
SENATE BILL 5803

State of Washington

52nd Legislature

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By Senator Erwin.

Read first time February 21, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.030,
2 36.70A.020, 36.70A.070, and 36.70A.080; adding a new section to chapter
3 36.70A RCW; adding a new section to chapter 43.63A RCW; and creating a
4 new section.

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

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

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

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

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

1 ~~((2))~~ (3) "Agricultural land" means land primarily devoted to the
2 commercial production of horticultural, viticultural, floricultural,
3 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
4 straw, turf, seed, Christmas trees not subject to the excise tax
5 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
6 long-term commercial significance for agricultural production.

7 ~~((3))~~ (4) "Board" means the growth management board established
8 to review plans and regulations established under this chapter.

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

10 ~~((4))~~ (6) "Committee" means the interagency committee for outdoor
11 recreation established under chapter 43.99 RCW.

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

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

21 ~~((6))~~ (9) "Department" means the department of community
22 development.

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

28 ~~((8))~~ (11) "Forest land" means land primarily useful for growing
29 trees, including Christmas trees subject to the excise tax imposed
30 under RCW 84.33.100 through 84.33.140, for commercial purposes, and

1 that has long-term commercial significance for growing trees
2 commercially.

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

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

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

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

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

26 (17) "Open space lands" include land areas, the protection of which
27 would: (a) Conserve and enhance scenic, or viewshed resources; (b)
28 provide scenic amenities and community identity within and between
29 areas of urban development; (c) protect physical and/or visual buffers
30 within and between areas of urban and rural development, or along

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

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

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

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

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

29 (22) "State agencies" means all departments, boards, commissions,
30 institutions of higher education, and offices of state government,

1 except those in the legislative or judicial branches, except to the
2 extent otherwise required by law.

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

12 (~~(15)~~) (24) "Urban growth areas" means those areas designated by
13 a county pursuant to RCW 36.70A.110.

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

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

1 artificial wetlands intentionally created from nonwetland areas created
2 to mitigate conversion of wetlands, if permitted by the county or city.

3 PART I

4 PLANNING GOALS

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

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

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

20 Urban growth areas should be compact, have concentrated employment
21 centers, and provide opportunities for people to live in a variety of
22 housing types close to where they work. Plans should ensure an
23 adequate supply of land for projected jobs considering the nature and
24 diversity of economic activity and for a variety of housing types.
25 Development densities should be sufficient to: (a) Protect open space,
26 natural features and parks, natural resource lands and critical areas
27 within and outside of urban growth areas; (b) promote affordable

1 housing; and (c) promote transit. Large land areas characterized by
2 significant natural limitations such as steep slopes, seismic hazard
3 areas, flood plains, and wetlands should not be designated for urban
4 growth.

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

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

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

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

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

1 economic growth, all within the capacities of the state's natural
2 resources, public services, and public facilities.

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

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

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

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

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

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

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

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

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

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

23 PART II

24 LOCAL PLANNING

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

1 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of
2 a county or city that is required or chooses to plan under RCW
3 36.70A.040 shall consist of a map or maps, and descriptive text
4 covering objectives, principles, and standards used to develop the
5 comprehensive plan. The plan shall be an internally consistent
6 document and all elements shall be consistent with the future land use
7 map. A comprehensive plan shall be adopted and amended with public
8 participation as provided in RCW 36.70A.140.

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

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

1 (2) A housing element recognizing the vitality and character of
2 established residential neighborhoods that: (a) Includes an inventory
3 and analysis of existing and projected housing needs; (b) includes a
4 statement of goals, policies, and objectives for the preservation,
5 improvement, and development of housing and for meeting fair share
6 housing obligations within the county and/or jurisdictions; (c)
7 identifies sufficient land and densities for housing; (d) identifies
8 the existing and projected fair share accommodation of low-income
9 moderate-income housing, including, but not limited to, government-
10 assisted housing, housing for low-income families, manufactured
11 housing, multifamily housing, and group homes and foster care
12 facilities; (~~(and (d))~~) (e) makes adequate provisions for existing and
13 projected needs of all economic segments of the community; (f) promotes
14 housing that is affordable; and (g) minimizes the displacement of
15 residents from housing.

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

28 (4) A utilities element consisting of the general location,
29 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
4 are 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 and do not foster urban growth.

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

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

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

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

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

16 **Sec. 4.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each
17 amended to read as follows:

18 COMPREHENSIVE PLANS--OPTIONAL ELEMENTS. (1) A comprehensive plan
19 may include additional elements, items, or studies dealing with other
20 subjects relating to the physical development within its jurisdiction,
21 including, but not limited to:

22 (a) Conservation;

23 (b) Solar energy; ~~((and))~~

24 (c) ~~((Recreation))~~ Human resource development;

25 (d) Historic preservation;

26 (e) Cultural resources; and

27 (f) Economic development.

28 (2) A comprehensive plan may include, where appropriate, subarea
29 plans, each of which is consistent with the comprehensive plan.

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

3 REGIONAL PLANS. In counties required to plan under the provisions
4 of this chapter, a regional plan or strategy shall be developed by the
5 county and the cities within the county and as a tribal option any
6 relevant tribal government to set major directions and policies for
7 fair share siting of public facilities by September 1, 1992. A
8 regional plan or strategy for economic development and/or open space
9 may be added at the option of the county and participating cities.
10 State agencies shall participate in and cooperate with regional open
11 space and fair share planning processes to the maximum extent feasible.
12 Counties may join together to develop multicounty regions for these
13 planning purposes at the option of the county governing bodies of the
14 participating counties. These policies shall be reflected in the
15 individual county and city comprehensive plan elements on open space
16 and fair share siting. After the adoption of such plans, the
17 comprehensive plans prepared under this chapter of participating
18 counties and cities shall be consistent for the subjects covered by the
19 plans.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.63A RCW
21 to read as follows:

22 REGIONAL ECONOMIC DEVELOPMENT PLANS. A regional economic
23 development plan authorized under section 5 of this act shall include,
24 but is not limited to, the following contents:

- 25 (1) An economic profile and forecast of the region;
26 (2) A set of economic development goals, objectives, and policies
27 for the region;
28 (3) An identification of priority development areas, as defined by
29 the department, where there is a need for economic growth and where

1 there is the physical capacity, realistic ability, and local support to
2 attract such growth; and

3 (4) A biennial regional economic development strategy that
4 evaluates the results of the preceding economic development strategies;
5 establishes short-term priorities; identifies tasks and
6 responsibilities for implementation of adopted goals, objectives, and
7 policies; and targets implementation efforts to priority development
8 areas.

9 The plan element, including biennial strategy, must be developed
10 with the full consultation, involvement, and support of cities,
11 economic development organizations, and businesses within the region;
12 and must be consistent with comprehensive plans required by counties
13 and cities within the region. The department shall adopt guidelines,
14 definitions, and procedural rules, as necessary, to implement this
15 section.

16 NEW SECTION. **Sec. 7.** HEADINGS. Part and section headings as used
17 in this act do not constitute any part of the law.