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SENATE BILL 6037

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State of Washington

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By Senators Sheldon and Rockefeller

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1 AN ACT Relating to connection of limited areas of more intensive  
2 rural development for recreational or tourist use to existing public  
3 facilities; and amending RCW 36.70A.070.

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 under RCW 36.70A.040 shall consist of a map or maps,  
9 and descriptive text covering objectives, principles, and standards  
10 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.

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

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

36 (4) A utilities element consisting of the general location,  
37 proposed location, and capacity of all existing and proposed utilities,

1 including, but not limited to, electrical lines, telecommunication  
2 lines, and natural gas lines.

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

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

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

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

- 26 (i) Containing or otherwise controlling rural development;
- 27 (ii) Assuring visual compatibility of rural development with the  
28 surrounding rural area;
- 29 (iii) Reducing the inappropriate conversion of undeveloped land  
30 into sprawling, low-density development in the rural area;
- 31 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
32 surface water and ground water resources; and
- 33 (v) Protecting against conflicts with the use of agricultural,  
34 forest, and mineral resource lands designated under RCW 36.70A.170.

35 (d) Limited areas of more intensive rural development. Subject to  
36 the requirements of this subsection and except as otherwise  
37 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including  
2 necessary public facilities and public services to serve the limited  
3 area as follows:

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

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

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

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

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 residential development. A small-scale recreation or tourist use is  
26 not required to be principally designed to serve the existing and  
27 projected rural population. Public services and public facilities  
28 shall be limited to those necessary to serve the recreation or tourist  
29 use and shall be provided in a manner that does not permit low-density  
30 sprawl, such as a connection to an existing public facility where such  
31 connection serves only the recreational or tourist use and is not  
32 available to adjacent nonrecreational or nontourist use parcels;

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

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

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