2019
Yeas 75 Nays 19

Speaker of the House of Representatives

Passed by the Senate April 22, 2019
Yeas 33 Nays 16

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Appropriations (originally sponsored by Representatives Fitzgibbon, Macri, Appleton, Doglio, Dolan, Santos, and Frame)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to increasing urban residential building
2 capacity; amending RCW 36.70A.030, 43.21C.420, and 36.70A.490; adding
3 new sections to chapter 36.70A RCW; adding new sections to chapter
4 43.21C RCW; adding a new section to chapter 35.21 RCW; adding a new
5 section to chapter 35A.21 RCW; adding a new section to chapter 36.22
6 RCW; providing an effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
9 RCW to read as follows:

10 (1) A city planning pursuant to RCW 36.70A.040 is encouraged to
11 take the following actions in order to increase its residential
12 building capacity:

13 (a) Authorize development in one or more areas of not fewer than
14 five hundred acres that include at least one train station served by
15 commuter rail or light rail with an average of at least fifty
16 residential units per acre that require no more than an average of
17 one on-site parking space per two bedrooms in the portions of
18 multifamily zones that are located within the areas;

19 (b) Authorize development in one or more areas of not fewer than
20 five hundred acres in cities with a population greater than forty
21 thousand or not fewer than two hundred fifty acres in cities with a

1 population less than forty thousand that include at least one bus
2 stop served by scheduled bus service of at least four times per hour
3 for twelve or more hours per day with an average of at least twenty-
4 five residential units per acre that require no more than an average
5 of one on-site parking space per two bedrooms in portions of the
6 multifamily zones that are located within the areas;

7 (c) Authorize at least one duplex, triplex, or courtyard
8 apartment on each parcel in one or more zoning districts that permit
9 single-family residences unless a city documents a specific
10 infrastructure of physical constraint that would make this
11 requirement unfeasible for a particular parcel;

12 (d) Authorize cluster zoning or lot size averaging in all zoning
13 districts that permit single-family residences;

14 (e) Authorize attached accessory dwelling units on all parcels
15 containing single-family homes where the lot is at least three
16 thousand two hundred square feet in size, and permit both attached
17 and detached accessory dwelling units on all parcels containing
18 single-family homes, provided lots are at least four thousand three
19 hundred fifty-six square feet in size. Qualifying city ordinances or
20 regulations may not provide for on-site parking requirements, owner
21 occupancy requirements, or square footage limitations below one
22 thousand square feet for the accessory dwelling unit, and must not
23 prohibit the separate rental or sale of accessory dwelling units and
24 the primary residence. Cities must set applicable impact fees at no
25 more than the projected impact of the accessory dwelling unit. To
26 allow local flexibility, other than these factors, accessory dwelling
27 units may be subject to such regulations, conditions, procedures, and
28 limitations as determined by the local legislative authority, and
29 must follow all applicable state and federal laws and local
30 ordinances;

31 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

32 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),
33 except that an environmental impact statement pursuant to RCW
34 43.21C.030 is not required for such an action;

35 (h) Adopt increases in categorical exemptions pursuant to RCW
36 43.21C.229 for residential or mixed-use development;

37 (i) Adopt a form-based code in one or more zoning districts that
38 permit residential uses. "Form-based code" means a land development
39 regulation that uses physical form, rather than separation of use, as
40 the organizing principle for the code;

1 (j) Authorize a duplex on each corner lot within all zoning
2 districts that permit single-family residences;

3 (k) Allow for the division or redivision of land into the maximum
4 number of lots through the short subdivision process provided in
5 chapter 58.17 RCW; and

6 (l) Authorize a minimum net density of six dwelling units per
7 acre in all residential zones, where the residential development
8 capacity will increase within the city.

