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HOUSE BILL 1673

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Rust, Pruitt, R. Meyers, Jacobsen, Heavey, Roland, Phillips, Hine, Paris, Fraser and Wineberry.

Read first time February 6, 1991.                      Referred to Committee on Environmental Affairs\Appropriations.

1            AN ACT Relating to growth strategies; amending RCW 36.70A.030,  
2 36.70A.020, 36.70A.070, and 82.02.050; and creating a new section.

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

4            **Sec. 1.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each  
5 amended to read as follows:

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

8            (1) "Adjacent jurisdictions" include contiguous counties, cities,  
9 and federally recognized Indian tribes.

10            (2) "Adopt a comprehensive land use plan" means to enact a new  
11 comprehensive land use plan or to update an existing comprehensive land  
12 use plan.

13            ((+2+)) (3) "Agricultural land" means land primarily devoted to the  
14 commercial production of horticultural, viticultural, floricultural,  
15 dairy, apiary, vegetable, or animal products or of berries, grain, hay,

1 straw, turf, seed, Christmas trees not subject to the excise tax  
2 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has  
3 long-term commercial significance for agricultural production.

4 ~~((3))~~ (4) "Board" means the growth management board established  
5 to review plans and regulations established under this chapter.

6 (5) "City" means any city or town, including a code city.

7 ~~((4))~~ (6) "Committee" means the interagency committee for outdoor  
8 recreation established under chapter 43.99 RCW.

9 (7) "Comprehensive land use plan," "comprehensive plan," or "plan"  
10 means a generalized coordinated land use policy statement of the  
11 governing body of a county or city that is adopted pursuant to this  
12 chapter.

13 ~~((5))~~ (8) "Critical areas" include the following areas and  
14 ecosystems: (a) Wetlands; (b) areas with a critical recharging effect  
15 on aquifers used for potable water; (c) critical fish and wildlife  
16 habitat ~~((conservation areas))~~; (d) frequently flooded areas; and (e)  
17 geologically hazardous areas.

18 ~~((6))~~ (9) "Department" means the department of community  
19 development.

20 ~~((7))~~ (10) "Development regulations" means any controls placed on  
21 development or land use activities by a county or city, including, but  
22 not limited to, zoning ordinances, official controls, planned unit  
23 development ordinances, subdivision ordinances, and binding site plan  
24 ordinances.

25 ~~((8))~~ (11) "Forest land" means land primarily useful for growing  
26 trees, including Christmas trees subject to the excise tax imposed  
27 under RCW 84.33.100 through 84.33.140, for commercial purposes, and  
28 that has long-term commercial significance for growing trees  
29 commercially.

1       (~~(9)~~) (12) "Geologically hazardous areas" means areas that  
2 because of their susceptibility to erosion, sliding, earthquake, or  
3 other geological events, are not suited to the siting of commercial,  
4 residential, or industrial development consistent with public health or  
5 safety concerns.

6       (~~(10)~~) (13) "Long-term commercial significance" includes the  
7 growing capacity, productivity, and soil composition of the land for  
8 long-term commercial production, in consideration with the land's  
9 proximity to population areas, and the possibility of more intense uses  
10 of the land.

11       (~~(11)~~) (14) "Mineral(~~s~~) resource lands" include those lands  
12 identified and devoted to the long-term commercial extraction of  
13 gravel, sand, rock, and valuable metallic substances.

14       (15) "Natural resource lands" means agricultural lands, forest  
15 lands, and mineral resource lands.

16       (16) "New community" means a comprehensive development providing  
17 for a mixture of land uses which includes the following: (a) A mix of  
18 jobs, housing, and public facilities needed for a self-contained  
19 community; (b) preservation of open spaces within and around the  
20 community; (c) an internal and external transportation system  
21 supportive of pedestrian access and mass transit; (d) the new  
22 infrastructure needed to serve the proposed community; and (e) the  
23 mitigation of off-site impacts.

