

---

HOUSE BILL 2136

---

State of Washington

58th Legislature

2003 Regular Session

By Representatives Armstrong, Sump, Condotta and Schindler

Read first time 02/26/2003. Referred to Committee on Local Government.

1 AN ACT Relating to providing for rural economic vitality by  
2 providing new limited areas of more intense rural development; amending  
3 RCW 36.70A.360; reenacting and amending RCW 36.70A.070; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that rural communities  
7 across Washington state have been unable to provide sufficient economic  
8 development to sustain the rural lifestyle. The legislature recognizes  
9 that residential development is appropriate in limited areas of more  
10 intense rural development and in planned resort communities.

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

13 The comprehensive plan of a county or city that is required or  
14 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
15 and descriptive text covering objectives, principles, and standards  
16 used to develop the comprehensive plan. The plan shall be an  
17 internally consistent document and all elements shall be consistent

1 with the future land use map. A comprehensive plan shall be adopted  
2 and amended with public 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, general aviation airports, public  
9 utilities, public facilities, and other land uses. The land use  
10 element shall include population densities, building intensities, and  
11 estimates of future population growth. The land use element shall  
12 provide for protection of the quality and quantity of ground water used  
13 for public water supplies. Where applicable, the land use element  
14 shall review drainage, flooding, and storm water run-off in the area  
15 and nearby jurisdictions and provide guidance for corrective actions to  
16 mitigate or cleanse those discharges that pollute waters of the state,  
17 including Puget Sound or waters entering Puget Sound.

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

30 (3) A capital facilities plan element consisting of: (a) An  
31 inventory of existing capital facilities owned by public entities,  
32 showing the locations and capacities of the capital facilities; (b) a  
33 forecast of the future needs for such capital facilities; (c) the  
34 proposed locations and capacities of expanded or new capital  
35 facilities; (d) at least a six-year plan that will finance such capital  
36 facilities within projected funding capacities and clearly identifies  
37 sources of public money for such purposes; and (e) a requirement to  
38 reassess the land use element if probable funding falls short of

1 meeting existing needs and to ensure that the land use element, capital  
2 facilities plan element, and financing plan within the capital  
3 facilities plan element are coordinated and consistent. Park and  
4 recreation facilities shall be included in the capital facilities plan  
5 element.

6 (4) A utilities element consisting of the general location,  
7 proposed location, and capacity of all existing and proposed utilities,  
8 including, but not limited to, electrical lines, telecommunication  
9 lines, and natural gas lines.

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

14 (a) Growth management act goals and local circumstances. Because  
15 circumstances vary from county to county, in establishing patterns of  
16 rural densities and uses, a county may consider local circumstances,  
17 but shall develop a written record explaining how the rural element  
18 harmonizes the planning goals in RCW 36.70A.020 and meets the  
19 requirements of this chapter.

20 (b) Rural development. The rural element shall permit rural  
21 development, forestry, and agriculture in rural areas. The rural  
22 element shall provide for a variety of rural densities, uses, essential  
23 public facilities, and rural governmental services needed to serve the  
24 permitted densities and uses. In order to achieve a variety of rural  
25 densities and uses, counties may provide for clustering, density  
26 transfer, design guidelines, conservation easements, and other  
27 innovative techniques that will accommodate appropriate rural densities  
28 and uses that are not characterized by urban growth and that are  
29 consistent with rural character.

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

33 (i) Containing or otherwise controlling rural development;

34 (ii) Assuring visual compatibility of rural development with the  
35 surrounding rural area;

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

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

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

5 (d) Limited areas of more intensive rural development. Subject to  
6 the requirements of this subsection and except as otherwise  
7 specifically provided in this subsection (5)(d), the rural element may  
8 allow for limited areas of more intensive rural development, including  
9 necessary public facilities and public services to serve the limited  
10 area as follows:

11 (i) Rural development consisting of the infill, development of new  
12 areas not associated with existing already intensely developed areas,  
13 or redevelopment of existing commercial, industrial, residential, or  
14 mixed-use areas, whether characterized as shoreline development,  
15 villages, hamlets, rural activity centers, or crossroads developments.  
16 A commercial, industrial, residential, shoreline, or mixed-use area  
17 shall be subject to the requirements of (d)(iv) of this subsection, but  
18 shall not be subject to the requirements of (c)(ii) and (iii) of this  
19 subsection. An industrial area is not required to be principally  
20 designed to serve the existing and projected rural population;