9 (2) A city planning pursuant to RCW 36.70A.040 may adopt a
10 housing action plan as described in this subsection. The goal of any
11 such housing plan must be to encourage construction of additional
12 affordable and market rate housing in a greater variety of housing
13 types and at prices that are accessible to a greater variety of
14 incomes, including strategies aimed at the for-profit single-family
15 home market. A housing action plan may utilize data compiled pursuant
16 to section 3 of this act. The housing action plan should:

17 (a) Quantify existing and projected housing needs for all income
18 levels, including extremely low-income households, with documentation
19 of housing and household characteristics, and cost-burdened
20 households;

21 (b) Develop strategies to increase the supply of housing, and
22 variety of housing types, needed to serve the housing needs
23 identified in (a) of this subsection;

24 (c) Analyze population and employment trends, with documentation
25 of projections;

26 (d) Consider strategies to minimize displacement of low-income
27 residents resulting from redevelopment;

28 (e) Review and evaluate the current housing element adopted
29 pursuant to RCW 36.70A.070, including an evaluation of success in
30 attaining planned housing types and units, achievement of goals and
31 policies, and implementation of the schedule of programs and actions;

32 (f) Provide for participation and input from community members,
33 community groups, local builders, local realtors, nonprofit housing
34 advocates, and local religious groups; and

35 (g) Include a schedule of programs and actions to implement the
36 recommendations of the housing action plan.

37 (3) If adopted by April 1, 2021, ordinances, amendments to
38 development regulations, and other nonproject actions taken by a city
39 to implement the actions specified in subsection (1) of this section,
40 with the exception of the action specified in subsection (1)(f) of

1 this section, are not subject to administrative or judicial appeal
2 under chapter 43.21C RCW.

3 (4) Any action taken by a city prior to April 1, 2021, to amend
4 their comprehensive plan, or adopt or amend ordinances or development
5 regulations, solely to enact provisions under subsection (1) of this
6 section is not subject to legal challenge under this chapter.

7 (5) In taking action under subsection (1) of this section, cities
8 are encouraged to utilize strategies that increase residential
9 building capacity in areas with frequent transit service and with the
10 transportation and utility infrastructure that supports the
11 additional residential building capacity.

12 (6) A city with a population over twenty thousand that is
13 planning to take at least two actions under subsection (1) of this
14 section, and that action will occur between the effective date of
15 this section and April 1, 2021, is eligible to apply to the
16 department for planning grant assistance of up to one hundred
17 thousand dollars, subject to the availability of funds appropriated
18 for that purpose. The department shall develop grant criteria to
19 ensure that grant funds awarded are proportionate to the level of
20 effort proposed by a city, and the potential increase in housing
21 supply or regulatory streamlining that could be achieved. Funding may
22 be provided in advance of, and to support, adoption of policies or
23 ordinances consistent with this section. A city can request, and the
24 department may award, more than one hundred thousand dollars for
25 applications that demonstrate extraordinary potential to increase
26 housing supply or regulatory streamlining.

27 (7) A city seeking to develop a housing action plan under
28 subsection (2) of this section is eligible to apply to the department
29 for up to one hundred thousand dollars.

30 (8) The department shall establish grant award amounts under
31 subsections (6) and (7) of this section based on the expected number
32 of cities that will seek grant assistance, to ensure that all cities
33 can receive some level of grant support. If funding capacity allows,
34 the department may consider accepting and funding applications from
35 cities with a population of less than twenty thousand if the actions
36 proposed in the application will create a significant amount of
37 housing capacity or regulatory streamlining and are consistent with
38 the actions in this section.

39 (9) In implementing this act, cities are encouraged to prioritize
40 the creation of affordable, inclusive neighborhoods and to consider

1 the risk of residential displacement, particularly in neighborhoods
2 with communities at high risk of displacement.

3 **Sec. 2.** RCW 36.70A.030 and 2017 3rd sp.s. c 18 s 2 are each
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Adopt a comprehensive land use plan" means to enact a new
8 comprehensive land use plan or to update an existing comprehensive
9 land use plan.

10 (2) "Agricultural land" means land primarily devoted to the
11 commercial production of horticultural, viticultural, floricultural,
12 dairy, apiary, vegetable, or animal products or of berries, grain,
13 hay, straw, turf, seed, Christmas trees not subject to the excise tax
14 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
15 hatcheries, or livestock, and that has long-term commercial
16 significance for agricultural production.

17 (3) "City" means any city or town, including a code city.

18 (4) "Comprehensive land use plan," "comprehensive plan," or
19 "plan" means a generalized coordinated land use policy statement of
20 the governing body of a county or city that is adopted pursuant to
21 this chapter.