24       (17) "Open space lands" include land areas, the protection of which  
25 would: (a) Conserve and enhance scenic, or viewshed resources; (b)  
26 provide scenic amenities and community identity within and between  
27 areas of urban development; (c) protect physical and/or visual buffers  
28 within and between areas of urban and rural development, or along  
29 transportation corridors; (d) protect lakes, rivers, streams,  
30 watersheds, or water supply; (e) promote conservation of critical

1 areas, natural resource lands, soils, geologically hazardous areas, or  
2 tidal marshes, beaches, or other shoreline areas; (f) enhance the value  
3 to the public of abutting or neighboring parks, forests, wildlife  
4 habitat, trails, or other open space; (g) enhance visual enjoyment and  
5 recreation opportunities, including public access to shoreline areas;  
6 (h) protect natural areas and environmental features with significant  
7 educational, scientific, wildlife habitat, historic, or scenic value;  
8 or (i) retain in its natural state tracts of land not less than five  
9 acres situated in an urban environment.

10       (~~(12)~~) (18) "Public facilities" include streets, roads, highways,  
11 sidewalks, street and road lighting systems, traffic signals, domestic  
12 water systems, storm and sanitary sewer systems, parks and  
13 recreational facilities, and schools.

14       (~~(13)~~) (19) "Public services" include fire protection and  
15 suppression, law enforcement, public health, education, recreation,  
16 environmental protection, and other governmental services.

17       (20) "Region" means one or more counties and the cities within the  
18 county or counties, including, as a local option, multicounty regions.

19       (21) "Special district" means every municipal and quasi-municipal  
20 corporation other than a county or city. Special districts shall  
21 include, but are not limited to: Water districts, sewer districts,  
22 public transportation benefit areas, fire protection districts, port  
23 districts, library districts, school districts, public utility  
24 districts, county park and recreation service areas, flood control zone  
25 districts, irrigation districts, diking districts, and drainage  
26 improvement districts.

27       (22) "State agencies" means all departments, boards, commissions,  
28 institutions of higher education, and offices of state government,  
29 except those in the legislative or judicial branches, except to the  
30 extent otherwise required by law.

1        (~~(14)~~) (23) "Urban growth" refers to growth that makes intensive  
2 use of land for the location of buildings, structures, and impermeable  
3 surfaces to such a degree as to be incompatible with the primary use of  
4 such land for the production of food, other agricultural products, or  
5 fiber, or the extraction of mineral resources. When allowed to spread  
6 over wide areas, urban growth typically requires urban governmental  
7 services. "Characterized by urban growth" refers to land having urban  
8 growth located on it, or to land located in relationship to an area  
9 with urban growth on it as to be appropriate for urban growth.

10        (~~(15)~~) (24) "Urban growth areas" means those areas designated by  
11 a county pursuant to RCW 36.70A.110.

12        (~~(16)~~) (25) "Urban governmental services" include those  
13 governmental services historically and typically delivered by cities,  
14 and include storm and sanitary sewer systems, domestic water systems,  
15 street cleaning services, fire and police protection services, public  
16 transit services, and other public utilities associated with urban  
17 areas and normally not associated with nonurban areas.

18        (~~(17)~~) (26) "Wetland" or "wetlands" means areas that are  
19 inundated or saturated by surface water or ground water at a frequency  
20 and duration sufficient to support, and that under normal circumstances  
21 do support, a prevalence of vegetation typically adapted for life in  
22 saturated soil conditions. Wetlands generally include swamps, marshes,  
23 bogs, and similar areas. Wetlands do not include those artificial  
24 wetlands intentionally created from nonwetland sites, including, but  
25 not limited to, irrigation and drainage ditches, grass-lined swales,  
26 canals, detention facilities, wastewater treatment facilities, farm  
27 ponds, and landscape amenities. However, wetlands may include those  
28 artificial wetlands intentionally created from nonwetland areas created  
29 to mitigate conversion of wetlands, if permitted by the county or city.

