
HOUSE BILL 2580

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By Representatives Simpson, Dunshee, Cooper and Cairnes

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1 AN ACT Relating to requiring concurrency planning for law
2 enforcement in growth management comprehensive plans and development
3 regulations; amending RCW 36.70A.070; adding a new section to chapter
4 36.70A RCW; and creating a new section.

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

6 **Sec. 1.** 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,

1 industry, recreation, open spaces, general aviation airports, public
2 utilities, public facilities, and other land uses. The land use
3 element shall include population densities, building intensities, and
4 estimates of future population growth. The land use element shall
5 provide for protection of the quality and quantity of ground water used
6 for public water supplies. Where applicable, the land use element
7 shall review drainage, flooding, and storm water run-off in the area
8 and nearby jurisdictions and provide guidance for corrective actions to
9 mitigate or cleanse those discharges that pollute waters of the state,
10 including Puget Sound or waters entering Puget Sound.

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

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

34 (4) A utilities element consisting of the general location,
35 proposed location, and capacity of all existing and proposed utilities,
36 including, but not limited to, electrical lines, telecommunication
37 lines, and natural gas lines.

38 (5) Rural element. Counties shall include a rural element
39 including lands that are not designated for urban growth, agriculture,

1 forest, or mineral resources. The following provisions shall apply to
2 the rural element:

3 (a) Growth management act goals and local circumstances. Because
4 circumstances vary from county to county, in establishing patterns of
5 rural densities and uses, a county may consider local circumstances,
6 but shall develop a written record explaining how the rural element
7 harmonizes the planning goals in RCW 36.70A.020 and meets the
8 requirements of this chapter.

9 (b) Rural development. The rural element shall permit rural
10 development, forestry, and agriculture in rural areas. The rural
11 element shall provide for a variety of rural densities, uses, essential
12 public facilities, and rural governmental services needed to serve the
13 permitted densities and uses. In order to achieve a variety of rural
14 densities and uses, counties may provide for clustering, density
15 transfer, design guidelines, conservation easements, and other
16 innovative techniques that will accommodate appropriate rural densities
17 and uses that are not characterized by urban growth and that are
18 consistent with rural character.

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

22 (i) Containing or otherwise controlling rural development;

23 (ii) Assuring visual compatibility of rural development with the
24 surrounding rural area;

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

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

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

31 (d) Limited areas of more intensive rural development. Subject to
32 the requirements of this subsection and except as otherwise
33 specifically provided in this subsection (5)(d), the rural element may
34 allow for limited areas of more intensive rural development, including
35 necessary public facilities and public services to serve the limited
36 area as follows:

37 (i) Rural development consisting of the infill, development, or
38 redevelopment of existing commercial, industrial, residential, or
39 mixed-use areas, whether characterized as shoreline development,

1 villages, hamlets, rural activity centers, or crossroads developments.
2 A commercial, industrial, residential, shoreline, or mixed-use area
3 shall be subject to the requirements of (d)(iv) of this subsection, but
4 shall not be subject to the requirements of (c)(ii) and (iii) of this
5 subsection. An industrial area is not required to be principally
6 designed to serve the existing and projected rural population;

7 (ii) The intensification of development on lots containing, or new
8 development of, small-scale recreational or tourist uses, including
9 commercial facilities to serve those recreational or tourist uses, that
10 rely on a rural location and setting, but that do not include new
11 residential development. A small-scale recreation or tourist use is
12 not required to be principally designed to serve the existing and
13 projected rural population. Public services and public facilities
14 shall be limited to those necessary to serve the recreation or tourist
15 use and shall be provided in a manner that does not permit low-density
16 sprawl;

17 (iii) The intensification of development on lots containing
18 isolated nonresidential uses or new development of isolated cottage
19 industries and isolated small-scale businesses that are not principally
20 designed to serve the existing and projected rural population and
21 nonresidential uses, but do provide job opportunities for rural
22 residents. Public services and public facilities shall be limited to
23 those necessary to serve the isolated nonresidential use and shall be
24 provided in a manner that does not permit low-density sprawl;

