

SSB 5790 - H COMM AMD
By Committee on Environment

NOT ADOPTED 04/12/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the
4 economic revitalization act.

5 NEW SECTION. **Sec. 2.** Section 1 of the growth management act of
6 1990 clearly states the act is to provide for sustainable economic
7 development, and that it is in the public interest that economic
8 development programs be shared with communities experiencing
9 insufficient economic growth. Through this act, it is the intent of
10 the legislature to provide additional tools to help local governments
11 provide family wage jobs, increase incomes, and increase economic
12 opportunities for all taxpayers and residents in communities with
13 deteriorating economies.

14 **Sec. 3.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
15 read as follows:

16 The comprehensive plan of a county or city that is required or
17 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
18 and descriptive text covering objectives, principles, and standards
19 used to develop the comprehensive plan. The plan shall be an
20 internally consistent document and all elements shall be consistent
21 with the future land use map. A comprehensive plan shall be adopted
22 and amended with public participation as provided in RCW 36.70A.140.
23 Each comprehensive plan shall include a plan, scheme, or design for
24 each of the following:

25 (1) A land use element designating the proposed general
26 distribution and general location and extent of the uses of land,
27 where appropriate, for agriculture, timber production, housing,
28 commerce, industry, recreation, open spaces, general aviation
29 airports, public utilities, public facilities, and other land uses.

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

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

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

37 (4) A utilities element consisting of the general location,
38 proposed location, and capacity of all existing and proposed
39 utilities, including, but not limited to, electrical lines,
40 telecommunication lines, and natural gas lines.

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

39 (i) Rural development consisting of the infill, development, or
40 redevelopment of existing commercial, industrial, residential, or

1 mixed-use areas, whether characterized as shoreline development,
2 villages, hamlets, rural activity centers, or crossroads
3 developments.

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

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

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

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

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

1 nonresidential use and shall be provided in a manner that does not
2 permit low-density sprawl;

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

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

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

25 (B) On the date the county adopted a resolution under RCW
26 36.70A.040(2), in a county that is planning under all of the
27 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

38 (a) The transportation element shall include the following
39 subelements:

40 (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
3 department of transportation in monitoring the performance of state
4 facilities, to plan improvements for the facilities, and to assess
5 the impact of land-use decisions on state-owned transportation
6 facilities;

7 (iii) Facilities and services needs, including:

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

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

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

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

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

38 (F) Identification of state and local system needs to meet
39 current and future demands. Identified needs on state-owned

1 transportation facilities must be consistent with the statewide
2 multimodal 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
7 the comprehensive plan, the appropriate parts of which shall serve as
8 the basis for the six-year street, road, or transit program required
9 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
10 35.58.2795 for public transportation systems. The multiyear financing
11 plan should be coordinated with the ten-year investment program
12 developed by the office of financial management as required by RCW
13 47.05.030;

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

18 (v) Intergovernmental coordination efforts, including an
19 assessment of the impacts of the transportation plan and land use
20 assumptions on 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
30 on a locally owned transportation facility to decline below the
31 standards adopted in the transportation element of the comprehensive
32 plan, unless transportation improvements or strategies to accommodate
33 the impacts of development are made concurrent with the development.
34 These strategies may include increased public transportation service,
35 ride sharing programs, demand management, and other transportation
36 systems management strategies. For the purposes of this subsection
37 (6), "concurrent with the development" means that improvements or
38 strategies are in place at the time of development, or that a
39 financial commitment is in place to complete the improvements or
40 strategies within six years. If the collection of impact fees is

1 delayed under RCW 82.02.050(3), the six-year period required by this
2 subsection (6)(b) must begin after full payment of all impact fees is
3 due to the county or city.

4 (c) The transportation element described in this subsection (6),
5 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 investment program required by RCW
8 47.05.030 for the state, 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))~~ may include~~((:(a)~~
12 ~~A summary of the local economy such as population, employment,~~
13 ~~payroll, sectors, businesses, sales, and other information as~~
14 ~~appropriate; (b) a summary of the strengths and weaknesses of the~~
15 ~~local economy defined as the commercial and industrial sectors and~~
16 ~~supporting factors such as land use, transportation, utilities,~~
17 ~~education, workforce, housing, and natural/cultural resources; and~~
18 ~~(c) an identification of policies, programs, and projects to foster~~
19 ~~economic growth and development and to address future needs))~~ the
20 provisions in section 4 of this act. A city that has chosen to be a
21 residential community is exempt from the economic development element
22 requirement of this subsection.

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

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

37 NEW SECTION. Sec. 4. A new section is added to chapter 36.70A
38 RCW to read as follows:

1 (1)(a) The economic development element required by RCW
2 36.70A.070(7) may include the following:

3 (i) A summary of the local economy, such as population,
4 employment, payroll, sectors, businesses, sales, and other
5 information as appropriate;

6 (ii) A summary of the strengths and weaknesses of the local
7 economy, including the commercial, industrial, manufacturing, natural
8 resource, and other locally significant economic sectors and
9 supporting factors such as land use, transportation, utilities,
10 education, workforce, housing, and natural/cultural resources;

11 (iii) An identification of policies, programs, and projects to
12 foster economic growth and development and to address future needs;
13 and

14 (iv) An evaluation of whether there has been economic growth of
15 the local economy during the prior eight years, including whether the
16 city, town, or county median household income is above or below the
17 state average.