22 (5) "Critical areas" include the following areas and ecosystems:
23 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
24 used for potable water; (c) fish and wildlife habitat conservation
25 areas; (d) frequently flooded areas; and (e) geologically hazardous
26 areas. "Fish and wildlife habitat conservation areas" does not
27 include such artificial features or constructs as irrigation delivery
28 systems, irrigation infrastructure, irrigation canals, or drainage
29 ditches that lie within the boundaries of and are maintained by a
30 port district or an irrigation district or company.

31 (6) "Department" means the department of commerce.

32 (7) "Development regulations" or "regulation" means the controls
33 placed on development or land use activities by a county or city,
34 including, but not limited to, zoning ordinances, critical areas
35 ordinances, shoreline master programs, official controls, planned
36 unit development ordinances, subdivision ordinances, and binding site
37 plan ordinances together with any amendments thereto. A development
38 regulation does not include a decision to approve a project permit
39 application, as defined in RCW 36.70B.020, even though the decision

1 may be expressed in a resolution or ordinance of the legislative body
2 of the county or city.

3 (8) "Forestland" means land primarily devoted to growing trees
4 for long-term commercial timber production on land that can be
5 economically and practically managed for such production, including
6 Christmas trees subject to the excise tax imposed under RCW 84.33.100
7 through 84.33.140, and that has long-term commercial significance. In
8 determining whether forestland is primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, the
11 following factors shall be considered: (a) The proximity of the land
12 to urban, suburban, and rural settlements; (b) surrounding parcel
13 size and the compatibility and intensity of adjacent and nearby land
14 uses; (c) long-term local economic conditions that affect the ability
15 to manage for timber production; and (d) the availability of public
16 facilities and services conducive to conversion of forestland to
17 other uses.

18 (9) "Freight rail dependent uses" means buildings and other
19 infrastructure that are used in the fabrication, processing, storage,
20 and transport of goods where the use is dependent on and makes use of
21 an adjacent short line railroad. Such facilities are both urban and
22 rural development for purposes of this chapter. "Freight rail
23 dependent uses" does not include buildings and other infrastructure
24 that are used in the fabrication, processing, storage, and transport
25 of coal, liquefied natural gas, or "crude oil" as defined in RCW
26 90.56.010.

27 (10) "Geologically hazardous areas" means areas that because of
28 their susceptibility to erosion, sliding, earthquake, or other
29 geological events, are not suited to the siting of commercial,
30 residential, or industrial development consistent with public health
31 or safety concerns.

32 (11) "Long-term commercial significance" includes the growing
33 capacity, productivity, and soil composition of the land for long-
34 term commercial production, in consideration with the land's
35 proximity to population areas, and the possibility of more intense
36 uses of the land.

37 (12) "Minerals" include gravel, sand, and valuable metallic
38 substances.

39 (13) "Public facilities" include streets, roads, highways,
40 sidewalks, street and road lighting systems, traffic signals,

1 domestic water systems, storm and sanitary sewer systems, parks and
2 recreational facilities, and schools.

3 (14) "Public services" include fire protection and suppression,
4 law enforcement, public health, education, recreation, environmental
5 protection, and other governmental services.

6 (15) "Recreational land" means land so designated under RCW
7 36.70A.1701 and that, immediately prior to this designation, was
8 designated as agricultural land of long-term commercial significance
9 under RCW 36.70A.170. Recreational land must have playing fields and
10 supporting facilities existing before July 1, 2004, for sports played
11 on grass playing fields.

12 (16) "Rural character" refers to the patterns of land use and
13 development established by a county in the rural element of its
14 comprehensive plan:

15 (a) In which open space, the natural landscape, and vegetation
16 predominate over the built environment;

17 (b) That foster traditional rural lifestyles, rural-based
18 economies, and opportunities to both live and work in rural areas;

19 (c) That provide visual landscapes that are traditionally found
20 in rural areas and communities;

21 (d) That are compatible with the use of the land by wildlife and
22 for fish and wildlife habitat;

23 (e) That reduce the inappropriate conversion of undeveloped land
24 into sprawling, low-density development;

25 (f) That generally do not require the extension of urban
26 governmental services; and

27 (g) That are consistent with the protection of natural surface
28 water flows and groundwater and surface water recharge and discharge
29 areas.

