
HOUSE BILL 2467

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By Representatives Eickmeyer, Clements, Doumit, Mulliken, Kessler, Haigh, Pennington, Hatfield and Grant

Read first time 01/13/2000. Referred to Committee on Local Government.

1 AN ACT Relating to job retention in rural counties; amending RCW
2 36.70A.030 and 36.70A.070; and adding a new section to chapter 36.70A
3 RCW.

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

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

7 The legislature finds that this chapter is intended to recognize
8 the importance of rural lands and rural character to Washington's
9 economy, its people, and its environment, while respecting regional
10 differences. Rural lands and rural-based economies enhance the
11 economic desirability of the state, help to preserve traditional
12 economic activities, and contribute to the state's overall quality of
13 life.

14 The legislature finds that to retain and enhance the job base in
15 rural areas, rural counties must have flexibility to create
16 opportunities for business development. Further, the legislature finds
17 that rural counties must have the flexibility to retain existing
18 businesses and allow them to expand. The legislature recognizes that
19 not all business developments in rural counties require an urban level

1 of services; and that many businesses in rural areas fit within the
2 definition of rural character identified by the local planning unit.

3 Finally, the legislature finds that in defining its rural element
4 under RCW 36.70A.070(5), a county should foster land use patterns and
5 develop a local vision of rural character that will: Help preserve
6 rural-based economies and traditional rural lifestyles; encourage the
7 economic prosperity of rural residents; foster opportunities for small-
8 scale, rural-based employment and self-employment; permit the operation
9 of rural-based agricultural, commercial, recreational, and tourist
10 businesses that are consistent with existing and planned land use
11 patterns; be compatible with the use of the land by wildlife and for
12 fish and wildlife habitat; foster the private stewardship of the land
13 and preservation of open space; and enhance the rural sense of
14 community and quality of life.

15 **Sec. 2.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 (1) "Adopt a comprehensive land use plan" means to enact a new
20 comprehensive land use plan or to update an existing comprehensive land
21 use plan.

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

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

30 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
31 means a generalized coordinated land use policy statement of the
32 governing body of a county or city that is adopted pursuant to this
33 chapter.

34 (5) "Critical areas" include the following areas and ecosystems:
35 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
36 used for potable water; (c) fish and wildlife habitat conservation
37 areas; (d) frequently flooded areas; and (e) geologically hazardous
38 areas.

1 (6) "Department" means the department of community, trade, and
2 economic development.

3 (7) "Development regulations" or "regulation" means the controls
4 placed on development or land use activities by a county or city,
5 including, but not limited to, zoning ordinances, critical areas
6 ordinances, shoreline master programs, official controls, planned unit
7 development ordinances, subdivision ordinances, and binding site plan
8 ordinances together with any amendments thereto. A development
9 regulation does not include a decision to approve a project permit
10 application, as defined in RCW 36.70B.020, even though the decision may
11 be expressed in a resolution or ordinance of the legislative body of
12 the county or city.

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

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

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

36 (11) "Minerals" include gravel, sand, and valuable metallic
37 substances.

38 (12) "Public facilities" include streets, roads, highways,
39 sidewalks, street and road lighting systems, traffic signals, domestic

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

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

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

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

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

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

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

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

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

21 (g) That are consistent with the protection of natural surface
22 water flows and ground water and surface water recharge and discharge
23 areas.

24 (15) "Rural counties" means counties with population densities of
25 less than one hundred persons per square mile as determined by the
26 office of financial management and published each year by the
27 department for the period from July 1st to June 30th.

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

36 (~~(16)~~) (17) "Rural governmental services" or "rural services"
37 include those public services and public facilities historically and
38 typically delivered at an intensity usually found in rural areas, and
39 may include domestic water systems, fire and police protection

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

5 ~~((17))~~ (18) "Small-scale business" means any business entity,
6 including a sole proprietorship, corporation, partnership, or other
7 legal entity, that is owned and operated independently from all other
8 businesses, that has the purpose of making a profit, and that has fifty
9 or fewer employees.

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

22 ~~((18))~~ (20) "Urban growth areas" means those areas designated by
23 a county pursuant to RCW 36.70A.110.

24 ~~((19))~~ (21) "Urban governmental services" or "urban services"
25 include those public services and public facilities at an intensity
26 historically and typically provided in cities, specifically including
27 storm and sanitary sewer systems, domestic water systems, street
28 cleaning services, fire and police protection services, public transit
29 services, and other public utilities associated with urban areas and
30 normally not associated with rural areas.

