

ESHB 1727 - S AMD 417
By Senator Fairley

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 Jurisdictions that are not subject to the requirements of RCW
6 43.63A.215 may provide for accessory dwelling units in their
7 comprehensive plans and development regulations.

8 NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW
9 to read as follows:

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

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

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

22 (c) Policies that provide for sufficient land suitable for
23 development to meet the needs for commercial and industrial growth in
24 the subregion.

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

30 **Sec. 4.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
31 as follows:

32 (1) In accordance with the requirements of this section, each
33 county that is required or chooses to plan under RCW 36.70A.040 shall
34 designate an urban growth area or areas within which urban growth shall
35 be encouraged and outside of which growth can occur only if it is not
36 urban in nature. Each city that is located in such a county shall be

1 included within an urban growth area. An urban growth area may include
2 more than a single city. An urban growth area may include territory
3 that is located outside of a city only if such territory already is
4 characterized by urban growth whether or not the urban growth area
5 includes a city, or is adjacent to territory already characterized by
6 urban growth, or is a designated new fully contained community as
7 defined by RCW 36.70A.350.

8 (2) Based upon the growth management population projection made for
9 the county by the office of financial management, the county and each
10 city within the county shall include areas and densities sufficient to
11 permit the urban growth that is projected to occur in the county or
12 city for the succeeding twenty-year period, except for those urban
13 growth areas contained totally within a national historical reserve.

14 Each urban growth area shall permit urban densities and shall
15 include greenbelt and open space areas. In the case of urban growth
16 areas contained totally within a national historical reserve, the city
17 may restrict densities, intensities, and forms of urban growth as
18 determined to be necessary and appropriate to protect the physical,
19 cultural, or historic integrity of the reserve. An urban growth area
20 determination may include a reasonable land market supply factor and
21 shall permit a range of urban densities and uses. In determining this
22 market factor, cities and counties may consider local circumstances.
23 Cities and counties have discretion in their comprehensive plans to
24 make many choices about accommodating growth.

25 Within one year of July 1, 1990, each county that as of June 1,
26 1991, was required or chose to plan under RCW 36.70A.040, shall begin
27 consulting with each city located within its boundaries and each city
28 shall propose the location of an urban growth area. Within sixty days
29 of the date the county legislative authority of a county adopts its
30 resolution of intention or of certification by the office of financial
31 management, all other counties that are required or choose to plan
32 under RCW 36.70A.040 shall begin this consultation with each city
33 located within its boundaries. The county shall attempt to reach
34 agreement with each city on the location of an urban growth area within
35 which the city is located. If such an agreement is not reached with
36 each city located within the urban growth area, the county shall
37 justify in writing why it so designated the area an urban growth area.
38 A city may object formally with the department over the designation of

1 the urban growth area within which it is located. Where appropriate,
2 the department shall attempt to resolve the conflicts, including the
3 use of mediation services.

4 (3) Counties subject to RCW 36.70A.215 and counties east of the
5 crest of the Cascade mountain range with a population greater than four
6 hundred thousand must:

7 (a) Consult with cities within each urban growth area in the county
8 about developing criteria and procedures that may improve the process
9 of modifying or designating new urban growth areas;

10 (b) Upon request, consult with any city or cities within the county
11 that abut an unincorporated urban growth area or areas about adopting
12 consistent development standards with those of the city or cities
13 located within or adjacent to the urban growth areas; and

14 (c) Submit a report to the appropriate committees of the house of
15 representatives and the senate by December 1, 2007, summarizing
16 findings and recommendations resulting from the consultations required
17 in (a) and (b) of this subsection. The reports required in this
18 subsection may be submitted by individual jurisdictions or jointly by
19 participating jurisdictions.

20 (4) Urban growth should be located first in areas already
21 characterized by urban growth that have adequate existing public
22 facility and service capacities to serve such development, second in
23 areas already characterized by urban growth that will be served
24 adequately by a combination of both existing public facilities and
25 services and any additional needed public facilities and services that
26 are provided by either public or private sources, and third in the
27 remaining portions of the urban growth areas. Urban growth may also be
28 located in designated new fully contained communities as defined by RCW
29 36.70A.350.

30 ~~((4))~~ (5) In general, cities are the units of local government
31 most appropriate to provide urban governmental services. In general,
32 it is not appropriate that urban governmental services be extended to
33 or expanded in rural areas except in those limited circumstances shown
34 to be necessary to protect basic public health and safety and the
35 environment and when such services are financially supportable at rural
36 densities and do not permit urban development.