30 (17) "Rural development" refers to development outside the urban
31 growth area and outside agricultural, forest, and mineral resource
32 lands designated pursuant to RCW 36.70A.170. Rural development can
33 consist of a variety of uses and residential densities, including
34 clustered residential development, at levels that are consistent with
35 the preservation of rural character and the requirements of the rural
36 element. Rural development does not refer to agriculture or forestry
37 activities that may be conducted in rural areas.

38 (18) "Rural governmental services" or "rural services" include
39 those public services and public facilities historically and
40 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection
2 services, transportation and public transit services, and other
3 public utilities associated with rural development and normally not
4 associated with urban areas. Rural services do not include storm or
5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (19) "Short line railroad" means those railroad lines designated
7 class II or class III by the United States surface transportation
8 board.

9 (20) "Urban governmental services" or "urban services" include
10 those public services and public facilities at an intensity
11 historically and typically provided in cities, specifically including
12 storm and sanitary sewer systems, domestic water systems, street
13 cleaning services, fire and police protection services, public
14 transit services, and other public utilities associated with urban
15 areas and normally not associated with rural areas.

16 (21) "Urban growth" refers to growth that makes intensive use of
17 land for the location of buildings, structures, and impermeable
18 surfaces to such a degree as to be incompatible with the primary use
19 of land for the production of food, other agricultural products, or
20 fiber, or the extraction of mineral resources, rural uses, rural
21 development, and natural resource lands designated pursuant to RCW
22 36.70A.170. A pattern of more intensive rural development, as
23 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
24 to spread over wide areas, urban growth typically requires urban
25 governmental services. "Characterized by urban growth" refers to land
26 having urban growth located on it, or to land located in relationship
27 to an area with urban growth on it as to be appropriate for urban
28 growth.

29 (22) "Urban growth areas" means those areas designated by a
30 county pursuant to RCW 36.70A.110.

31 (23) "Wetland" or "wetlands" means areas that are inundated or
32 saturated by surface water or groundwater at a frequency and duration
33 sufficient to support, and that under normal circumstances do
34 support, a prevalence of vegetation typically adapted for life in
35 saturated soil conditions. Wetlands generally include swamps,
36 marshes, bogs, and similar areas. Wetlands do not include those
37 artificial wetlands intentionally created from nonwetland sites,
38 including, but not limited to, irrigation and drainage ditches,
39 grass-lined swales, canals, detention facilities, wastewater
40 treatment facilities, farm ponds, and landscape amenities, or those

1 wetlands created after July 1, 1990, that were unintentionally
2 created as a result of the construction of a road, street, or
3 highway. Wetlands may include those artificial wetlands intentionally
4 created from nonwetland areas created to mitigate conversion of
5 wetlands.

6 (24) "Affordable housing" means, unless the context clearly
7 indicates otherwise, residential housing whose monthly costs,
8 including utilities other than telephone, do not exceed thirty
9 percent of the monthly income of a household whose income is:

10 (a) For rental housing, sixty percent of the median household
11 income adjusted for household size, for the county where the
12 household is located, as reported by the United States department of
13 housing and urban development; or

14 (b) For owner-occupied housing, eighty percent of the median
15 household income adjusted for household size, for the county where
16 the household is located, as reported by the United States department
17 of housing and urban development.

18 (25) "Extremely low-income household" means a single person,
19 family, or unrelated persons living together whose adjusted income is
20 at or below thirty percent of the median household income adjusted
21 for household size, for the county where the household is located, as
22 reported by the United States department of housing and urban
23 development.

24 (26) "Low-income household" means a single person, family, or
25 unrelated persons living together whose adjusted income is at or
26 below eighty percent of the median household income adjusted for
27 household size, for the county where the household is located, as
28 reported by the United States department of housing and urban
29 development.

30 (27) "Permanent supportive housing" is subsidized, leased housing
31 with no limit on length of stay, paired with on-site or off-site
32 voluntary services designed to support a person living with a
33 disability to be a successful tenant in a housing arrangement,
34 improve the resident's health status, and connect residents of the
35 housing with community-based health care, treatment, and employment
36 services.

