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**SUBSTITUTE SENATE BILL 6238**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

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

READ FIRST TIME 02/06/04.

1       AN ACT Relating to modifying provisions for limited areas of more  
2 intensive rural development; 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 2003 c 152 s 1 are each amended to read  
5 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  
16 rural 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) A commercial, industrial, residential, shoreline, or mixed-use  
6 area (~~shall be subject to the requirements of (d)(iv) of this~~  
7 subsection, but shall not be) is not subject to the requirements of  
8 (c)(ii) and (iii) of this subsection.

9 (B) Any development or redevelopment other than an industrial area  
10 or an industrial use within a mixed-use area or an industrial area  
11 under this subsection (5)(d)(i) (~~is not required to~~) must be  
12 principally designed to serve the existing and projected rural  
13 population.

14 (C) Any redevelopment must be limited to appropriate scale, size,  
15 and intensity, and may include changes in use from vacant land or a  
16 previously existing use so long as the new use conforms to the rural  
17 character of the area as defined by the local government according to  
18 RCW 36.70A.030(14).

19 (D) All development and redevelopment under this subsection  
20 (5)(d)(i) is subject to the requirements of subsection (5)(d)(iv) of  
21 this section;

22 (ii) The intensification of development on lots containing, or new  
23 development of, small-scale recreational or tourist uses, including  
24 commercial facilities to serve those recreational or tourist uses, that  
25 rely on a rural location and setting, but that do not include new  
26 residential development. A small-scale recreation or tourist use is  
27 not required to be principally designed to serve the existing and  
28 projected rural population. Public services and public facilities  
29 shall be limited to those necessary to serve the recreation or tourist  
30 use and shall be provided in a manner that does not permit low-density  
31 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 uses  
11 or 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  
15 pattern of low-density sprawl. Existing areas are those that are  
16 clearly identifiable and contained and where there is a logical  
17 boundary delineated predominately by the built environment, but that  
18 may also include undeveloped lands if limited as provided in this  
19 subsection. The county shall establish the logical outer boundary of  
20 an area of more intensive rural development. In establishing the  
21 logical outer boundary the county shall address (A) the need to  
22 preserve the character of existing natural neighborhoods and  
23 communities, (B) physical boundaries such as bodies of water, streets  
24 and highways, and land forms and contours, (C) the prevention of  
25 abnormally irregular boundaries, and (D) the ability to provide public  
26 facilities and public services in a manner that does not permit low-  
27 density sprawl;

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

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

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

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

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