37 ~~((5))~~ (6) On or before October 1, 1993, each county that was
38 initially required to plan under RCW 36.70A.040(1) shall adopt

1 development regulations designating interim urban growth areas under
2 this chapter. Within three years and three months of the date the
3 county legislative authority of a county adopts its resolution of
4 intention or of certification by the office of financial management,
5 all other counties that are required or choose to plan under RCW
6 36.70A.040 shall adopt development regulations designating interim
7 urban growth areas under this chapter. Adoption of the interim urban
8 growth areas may only occur after public notice; public hearing; and
9 compliance with the state environmental policy act, chapter 43.21C RCW,
10 and RCW 36.70A.110. Such action may be appealed to the appropriate
11 growth management hearings board under RCW 36.70A.280. Final urban
12 growth areas shall be adopted at the time of comprehensive plan
13 adoption under this chapter.

14 ~~((+6))~~ (7) Each county shall include designations of urban growth
15 areas in its comprehensive plan.

16 ~~((+7))~~ (8) An urban growth area designated in accordance with this
17 section may include within its boundaries urban service areas or
18 potential annexation areas designated for specific cities or towns
19 within the county.

20 NEW SECTION. **Sec. 5.** (1) Population in western Washington is
21 growing and will continue to grow. Models indicate that the central
22 Cascades region can expect a doubling of the population within the next
23 one hundred years.

24 (2) The growth management act has used large lot zoning to
25 discourage residential development of rural and resource lands.
26 However, historical entitlement of smaller lots coupled with rapidly
27 increasing real estate values have led to widespread development of
28 nonurban lots of a variety of sizes, locations, and zoning categories.
29 This problem is exacerbated by recent trends in the timber industry,
30 resulting in ownership changes, accelerated harvesting regimes, and
31 likely conversion of many properties to residential development in the
32 near term. It is reasonable to assume that under a one hundred-year
33 timeframe all nonurban lots are likely to be developed.

34 (3) The increase in nonurban development has disproportionate
35 undesirable impacts to landscape and watershed integrity, environmental
36 functions, economic viability of resource lands, and public costs.

1 (4) The most important component in building a successful transfer
2 of development rights program is creating adequate receiving area
3 capacity. Accommodating dramatic population growth while meeting
4 resource conservation goals over the next one hundred years will
5 require greatly increasing receiving area capacity. It is a regional
6 goal to direct growth to urban areas, and therefore it is a priority to
7 develop this receiving capacity primarily in urban areas. In addition,
8 the potential for additional receiving areas in appropriate nonurban
9 areas is being explored concurrently.

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

12 (1) A county planning under RCW 36.70A.040 that meets the criteria
13 in subsection (2) of this section may designate no more than one rural
14 village in the rural area outside of limited areas of more intensive
15 rural development established pursuant to RCW 36.70A.070(5)(d). For
16 the purposes of this section, "rural village" is defined as a compact,
17 environmentally friendly rural development created using transfer of
18 development rights. Rural villages will be located in the rural area,
19 and shall coexist with traditional rural land uses such as farming and
20 forestry. Rural villages are not urban growth, nor are they lands
21 "characterized by urban growth" for purposes of citing adjacent or
22 nearby lands as new urban growth areas pursuant to RCW 36.70A.110(2).

23 (2) Under this chapter, a county may designate a rural village in
24 the rural area outside of limited areas of more intensive rural
25 development established pursuant to RCW 36.70A.070(5)(d) as follows:

26 (a) Residential Development. The rural village may contain fifty
27 to two hundred dwelling units and may include single-family detached or
28 attached housing, multifamily housing, and accessory dwelling units.
29 The maximum allowable lot size for single-family detached units is
30 seven thousand square feet within a rural village.

31 (b) Nonresidential Development. The rural village may include
32 nonresidential development that is designed to serve the village
33 population and nearby existing and projected rural residents.

34 (c) Development Right Transfers. All rural village nonresidential
35 square footage or dwelling units that exceed base zoning shall require
36 the transfer or purchase of development rights from designated land

1 within the rural area or natural resource lands ("sending areas") as
2 follows:

3 (i) For the purposes of this section, one transferable development
4 right shall be allocated for each unrealized dwelling unit permitted by
5 applicable development regulations, as calculated on a gross basis
6 (allowed density x gross acreage of the property). In determining how
7 these development rights transfer to the rural village, the county may
8 consider local circumstances, but is encouraged to provide incentives
9 to transfer or purchase development rights from existing nonconforming
10 lots and authorize the transfer or purchase of development rights from
11 larger properties that will provide landscape scale conservation
12 benefits consistent with RCW 36.70A.011 and reduce transactions and
13 acquisition costs helping to make the end product more affordable.

14 (ii) At least one-half of the development rights included in a
15 rural village shall be transferred from the rural area, with any
16 remainder coming from resource lands.

17 (iii) Each development right transferred from an existing rural lot
18 nonconforming as to minimum lot size or density shall be given a 0.25
19 development rights bonus when used within a rural village.