37 (28) "Very low-income household" means a single person, family,
38 or unrelated persons living together whose adjusted income is at or
39 below fifty percent of the median household income adjusted for
40 household size, for the county where the household is located, as

1 reported by the United States department of housing and urban
2 development.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 The Washington center for real estate research at the University
6 of Washington shall produce a report every two years that compiles
7 housing supply and affordability metrics for each city planning under
8 RCW 36.70A.040 with a population of ten thousand or more. The initial
9 report, completed by October 15, 2020, must be a compilation of
10 objective criteria relating to development regulations, zoning,
11 income, housing and rental prices, housing affordability programs,
12 and other metrics relevant to assessing housing supply and
13 affordability for all income segments, including the percentage of
14 cost-burdened households, of each city subject to the report required
15 by this section. The report completed by October 15, 2022, must also
16 include data relating to actions taken by cities under this act. The
17 report completed by October 15, 2024, must also include relevant data
18 relating to buildable lands reports prepared under RCW 36.70A.215,
19 where applicable, and updates to comprehensive plans under this
20 chapter. The Washington center for real estate research shall
21 collaborate with the Washington housing finance commission and the
22 office of financial management to develop the metrics compiled in the
23 report. The report must be submitted, consistent with RCW 43.01.036,
24 to the standing committees of the legislature with jurisdiction over
25 housing issues and this chapter.

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

28 If adopted by April 1, 2021, amendments to development
29 regulations and other nonproject actions taken by a city to implement
30 section 1 (1) or (4) of this act, with the exception of the action
31 specified in section 1(1)(f) of this act, are not subject to
32 administrative or judicial appeals under this chapter.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
34 RCW to read as follows:

35 In counties and cities planning under RCW 36.70A.040, minimum
36 residential parking requirements mandated by municipal zoning

1 ordinances for housing units constructed after July 1, 2019, are
2 subject to the following requirements:

3 (1) For housing units that are affordable to very low-income or
4 extremely low-income individuals and that are located within one-
5 quarter mile of a transit stop that receives transit service at least
6 four times per hour for twelve or more hours per day, minimum
7 residential parking requirements may be no greater than one parking
8 space per bedroom or .75 space per unit. A city may require a
9 developer to record a covenant that prohibits the rental of a unit
10 subject to this parking restriction for any purpose other than
11 providing for housing for very low-income or extremely low-income
12 individuals. The covenant must address price restrictions and
13 household income limits and policies if the property is converted to
14 a use other than for low-income housing. A city may establish a
15 requirement for the provision of more than one parking space per
16 bedroom or .75 space per unit if the jurisdiction has determined a
17 particular housing unit to be in an area with a lack of access to
18 street parking capacity, physical space impediments, or other reasons
19 supported by evidence that would make on-street parking infeasible
20 for the unit.

21 (2) For housing units that are specifically for seniors or people
22 with disabilities, that are located within one-quarter mile of a
23 transit stop that receives transit service at least four times per
24 hour for twelve or more hours per day, a city may not impose minimum
25 residential parking requirements for the residents of such housing
26 units, subject to the exceptions provided in this subsection. A city
27 may establish parking requirements for staff and visitors of such
28 housing units. A city may establish a requirement for the provision
29 of one or more parking space per bedroom if the jurisdiction has
30 determined a particular housing unit to be in an area with a lack of
31 access to street parking capacity, physical space impediments, or
32 other reasons supported by evidence that would make on-street parking
33 infeasible for the unit. A city may require a developer to record a
34 covenant that prohibits the rental of a unit subject to this parking
35 restriction for any purpose other than providing for housing for
36 seniors or people with disabilities.

37 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C
38 RCW to read as follows:

1 (1) A project action pertaining to residential, multifamily, or
2 mixed use development evaluated under this chapter by a city or town
3 planning under RCW 36.70A.040 is exempt from appeals under this
4 chapter on the basis of the evaluation of or impacts to
5 transportation elements of the environment, so long as the project
6 does not present significant adverse impacts to the state-owned
7 transportation system as determined by the department of
8 transportation and the project is:

9 (a) (i) Consistent with a locally adopted transportation plan; or

10 (ii) Consistent with the transportation element of a
11 comprehensive plan; and

12 (b) (i) A project for which traffic or parking impact fees are
13 imposed pursuant to RCW 82.02.050 through 82.02.090; or

14 (ii) A project for which traffic or parking impacts are expressly
15 mitigated by an ordinance, or ordinances, of general application
16 adopted by the city or town.

