
SENATE BILL 6603

State of Washington 61st Legislature 2010 Regular Session

By Senators Marr, Haugen, Swecker, Eide, and Keiser

Read first time 01/19/10. Referred to Committee on Transportation.

1 AN ACT Relating to land uses adjacent to general aviation airports;
2 amending RCW 36.70.547, 36.70.330, and 36.70A.070; and adding a new
3 section to chapter 36.70A RCW.

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

5 **Sec. 1.** RCW 36.70.547 and 1996 c 239 s 2 are each amended to read
6 as follows:

7 Every county, city, and town in which there is located a general
8 aviation airport that is operated for the benefit of the general
9 public, whether publicly owned or privately owned public use, shall,
10 through its comprehensive plan and development regulations,
11 ((discourage)) prohibit the siting of incompatible uses adjacent to
12 such general aviation airport. Incompatible uses include, but are not
13 limited to, housing, K-12 education facilities, and hospitals. Such
14 plans and regulations may only be adopted or amended after formal
15 consultation with: Airport owners and managers, private airport
16 operators, general aviation pilots, ports, and the aviation division of
17 the department of transportation. The aviation division of the
18 department of transportation shall develop guidelines by rule under
19 chapter 34.05 RCW setting forth a consultation process to assist

1 counties and cities to identify land uses that may be incompatible with
2 airports and aircraft operations to encourage and facilitate the
3 adoption and implementation of comprehensive plan policies and
4 development regulations consistent with this section. The guidelines
5 must recognize regional and airport differences and assist counties and
6 cities to identify best management practices and strategies to prohibit
7 incompatible land uses adjacent to airports. All proposed plan and
8 regulation amendments should be submitted to the aviation division of
9 the department of transportation for early review and comment, in which
10 the aviation division has thirty days to respond. All proposed and
11 adopted plans and regulations (~~shall~~) must be filed with the aviation
12 division of the department of transportation within a reasonable time
13 after release for public consideration and comment. Each county, city,
14 and town may obtain technical assistance from the aviation division of
15 the department of transportation to develop plans and regulations
16 consistent with this section.

17 Any additions or amendments to comprehensive plans or development
18 regulations required by this section may be adopted during the normal
19 course of land-use proceedings.

20 This section applies to every county, city, and town, whether
21 operating under chapter 35.63, 35A.63, 36.70, (~~for~~) or 36.70A RCW,
22 or under a charter.

23 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
24 to read as follows:

25 Every county and city that is planning under RCW 36.70A.040 in
26 which there is located a general aviation airport, whether publicly
27 owned or privately owned public use, or whose jurisdictional boundaries
28 include land located in the airport influence area of a general
29 aviation airport as defined by the aviation division of the department
30 of transportation, shall, through its comprehensive plan and
31 development regulations, prohibit the siting of incompatible uses
32 adjacent to such general aviation airport. Incompatible uses include,
33 but are not limited to, housing, K-12 education facilities, and
34 hospitals. Such plans and regulations may only be adopted or amended
35 after formal consultation with: Airport owners and managers; private
36 airport operators; general aviation pilots; ports; and the aviation
37 division of the department of transportation, within a reasonable time

1 after release for public consideration and comment. Counties and
2 cities are encouraged to obtain technical assistance from the aviation
3 division of the department of transportation to develop plans and
4 regulations consistent with this section.

5 **Sec. 3.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read
6 as follows:

7 The comprehensive plan shall consist of a map or maps, and
8 descriptive text covering objectives, principles and standards used to
9 develop it, and shall include each of the following elements:

