
SUBSTITUTE HOUSE BILL 1957

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Local Government (originally sponsored by Representative Moeller)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to removing concurrency requirements under the
2 growth management act; and reenacting and amending RCW 36.70A.070.

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

4 **Sec. 1.** RCW 36.70A.070 and 2002 c 212 s 2 and 2002 c 154 s 2 are
5 each reenacted and amended to read as follows:

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

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

15 (1) A land use element designating the proposed general
16 distribution and general location and extent of the uses of land, where
17 appropriate, for agriculture, timber production, housing, commerce,
18 industry, recreation, open spaces, general aviation airports, public
19 utilities, public facilities, and other land uses. The land use

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

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

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

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

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

25 (ii) Assuring visual compatibility of rural development with the
26 surrounding rural area;

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

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

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

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

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

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

20 (iii) The intensification of development on lots containing
21 isolated nonresidential uses or new development of isolated cottage
22 industries and isolated small-scale businesses that are not principally
23 designed to serve the existing and projected rural population and
24 nonresidential uses, but do provide job opportunities for rural
25 residents. Rural counties may allow the expansion of small-scale
26 businesses as long as those small-scale businesses conform with the
27 rural character of the area as defined by the local government
28 according to RCW 36.70A.030(14). Rural counties may also allow new
29 small-scale businesses to utilize a site previously occupied by an
30 existing business as long as the new small-scale business conforms to
31 the rural character of the area as defined by the local government
32 according to RCW 36.70A.030(14). Public services and public facilities
33 shall be limited to those necessary to serve the isolated
34 nonresidential use and shall be provided in a manner that does not
35 permit low-density sprawl;

36 (iv) A county shall adopt measures to minimize and contain the
37 existing areas or uses of more intensive rural development, as
38 appropriate, authorized under this subsection. Lands included in such

1 existing areas or uses shall not extend beyond the logical outer
2 boundary of the existing area or use, thereby allowing a new pattern of
3 low-density sprawl. Existing areas are those that are clearly
4 identifiable and contained and where there is a logical boundary
5 delineated predominately by the built environment, but that may also
6 include undeveloped lands if limited as provided in this subsection.
7 The county shall establish the logical outer boundary of an area of
8 more intensive rural development. In establishing the logical outer
9 boundary the county shall address (A) the need to preserve the
10 character of existing natural neighborhoods and communities, (B)
11 physical boundaries such as bodies of water, streets and highways, and
12 land forms and contours, (C) the prevention of abnormally irregular
13 boundaries, and (D) the ability to provide public facilities and public
14 services in a manner that does not permit low-density sprawl;

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

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

19 (B) On the date the county adopted a resolution under RCW
20 36.70A.040(2), in a county that is planning under all of the provisions
21 of this chapter under RCW 36.70A.040(2); or

22 (C) On the date the office of financial management certifies the
23 county's population as provided in RCW 36.70A.040(5), in a county that
24 is planning under all of the provisions of this chapter pursuant to RCW
25 36.70A.040(5).

26 (e) Exception. This subsection shall not be interpreted to permit
27 in the rural area a major industrial development or a master planned
28 resort unless otherwise specifically permitted under RCW 36.70A.360 and
29 36.70A.365.

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

32 (a) The transportation element shall include the following
33 subelements:

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

35 (ii) Estimated traffic impacts to state-owned transportation
36 facilities resulting from land use assumptions to assist the department
37 of transportation in monitoring the performance of state facilities, to

1 plan improvements for the facilities, and to assess the impact of land-
2 use decisions on state-owned transportation facilities;

3 (iii) Facilities and services needs, including:

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

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

13 (C) For state-owned transportation facilities, level of service
14 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
15 to gauge the performance of the system. The purposes of reflecting
16 level of service standards for state highways in the local
17 comprehensive plan are to monitor the performance of the system, to
18 evaluate improvement strategies, and to facilitate coordination between
19 the county's or city's six-year street, road, or transit program and
20 the department of transportation's six-year investment program. The
21 concurrency requirements of (b) of this subsection do not apply to
22 transportation facilities and services of statewide significance except
23 for counties consisting of islands whose only connection to the
24 mainland are state highways or ferry routes. In these island counties,
25 state highways and ferry route capacity must be a factor in meeting the
26 concurrency requirements in (b) of this subsection;

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

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

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

37 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in the
4 comprehensive plan, the appropriate parts of which shall serve as the
5 basis for the six-year street, road, or transit program required by RCW
6 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
7 for public transportation systems. The multiyear financing plan should
8 be coordinated with the six-year improvement program developed by the
9 department of transportation as required by RCW 47.05.030;

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

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

17 (vi) Demand-management strategies.

18 (b)(i) After adoption of the comprehensive plan by jurisdictions
19 (~~required to plan or who choose to plan~~) planning under RCW
20 36.70A.040, local jurisdictions must adopt and enforce ordinances which
21 prohibit development approval of projects located outside urban growth
22 areas designated according to RCW 36.70A.110 if the development causes
23 the level of service on a locally owned transportation facility to
24 decline below the standards adopted in the transportation element of
25 the comprehensive plan, unless transportation improvements or
26 strategies to accommodate the impacts of development are made
27 concurrent with the development. These strategies may include
28 increased public transportation service, ride sharing programs, demand
29 management, and other transportation systems management strategies.
30 For the purposes of this subsection (6) "concurrent with the
31 development" shall mean that improvements or strategies are in place at
32 the time of development, or that a financial commitment is in place to
33 complete the improvements or strategies within six years.

34 (ii) The transportation concurrency requirements under (b)(i) of
35 this subsection do not apply when standards in the transportation
36 element of the comprehensive plan are not met because of the failure of
37 a state intersection or corridor to support level of service

1 requirements and the state does not provide funding to address the
2 deficiencies.

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

7 (7) An economic development element establishing local goals,
8 policies, objectives, and provisions for economic growth and vitality
9 and a high quality of life. The element shall include: (a) A summary
10 of the local economy such as population, employment, payroll, sectors,
11 businesses, sales, and other information as appropriate; (b) a summary
12 of the strengths and weaknesses of the local economy defined as the
13 commercial and industrial sectors and supporting factors such as land
14 use, transportation, utilities, education, work force, housing, and
15 natural/cultural resources; and (c) an identification of policies,
16 programs, and projects to foster economic growth and development and to
17 address future needs. A city that has chosen to be a residential
18 community is exempt from the economic development element requirement
19 of this subsection.

20 (8) A park and recreation element that implements, and is
21 consistent with, the capital facilities plan element as it relates to
22 park and recreation facilities. The element shall include: (a)
23 Estimates of park and recreation demand for at least a ten-year period;
24 (b) an evaluation of facilities and service needs; and (c) an
25 evaluation of intergovernmental coordination opportunities to provide
26 regional approaches for meeting park and recreational demand.

27 (9) It is the intent that new or amended elements required after
28 January 1, 2002, be adopted concurrent with the scheduled update
29 provided in RCW 36.70A.130. Requirements to incorporate any such new
30 or amended elements shall be null and void until funds sufficient to
31 cover applicable local government costs are appropriated and
32 distributed by the state at least two years before local government
33 must update comprehensive plans as required in RCW 36.70A.130.

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