17 (2) For purposes of this section, "impacts to transportation
18 elements of the environment" include impacts to transportation
19 systems; vehicular traffic; waterborne, rail, and air traffic;
20 parking; movement or circulation of people or goods; and traffic
21 hazards.

22 **Sec. 7.** RCW 43.21C.420 and 2010 c 153 s 2 are each amended to
23 read as follows:

24 (1) Cities with a population greater than five thousand, in
25 accordance with their existing comprehensive planning and development
26 regulation authority under chapter 36.70A RCW, and in accordance with
27 this section, may adopt optional elements of their comprehensive
28 plans and optional development regulations that apply within
29 specified subareas of the cities, that are either:

30 (a) Areas designated as mixed-use or urban centers in a land use
31 or transportation plan adopted by a regional transportation planning
32 organization; or

33 (b) Areas within one-half mile of a major transit stop that are
34 zoned to have an average minimum density of fifteen dwelling units or
35 more per gross acre.

36 (2) Cities located on the east side of the Cascade mountains and
37 located in a county with a population of two hundred thirty thousand
38 or less, in accordance with their existing comprehensive planning and
39 development regulation authority under chapter 36.70A RCW, and in

1 accordance with this section, may adopt optional elements of their
2 comprehensive plans and optional development regulations that apply
3 within the mixed-use or urban centers. The optional elements of their
4 comprehensive plans and optional development regulations must enhance
5 pedestrian, bicycle, transit, or other nonvehicular transportation
6 methods.

7 (3) A major transit stop is defined as:

8 (a) A stop on a high capacity transportation service funded or
9 expanded under the provisions of chapter 81.104 RCW;

10 (b) Commuter rail stops;

11 (c) Stops on rail or fixed guideway systems, including
12 transitways;

13 (d) Stops on bus rapid transit routes or routes that run on high
14 occupancy vehicle lanes; or

15 (e) Stops for a bus or other transit mode providing fixed route
16 service at intervals of at least thirty minutes during the peak hours
17 of operation.

18 (4) (a) A city that elects to adopt such an optional comprehensive
19 plan element and optional development regulations shall prepare a
20 nonproject environmental impact statement, pursuant to RCW
21 43.21C.030, assessing and disclosing the probable significant adverse
22 environmental impacts of the optional comprehensive plan element and
23 development regulations and of future development that is consistent
24 with the plan and regulations.

25 (b) At least one community meeting must be held on the proposed
26 subarea plan before the scoping notice for such a nonproject
27 environmental impact statement is issued. Notice of scoping for such
28 a nonproject environmental impact statement and notice of the
29 community meeting required by this section must be mailed to all
30 property owners of record within the subarea to be studied, to all
31 property owners within one hundred fifty feet of the boundaries of
32 such a subarea, to all affected federally recognized tribal
33 governments whose ceded area is within one-half mile of the
34 boundaries of the subarea, and to agencies with jurisdiction over the
35 future development anticipated within the subarea.

36 ~~(c) ((In cities with over five hundred thousand residents, notice~~
37 ~~of scoping for such a nonproject environmental impact statement and~~
38 ~~notice of the community meeting required by this section must be~~
39 ~~mailed to all small businesses as defined in RCW 19.85.020, and to~~
40 ~~all community preservation and development authorities established~~

1 ~~under chapter 43.167 RCW, located within the subarea to be studied or~~
2 ~~within one hundred fifty feet of the boundaries of such subarea. The~~
3 ~~process for community involvement must have the goal of fair~~
4 ~~treatment and meaningful involvement of all people with respect to~~
5 ~~the development and implementation of the subarea planning process.~~

6 ~~(d))~~ The notice of the community meeting must include general
7 illustrations and descriptions of buildings generally representative
8 of the maximum building envelope that will be allowed under the
9 proposed plan and indicate that future appeals of proposed
10 developments that are consistent with the plan will be limited.
11 Notice of the community meeting must include signs located on major
12 travel routes in the subarea. If the building envelope increases
13 during the process, another notice complying with the requirements of
14 this section must be issued before the next public involvement
15 opportunity.

16 ~~((e))~~ (d) Any person that has standing to appeal the adoption
17 of this subarea plan or the implementing regulations under RCW
18 36.70A.280 has standing to bring an appeal of the nonproject
19 environmental impact statement required by this subsection.

