
SENATE BILL 5093

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge and Metcalf.

Read first time January 18, 1991. Referred to Committee on
Governmental Operations.

1 AN ACT Relating to fire risk affecting both residential and forest
2 land areas; amending RCW 36.70.330 and 36.70A.070; adding a new section
3 to chapter 58.17 RCW; and adding a new section to chapter 76.04 RCW.

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

5 **Sec. 1.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read
6 as follows:

7 The comprehensive plan shall consist of a map or maps, and
8 descriptive text covering objectives, principles and standards used to
9 develop it, and shall include each of the following elements:

10 (1) (a) A land use element which designates the proposed general
11 distribution and general location and extent of the uses of land for
12 agriculture, housing, commerce, industry, recreation, education, public
13 buildings and lands, and other categories of public and private use of
14 land, including a statement of the standards of population density and
15 building intensity recommended for the various areas in the

1 jurisdiction and estimates of future population growth in the area
2 covered by the comprehensive plan, all correlated with the land use
3 element of the comprehensive plan.

4 (b) The land use element shall also provide for protection of the
5 quality and quantity of ground water used for public water supplies and
6 shall review drainage, flooding, and storm water run-off in the area
7 and nearby jurisdictions and provide guidance for corrective actions to
8 mitigate or cleanse those discharges that pollute Puget Sound or waters
9 entering Puget Sound((+)).

10 (c) The land use element shall also consider the degree of fire
11 hazard in providing for the location and extent of allowable
12 residential uses in high fire-risk forested areas and in providing for
13 necessary road and water system standards for residential uses in high
14 fire-risk forested areas.

15 (2) A circulation element consisting of the general location,
16 alignment and extent of major thoroughfares, major transportation
17 routes, trunk utility lines, and major terminal facilities, all of
18 which shall be correlated with the land use element of the
19 comprehensive plan((+)).

20 (3) Any supporting maps, diagrams, charts, descriptive material and
21 reports necessary to explain and supplement the above elements.

22 NEW SECTION. Sec. 2. A new section is added to chapter 58.17 RCW
23 to read as follows:

24 In addition to other requirements imposed by this chapter, the
25 legislative authority of a county shall not approve a short plat or
26 final plat, as defined in RCW 58.17.020, for a subdivision, short
27 subdivision, lot, tract, parcel, or site that lies within or is
28 contiguous to lands classified as forest lands or reforestation lands
29 under chapters 84.28 and 84.33 RCW, unless:

1 (1) The area subject to the plat will receive adequate fire
2 protection services: (a) By a fire protection district that includes
3 such area, or (b) through agreement with a private corporation, city,
4 or town for the provision of the services; and

5 (2) Adequate provision for roads and emergency water supplies for
6 fire suppression purposes is made in the proposed plat.

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

9 The comprehensive plan of a county or city that is required or
10 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
11 and descriptive text covering objectives, principles, and standards
12 used to develop the comprehensive plan. The plan shall be an
13 internally consistent document and all elements shall be consistent
14 with the future land use map. A comprehensive plan shall be adopted
15 and amended with public participation as provided in RCW 36.70A.140.

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

18 (1) A land use element designating the proposed general
19 distribution and general location and extent of the uses of land, where
20 appropriate, for agriculture, timber production, housing, commerce,
21 industry, recreation, open spaces, public utilities, public facilities,
22 and other land uses. The land use element shall include population
23 densities, building intensities, and estimates of future population
24 growth. The land use element shall provide for protection of the
25 quality and quantity of ground water used for public water supplies.
26 Where applicable, the land use element shall review drainage, flooding,
27 and storm water run-off in the area and nearby jurisdictions and
28 provide guidance for corrective actions to mitigate or cleanse those
29 discharges that pollute waters of the state, including Puget Sound or

1 waters entering Puget Sound. In the case of a county comprehensive
2 plan, the land use element shall also consider the degree of fire
3 hazard in providing for the location and extent of allowable
4 residential uses in high fire-risk forested areas and for necessary
5 road and water system standards for residential uses in high fire-risk
6 forested areas.

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

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

29 (4) A utilities element consisting of the general location,
30 proposed location, and capacity of all existing and proposed utilities,

1 including, but not limited to, electrical lines, telecommunication
2 lines, and natural gas lines.

3 (5) Counties shall include a rural element including lands that are
4 not designated for urban growth, agriculture, forest, or mineral
5 resources. The rural element shall permit land uses that are
6 compatible with the rural character of such lands and provide for a
7 variety of rural densities.

8 (6) A transportation element that implements, and is consistent
9 with, the land use element. The transportation element shall include
10 the following subelements:

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

12 (b) Facilities and services needs, including:

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

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

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

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

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

27 (c) Finance, including:

28 (i) An analysis of funding capability to judge needs against
29 probable funding resources;

1 (ii) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required by
4 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems;

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

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

13 (e) Demand-management strategies.

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

28 The transportation element described in this subsection, and the
29 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for

1 counties, and RCW 35.58.2795 for public transportation systems, must be
2 consistent.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.04 RCW
4 to read as follows:

5 A person who owns, leases, controls, operates, or maintains a
6 building or structure in, or upon a high fire-risk forested area at
7 such times of the year as provided by department rules, the district
8 shall, do all of the following:

9 (1) Maintain around and adjacent to such building or structure a
10 firebreak made by removing and clearing away, for a distance of not
11 less than thirty feet on each side of the building or structure or to
12 the property line, whichever is nearer, all flammable vegetation or
13 other combustible growth. This requirement does not apply to
14 individual trees, ornamental shrubbery, or similar plants that are used
15 as ground cover, if they do not form a means of rapidly transmitting
16 fire from the native growth to a building or structure;

17 (2) Maintain around and adjacent to such building or structure
18 additional fire protection or firebreak made by removing all brush,
19 flammable vegetation, or combustible growth that is located from thirty
20 feet to one hundred feet from such building or structure or the
21 property line, whichever is nearer, as may be required by the
22 department if, because of extra hazardous conditions, a firebreak of
23 only thirty feet around such building or structure is not sufficient to
24 provide reasonable fire safety. Grass and other vegetation located
25 more than thirty feet from such building or structure and less than
26 eighteen inches in height above the ground may be maintained where
27 necessary to stabilize the soil and prevent erosion;

28 (3) Remove that portion of a tree which extends within ten feet of
29 the outlet of a chimney or stovepipe;

1 (4) Maintain a tree adjacent to or overhanging a building free of
2 dead or dying wood;

3 (5) Maintain the roof of a structure free of leaves, needles, or
4 other dead vegetative growth; and

5 (6) Provide and maintain a screen over the outlet of every chimney
6 or stovepipe that is attached to a fireplace, stove, or other device
7 that burns any solid or liquid fuel. The screen shall be constructed
8 of nonflammable material with openings of not more than one-half inch
9 in size.

10 The department shall adopt rules to implement this section,
11 including the definition of high fire-risk forested areas and those
12 times of the year in which the requirements of this section shall be
13 met.