21 (ii) The intensification of development on lots containing, or new  
22 development of, small-scale recreational or tourist uses, including  
23 commercial facilities to serve those recreational or tourist uses, that  
24 rely on a rural location and setting, but that ~~((do not))~~ include new  
25 associated short-term visitor accommodations and permanent residential  
26 ~~((development))~~ use. A small-scale recreation or tourist use is not  
27 required to be principally designed to serve the existing and projected  
28 rural population. Public services and public facilities shall be  
29 limited to those necessary to serve the recreation or tourist use and  
30 the allowed residential use and shall be provided in a manner that does  
31 not permit low-density sprawl;

32 (iii) The intensification of development on lots containing  
33 isolated nonresidential uses or new development of isolated cottage  
34 industries and isolated small-scale businesses that are not principally  
35 designed to serve the existing and projected rural population and  
36 nonresidential uses, but do provide job opportunities for rural  
37 residents. Rural counties may allow the expansion of small-scale  
38 businesses as long as those small-scale businesses conform with the

1 rural character of the area as defined by the local government  
2 according to RCW 36.70A.030(14). Rural counties may also allow new  
3 small-scale businesses to utilize a site previously occupied by an  
4 existing business as long as the new small-scale business conforms to  
5 the rural character of the area as defined by the local government  
6 according to RCW 36.70A.030(14). Public services and public facilities  
7 shall be limited to those necessary to serve the isolated  
8 nonresidential use and shall be provided in a manner that does not  
9 permit low-density sprawl;

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

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

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

31 (B) On the date the county adopted a resolution under RCW  
32 36.70A.040(2), in a county that is planning under all of the provisions  
33 of this chapter under RCW 36.70A.040(2); or

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

1 management strategies. For the purposes of this subsection (6)  
2 "concurrent with the development" shall mean that improvements or  
3 strategies are in place at the time of development, or that a financial  
4 commitment is in place to complete the improvements or strategies  
5 within six years.

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

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

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

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



1       **Sec. 3.** RCW 36.70A.360 and 1998 c 112 s 2 are each amended to read  
2 as follows:

3       (1) Counties that are required or choose to plan under RCW  
4 36.70A.040 may permit master planned resorts which may constitute urban  
5 growth outside of urban growth areas as limited by this section. A  
6 master planned resort means a self-contained and fully integrated  
7 planned unit development, in a setting of significant natural  
8 amenities, with primary focus on destination resort facilities  
9 consisting of short-term visitor accommodations and allowing up to  
10 fifty percent permanent residential use, associated with a range of  
11 developed on-site indoor or outdoor recreational facilities.

12       (2) Capital facilities, utilities, and services, including those  
13 related to sewer, water, storm water, security, fire suppression, and  
14 emergency medical, provided on-site shall be limited to meeting the  
15 needs of the master planned resort. Such facilities, utilities, and  
16 services may be provided to a master planned resort by outside service  
17 providers, including municipalities and special purpose districts,  
18 provided that all costs associated with service extensions and capacity  
19 increases directly attributable to the master planned resort are fully  
20 borne by the resort. A master planned resort and service providers may  
21 enter into agreements for shared capital facilities and utilities,  
22 provided that such facilities and utilities serve only the master  
23 planned resort or urban growth areas.

24       Nothing in this subsection may be construed as: Establishing an  
25 order of priority for processing applications for water right permits,  
26 for granting such permits, or for issuing certificates of water right;  
27 altering or authorizing in any manner the alteration of the place of  
28 use for a water right; or affecting or impairing in any manner  
29 whatsoever an existing water right.

30       All waters or the use of waters shall be regulated and controlled  
31 as provided in chapters 90.03 and 90.44 RCW and not otherwise.

32       (3) A master planned resort may include (~~other~~) residential uses  
33 as specified in subsection (1) of this section within its boundaries,  
34 but only if the residential uses are integrated into and support the  
35 on-site recreational nature of the resort.

36       (4) A master planned resort may be authorized by a county only if:

37       (a) The comprehensive plan specifically identifies policies to  
38 guide the development of master planned resorts;

1 (b) The comprehensive plan and development regulations include  
2 restrictions that preclude new urban or suburban land uses in the  
3 vicinity of the master planned resort, except in areas otherwise  
4 designated for urban growth under RCW 36.70A.110;

5 (c) The county includes a finding as a part of the approval process  
6 that the land is better suited, and has more long-term importance, for  
7 the master planned resort than for the commercial harvesting of timber  
8 or agricultural production, if located on land that otherwise would be  
9 designated as forest land or agricultural land under RCW 36.70A.170;

10 (d) The county ensures that the resort plan is consistent with the  
11 development regulations established for critical areas; and

12 (e) On-site and off-site infrastructure and service impacts are  
13 fully considered and mitigated.

--- END ---