

SHB 1727 - H AMD

By Representative Springer

ADOPTED AS AMENDED 03/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to
4 read as follows:

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

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

14 (1) A land use element designating the proposed general
15 distribution and general location and extent of the uses of land, where
16 appropriate, for agriculture, timber production, housing, commerce,
17 industry, recreation, open spaces, general aviation airports, public
18 utilities, public facilities, and other land uses. The land use
19 element shall include population densities, building intensities, and
20 estimates of future population growth. The land use element shall
21 designate, as appropriate, a sufficient quantity of land needed for
22 residential, commercial, and industrial uses. The land use element
23 shall provide for protection of the quality and quantity of ground
24 water used for public water supplies. Wherever possible, the land use
25 element should consider utilizing urban planning approaches that
26 promote physical activity. Where applicable, the land use element
27 shall review drainage, flooding, and storm water run-off in the area
28 and nearby jurisdictions and provide guidance for corrective actions to
29 mitigate or cleanse those discharges that pollute waters of the state,
30 including Puget Sound or waters entering Puget Sound.

1 (2) A housing element ensuring the vitality and character of
2 established residential neighborhoods that: (a) Includes an inventory
3 and analysis of existing and projected housing needs that identifies
4 the number of housing units necessary to (~~manage~~) accommodate
5 projected growth; (b) includes a statement of goals, policies,
6 objectives, and mandatory provisions for the preservation, improvement,
7 and development of housing, including single-family residences; (c)
8 identifies a sufficient quantity of land suitable for meeting the
9 existing and projected housing needs identified in (a) of this
10 subsection, including, but not limited to, government-assisted housing,
11 housing for low-income families, manufactured housing, multifamily
12 housing, and group homes and foster care facilities; and (d) makes
13 adequate provisions for existing and projected needs of all economic
14 segments of the community.

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

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

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

37 (a) Growth management act goals and local circumstances. Because
38 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses, essential
8 public facilities, and rural governmental services needed to serve the
9 permitted densities and uses. To achieve a variety of rural densities
10 and uses, counties may provide for clustering, density transfer, design
11 guidelines, conservation easements, and other innovative techniques
12 that will accommodate appropriate rural densities and uses that are not
13 characterized by urban growth and that are consistent with rural
14 character.

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

- 18 (i) Containing or otherwise controlling rural development;
- 19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;
- 21 (iii) Reducing the inappropriate conversion of undeveloped land
22 into sprawling, low-density development in the rural area;
- 23 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
24 surface water and ground water resources; and
- 25 (v) Protecting against conflicts with the use of agricultural,
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element may
30 allow for limited areas of more intensive rural development, including
31 necessary public facilities and public services to serve the limited
32 area as follows:

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

37 (A) A commercial, industrial, residential, shoreline, or mixed-use

1 area shall be subject to the requirements of (d)(iv) of this
2 subsection, but shall not be subject to the requirements of (c)(ii) and
3 (iii) of this subsection.

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

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

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

23 (iii) The intensification of development on lots containing
24 isolated nonresidential uses or new development of isolated cottage
25 industries and isolated small-scale businesses that are not principally
26 designed to serve the existing and projected rural population and
27 nonresidential uses, but do provide job opportunities for rural
28 residents. Rural counties may allow the expansion of small-scale
29 businesses as long as those small-scale businesses conform with the
30 rural character of the area as defined by the local government
31 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
32 allow new small-scale businesses to utilize a site previously occupied
33 by an existing business as long as the new small-scale business
34 conforms to the rural character of the area as defined by the local
35 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
36 and public facilities shall be limited to those necessary to serve the
37 isolated nonresidential use and shall be provided in a manner that does
38 not 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 jurisdictional 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~~)) ten-year improvement program
12 developed by the department of transportation as required by RCW
13 47.05.030;

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

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

21 (vi) Demand-management strategies;

22 (vii) Pedestrian and bicycle component to include collaborative
23 efforts to identify and designate planned improvements for pedestrian
24 and bicycle facilities and corridors that address and encourage
25 enhanced community access and promote healthy lifestyles.

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

1 strategies are in place at the time of development, or that a financial
2 commitment is in place to complete the improvements or strategies
3 within six years.

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

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

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

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

36 **Sec. 2.** RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each
37 amended to read as follows:

1 A comprehensive plan should provide for innovative land use
2 management techniques, including, but not limited to, density bonuses,
3 cluster housing, planned unit developments, mixed-use development,
4 accessory dwelling units, and the transfer of development rights.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
6 to read as follows:

7 (1) A county and one or more of its cities, or two or more counties
8 sharing a common border and their cities, may adopt countywide planning
9 policies or multicounty planning policies establishing subregions in
10 order to address housing and employment markets that cross
11 jurisdictional boundaries. Policies adopted under this section may
12 include, but are not limited to:

13 (a) Policies that reallocate among the counties and cities in the
14 subregion the population growth established for each local government
15 under RCW 36.70A.110;

16 (b) Policies that provide for a sufficient number of housing units
17 to accommodate the existing housing needs and projected population
18 growth in the subregion; and

19 (c) Policies that provide for sufficient land suitable for
20 development to meet the needs for commercial and industrial growth in
21 the subregion.

22 (2) The local governments within the subregion may use the
23 countywide planning policies or multicounty planning policies,
24 interlocal agreements under chapter 39.34 RCW, or any other appropriate
25 mechanism to implement the policies established under subsection (1) of
26 this section."

27 Correct the title.

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