PART I

PLANNING GOALS

**Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

PLANNING GOALS. The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used ~~((exclusively))~~ for the purpose of guiding the development of comprehensive plans and development regulations. However, plans, regulations, and actions, including expenditures of state-appropriated funds, of state agencies, counties, and cities required or choosing to plan, and special districts shall conform to and support these goals:

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

Urban growth areas should be compact, have concentrated employment centers, and provide opportunities for people to live in a variety of housing types close to where they work. Plans should ensure an adequate supply of land for projected jobs considering the nature and diversity of economic activity and for a variety of housing types. Development densities should be sufficient to: (a) Protect open space, natural features and parks, natural resource lands and critical areas within and outside of urban growth areas; (b) promote affordable housing; and (c) promote transit. Large land areas characterized by significant natural limitations such as steep slopes, seismic hazard

1 areas, flood plains, and wetlands should not be designated for urban  
2 growth.

3 New development should be designed to respect the planned and  
4 existing character of neighborhoods. Open spaces and natural features  
5 should be preserved within urban areas.

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

8 (3) Transportation. (~~Encourage~~) Develop efficient multimodal  
9 transportation systems that are based on regional priorities and  
10 coordinated with county and city comprehensive plans. Provide  
11 alternatives to single-occupant automobile travel in congested urban  
12 areas. Housing should be of sufficient density and employment centers  
13 should be concentrated to enable greater efficiency and affordability  
14 of transit service.

15 (4) Housing. Encourage (~~the availability of~~) and participate in  
16 making available affordable housing (~~to~~) for all economic segments of  
17 the population of this state, promote a variety of residential  
18 densities and housing types, (~~and~~) encourage preservation of existing  
19 housing stock, promote the state and federal fair housing goals, and  
20 provide for a fair share of housing needs.

21 (5) Economic development. Encourage economic development  
22 throughout the state that is consistent with adopted comprehensive  
23 plans, promote economic opportunity for all citizens of this state,  
24 especially for unemployed and for disadvantaged persons, build a  
25 network of strong regional economies, identify and focus assistance on  
26 priority economic development areas where there is a need for growth  
27 and where there is the realistic capacity and broad local support for  
28 such growth, and encourage growth in areas experiencing insufficient  
29 economic growth, all within the capacities of the state's natural  
30 resources, public services, and public facilities.

1 (6) Property rights. Private property shall not be taken for  
2 public use without just compensation having been made. The property  
3 rights of landowners shall be protected from arbitrary and  
4 discriminatory actions.

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

8 (8) Natural resource industries. Maintain and enhance natural  
9 resource-based industries, including productive timber, agricultural,  
10 and fisheries industries. Encourage the conservation of productive  
11 forest lands and productive agricultural lands, and discourage  
12 incompatible uses.

13 (9) Open space and recreation. (~~Encourage the retention of open~~  
14 ~~space and development of recreational opportunities, conserve fish and~~  
15 ~~wildlife habitat, increase access to natural resource lands and water,~~  
16 ~~and develop parks.)) Protect open space and where possible link open  
17 space into regional and state-wide networks. Permanent open space  
18 networks should separate neighboring cities, where possible, and define  
19 distinct urban growth areas to prevent their merging into large  
20 continuous urban areas. Open space should be used to: Protect fish  
21 and wildlife habitat; protect environmentally sensitive land and water  
22 areas; provide park and outdoor recreational opportunities; protect  
23 scenic areas and viewsheds; accommodate nonmotorized recreational  
24 corridors and trails; and protect views and vistas within and around  
25 cities.~~

26 (10) Environment. Protect the environment and enhance the state's  
27 high quality of life, including air and water quality, and the  
28 availability of water.

29 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
30 the involvement of citizens in the planning process and ensure

1 coordination between communities and jurisdictions to reconcile  
2 conflicts.

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

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

11 (14) Fair share. Ensure the siting of regional and state public  
12 facilities, so that each county and its cities accepts their fair share  
13 of public facilities and no community is overburdened.

14 (15) Water Resources. Land use planning and permit decisions that  
15 will both protect water and create demand for water must be compatible  
16 with water resource plans. New growth must be related to water  
17 availability. Each county and its cities must integrate water resource  
18 planning for consumptive and nonconsumptive uses into its land use  
19 plan. Water is key for fish, wildlife, domestic use, industrial use,  
20 power, agriculture, aesthetics, and recreation.

