
HOUSE BILL 2276

State of Washington

59th Legislature

2005 Regular Session

By Representatives Anderson, Nixon, Tom, Rodne, Ericksen, Priest and Shabro

Read first time 03/04/2005. Referred to Committee on Local Government.

1 AN ACT Relating to including planning provisions in the growth
2 management act for safe nonmotorized transportation routes to and from
3 schools; and amending RCW 36.70A.070 and 36.70A.150.

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

5 **Sec. 1.** RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read
6 as follows:

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

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

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

1 utilities, public facilities, and other land uses. The land use
2 element shall include population densities, building intensities, and
3 estimates of future population growth. The land use element shall
4 provide for protection of the quality and quantity of ground water used
5 for public water supplies. Where applicable, the land use element
6 shall review drainage, flooding, and storm water run-off in the area
7 and nearby jurisdictions and provide guidance for corrective actions to
8 mitigate or cleanse those discharges that pollute waters of the state,
9 including Puget Sound or waters entering Puget Sound. Where
10 applicable, the land use element shall also provide for walkways,
11 trails, paths, and other safe routes for nonmotorized transportation to
12 and from existing and planned schools in areas that are within a one-
13 mile radius of a school.

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

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

1 recreation facilities shall be included in the capital facilities plan
2 element.

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

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

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

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

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

30 (i) Containing or otherwise controlling rural development;

31 (ii) Assuring visual compatibility of rural development with the
32 surrounding rural area;

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

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

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

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

7 (i) Rural development consisting of the infill, development, or
8 redevelopment of existing commercial, industrial, residential, or
9 mixed-use areas, whether characterized as shoreline development,
10 villages, hamlets, rural activity centers, or crossroads developments.

11 (A) A commercial, industrial, residential, shoreline, or mixed-use
12 area shall be subject to the requirements of (d)(iv) of this
13 subsection, but shall not be subject to the requirements of (c)(ii) and
14 (iii) of this subsection.

15 (B) Any development or redevelopment other than an industrial area
16 or an industrial use within a mixed-use area or an industrial area
17 under this subsection (5)(d)(i) must be principally designed to serve
18 the existing and projected rural population.

19 (C) Any development or redevelopment in terms of building size,
20 scale, use, or intensity shall be consistent with the character of the
21 existing areas. Development and redevelopment may include changes in
22 use from vacant land or a previously existing use so long as the new
23 use conforms to the requirements of this subsection (5);

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

34 (iii) The intensification of development on lots containing
35 isolated nonresidential uses or new development of isolated cottage
36 industries and isolated small-scale businesses that are not principally
37 designed to serve the existing and projected rural population and
38 nonresidential uses, but do provide job opportunities for rural

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

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

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

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

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

36 (C) On the date the office of financial management certifies the
37 county's population as provided in RCW 36.70A.040(5), in a county that

1 is planning under all of the provisions of this chapter pursuant to RCW
2 36.70A.040(5).

3 (e) Exception. This subsection shall not be interpreted to permit
4 in the rural area a major industrial development or a master planned
5 resort unless otherwise specifically permitted under RCW 36.70A.360 and
6 36.70A.365.

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

9 (a) The transportation element shall include the following
10 subelements:

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

12 (ii) Estimated traffic impacts to state-owned transportation
13 facilities resulting from land use assumptions to assist the department
14 of transportation in monitoring the performance of state facilities, to
15 plan improvements for the facilities, and to assess the impact of land-
16 use decisions on state-owned transportation facilities;

17 (iii) Facilities and services needs, including:

18 (A) An inventory of air, water, and ground transportation
19 facilities and services, including transit alignments and general
20 aviation airport facilities, to define existing capital facilities and
21 travel levels as a basis for future planning. This inventory must
22 include state-owned transportation facilities within the city or
23 county's jurisdictional boundaries;

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

27 (C) For state-owned transportation facilities, level of service
28 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
29 to gauge the performance of the system. The purposes of reflecting
30 level of service standards for state highways in the local
31 comprehensive plan are to monitor the performance of the system, to
32 evaluate improvement strategies, and to facilitate coordination between
33 the county's or city's six-year street, road, or transit program and
34 the department of transportation's six-year investment program. The
35 concurrency requirements of (b) of this subsection do not apply to
36 transportation facilities and services of statewide significance except
37 for counties consisting of islands whose only connection to the

1 mainland are state highways or ferry routes. In these island counties,
2 state highways and ferry route capacity must be a factor in meeting the
3 concurrency requirements in (b) of this subsection;

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

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

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

14 (iv) Finance, including:

15 (A) An analysis of funding capability to judge needs against
16 probable funding resources;

17 (B) A multiyear financing plan based on the needs identified in the
18 comprehensive plan, the appropriate parts of which shall serve as the
19 basis for the six-year street, road, or transit program required by RCW
20 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
21 for public transportation systems. The multiyear financing plan should
22 be coordinated with the six-year improvement program developed by the
23 department of transportation as required by RCW 47.05.030;

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

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

31 (vi) Demand-management strategies.

32 (b) After adoption of the comprehensive plan by jurisdictions
33 (~~required to plan or who choose to plan~~) planning under RCW
34 36.70A.040, local jurisdictions must adopt and enforce ordinances which
35 prohibit development approval if the development causes the level of
36 service on a locally owned transportation facility to decline below the
37 standards adopted in the transportation element of the comprehensive
38 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection (6)
5 "concurrent with the development" shall mean that improvements or
6 strategies are in place at the time of development, or that a financial
7 commitment is in place to complete the improvements or strategies
8 within six years.

9 (c) The transportation element described in this subsection (6),
10 and the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, RCW 35.58.2795 for public transportation
12 systems, and RCW 47.05.030 for the state, must be consistent.

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

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

33 (9) It is the intent that new or amended elements required after
34 January 1, 2002, be adopted concurrent with the scheduled update
35 provided in RCW 36.70A.130. Requirements to incorporate any such new
36 or amended elements shall be null and void until funds sufficient to
37 cover applicable local government costs are appropriated and

1 distributed by the state at least two years before local government
2 must update comprehensive plans as required in RCW 36.70A.130.

3 **Sec. 2.** RCW 36.70A.150 and 1991 c 322 s 23 are each amended to
4 read as follows:

5 (1)(a) Each county and city that is (~~required or chooses to~~
6 ~~prepare a comprehensive land use plan~~) planning under RCW 36.70A.040
7 shall identify lands useful for public purposes such as utility
8 corridors, transportation corridors, landfills, sewage treatment
9 facilities, storm water management facilities, recreation, schools, and
10 other public uses.

11 (b) Lands useful for public purposes include also, where
12 applicable, walkways, trails, paths, and other safe routes for
13 nonmotorized transportation to and from existing and planned schools in
14 areas that are within a one-mile radius of a school.

15 (2) The county shall work with the state and the cities within its
16 borders to identify areas of shared need for public facilities. The
17 jurisdictions within the county shall prepare a prioritized list of
18 lands necessary for the identified public uses including an estimated
19 date by which the acquisition will be needed. Lands identified under
20 subsection (1)(b) of this section for existing schools shall not be a
21 higher or lower priority than lands identified for planned schools.

22 (3) The respective capital acquisition budgets for each
23 jurisdiction shall reflect the jointly agreed upon priorities and time
24 schedule.

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