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**SUBSTITUTE SENATE BILL 5786**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Land Use & Planning (originally sponsored by Senators T. Sheldon and Mulliken)

READ FIRST TIME 03/03/03.

1 AN ACT Relating to rural development; and reenacting and amending  
2 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 or an industrial use within a mixed-use  
9 area or an industrial area under this subsection (5)(d)(i) is not  
10 required to be principally designed to serve the existing and projected  
11 rural population;

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

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

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

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

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

22 (B) On the date the county adopted a resolution under RCW  
23 36.70A.040(2), in a county that is planning under all of the provisions  
24 of this chapter under RCW 36.70A.040(2); or

25 (C) On the date the office of financial management certifies the  
26 county's population as provided in RCW 36.70A.040(5), in a county that  
27 is planning under all of the provisions of this chapter pursuant to RCW  
28 36.70A.040(5).

29 (e) Exception. This subsection shall not be interpreted to permit  
30 in the rural area a major industrial development or a master planned  
31 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
32 36.70A.365.

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

35 (a) The transportation element shall include the following  
36 subelements:

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

1 (ii) Estimated traffic impacts to state-owned transportation  
2 facilities resulting from land use assumptions to assist the department  
3 of transportation in monitoring the performance of state facilities, to  
4 plan improvements for the facilities, and to assess the impact of land-  
5 use decisions on state-owned transportation facilities;

6 (iii) Facilities and services needs, including:

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

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

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

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

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

36 (F) Identification of state and local system needs to meet current  
37 and future demands. Identified needs on state-owned transportation

1 facilities must be consistent with the statewide multimodal  
2 transportation plan required under chapter 47.06 RCW;

3 (iv) Finance, including:

4 (A) An analysis of funding capability to judge needs against  
5 probable funding resources;

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

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

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

20 (vi) Demand-management strategies.

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

36 (c) The transportation element described in this subsection (6),  
37 and the six-year plans required by RCW 35.77.010 for cities, RCW

1 36.81.121 for counties, RCW 35.58.2795 for public transportation  
2 systems, and RCW 47.05.030 for the state, must be consistent.

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

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

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

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