21 PART II

22 LOCAL PLANNING

23 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each  
24 amended to read as follows:

25 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
26 a county or city that is required or chooses to plan under RCW  
27 36.70A.040 shall consist of a map or maps, and descriptive text  
28 covering objectives, principles, and standards used to develop the

1 comprehensive plan. The plan shall be an internally consistent  
2 document and all elements shall be consistent with the future land use  
3 map. A comprehensive plan shall be adopted and amended with public  
4 participation as provided in RCW 36.70A.140.

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

7 (1) A land use element designating the proposed general  
8 distribution and general location and extent of the uses of land, where  
9 appropriate, for agriculture, timber production, housing, commerce,  
10 industry, recreation, open spaces, public utilities, public facilities,  
11 and other land uses. The land use element shall provide for sufficient  
12 developable land and densities for a range of housing types. The land  
13 use element shall include population densities, building intensities,  
14 and estimates of future population growth. The land use element shall  
15 include designation of natural resource lands and lands for outdoor  
16 recreation as provided in RCW 36.70A.060. Each county shall include  
17 urban growth areas as established in RCW 36.70A.110 in its  
18 comprehensive land use plan. The land use element shall provide for  
19 protection of the quality and quantity of ground and surface water used  
20 for public water supplies and shall recognize that water availability  
21 and quality are key factors in determining the extent, location,  
22 distribution, and intensity of land uses. Where applicable, the land  
23 use element shall review drainage, flooding, and storm water run-off in  
24 the area and nearby jurisdictions and provide guidance for corrective  
25 actions to mitigate or cleanse those discharges that pollute waters of  
26 the state, including Puget Sound or waters entering Puget Sound.

27 (2) A housing element recognizing the vitality and character of  
28 established residential neighborhoods that: (a) Includes an inventory  
29 and analysis of existing and projected housing needs; (b) includes a  
30 statement of goals, policies, and objectives for the preservation,

1 improvement, and development of housing and for meeting fair share  
2 housing obligations within the county and/or jurisdictions; (c)  
3 identifies sufficient land and densities for housing; (d) identifies  
4 the existing and projected fair share accommodation of low-income  
5 moderate-income housing, including, but not limited to, government-  
6 assisted housing, housing for low-income families, manufactured  
7 housing, multifamily housing, and group homes and foster care  
8 facilities; (~~and (d)~~) (e) makes adequate provisions for existing and  
9 projected needs of all economic segments of the community; (f) promotes  
10 housing that is affordable; and (g) minimizes the displacement of  
11 residents from housing.

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

24 (4) A utilities element consisting of the general location,  
25 proposed location, and capacity of all existing and proposed utilities,  
26 including, but not limited to, electrical lines, telecommunication  
27 lines, and natural gas lines.

28 (5) Counties shall include a rural element including lands that  
29 are not designated for urban growth, agriculture, forest, or mineral  
30 resources. The rural element shall permit land uses that are

1 compatible with the rural character of such lands and provide for a  
2 variety of rural densities and do not foster urban growth.

3 (6) A transportation element that implements, and is consistent  
4 with, the land use element. The transportation element shall include  
5 the following subelements:

6 (a) Land use assumptions used in estimating travel;

7 (b) Facilities and services needs, including:

8 (i) An inventory of air, water, and land transportation facilities  
9 and services, including transit alignments, to define existing capital  
10 facilities and travel levels as a basis for future planning;

11 (ii) Level of service standards for all arterials and transit  
12 routes to serve as a gauge to judge performance of the system. These  
13 standards should be regionally coordinated;

14 (iii) Specific actions and requirements for bringing into  
15 compliance any facilities or services that are below an established  
16 level of service standard;

17 (iv) Forecasts of traffic for at least ten years based on the  
18 adopted land use plan to provide information on the location, timing,  
19 and capacity needs of future growth;

20 (v) Identification of system expansion needs and transportation  
21 system management needs to meet current and future demands;

22 (c) Finance, including:

23 (i) An analysis of funding capability to judge needs against  
24 probable funding resources;

25 (ii) A multiyear financing plan based on the needs identified in  
26 the comprehensive plan, the appropriate parts of which shall serve as  
27 the basis for the six-year street, road, or transit program required by  
28 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
29 35.58.2795 for public transportation systems;

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

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

8 (e) Demand-management strategies.