31 ~~((20))~~ (22) "Wetland" or "wetlands" means areas that are
32 inundated or saturated by surface water or ground water at a frequency
33 and duration sufficient to support, and that under normal circumstances
34 do support, a prevalence of vegetation typically adapted for life in
35 saturated soil conditions. Wetlands generally include swamps, marshes,
36 bogs, and similar areas. Wetlands do not include those artificial
37 wetlands intentionally created from nonwetland sites, including, but
38 not limited to, irrigation and drainage ditches, grass-lined swales,
39 canals, detention facilities, wastewater treatment facilities, farm

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

6 **Sec. 3.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read
7 as follows:

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

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

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

30 (2) A housing element ensuring the vitality and character of
31 established residential neighborhoods that: (a) Includes an inventory
32 and analysis of existing and projected housing needs; (b) includes a
33 statement of goals, policies, objectives, and mandatory provisions for
34 the preservation, improvement, and development of housing, including
35 single-family residences; (c) identifies sufficient land for housing,
36 including, but not limited to, government-assisted housing, housing for
37 low-income families, manufactured housing, multifamily housing, and
38 group homes and foster care facilities; and (d) makes adequate

1 provisions for existing and projected needs of all economic segments of
2 the community.

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

15 (4) A utilities element consisting of the general location,
16 proposed location, and capacity of all existing and proposed utilities,
17 including, but not limited to, electrical lines, telecommunication
18 lines, and natural gas lines.

19 (5) Rural element. Counties shall include a rural element
20 including lands that are not designated for urban growth, agriculture,
21 forest, or mineral resources. The following provisions shall apply to
22 the rural element:

23 (a) Growth management act goals and local circumstances. Because
24 circumstances vary from county to county, in establishing patterns of
25 rural densities and uses, a county may consider local circumstances,
26 but shall develop a written record explaining how the rural element
27 harmonizes the planning goals in RCW 36.70A.020 and meets the
28 requirements of this chapter.

29 (b) Rural development. The rural element shall permit rural
30 development, forestry, and agriculture in rural areas. The rural
31 element shall provide for a variety of rural densities, uses, essential
32 public facilities, and rural governmental services needed to serve the
33 permitted densities and uses. In order to achieve a variety of rural
34 densities and uses, counties may provide for clustering, density
35 transfer, design guidelines, conservation easements, and other
36 innovative techniques that will accommodate appropriate rural densities
37 and uses that are not characterized by urban growth and that are
38 consistent with rural character.

1 (c) Measures governing rural development. The rural element shall
2 include measures that apply to rural development and protect the rural
3 character of the area, as established by the county, by:

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

7 (iii) Reducing the inappropriate conversion of undeveloped land
8 into sprawling, low-density development in the rural area;

9 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
10 surface water and ground water resources; and

11 (v) Protecting against conflicts with the use of agricultural,
12 forest, and mineral resource lands designated under RCW 36.70A.170.

13 (d) Limited areas of more intensive rural development. Subject to
14 the requirements of this subsection and except as otherwise
15 specifically provided in this subsection (5)(d), the rural element may
16 allow for limited areas of more intensive rural development, including
17 necessary public facilities and public services to serve the limited
18 area as follows:

19 (i) Rural development consisting of the infill, development, or
20 redevelopment of existing commercial, industrial, residential, or
21 mixed-use areas, whether characterized as shoreline development,
22 villages, hamlets, rural activity centers, or crossroads developments.
23 A commercial, industrial, residential, shoreline, or mixed-use area
24 shall be subject to the requirements of (d)(iv) of this subsection, but
25 shall not be subject to the requirements of (c)(ii) and (iii) of this
26 subsection. An industrial area is not required to be principally
27 designed to serve the existing and projected rural population;

28 (ii) The intensification of development on lots containing, or new
29 development of, small-scale recreational or tourist uses, including
30 commercial facilities to serve those recreational or tourist uses, that
31 rely on a rural location and setting, but that do not include new
32 residential development. A small-scale recreation or tourist use is
33 not required to be principally designed to serve the existing and
34 projected rural population. Public services and public facilities
35 shall be limited to those necessary to serve the recreation or tourist
36 use and shall be provided in a manner that does not permit low-density
37 sprawl;

38 (iii) The intensification of development on lots containing
39 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not principally
2 designed to serve the existing and projected rural population and
3 nonresidential uses, but do provide job opportunities for rural
4 residents. Rural counties may allow the expansion of small-scale
5 businesses as long as those small-scale businesses conform with the
6 rural character of the area. Rural counties may also allow new
7 businesses to utilize sites previously occupied by an existing business
8 as long as the new business conforms to the rural character of the
9 area. Public services and public facilities shall be limited to those
10 necessary to serve the isolated nonresidential use and shall be
11 provided in a manner that does not permit low-density sprawl;

12 (iv) A county shall adopt measures to minimize and contain the
13 existing areas or uses of more intensive rural development, as
14 appropriate, authorized under this subsection. Lands included in such
15 existing areas or uses shall not extend beyond the logical outer
16 boundary of the existing area or use, thereby allowing a new pattern of
17 low-density sprawl. Existing areas are those that are clearly
18 identifiable and contained and where there is a logical boundary
19 delineated predominately by the built environment, but that may also
20 include undeveloped lands if limited as provided in this subsection.
21 The county shall establish the logical outer boundary of an area of
22 more intensive rural development. In establishing the logical outer
23 boundary the county shall address (A) the need to preserve the
24 character of existing natural neighborhoods and communities, (B)
25 physical boundaries such as bodies of water, streets and highways, and
26 land forms and contours, (C) the prevention of abnormally irregular
27 boundaries, and (D) the ability to provide public facilities and public
28 services in a manner that does not permit low-density sprawl;

