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SENATE BILL 6463

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State of Washington

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2014 Regular Session

By Senators Angel and Dansel

Read first time 01/27/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to including the facilities of certain public water  
2 systems in the utilities element of a comprehensive plan; and amending  
3 RCW 36.70A.070.

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

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

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

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

16 (1) A land use element designating the proposed general  
17 distribution and general location and extent of the uses of land, where  
18 appropriate, for agriculture, timber production, housing, commerce,  
19 industry, recreation, open spaces, general aviation airports, public

1 utilities, public facilities, and other land uses. The land use  
2 element shall include population densities, building intensities, and  
3 estimates of future population growth. The land use element shall  
4 provide for protection of the quality and quantity of groundwater used  
5 for public water supplies. Wherever possible, the land use element  
6 should consider utilizing urban planning approaches that promote  
7 physical activity. Where applicable, the land use element shall review  
8 drainage, flooding, and storm water run-off in the area and nearby  
9 jurisdictions and provide guidance for corrective actions to mitigate  
10 or cleanse those discharges that pollute waters of the state, including  
11 Puget Sound or waters entering Puget Sound.

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

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

1 (4) A utilities element consisting of the general location,  
2 proposed location, and capacity of all existing and proposed utilities,  
3 including, but not limited to, electrical lines, telecommunication  
4 lines, ~~((and))~~ natural gas lines, and facilities of group A public  
5 water systems that are included in the most recent approved water  
6 system plan required pursuant to the state board of health rules  
7 adopted under RCW 43.20.050 for group A public water systems that are  
8 required to develop water system plans consistent with the state board  
9 of health rules adopted under RCW 43.20.050.

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

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

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

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

33 (i) Containing or otherwise controlling rural development;

34 (ii) Assuring visual compatibility of rural development with the  
35 surrounding rural area;

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

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

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

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

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

15 (A) A commercial, industrial, residential, shoreline, or mixed-use  
16 area shall be subject to the requirements of (d)(iv) of this  
17 subsection, but shall not be subject to the requirements of (c)(ii) and  
18 (iii) of this subsection.

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

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

28 (ii) The intensification of development on lots containing, or new  
29 development of, small-scale recreational or tourist uses, including  
30 commercial facilities to serve those recreational or tourist uses, that  
31 rely on a rural location and setting, but that do not include new  
32 residential development. A small-scale recreation or tourist use is  
33 not required to be principally designed to serve the existing and  
34 projected rural population. Public services and public facilities  
35 shall be limited to those necessary to serve the recreation or tourist  
36 use and shall be provided in a manner that does not permit low-density  
37 sprawl;

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

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following  
15 subelements:

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

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

22 (iii) Facilities and services needs, including:

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

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

32 (C) For state-owned transportation facilities, level of service  
33 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
34 to gauge the performance of the system. The purposes of reflecting  
35 level of service standards for state highways in the local  
36 comprehensive plan are to monitor the performance of the system, to  
37 evaluate improvement strategies, and to facilitate coordination between  
38 the county's or city's six-year street, road, or transit program and

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

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

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

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

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against  
20 probable funding resources;

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

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

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

35 (vi) Demand-management strategies;

36 (vii) Pedestrian and bicycle component to include collaborative  
37 efforts to identify and designate planned improvements for pedestrian

1 and bicycle facilities and corridors that address and encourage  
2 enhanced community access and promote healthy lifestyles.

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

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

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

36 (8) A park and recreation element that implements, and is  
37 consistent with, the capital facilities plan element as it relates to  
38 park and recreation facilities. The element shall include: (a)



1 Estimates of park and recreation demand for at least a ten-year period;  
2 (b) an evaluation of facilities and service needs; and (c) an  
3 evaluation of intergovernmental coordination opportunities to provide  
4 regional approaches for meeting park and recreational demand.

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

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