
HOUSE BILL 1605

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By Representatives Springer, Rodne, Hinkle, Takko, Anderson, Eddy, Llias, Sullivan, Upthegrove, and Simpson

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1 AN ACT Relating to allocating projected population growth for
2 planning purposes among cities sharing common borders and located in
3 the same county for the purpose of addressing requirements in the land
4 use and housing elements by designating and identifying land for
5 residential and commercial, industrial, and other nonresidential
6 development needs under the growth management act; amending RCW
7 36.70A.070; and adding a new section to chapter 36.70A RCW.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
10 to read as follows:

11 Two or more cities sharing common borders and located in the same
12 county, or two or more cities sharing a common border and located
13 within adjacent counties, in coordination with countywide and
14 multicounty planning bodies, may agree to establish a subregion in
15 order to address housing and employment markets that cross
16 jurisdictional boundaries through proposed amendments to each city's
17 comprehensive plan and to countywide planning policies and multicounty
18 policies. The policies proposed by the cities under this section may
19 include, but are not limited to:

1 (1) Policies that reallocate among the cities in the subregion the
2 population growth established for each local government under RCW
3 36.70A.110;

4 (2) Policies that provide for a sufficient number of housing units
5 to accommodate the existing housing needs and projected population
6 growth in the subregion; and

7 (3) Policies that provide for sufficient land suitable for
8 development to meet the needs for commercial and industrial growth in
9 the subregion.

10 **Sec. 2.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
11 as follows:

12 The comprehensive plan of a county or city that is required or
13 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
14 and descriptive text covering objectives, principles, and standards
15 used to develop the comprehensive plan. The plan shall be an
16 internally consistent document and all elements shall be consistent
17 with the future land use map. A comprehensive plan shall be adopted
18 and amended with public participation as provided in RCW 36.70A.140.

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

21 (1) A land use element designating the proposed general
22 distribution and general location and extent of the uses of land, where
23 appropriate, for agriculture, timber production, housing, commerce,
24 industry, recreation, open spaces, general aviation airports, public
25 utilities, public facilities, and other land uses. The land use
26 element shall include population densities, building intensities, and
27 estimates of future population growth. The land use element shall
28 designate, as appropriate, a sufficient quantity of land needed for
29 residential uses based on the growth allocated to the county or city
30 that is within the range of the growth management population
31 projections made for the county by the office of financial management,
32 and a sufficient quantity of land needed for commercial, industrial,
33 and other nonresidential uses. The land use element shall provide for
34 protection of the quality and quantity of groundwater used for public
35 water supplies. Wherever possible, the land use element should
36 consider utilizing urban planning approaches that promote physical
37 activity. Where applicable, the land use element shall review

1 drainage, flooding, and storm water run-off in the area and nearby
2 jurisdictions and provide guidance for corrective actions to mitigate
3 or cleanse those discharges that pollute waters of the state, including
4 Puget Sound or waters entering Puget Sound.

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

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

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

37 (5) Rural element. Counties shall include a rural element

1 including lands that are not designated for urban growth, agriculture,
2 forest, or mineral resources. The following provisions shall apply to
3 the rural element:

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

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

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

23 (i) Containing or otherwise controlling rural development;

24 (ii) Assuring visual compatibility of rural development with the
25 surrounding rural area;

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

28 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
29 surface water and groundwater resources; and

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

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

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

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

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

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

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

28 (iii) The intensification of development on lots containing
29 isolated nonresidential uses or new development of isolated cottage
30 industries and isolated small-scale businesses that are not principally
31 designed to serve the existing and projected rural population and
32 nonresidential uses, but do provide job opportunities for rural
33 residents. Rural counties may allow the expansion of small-scale
34 businesses as long as those small-scale businesses conform with the
35 rural character of the area as defined by the local government
36 according to RCW 36.70A.030(~~((+14))~~)(15). Rural counties may also allow
37 new small-scale businesses to utilize a site previously occupied by an
38 existing business as long as the new small-scale business conforms to

1 the rural character of the area as defined by the local government
2 according to RCW 36.70A.030(~~((14))~~)(15). Public services and public
3 facilities shall be limited to those necessary to serve the isolated
4 nonresidential use and shall be provided in a manner that does not
5 permit low-density sprawl;

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

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

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

27 (B) On the date the county adopted a resolution under RCW
28 36.70A.040(2), in a county that is planning under all of the provisions
29 of this chapter under RCW 36.70A.040(2); or

30 (C) On the date the office of financial management certifies the
31 county's population as provided in RCW 36.70A.040(5), in a county that
32 is planning under all of the provisions of this chapter pursuant to RCW
33 36.70A.040(5).

34 (e) Exception. This subsection shall not be interpreted to permit
35 in the rural area a major industrial development or a master planned
36 resort unless otherwise specifically permitted under RCW 36.70A.360 and
37 36.70A.365.

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

3 (a) The transportation element shall include the following
4 subelements:

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

6 (ii) Estimated traffic impacts to state-owned transportation
7 facilities resulting from land use assumptions to assist the department
8 of transportation in monitoring the performance of state facilities, to
9 plan improvements for the facilities, and to assess the impact of land-
10 use decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

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

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

21 (C) For state-owned transportation facilities, level of service
22 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
23 to gauge the performance of the system. The purposes of reflecting
24 level of service standards for state highways in the local
25 comprehensive plan are to monitor the performance of the system, to
26 evaluate improvement strategies, and to facilitate coordination between
27 the county's or city's six-year street, road, or transit program and
28 the ((~~department of transportation's six-year~~)) office of financial
29 management's ten-year investment program. The concurrency requirements
30 of (b) of this subsection do not apply to transportation facilities and
31 services of statewide significance except for counties consisting of
32 islands whose only connection to the mainland are state highways or
33 ferry routes. In these island counties, state highways and ferry route
34 capacity must be a factor in meeting the concurrency requirements in
35 (b) of this subsection;

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

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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in the
12 comprehensive plan, the appropriate parts of which shall serve as the
13 basis for the six-year street, road, or transit program required by RCW
14 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
15 for public transportation systems. The multiyear financing plan should
16 be coordinated with the (~~six-year improvement~~) ten-year investment
17 program developed by the department of transportation as required by
18 RCW 47.05.030;

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

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

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative
28 efforts to identify and designate planned improvements for pedestrian
29 and bicycle facilities and corridors that address and encourage
30 enhanced community access and promote healthy lifestyles.

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

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

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

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