20 ~~((f) Cities with over five hundred thousand residents shall~~
21 ~~prepare a study that accompanies or is appended to the nonproject~~
22 ~~environmental impact statement, but must not be part of that~~
23 ~~statement, that analyzes the extent to which the proposed subarea~~
24 ~~plan may result in the displacement or fragmentation of existing~~
25 ~~businesses, existing residents, including people living with poverty,~~
26 ~~families with children, and intergenerational households, or cultural~~
27 ~~groups within the proposed subarea plan. The city shall also discuss~~
28 ~~the results of the analysis at the community meeting.~~

29 ~~(g))~~ (e) As an incentive for development authorized under this
30 section, a city shall consider establishing a transfer of development
31 rights program in consultation with the county where the city is
32 located, that conserves county-designated agricultural and forestland
33 of long-term commercial significance. If the city decides not to
34 establish a transfer of development rights program, the city must
35 state in the record the reasons for not adopting the program. The
36 city's decision not to establish a transfer of development rights
37 program is not subject to appeal. Nothing in this subsection (4)

38 ~~((g))~~ (e) may be used as a basis to challenge the optional
39 comprehensive plan or subarea plan policies authorized under this
40 section.

1 (5) (a) Until July 1, ((2018)) 2029, a proposed development that
2 meets the criteria of (b) of this subsection may not be challenged in
3 administrative or judicial appeals for noncompliance with this
4 chapter as long as a complete application for such a development that
5 vests the application or would later lead to vested status under city
6 or state law is submitted to the city within a time frame established
7 by the city, but not to exceed the following time frames:

8 (i) Nineteen years from the date of issuance of the final
9 environmental impact statement, for projects that are consistent with
10 an optional element adopted by a city as of the effective date of
11 this section; or

12 (ii) Ten years from the date of issuance of the final
13 environmental impact statement, for projects that are consistent with
14 an optional element adopted by a city after the effective date of
15 this section.

16 (b) A proposed development may not be challenged, consistent with
17 the timelines established in (a) of this subsection, so long as the
18 development:

19 (i) Is consistent with the optional comprehensive plan or subarea
20 plan policies and development regulations adopted under subsection
21 (1) or (2) of this section;

22 (ii) Sets aside or requires the occupancy of at least ten percent
23 of the dwelling units, or a greater percentage as determined by city
24 development regulations, within the development for low-income
25 households at a sale price or rental amount that is considered
26 affordable by a city's housing programs. This subsection (5) (b) (ii)
27 applies only to projects that are consistent with an optional element
28 adopted by a city pursuant to this section after the effective date
29 of this section; and ((that))

30 (iii) Is environmentally reviewed under subsection (4) of this
31 section ((may not be challenged in administrative or judicial appeals
32 for noncompliance with this chapter as long as a complete application
33 for such a development that vests the application or would later lead
34 to vested status under city or state law is submitted to the city
35 within a time frame established by the city, but not to exceed ten
36 years from the date of issuance of the final environmental impact
37 statement)).

38 ((b)) (c) After July 1, ((2018)) 2029, the immunity from
39 appeals under this chapter of any application that vests or will vest
40 under this subsection or the ability to vest under this subsection is

1 still valid, provided that the final subarea environmental impact
2 statement is issued by July 1, ~~((2018))~~ 2029. After July 1, ~~((2018))~~
3 2029, a city may continue to collect reimbursement fees under
4 subsection (6) of this section for the proportionate share of a
5 subarea environmental impact statement issued prior to July 1,
6 ~~((2018))~~ 2029.