29 (v) For purposes of (d) of this subsection, an existing area or
30 existing use is one that was in existence:

31 (A) On July 1, 1990, in a county that was initially required to
32 plan under all of the provisions of this chapter;

33 (B) On the date the county adopted a resolution under RCW
34 36.70A.040(2), in a county that is planning under all of the provisions
35 of this chapter under RCW 36.70A.040(2); or

36 (C) On the date the office of financial management certifies the
37 county's population as provided in RCW 36.70A.040(5), in a county that
38 is planning under all of the provisions of this chapter pursuant to RCW
39 36.70A.040(5).

1 (e) Exception. This subsection shall not be interpreted to permit
2 in the rural area a major industrial development or a master planned
3 resort unless otherwise specifically permitted under RCW 36.70A.360 and
4 36.70A.365.

5 (6) A transportation element that implements, and is consistent
6 with, the land use element.

7 (a) The transportation element shall include the following
8 subelements:

9 (i) Land use assumptions used in estimating travel;

10 (ii) Estimated traffic impacts to state-owned transportation
11 facilities resulting from land use assumptions to assist the department
12 of transportation in monitoring the performance of state facilities, to
13 plan improvements for the facilities, and to assess the impact of land-
14 use decisions on state-owned transportation facilities;

15 (iii) Facilities and services needs, including:

16 (A) An inventory of air, water, and ground transportation
17 facilities and services, including transit alignments and general
18 aviation airport facilities, to define existing capital facilities and
19 travel levels as a basis for future planning. This inventory must
20 include state-owned transportation facilities within the city or
21 county's jurisdiction boundaries;

22 (B) Level of service standards for all locally owned arterials and
23 transit routes to serve as a gauge to judge performance of the system.
24 These standards should be regionally coordinated;

25 (C) For state-owned transportation facilities, level of service
26 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
27 to gauge the performance of the system. The purposes of reflecting
28 level of service standards for state highways in the local
29 comprehensive plan are to monitor the performance of the system, to
30 evaluate improvement strategies, and to facilitate coordination between
31 the county's or city's six-year street, road, or transit program and
32 the department of transportation's six-year investment program. The
33 concurrency requirements of (b) of this subsection do not apply to
34 transportation facilities and services of state-wide significance
35 except for counties consisting of islands whose only connection to the
36 mainland are state highways or ferry routes. In these island counties,
37 state highways and ferry route capacity must be a factor in meeting the
38 concurrency requirements in (b) of this subsection;

1 (D) Specific actions and requirements for bringing into compliance
2 locally owned transportation facilities or services that are below an
3 established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the
5 adopted land use plan to provide information on the location, timing,
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet current
8 and future demands. Identified needs on state-owned transportation
9 facilities must be consistent with the state-wide multimodal
10 transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in the
15 comprehensive plan, the appropriate parts of which shall serve as the
16 basis for the six-year street, road, or transit program required by RCW
17 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
18 for public transportation systems. The multiyear financing plan should
19 be coordinated with the six-year improvement program developed by the
20 department of transportation as required by RCW 47.05.030;

21 (C) If probable funding falls short of meeting identified needs, a
22 discussion of how additional funding will be raised, or how land use
23 assumptions will be reassessed to ensure that level of service
24 standards will be met;

25 (v) Intergovernmental coordination efforts, including an assessment
26 of the impacts of the transportation plan and land use assumptions on
27 the transportation systems of adjacent jurisdictions;

28 (vi) Demand-management strategies.

29 (b) After adoption of the comprehensive plan by jurisdictions
30 required to plan or who choose to plan under RCW 36.70A.040, local
31 jurisdictions must adopt and enforce ordinances which prohibit
32 development approval if the development causes the level of service on
33 a locally owned transportation facility to decline below the standards
34 adopted in the transportation element of the comprehensive plan, unless
35 transportation improvements or strategies to accommodate the impacts of
36 development are made concurrent with the development. These strategies
37 may include increased public transportation service, ride sharing
38 programs, demand management, and other transportation systems
39 management strategies. For the purposes of this subsection (6)

1 "concurrent with the development" shall mean that improvements or
2 strategies are in place at the time of development, or that a financial
3 commitment is in place to complete the improvements or strategies
4 within six years.

5 (c) The transportation element described in this subsection (6),
6 and the six-year plans required by RCW 35.77.010 for cities, RCW
7 36.81.121 for counties, RCW 35.58.2795 for public transportation
8 systems, and RCW 47.05.030 for the state, must be consistent.

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