10 (1) A land use element which designates the proposed general
11 distribution and general location and extent of the uses of land for
12 agriculture, housing, commerce, industry, recreation, education, public
13 buildings and lands, (~~and~~) other categories of public and private use
14 of land, (~~including~~) and pursuant to RCW 36.70.547 uses that would be
15 compatible and incompatible when located in the airport influence area
16 of a general aviation airport. The land use element shall also include
17 a statement of the standards of population density and building
18 intensity recommended for the various areas in the jurisdiction and
19 estimates of future population growth in the area covered by the
20 comprehensive plan, all correlated with the land use element of the
21 comprehensive plan. The land use element shall also provide for
22 protection of the quality and quantity of groundwater used for public
23 water supplies and shall review drainage, flooding, and storm water
24 run-off in the area and nearby jurisdictions and provide guidance for
25 corrective actions to mitigate or cleanse those discharges that pollute
26 Puget Sound or waters entering Puget Sound;

27 (2) A circulation element consisting of the general location,
28 alignment and extent of major thoroughfares, major transportation
29 routes, trunk utility lines, and major terminal facilities, all of
30 which shall be correlated with the land use element of the
31 comprehensive plan;

32 (3) Any supporting maps, diagrams, charts, descriptive material and
33 reports necessary to explain and supplement the above elements.

34 **Sec. 4.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
35 as follows:

36 The comprehensive plan of a county or city that is required or

1 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
2 and descriptive text covering objectives, principles, and standards
3 used to develop the comprehensive plan. The plan shall be an
4 internally consistent document and all elements shall be consistent
5 with the future land use map. A comprehensive plan shall be adopted
6 and amended with public participation as provided in RCW 36.70A.140.

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

9 (1) A land use element designating the proposed general
10 distribution and general location and extent of the uses of land, where
11 appropriate, for agriculture, timber production, housing, commerce,
12 industry, recreation, open spaces, general aviation airports, public
13 utilities, public facilities, ~~((and))~~ other land uses, and pursuant to
14 RCW 36.70A.510 uses that would be compatible and incompatible when
15 located in the airport influence area of a general aviation airport.

16 The land use element shall include population densities, building
17 intensities, and estimates of future population growth. The land use
18 element shall provide for protection of the quality and quantity of
19 groundwater used for public water supplies. Wherever possible, the
20 land use element should consider utilizing urban planning approaches
21 that promote physical activity. Where applicable, the land use element
22 shall review drainage, flooding, and storm water run-off in the area
23 and nearby jurisdictions and provide guidance for corrective actions to
24 mitigate or cleanse those discharges that pollute waters of the state,
25 including Puget Sound or waters entering Puget Sound.

26 (2) A housing element ensuring the vitality and character of
27 established residential neighborhoods that: (a) Includes an inventory
28 and analysis of existing and projected housing needs that identifies
29 the number of housing units necessary to manage projected growth; (b)
30 includes a statement of goals, policies, objectives, and mandatory
31 provisions for the preservation, improvement, and development of
32 housing, including single-family residences; (c) identifies sufficient
33 land for housing, including, but not limited to, government-assisted
34 housing, housing for low-income families, manufactured housing,
35 multifamily housing, and group homes and foster care facilities; and
36 (d) makes adequate provisions for existing and projected needs of all
37 economic segments of the community.

1 (3) A capital facilities plan element consisting of: (a) An
2 inventory of existing capital facilities owned by public entities,
3 showing the locations and capacities of the capital facilities; (b) a
4 forecast of the future needs for such capital facilities; (c) the
5 proposed locations and capacities of expanded or new capital
6 facilities; (d) at least a six-year plan that will finance such capital
7 facilities within projected funding capacities and clearly identifies
8 sources of public money for such purposes; and (e) a requirement to
9 reassess the land use element if probable funding falls short of
10 meeting existing needs and to ensure that the land use element, capital
11 facilities plan element, and financing plan within the capital
12 facilities plan element are coordinated and consistent. Park and
13 recreation facilities shall be included in the capital facilities plan
14 element.

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

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

23 (a) Growth management act goals and local circumstances. Because
24 circumstances vary from county to county, in establishing patterns of
25 rural densities and uses, a county may consider local circumstances,
26 but shall develop a written record explaining how the rural element
27 harmonizes the planning goals in RCW 36.70A.020 and meets the
28 requirements of this chapter.

