

SSB 5790 - H AMD 539

By Representative Maycumber

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 **Sec. 2.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
6 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,
18 where appropriate, for agriculture, timber production, housing,
19 commerce, industry, recreation, open spaces, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building
22 intensities, and estimates of future population growth. The land use
23 element shall provide for protection of the quality and quantity of
24 groundwater used for public water supplies. Wherever possible, the
25 land use element should consider utilizing urban planning approaches
26 that promote physical activity. Where applicable, the land use
27 element shall review drainage, flooding, and storm water run-off in
28 the area and nearby jurisdictions and provide guidance for corrective
29 actions to mitigate or cleanse those discharges that pollute waters
30 of the state, including Puget Sound or waters entering Puget Sound.

31 (2) A housing element ensuring the vitality and character of
32 established residential neighborhoods that: (a) Includes an inventory

1 and analysis of existing and projected housing needs that identifies
2 the number of housing units necessary to manage projected growth; (b)
3 includes a statement of goals, policies, objectives, and mandatory
4 provisions for the preservation, improvement, and development of
5 housing, including single-family residences; (c) identifies
6 sufficient land for housing, including, but not limited to,
7 government-assisted housing, housing for low-income families,
8 manufactured housing, multifamily housing, and group homes and foster
9 care facilities; and (d) makes adequate provisions for existing and
10 projected needs of all economic segments of the community.

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

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed
27 utilities, including, but not limited to, electrical lines,
28 telecommunication lines, and natural gas lines.

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

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

39 (b) Rural development. The rural element shall permit rural
40 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses,
2 essential public facilities, and rural governmental services needed
3 to serve the permitted densities and uses. To achieve a variety of
4 rural densities and uses, counties may provide for clustering,
5 density transfer, design guidelines, conservation easements, and
6 other innovative techniques that will accommodate appropriate rural
7 economic advancement, densities, and uses that are not characterized
8 by urban growth and that are consistent with rural character.

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

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the
14 surrounding rural area;

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

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

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

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element
24 may allow for limited areas of more intensive rural development,
25 including necessary public facilities and public services to serve
26 the limited area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads
31 developments.

32 (A) A commercial, industrial, residential, shoreline, or mixed-
33 use area are subject to the requirements of (d)(iv) of this
34 subsection, but are not subject to the requirements of (c)(ii) and
35 (iii) of this subsection.

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

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

6 (ii) The intensification of development on lots containing, or
7 new development of, small-scale recreational or tourist uses,
8 including commercial facilities to serve those recreational or
9 tourist uses, that rely on a rural location and setting, but that do
10 not include new residential development. A small-scale recreation or
11 tourist use is not required to be principally designed to serve the
12 existing and projected rural population. Public services and public
13 facilities shall be limited to those necessary to serve the
14 recreation or tourist use and shall be provided in a manner that does
15 not permit low-density sprawl;

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

32 (iv) A county shall adopt measures to minimize and contain the
33 existing areas or uses of more intensive rural development, as
34 appropriate, authorized under this subsection. Lands included in such
35 existing areas or uses shall not extend beyond the logical outer
36 boundary of the existing area or use, thereby allowing a new pattern
37 of low-density sprawl. Existing areas are those that are clearly
38 identifiable and contained and where there is a logical boundary
39 delineated predominately by the built environment, but that may also
40 include undeveloped lands if limited as provided in this subsection.

1 The county shall establish the logical outer boundary of an area of
2 more intensive rural development. In establishing the logical outer
3 boundary, the county shall address (A) the need to preserve the
4 character of existing natural neighborhoods and communities, (B)
5 physical boundaries, such as bodies of water, streets and highways,
6 and land forms and contours, (C) the prevention of abnormally
7 irregular boundaries, and (D) the ability to provide public
8 facilities and public services in a manner that does not permit low-
9 density sprawl;

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

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

14 (B) On the date the county adopted a resolution under RCW
15 36.70A.040(2), in a county that is planning under all of the
16 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

27 (a) The transportation element shall include the following
28 subelements:

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

30 (ii) Estimated traffic impacts to state-owned transportation
31 facilities resulting from land use assumptions to assist the
32 department of transportation in monitoring the performance of state
33 facilities, to plan improvements for the facilities, and to assess
34 the impact of land-use decisions on state-owned transportation
35 facilities;

36 (iii) Facilities and services needs, including:

37 (A) An inventory of air, water, and ground transportation
38 facilities and services, including transit alignments and general
39 aviation airport facilities, to define existing capital facilities
40 and travel levels as a basis for future planning. This inventory must

1 include state-owned transportation facilities within the city or
2 county's jurisdictional boundaries;