9 After adoption of the comprehensive plan by jurisdictions required  
10 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions  
11 must adopt and enforce ordinances which prohibit development approval  
12 if the development causes the level of service on a transportation  
13 facility to decline below the standards adopted in the transportation  
14 element of the comprehensive plan, unless transportation improvements  
15 or strategies to accommodate the impacts of development are made  
16 concurrent with the development. These strategies may include  
17 increased public transportation service, ride sharing programs, demand  
18 management, and other transportation systems management strategies.  
19 For the purposes of this subsection (6) "concurrent with the  
20 development" shall mean that improvements or strategies are in place at  
21 the time of development, or that a financial commitment is in place to  
22 complete the improvements or strategies within six years.

23 The transportation element described in this subsection, and the  
24 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
25 counties, and RCW 35.58.2795 for public transportation systems, must be  
26 consistent.

27 (7) A design element that enables communities to harmoniously fit  
28 new development with planned or existing community character and  
29 vision.

1       (8) An environmental management element that minimizes development  
2 and growth impacts on the environment and enhances the quality of air,  
3 water, and land resources.

4       (9) An open space and outdoor recreation element that provides for  
5 local and regional parks, outdoor recreation facilities, trails,  
6 resource conservation, natural vistas, and open space.

7       (10) An annexation element for cities and incorporation element  
8 for counties to clearly delineate a local government service delivery  
9 plan.

10       (11) A fair share element for siting state and regional public  
11 facilities.

12       **Sec. 4.** RCW 82.02.050 and 1990 1st ex.s. c 17 s 43 are each  
13 amended to read as follows:

14       IMPACT FEES--INTENT. (1) It is the intent of the legislature:

15       (a) To ensure that adequate facilities are available to serve new  
16 growth and development;

17       (b) To promote orderly growth and development by establishing  
18 standards by which counties, cities, and towns may require, by  
19 ordinance, that new growth and development pay a proportionate share of  
20 the cost of new facilities needed to serve new growth and development;  
21 and

22       (c) To ensure that impact fees are imposed through established  
23 procedures and criteria so that specific developments do not pay  
24 arbitrary fees or duplicative fees for the same impact.

25       (2) Counties, cities, and towns that are required or choose to plan  
26 under RCW 36.70A.040 are authorized to impose impact fees on  
27 development activity as part of the financing for public facilities,  
28 provided that the financing for system improvements to serve new

1 development must provide for a balance between impact fees and other  
2 sources of public funds and cannot rely solely on impact fees.

3 (3) The impact fees:

4 (a) Shall only be imposed for system improvements that are  
5 reasonably related to the new development;

6 (b) Shall not exceed a proportionate share of the costs of system  
7 improvements that are reasonably related to the new development; and

8 (c) Shall be used for system improvements that will reasonably  
9 benefit the new development.

10 (4) Impact fees may be collected and spent only for the public  
11 facilities defined in RCW 82.02.090 which are addressed by a capital  
12 facilities plan element of a comprehensive land use plan adopted  
13 pursuant to the provisions of RCW 36.70A.070 or the provisions for  
14 comprehensive plan adoption contained in chapter 36.70, 35.63, or  
15 35A.63 RCW or in the inherent authority of a charter county or charter  
16 city derived from its charter. After July 1, 1993, continued  
17 authorization to collect and expend impact fees shall be contingent on  
18 the county, city, or town adopting or revising a comprehensive plan in  
19 compliance with RCW 36.70A.070, and on the capital facilities plan  
20 identifying:

21 (a) Deficiencies in public facilities serving existing development  
22 and the means by which existing deficiencies will be eliminated within  
23 a reasonable period of time;

24 (b) Additional demands placed on existing public facilities by new  
25 development; and

26 (c) Additional public facility improvements required to serve new  
27 development.

28 If the capital facilities plan of the county, city, or town is  
29 complete other than for the inclusion of those elements which are the  
30 responsibility of a special district, the county, city, or town may

1 impose impact fees to address those public facility needs for which the  
2 county, city, or town is responsible.

3 NEW SECTION. **Sec. 5.** HEADINGS. Part and section headings as used  
4 in this act do not constitute any part of the law.