29 (b) Rural development. The rural element shall permit rural
30 development, forestry, and agriculture in rural areas. The rural
31 element shall provide for a variety of rural densities, uses, essential
32 public facilities, and rural governmental services needed to serve the
33 permitted densities and uses. To achieve a variety of rural densities
34 and uses, counties may provide for clustering, density transfer, design
35 guidelines, conservation easements, and other innovative techniques
36 that will accommodate appropriate rural densities and uses that are not
37 characterized by urban growth and that are consistent with rural
38 character.

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the
6 surrounding rural area;

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

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

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

13 (d) Limited areas of more intensive rural development. Subject to
14 the requirements of this subsection and except as otherwise
15 specifically provided in this subsection (5)(d), the rural element may
16 allow for limited areas of more intensive rural development, including
17 necessary public facilities and public services to serve the limited
18 area as follows:

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

23 (A) A commercial, industrial, residential, shoreline, or mixed-use
24 area shall be subject to the requirements of (d)(iv) of this
25 subsection, but shall not be subject to the requirements of (c)(ii) and
26 (iii) of this subsection.

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

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

36 (ii) The intensification of development on lots containing, or new
37 development of, small-scale recreational or tourist uses, including
38 commercial facilities to serve those recreational or tourist uses, that

1 rely on a rural location and setting, but that do not include new
2 residential development. A small-scale recreation or tourist use is
3 not required to be principally designed to serve the existing and
4 projected rural population. Public services and public facilities
5 shall be limited to those necessary to serve the recreation or tourist
6 use and shall be provided in a manner that does not permit low-density
7 sprawl;

8 (iii) The intensification of development on lots containing
9 isolated nonresidential uses or new development of isolated cottage
10 industries and isolated small-scale businesses that are not principally
11 designed to serve the existing and projected rural population and
12 nonresidential uses, but do provide job opportunities for rural
13 residents. Rural counties may allow the expansion of small-scale
14 businesses as long as those small-scale businesses conform with the
15 rural character of the area as defined by the local government
16 according to RCW 36.70A.030(~~(+14)~~) (15). Rural counties may also
17 allow new small-scale businesses to utilize a site previously occupied
18 by an existing business as long as the new small-scale business
19 conforms to the rural character of the area as defined by the local
20 government according to RCW 36.70A.030(~~(+14)~~) (15). Public services
21 and public facilities shall be limited to those necessary to serve the
22 isolated nonresidential use and shall be provided in a manner that does
23 not permit low-density sprawl;

24 (iv) A county shall adopt measures to minimize and contain the
25 existing areas or uses of more intensive rural development, as
26 appropriate, authorized under this subsection. Lands included in such
27 existing areas or uses shall not extend beyond the logical outer
28 boundary of the existing area or use, thereby allowing a new pattern of
29 low-density sprawl. Existing areas are those that are clearly
30 identifiable and contained and where there is a logical boundary
31 delineated predominately by the built environment, but that may also
32 include undeveloped lands if limited as provided in this subsection.
33 The county shall establish the logical outer boundary of an area of
34 more intensive rural development. In establishing the logical outer
35 boundary the county shall address (A) the need to preserve the
36 character of existing natural neighborhoods and communities, (B)
37 physical boundaries such as bodies of water, streets and highways, and

1 land forms and contours, (C) the prevention of abnormally irregular
2 boundaries, and (D) the ability to provide public facilities and public
3 services in a manner that does not permit low-density sprawl;

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

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

8 (B) On the date the county adopted a resolution under RCW
9 36.70A.040(2), in a county that is planning under all of the provisions
10 of this chapter under RCW 36.70A.040(2); or

11 (C) On the date the office of financial management certifies the
12 county's population as provided in RCW 36.70A.040(5), in a county that
13 is planning under all of the provisions of this chapter pursuant to RCW
14 36.70A.040(5).

15 (e) Exception. This subsection shall not be interpreted to permit
16 in the rural area a major industrial development or a master planned
17 resort unless otherwise specifically permitted under RCW 36.70A.360 and
18 36.70A.365.

