
SENATE BILL 6060

State of Washington 63rd Legislature 2014 Regular Session

By Senators Angel, Bailey, Schoesler, and Roach

Read first time 01/15/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to public water systems; and amending RCW
2 36.70A.035 and 36.70A.070.

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

4 **Sec. 1.** RCW 36.70A.035 and 1999 c 315 s 708 are each amended to
5 read as follows:

6 (1) The public participation requirements of this chapter shall
7 include notice procedures that are reasonably calculated to provide
8 notice to property owners and other affected and interested
9 individuals, tribes, government agencies, businesses, school districts,
10 public water systems required to plan under WAC 246-290-100(2), and
11 organizations of proposed amendments to comprehensive plans and
12 development regulation. Examples of reasonable notice provisions
13 include:

- 14 (a) Posting the property for site-specific proposals;
15 (b) Publishing notice in a newspaper of general circulation in the
16 county, city, or general area where the proposal is located or that
17 will be affected by the proposal;
18 (c) Notifying public or private groups with known interest in a
19 certain proposal or in the type of proposal being considered;

1 (d) Placing notices in appropriate regional, neighborhood, ethnic,
2 or trade journals; and

3 (e) Publishing notice in agency newsletters or sending notice to
4 agency mailing lists, including general lists or lists for specific
5 proposals or subject areas.

6 (2)(a) Except as otherwise provided in (b) of this subsection, if
7 the legislative body for a county or city chooses to consider a change
8 to an amendment to a comprehensive plan or development regulation, and
9 the change is proposed after the opportunity for review and comment has
10 passed under the county's or city's procedures, an opportunity for
11 review and comment on the proposed change shall be provided before the
12 local legislative body votes on the proposed change.

13 (b) An additional opportunity for public review and comment is not
14 required under (a) of this subsection if:

15 (i) An environmental impact statement has been prepared under
16 chapter 43.21C RCW for the pending resolution or ordinance and the
17 proposed change is within the range of alternatives considered in the
18 environmental impact statement;

19 (ii) The proposed change is within the scope of the alternatives
20 available for public comment;

21 (iii) The proposed change only corrects typographical errors,
22 corrects cross-references, makes address or name changes, or clarifies
23 language of a proposed ordinance or resolution without changing its
24 effect;

25 (iv) The proposed change is to a resolution or ordinance making a
26 capital budget decision as provided in RCW 36.70A.120; or

27 (v) The proposed change is to a resolution or ordinance enacting a
28 moratorium or interim control adopted under RCW 36.70A.390.

29 (3) This section is prospective in effect and does not apply to a
30 comprehensive plan, development regulation, or amendment adopted before
31 July 27, 1997.

32 **Sec. 2.** RCW 36.70A.070 and 2010 1st sp.s. c 26 s 6 are each
33 amended to read as follows:

34 The comprehensive plan of a county or city that is required or
35 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
36 and descriptive text covering objectives, principles, and standards
37 used to develop the comprehensive plan. The plan shall be an

1 internally consistent document and all elements shall be consistent
2 with the future land use map. A comprehensive plan shall be adopted
3 and amended with public participation as provided in RCW 36.70A.140.

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

6 (1) A land use element designating the proposed general
7 distribution and general location and extent of the uses of land, where
8 appropriate, for agriculture, timber production, housing, commerce,
9 industry, recreation, open spaces, general aviation airports, public
10 utilities, public facilities, and other land uses. The land use
11 element shall include population densities, building intensities, and
12 estimates of future population growth. The land use element shall
13 provide for protection of the quality and quantity of groundwater used
14 for public water supplies. Wherever possible, the land use element
15 should consider utilizing urban planning approaches that promote
16 physical activity. Where applicable, the land use element shall review
17 drainage, flooding, and storm water run-off in the area and nearby
18 jurisdictions and provide guidance for corrective actions to mitigate
19 or cleanse those discharges that pollute waters of the state, including
20 Puget Sound or waters entering Puget Sound.

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

33 (3) A capital facilities plan element consisting of: (a) An
34 inventory of existing capital facilities owned by public entities,
35 showing the locations and capacities of the capital facilities; (b) a
36 forecast of the future needs for such capital facilities; (c) the
37 proposed locations and capacities of expanded or new capital
38 facilities; (d) at least a six-year plan that will finance such capital

1 facilities within projected funding capacities and clearly identifies
2 sources of public money for such purposes; and (e) a requirement to
3 reassess the land use element if probable funding falls short of
4 meeting existing needs and to ensure that the land use element, capital
5 facilities plan element, and financing plan within the capital
6 facilities plan element are coordinated and consistent. Park and
7 recreation facilities shall be included in the capital facilities plan
8 element.