20 (d) Conservation Easements. Development rights purchased or
21 transferred from sending area properties shall be extinguished with
22 conservation easements held jointly by a nonprofit organization and the
23 relevant local government. The conservation easement shall permanently
24 restrict development of the property, but shall allow for typical rural
25 land uses, including agriculture and working forestry. A stewardship
26 fund established by endowment, contractually established annual
27 homeowners association fees, or a perpetual resale fee shall be created
28 for the sending area property to ensure capacity for stewardship of
29 conservation easement lands held in fee by the homeowners association
30 of the rural village, and to monitor and enforce the conservation
31 easement for all sending lands by the responsible parties.

32 (e) Siting Criteria. A county shall establish the criteria for
33 siting a rural village in the rural element of its comprehensive plan.
34 The criteria shall be in keeping with local circumstances, RCW
35 36.70A.070(5)(c), and favor sites with limited visual impacts,
36 proximity to existing transportation networks, limited need for service
37 improvements, affordability of housing in the rural village, and
38 appropriate environmental characteristics.

1 (f) Designation. A rural village shall be designated in the rural
2 element of the comprehensive plan. The regulations governing its
3 development, including location of sending areas, shall be included in
4 the county's development regulations. The rural village must comply
5 with all relevant development regulations, including critical areas
6 regulations and transportation concurrency requirements. The county
7 may adopt level of service or concurrency standards to address the
8 consolidation of traffic that will result from a rural village.

9 (g) Boundaries. Clear boundaries shall be delineated for each
10 rural village and shall not be expanded. Boundaries shall be buffered
11 from surrounding land uses by physical barriers (e.g., river or
12 undeveloped bluff) or a swath of permanently conserved land at least
13 two hundred fifty feet wide. Boundary delineations shall maintain and
14 integrate riparian buffers required under previous land use
15 designation, or as required by existing critical areas designation,
16 whichever is greater. A conservation easement restricting development
17 in this buffer shall be held jointly by a nonprofit organization and
18 the relevant local government.

19 (h) Public Services and Public Facilities.

20 (i) Public services and public facilities shall be limited to those
21 necessary to serve the rural village and shall be provided in a manner
22 that does not permit low-density sprawl. For the purposes of this
23 section, "public services and public facilities" shall not include
24 public schools or school facilities.

25 (ii) New or improved infrastructure necessary to serve the rural
26 village shall be provided or applicable impact fees paid. New or
27 improved infrastructure may be provided by the applicant, the county,
28 or by a public-private partnership.

29 (iii) Transportation.

30 (A) Multimodal site planning shall be implemented and may include,
31 but is not limited to, neighborhood circulators; bicycle paths; and
32 park and ride, community vanpool, and carshare parking spaces.

33 (B) A pedestrian or nonmotorized transportation network of trails
34 or walkways should connect residences to services and open space within
35 and adjacent to the rural village. Walkways are pedestrian lanes that
36 provide people with space to travel within the public right-of-way that
37 is separated from roadway vehicles. They also provide places for
38 children to walk, run, skate, ride bikes, and play. These facilities

1 also improve mobility for pedestrians and provide access for all types
2 of pedestrian travel. Walkways should be part of every new and
3 renovated facility and every effort should be made to retrofit streets
4 that currently do not have sidewalks. Walkways may be constructed of
5 asphalt, crushed stone, or other materials if they are properly
6 maintained and accessible as well as firm, stable, and slip-resistant.

7 (C) Road capacity exists to accommodate the projected needs of the
8 village population and it shall meet county standards. Necessary
9 roadway improvements may include safety enhancements, site access
10 projects, signage revisions, and traffic facility flow and management
11 tools.

12 (D) Counties shall develop innovative road standards for rural
13 villages that are compatible with rural character and minimize
14 impervious surfaces and storm water runoff.

15 (E) Rural villages are not to be gated communities. Legal
16 instruments shall be recorded granting to the general public the right
17 to access and utilize the transportation facilities described in
18 (h)(iii)(A) through (D) of this subsection.

19 (iv) Water rights. A community water system shall be appropriately
20 sized to serve the rural village and shall rely on existing water law
21 to obtain adequate water rights. Such water system shall incorporate
22 efficiency and conservation measures designed to reduce water usage.

23 (v) Wastewater treatment. Counties are encouraged to authorize
24 innovative techniques for wastewater treatment in rural villages,
25 including, but not limited to, membrane bioreactor systems. Greywater
26 reuse for flushing, irrigation, and other appropriate uses should be
27 authorized.

28 (vi) Storm water management. Counties should authorize innovative
29 techniques for storm water management, including, but not limited to,
30 bioswales and other natural storm water management systems and
31 alternative uses for storm water that encourage water reuse,
32 groundwater infiltration, or both.

33 (i) Open Space. The rural village shall contain community open
34 space. Uses of this open space may include, but are not limited to,
35 community gathering space, village green, park, or rural resource use.
36 A portion of the open space must function as a village green or
37 gathering place able to accommodate the population of the rural
38 village.