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

21 (a) The transportation element shall include the following
22 subelements:

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

24 (ii) Estimated traffic impacts to state-owned transportation
25 facilities resulting from land use assumptions to assist the department
26 of transportation in monitoring the performance of state facilities, to
27 plan improvements for the facilities, and to assess the impact of land-
28 use decisions on state-owned transportation facilities;

29 (iii) Facilities and services needs, including:

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

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

1 (C) For state-owned transportation facilities, level of service
2 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
3 to gauge the performance of the system. The purposes of reflecting
4 level of service standards for state highways in the local
5 comprehensive plan are to monitor the performance of the system, to
6 evaluate improvement strategies, and to facilitate coordination between
7 the county's or city's six-year street, road, or transit program and
8 the ((~~department of transportation's six-year~~)) office of financial
9 management's ten-year investment program. The concurrency requirements
10 of (b) of this subsection do not apply to transportation facilities and
11 services of statewide significance except for counties consisting of
12 islands whose only connection to the mainland are state highways or
13 ferry routes. In these island counties, state highways and ferry route
14 capacity must be a factor in meeting the concurrency requirements in
15 (b) of this subsection;

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

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

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

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against
28 probable funding resources;

29 (B) A multiyear financing plan based on the needs identified in the
30 comprehensive plan, the appropriate parts of which shall serve as the
31 basis for the six-year street, road, or transit program required by RCW
32 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
33 for public transportation systems. The multiyear financing plan should
34 be coordinated with the ((~~six-year improvement~~)) ten-year investment
35 program developed by the ((~~department of transportation~~)) office of
36 financial management as required by RCW 47.05.030;

37 (C) If probable funding falls short of meeting identified needs, a

1 discussion of how additional funding will be raised, or how land use
2 assumptions will be reassessed to ensure that level of service
3 standards will be met;

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

7 (vi) Demand-management strategies;

8 (vii) Pedestrian and bicycle component to include collaborative
9 efforts to identify and designate planned improvements for pedestrian
10 and bicycle facilities and corridors that address and encourage
11 enhanced community access and promote healthy lifestyles.

12 (b) After adoption of the comprehensive plan by jurisdictions
13 required to plan or who choose to plan under RCW 36.70A.040, local
14 jurisdictions must adopt and enforce ordinances which prohibit
15 development approval if the development causes the level of service on
16 a locally owned transportation facility to decline below the standards
17 adopted in the transportation element of the comprehensive plan, unless
18 transportation improvements or strategies to accommodate the impacts of
19 development are made concurrent with the development. These strategies
20 may include increased public transportation service, ride sharing
21 programs, demand management, and other transportation systems
22 management strategies. For the purposes of this subsection (6)
23 "concurrent with the development" shall mean that improvements or
24 strategies are in place at the time of development, or that a financial
25 commitment is in place to complete the improvements or strategies
26 within six years.

27 (c) The transportation element described in this subsection (6),
28 (~~and~~) the six-year plans required by RCW 35.77.010 for cities, RCW
29 36.81.121 for counties, and RCW 35.58.2795 for public transportation
30 systems, and the ten-year investment program required by RCW 47.05.030
31 for the state, must be consistent.

32 (7) An economic development element establishing local goals,
33 policies, objectives, and provisions for economic growth and vitality
34 and a high quality of life. The element shall include: (a) A summary
35 of the local economy such as population, employment, payroll, sectors,
36 businesses, sales, and other information as appropriate; (b) a summary
37 of the strengths and weaknesses of the local economy defined as the
38 commercial and industrial sectors and supporting factors such as land

1 use, transportation, utilities, education, workforce, housing, and
2 natural/cultural resources; and (c) an identification of policies,
3 programs, and projects to foster economic growth and development and to
4 address future needs. A city that has chosen to be a residential
5 community is exempt from the economic development element requirement
6 of this subsection.

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

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

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