9 (4) A utilities element consisting of the general location,
10 proposed location, and capacity of all existing and proposed utilities,
11 including, but not limited to, electrical lines, telecommunication
12 lines, ~~((and))~~ natural gas lines, and facilities of group A public
13 water systems required to plan under WAC 246-290-100(2).

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

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

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

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

37 (i) Containing or otherwise controlling rural development;

1 (ii) Assuring visual compatibility of rural development with the
2 surrounding rural area;

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

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

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

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

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

19 (A) A commercial, industrial, residential, shoreline, or mixed-use
20 area shall be subject to the requirements of (d)(iv) of this
21 subsection, but shall not be subject to the requirements of (c)(ii) and
22 (iii) of this subsection.

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

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

32 (ii) The intensification of development on lots containing, or new
33 development of, small-scale recreational or tourist uses, including
34 commercial facilities to serve those recreational or tourist uses, that
35 rely on a rural location and setting, but that do not include new
36 residential development. A small-scale recreation or tourist use is
37 not required to be principally designed to serve the existing and
38 projected rural population. Public services and public facilities

1 shall be limited to those necessary to serve the recreation or tourist
2 use and shall be provided in a manner that does not permit low-density
3 sprawl;

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

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

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

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

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the provisions
5 of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county that
8 is planning under all of the provisions of this chapter pursuant to RCW
9 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit
11 in the rural area a major industrial development or a master planned
12 resort unless otherwise specifically permitted under RCW 36.70A.360 and
13 36.70A.365.

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

16 (a) The transportation element shall include the following
17 subelements:

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

19 (ii) Estimated traffic impacts to state-owned transportation
20 facilities resulting from land use assumptions to assist the department
21 of transportation in monitoring the performance of state facilities, to
22 plan improvements for the facilities, and to assess the impact of land-
23 use decisions on state-owned transportation facilities;

24 (iii) Facilities and services needs, including:

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

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

34 (C) For state-owned transportation facilities, level of service
35 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
36 to gauge the performance of the system. The purposes of reflecting
37 level of service standards for state highways in the local
38 comprehensive plan are to monitor the performance of the system, to

1 evaluate improvement strategies, and to facilitate coordination between
2 the county's or city's six-year street, road, or transit program and
3 the office of financial management's ten-year investment program. The
4 concurrency requirements of (b) of this subsection do not apply to
5 transportation facilities and services of statewide significance except
6 for counties consisting of islands whose only connection to the
7 mainland are state highways or ferry routes. In these island counties,
8 state highways and ferry route capacity must be a factor in meeting the
9 concurrency requirements in (b) of this subsection;

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

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

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

20 (iv) Finance, including:

21 (A) An analysis of funding capability to judge needs against
22 probable funding resources;

23 (B) A multiyear financing plan based on the needs identified in the
24 comprehensive plan, the appropriate parts of which shall serve as the
25 basis for the six-year street, road, or transit program required by RCW
26 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
27 for public transportation systems. The multiyear financing plan should
28 be coordinated with the ten-year investment program developed by the
29 office of financial management as required by RCW 47.05.030;

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

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

37 (vi) Demand-management strategies;

1 (vii) Pedestrian and bicycle component to include collaborative
2 efforts to identify and designate planned improvements for pedestrian
3 and bicycle facilities and corridors that address and encourage
4 enhanced community access and promote healthy lifestyles.

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

20 (c) The transportation element described in this subsection (6),
21 the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121
22 for counties, and RCW 35.58.2795 for public transportation systems, and
23 the ten-year investment program required by RCW 47.05.030 for the
24 state, must be consistent.

25 (7) An economic development element establishing local goals,
26 policies, objectives, and provisions for economic growth and vitality
27 and a high quality of life. The element shall include: (a) A summary
28 of the local economy such as population, employment, payroll, sectors,
29 businesses, sales, and other information as appropriate; (b) a summary
30 of the strengths and weaknesses of the local economy defined as the
31 commercial and industrial sectors and supporting factors such as land
32 use, transportation, utilities, education, workforce, housing, and
33 natural/cultural resources; and (c) an identification of policies,
34 programs, and projects to foster economic growth and development and to
35 address future needs. A city that has chosen to be a residential
36 community is exempt from the economic development element requirement
37 of this subsection.

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

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

--- END ---