7 (6) It is recognized that a city that prepares a nonproject
8 environmental impact statement under subsection (4) of this section
9 must endure a substantial financial burden. A city may recover or
10 apply for a grant or loan to prospectively cover its reasonable
11 expenses of preparation of a nonproject environmental impact
12 statement prepared under subsection (4) of this section through
13 access to financial assistance under RCW 36.70A.490 or funding from
14 private sources. In addition, a city is authorized to recover a
15 portion of its reasonable expenses of preparation of such a
16 nonproject environmental impact statement by the assessment of
17 reasonable and proportionate fees upon subsequent development that is
18 consistent with the plan and development regulations adopted under
19 subsection (5) of this section, as long as the development makes use
20 of and benefits ~~((from))~~ from, as described in subsection (5) of
21 this section, ~~((from))~~ the nonproject environmental impact statement
22 prepared by the city. Any assessment fees collected from subsequent
23 development may be used to reimburse funding received from private
24 sources. In order to collect such fees, the city must enact an
25 ordinance that sets forth objective standards for determining how the
26 fees to be imposed upon each development will be proportionate to the
27 impacts of each development and to the benefits accruing to each
28 development from the nonproject environmental impact statement. Any
29 disagreement about the reasonableness or amount of the fees imposed
30 upon a development may not be the basis for delay in issuance of a
31 project permit for that development. The fee assessed by the city may
32 be paid with the written stipulation "paid under protest" and if the
33 city provides for an administrative appeal of its decision on the
34 project for which the fees are imposed, any dispute about the amount
35 of the fees must be resolved in the same administrative appeal
36 process.

37 (7) If a proposed development is inconsistent with the optional
38 comprehensive plan or subarea plan policies and development
39 regulations adopted under subsection (1) of this section, the city

1 shall require additional environmental review in accordance with this
2 chapter.

3 **Sec. 8.** RCW 36.70A.490 and 2012 1st sp.s. c 1 s 309 are each
4 amended to read as follows:

5 The growth management planning and environmental review fund is
6 hereby established in the state treasury. Moneys may be placed in the
7 fund from the proceeds of bond sales, tax revenues, budget transfers,
8 federal appropriations, gifts, or any other lawful source. Moneys in
9 the fund may be spent only after appropriation. Moneys in the fund
10 shall be used to make grants or loans to local governments for the
11 purposes set forth in RCW 43.21C.240, 43.21C.031, (~~(e)~~) 36.70A.500,
12 section 1 of this act, for costs associated with section 3 of this
13 act, and to cover costs associated with the adoption of optional
14 elements of comprehensive plans consistent with RCW 43.21C.420. Any
15 payment of either principal or interest, or both, derived from loans
16 made from this fund must be deposited into the fund.

17 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21
18 RCW to read as follows:

19 A city may not prohibit permanent supportive housing in areas
20 where multifamily housing is permitted.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.21
22 RCW to read as follows:

23 A code city may not prohibit permanent supportive housing in
24 areas where multifamily housing is permitted.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.22
26 RCW to read as follows:

27 (1) Except as provided in subsection (2) of this section, a
28 surcharge of two dollars and fifty cents shall be charged by the
29 county auditor for each document recorded, which will be in addition
30 to any other charge or surcharge allowed by law. The auditor shall
31 remit the funds to the state treasurer to be deposited and used as
32 follows:

33 (a) Through June 30, 2024, funds must be deposited into the
34 growth management planning and environmental review fund created in
35 RCW 36.70A.490 to be used first for grants for costs associated with

1 section 1 of this act and for costs associated with section 3 of this
2 act, and thereafter for any allowable use of the fund.

3 (b) Beginning July 1, 2024, sufficient funds must be deposited
4 into the growth management planning and environmental review fund
5 created in RCW 36.70A.490 for costs associated with section 3 of this
6 act, and the remainder deposited into the home security fund account
7 created in RCW 43.185C.060 to be used for maintenance and operation
8 costs of: (i) Permanent supportive housing and (ii) affordable
9 housing for very low-income and extremely low-income households.
10 Funds may only be expended in cities that have taken action under
11 section 1 of this act.

12 (2) The surcharge imposed in this section does not apply to: (a)
13 Assignments or substitutions of previously recorded deeds of trust;
14 (b) documents recording a birth, marriage, divorce, or death; (c) any
15 recorded documents otherwise exempted from a recording fee or
16 additional surcharges under state law; (d) marriage licenses issued
17 by the county auditor; or (e) documents recording a federal, state,
18 county, or city lien or satisfaction of lien.

19 (3) For purposes of this section, the terms "permanent supportive
20 housing," "affordable housing," "very low-income households," and
21 "extremely low-income households" have the same meaning as provided
22 in RCW 36.70A.030.

23 NEW SECTION. **Sec. 12.** Section 11 of this act is necessary for
24 the immediate preservation of the public peace, health, or safety, or
25 support of the state government and its existing public institutions,
26 and takes effect July 1, 2019.

--- END ---