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SENATE BILL 5805

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State of Washington

52nd Legislature

1991 Regular Session

By Senator Erwin.

Read first time February 21, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to growth strategies; amending RCW 36.70A.030,  
2 36.70A.020, and 36.70A.070; 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.

1 PART I

2 PLANNING GOALS

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

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

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

18 Urban growth areas should be compact, have concentrated employment  
19 centers, and provide opportunities for people to live in a variety of  
20 housing types close to where they work. Plans should ensure an  
21 adequate supply of land for projected jobs considering the nature and  
22 diversity of economic activity and for a variety of housing types.  
23 Development densities should be sufficient to: (a) Protect open space,  
24 natural features and parks, natural resource lands and critical areas  
25 within and outside of urban growth areas; (b) promote affordable  
26 housing; and (c) promote transit. Large land areas characterized by  
27 significant natural limitations such as steep slopes, seismic hazard  
28 areas, flood plains, and wetlands should not be designated for urban  
29 growth.

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

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

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

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

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

29 (6) Property rights. Private property shall not be taken for  
30 public use without just compensation having been made. The property

1 rights of landowners shall be protected from arbitrary and  
2 discriminatory actions.

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

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

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

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

27 (11) Citizen participation and coordination. (~~Encourage~~) Ensure  
28 the involvement of citizens in the planning process and ensure  
29 coordination between communities and jurisdictions to reconcile  
30 conflicts.

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

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

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

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

19 PART II

20 LOCAL PLANNING

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

23 COMPREHENSIVE PLANS--MANDATORY ELEMENTS. The comprehensive plan of  
24 a county or city that is required or chooses to plan under RCW  
25 36.70A.040 shall consist of a map or maps, and descriptive text  
26 covering objectives, principles, and standards used to develop the  
27 comprehensive plan. The plan shall be an internally consistent  
28 document and all elements shall be consistent with the future land use

1 map. A comprehensive plan shall be adopted and amended with public  
2 participation as provided in RCW 36.70A.140.

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

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

25 (2) A housing element recognizing the vitality and character of  
26 established residential neighborhoods that: (a) Includes an inventory  
27 and analysis of existing and projected housing needs; (b) includes a  
28 statement of goals, policies, and objectives for the preservation,  
29 improvement, and development of housing and for meeting fair share  
30 housing obligations within the county and/or jurisdictions; (c)

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

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

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

26 (5) Counties shall include a rural element including lands that  
27 are not designated for urban growth, agriculture, forest, or mineral  
28 resources. The rural element shall permit land uses that are  
29 compatible with the rural character of such lands and provide for a  
30 variety of rural densities and do not foster urban growth.

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

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

5 (b) Facilities and services needs, including:

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

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

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

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

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

20 (c) Finance, including:

21 (i) An analysis of funding capability to judge needs against  
22 probable funding resources;

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

28 (iii) If probable funding falls short of meeting identified needs,  
29 a discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service  
2 standards will be met;

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

6 (e) Demand-management strategies.

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

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

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

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

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

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

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

8        NEW SECTION. Sec. 4. Part and section headings as used in this  
9 act do not constitute any part of the law.