25 (iv) A county shall adopt measures to minimize and contain the
26 existing areas or uses of more intensive rural development, as
27 appropriate, authorized under this subsection. Lands included in such
28 existing areas or uses shall not extend beyond the logical outer
29 boundary of the existing area or use, thereby allowing a new pattern of
30 low-density sprawl. Existing areas are those that are clearly
31 identifiable and contained and where there is a logical boundary
32 delineated predominately by the built environment, but that may also
33 include undeveloped lands if limited as provided in this subsection.
34 The county shall establish the logical outer boundary of an area of
35 more intensive rural development. In establishing the logical outer
36 boundary the county shall address (A) the need to preserve the
37 character of existing natural neighborhoods and communities, (B)
38 physical boundaries such as bodies of water, streets and highways, and
39 land forms and contours, (C) the prevention of abnormally irregular

1 boundaries, and (D) the ability to provide public facilities and public
2 services in a manner that does not permit low-density sprawl;

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

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

7 (B) On the date the county adopted a resolution under RCW
8 36.70A.040(2), in a county that is planning under all of the provisions
9 of this chapter under RCW 36.70A.040(2); or

10 (C) On the date the office of financial management certifies the
11 county's population as provided in RCW 36.70A.040(5), in a county that
12 is planning under all of the provisions of this chapter pursuant to RCW
13 36.70A.040(5).

14 (e) Exception. This subsection shall not be interpreted to permit
15 in the rural area a major industrial development or a master planned
16 resort unless otherwise specifically permitted under RCW 36.70A.360 and
17 36.70A.365.

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

20 (a) The transportation element shall include the following
21 subelements:

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

23 (ii) Estimated traffic impacts to state-owned transportation
24 facilities resulting from land use assumptions to assist the department
25 of transportation in monitoring the performance of state facilities, to
26 plan improvements for the facilities, and to assess the impact of land-
27 use decisions on state-owned transportation facilities;

28 (iii) Facilities and services needs, including:

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

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

38 (C) For state-owned transportation facilities, level of service
39 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,

1 to gauge the performance of the system. The purposes of reflecting
2 level of service standards for state highways in the local
3 comprehensive plan are to monitor the performance of the system, to
4 evaluate improvement strategies, and to facilitate coordination between
5 the county's or city's six-year street, road, or transit program and
6 the department of transportation's six-year investment program. The
7 concurrency requirements of (~~(b) of this subsection~~) section 2(1) of
8 this act do not apply to transportation facilities and services of
9 statewide significance except for counties consisting of islands whose
10 only connection to the mainland are state highways or ferry routes. In
11 these island counties, state highways and ferry route capacity must be
12 a factor in meeting the concurrency requirements in (~~(b) of this~~
13 ~~subsection~~) section 2 of this act;

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

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

20 (F) Identification of state and local system needs to meet current
21 and future demands. Identified needs on state-owned transportation
22 facilities must be consistent with the statewide multimodal
23 transportation plan required under chapter 47.06 RCW;

24 (iv) Finance, including:

25 (A) An analysis of funding capability to judge needs against
26 probable funding resources;

27 (B) A multiyear financing plan based on the needs identified in the
28 comprehensive plan, the appropriate parts of which shall serve as the
29 basis for the six-year street, road, or transit program required by RCW
30 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
31 for public transportation systems. The multiyear financing plan should
32 be coordinated with the six-year improvement program developed by the
33 department of transportation as required by RCW 47.05.030;

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

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

4 (vi) Demand-management strategies.

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

20 ~~(e))~~ The transportation element described in this subsection (6),
21 and the six-year plans required by RCW 35.77.010 for cities, RCW
22 36.81.121 for counties, RCW 35.58.2795 for public transportation
23 systems, and RCW 47.05.030 for the state, must be consistent.

24 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
25 to read as follows:

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

37 (2) Jurisdictions planning under RCW 36.70A.040 shall establish in
38 their comprehensive plans level of service standards for all law

1 enforcement services and facilities within their jurisdictions. These
2 standards should be coordinated with relevant law enforcement agencies.
3 After adoption of the comprehensive plan by jurisdictions planning
4 under RCW 36.70A.040, local jurisdictions must adopt and enforce
5 ordinances which prohibit development approval if the development
6 causes the level of service for any of these services or facilities to
7 decline below the standards adopted in the comprehensive plan, unless
8 improvements or strategies to accommodate the impacts of development
9 are made concurrent with the development.

10 (3) For the purposes of this section, "concurrent with the
11 development" means that improvements or strategies are in place at the
12 time of development, or that a financial commitment is in place to
13 complete the improvements or strategies within six years.

14 NEW SECTION. **Sec. 3.** This act applies to all comprehensive plans
15 adopted by jurisdictions planning under RCW 36.70A.040 on or after
16 September 1, 2002.

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