1 (j) Green Building. All rural villages shall meet the national
2 association of home builders gold level green building guidelines.
3 Equivalent or more stringent green building standards may be
4 substituted for this requirement (e.g., leadership in energy and
5 environmental design, green globes, or other recognized green building
6 standards).

7 (k) Native Vegetation. Disturbance of some native vegetation is
8 likely unavoidable in the development of rural villages. However,
9 maintaining forest cover and other native vegetation is important to
10 the health of watersheds and Puget Sound. Thus, to the maximum extent
11 possible, clearing of native vegetation shall be avoided or mitigated.

12 (i) The disturbance of native plants and forest cover on the
13 development site shall be minimized.

14 (ii) Disturbance of the development site shall be mitigated via on-
15 site or off-site restoration or replanting of an area roughly
16 equivalent in size to the cleared area via a fee paid to a qualified
17 government or nonprofit land management organization.

18 (iii) Native plant species for landscaping of nonlawn areas of
19 private residences shall be used. Public rights-of-way, street
20 planting strips, and common areas shall be replanted with a regionally
21 appropriate native plant community and structure.

22 (l) Design Standards. A county shall include in its development
23 regulations design standards to protect the rural character of the
24 area. At a minimum these design standards should address the
25 following:

26 (i) Utilities;

27 (ii) Roadways and transportation;

28 (iii) Visual impacts (e.g., protecting view sheds along roadways,
29 ridgelines, hillsides, etc.); and

30 (iv) Lighting and the preservation of dark skies.

31 (m) Notice on Title. Each county designating a rural village pilot
32 project shall require that all plats, short plats, development permits,
33 and building permits issued for development activities within a rural
34 village demonstration project contain a notice that the subject
35 property is located in a rural area where a variety of traditional
36 rural activities may occur that may generate sights, sounds, and smells
37 associated with farming, forestry, and other traditional rural uses.
38 In addition, the notice for lands within a rural village demonstration

1 project shall advise that services in rural areas are often limited and
2 consist of rural governmental services rather than urban governmental
3 services. The notice shall run with the land.

4 (3) Any county intending to designate a rural village demonstration
5 project shall notify the department. The department shall ensure that
6 a maximum of three demonstration projects may be established under this
7 section. Any county choosing to withdraw a demonstration project shall
8 notify the department and the department may accept an alternate
9 project.

10 (4) The department shall report to the appropriate committees of
11 the legislature annually on the progress of any rural villages
12 established under this section. Additionally, the department shall
13 prepare a final report to be submitted no later than December 1, 2012,
14 on the efficacy of this section in accomplishing the purposes of RCW
15 36.70A.011. In preparing this report, the department shall consult
16 with sending and receiving area landowners, project developers,
17 builders, the county, and any other interested individuals or
18 organizations. The report shall:

19 (a) Review the county adopted policies and regulations to enable
20 rural village demonstration projects for consistency with the goals of
21 section 5 of this act and RCW 36.70A.011;

22 (b) Provide pertinent information on the permitting and development
23 of the rural village demonstration projects;

24 (c) Provide a project-specific analysis for each demonstration
25 project looking at the effect of the rural village on the following:

26 (i) Rural population capacity including the impacts of the
27 transfers from resource lands;

28 (ii) Land disturbance and impervious surfaces;

29 (iii) Water resources and watershed health; and

30 (iv) Wildlife habitat; and

31 (d) Recommend whether additional rural villages should be
32 authorized and, if so, whether changes should be made to this section
33 to foster the purposes of rural villages and rural lands as described
34 in section 5 of this act, RCW 36.70A.011, and 36.70A.070(5).

35 (5) The authority of a county meeting the criteria of subsection
36 (2) of this section to designate a rural village in its development
37 regulations terminates on December 31, 2009, unless a county has
38 notified the department, pursuant to subsection (3) of this section, of

1 its intent to designate a rural village. Any rural village designated
2 under this authority shall be available for the approved uses as long
3 as the rural village is in compliance with the conditions of approval
4 adopted by the county.

5 (6) This section applies to counties that are located within the
6 Puget Sound regional council's planning area.

7 (7) This section is intended to further the purposes of RCW
8 36.70A.070(5)(c), and should in no way be interpreted to alter the
9 requirements therein.

10 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
11 section 6 of this act, referencing section 6 of this act by bill or
12 chapter number and section number, is not provided by June 30, 2007, in
13 the omnibus appropriations act, section 6 of this act is null and
14 void."

ESHB 1727 - S AMD
By Senator

15 On page 1, line 2 of the title, after "growth;" strike the
16 remainder of the title and insert "amending RCW 36.70A.070, 36.70A.090,
17 and 36.70A.110; adding new sections to chapter 36.70A RCW; and creating
18 new sections."

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