18 (b) The economic development element should include the
19 following:

20 (i) Policies and programs to promote increases in family,
21 individual, and business incomes;

22 (ii) An examination of whether sites planned for economic
23 development have adequate public facilities and services, and, as
24 appropriate, a plan for any needed public facilities and services;

25 (iii) Policies and programs to encourage access to education and
26 training for family wage jobs; and

27 (iv) Policies and programs to address economic development
28 opportunities including existing industries and businesses, value
29 added manufacturing of locally produced natural resources, and the
30 use of locally produced energy and other natural resources.

31 (2) Each county and city planning under RCW 36.70A.040 is
32 encouraged to adopt comprehensive plans and development regulations
33 that promote economic development in urban and rural areas, and
34 evaluate economic performance in the jurisdiction in the time since
35 the most recent update to the comprehensive plan. Each county and
36 city planning under RCW 36.70A.040 may make findings regarding the
37 economic condition of the jurisdiction, including whether economic
38 deterioration exists in the county or city. If there is stagnation or
39 economic deterioration during the period of time since the most
40 recent update to the comprehensive plan, the comprehensive plan and

1 development regulations may be modified to increase economic
2 development opportunities.

3 (3)(a) Rural counties, as defined in RCW 82.14.370(5), that are
4 planning under RCW 36.70A.040, and the cities within those counties,
5 may identify policies, programs, and development opportunities to
6 address the potential for economic deterioration and to seize
7 economic development opportunities.

8 (b) Until January 1, 2019, a rural county, as defined in RCW
9 82.14.370(5), may designate a limited area of more intensive rural
10 development consistent with the requirements of RCW 36.70A.070(5) (d)
11 (i) through (iv) and (e) if the county:

12 (i) Is planning under RCW 36.70A.040;

13 (ii) Had a population of less than fifty thousand as of January
14 1, 2017;

15 (iii) Has had a population increase of less than seventeen
16 percent in the previous ten years; and

17 (iv) Has issued a finding of economic deterioration consistent
18 with subsection (2) of this section.

19 (c) A limited area of more intensive rural development designated
20 by a county under this subsection (3) must apply only to an existing
21 area or existing use that was in existence as of July 1, 1990, or as
22 of January 1, 2017. A limited area of more intensive rural
23 development designated under this subsection (3) is not subject to
24 the definitions of existing area or existing use in RCW
25 36.70A.070(5)(d)(v). Through the designation of a limited area of
26 more intensive rural development under this subsection (3), a county
27 may authorize use of a type that is different from the existing area
28 or existing use as of July 1, 1990, or January 1, 2017.

29 (4) For purposes of this section, economic deterioration is
30 exemplified by, but not limited to, any combination of the following
31 performance outcomes:

32 (a) Incomes that are at least ten thousand dollars less than the
33 statewide median household income for the same year as established by
34 the office of financial management;

35 (b) A decrease in the county's household median income during any
36 year within the prior eight years;

37 (c) The inability of the jurisdiction to add new full-time jobs
38 in sufficient quantities to provide for population increases;

39 (d) Decreases or stagnation of economic start-ups during multiple
40 years within the prior eight years;

1 (e) Unemployment rates that are higher than the national and
2 statewide averages over multiple years within the prior eight years;
3 and

4 (f) Decreases or stagnation in the issuance of commercial
5 building permits during multiple years in the time since the
6 comprehensive plan was last updated.

7 (5) A petition for review of a designation of a local area of
8 more intense rural development under subsection (3) of this section
9 must be directly reviewed by the superior court. The requirements of
10 RCW 36.70A.295 (3) through (7) apply to a superior court review of a
11 petition for review under this subsection."

12 Correct the title.

EFFECT: Eliminates job creation and economic development as techniques to accommodate rural densities and uses that counties may provide for as part of the rural element of GMA comprehensive plans. Restores the prohibition on county accommodation of rural densities and uses that are characterized by urban growth. Adds manufacturing, natural resource, and other locally significant economic sectors whose strengths and weaknesses may be summarized as part of GMA economic development elements. Encourages economic development elements to include policies and programs to increase incomes, to examine whether sites planned for economic development have adequate public facilities, to include education and job-training programs, and to address existing economic development opportunities. Eliminates the authority for rural counties to approve developments and deviate from prescriptive interpretations of the GMA where there has been economic deterioration. Eliminates the direction to courts and the Growth Management Hearings Board (GMHB) to provide deference to local economic development choices in situations where the GMA's competing goals would restrain economic development. Authorizes certain rural counties to designate new limited areas of more intensive rural development (LAMIRD), which allows for three types of specified development and redevelopment activities to occur on qualifying properties. Authorizes designated LAMIRDS to allow for different types of use on a property than the uses that existed as of 1990 or 2017. Requires appeals of rural county LAMIRD designations to be directly reviewed by superior court, rather than the GMHB.

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