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

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

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

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

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

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (B) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required
37 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems. The multiyear financing
39 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

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

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

10 (vi) Demand-management strategies;

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

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service
19 on a locally owned transportation facility to decline below the
20 standards adopted in the transportation element of the comprehensive
21 plan, unless transportation improvements or strategies to accommodate
22 the impacts of development are made concurrent with the development.
23 These strategies may include increased public transportation service,
24 ride-sharing programs, demand management, and other transportation
25 systems management strategies. For the purposes of this subsection
26 (6), "concurrent with the development" means that improvements or
27 strategies are in place at the time of development, or that a
28 financial commitment is in place to complete the improvements or
29 strategies within six years. If the collection of impact fees is
30 delayed under RCW 82.02.050(3), the six-year period required by this
31 subsection (6)(b) must begin after full payment of all impact fees is
32 due to the county or city.

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. The element ~~((shall))~~ may include~~((--(a)~~

1 ~~A summary of the local economy such as population, employment,~~
2 ~~payroll, sectors, businesses, sales, and other information as~~
3 ~~appropriate; (b) a summary of the strengths and weaknesses of the~~
4 ~~local economy defined as the commercial and industrial sectors and~~
5 ~~supporting factors such as land use, transportation, utilities,~~
6 ~~education, workforce, housing, and natural/cultural resources; and~~
7 ~~(c) an identification of policies, programs, and projects to foster~~
8 ~~economic growth and development and to address future needs)) the~~
9 ~~provisions in section 3 of this act. A city that has chosen to be a~~
10 residential community is exempt from the economic development element
11 requirement of this subsection.

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

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

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
27 RCW to read as follows:

28 (1) The economic development element required by RCW
29 36.70A.070(7) may include the following:

30 (a) A summary of the local economy, such as population,
31 employment, payroll, sectors, businesses, sales, and other
32 information as appropriate;

33 (b) A summary of the strengths and weaknesses of the local
34 economy, which may include the commercial, industrial, manufacturing,
35 natural resource, and other locally significant economic sectors and
36 supporting factors such as land use, transportation, utilities,
37 education, workforce, housing, and natural/cultural resources;

38 (c) An identification of policies, programs, and projects to
39 foster economic growth and development and to address future needs;

1 (d) Policies to promote increases in family, individual, and
2 business incomes;

3 (e) An examination of whether sites planned for economic
4 development have adequate public facilities and services, and, as
5 appropriate, a plan for any needed public facilities and services;

6 (f) Policies to encourage access to education and training for
7 family wage jobs; and

8 (g) Policies and opportunities to address economic development
9 including existing industries and businesses, value added
10 manufacturing of locally produced natural resources, and the use of
11 locally produced energy and other natural resources.

12 (2) Each county and city planning under this chapter is
13 encouraged to adopt comprehensive plans and development regulations
14 that promote economic development in urban and rural areas, and
15 evaluate economic performance in the jurisdiction in the time since
16 the most recent update to the comprehensive plan. Each county and
17 city planning under this chapter may make findings regarding the
18 economic condition of the jurisdiction. If there is stagnation or
19 economic deterioration during the period of time since the most
20 recent update to the comprehensive plan, the comprehensive plan and
21 development regulations may be modified to increase economic
22 development opportunities.

23 (3)(a) Counties with a population of less than seventy-five
24 thousand as of January 1, 2014, as determined by the office of
25 financial management and published on April 1, 2016, that are
26 planning under this chapter, and the cities within those counties,
27 may identify policies, programs, and development opportunities to
28 address the potential for economic deterioration and to seize
29 economic development opportunities that may deviate from prescriptive
30 interpretations of this chapter.

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

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

37 (ii) A decrease in the county's household median income during
38 any year within the prior eight years;

39 (iii) The inability of the jurisdiction to add new full-time jobs
40 in sufficient quantities to provide for population increases;

1 (iv) Decreases or stagnation of economic start-ups during
2 multiple years within the prior eight years;

3 (v) Unemployment rates that are higher than the national and
4 statewide averages over multiple years within the prior eight years;
5 and

6 (vi) Decreases or stagnation in the issuance of commercial
7 building permits during multiple years.

8 (4) In situations where the competing goals of this chapter would
9 restrain economic development in the counties described in subsection
10 (3)(a) of this section, and the cities within those counties, that
11 are experiencing economic deterioration, the growth management
12 hearings board and courts shall afford deference to local development
13 choices that make economic development a priority, consistent with
14 the presumption of validity required under RCW 36.70A.320."

15 Correct the title.

EFFECT: Makes the following changes to the bill:

(1) Authorizes county comprehensive plan rural elements under the Growth Management Act (GMA) to use innovative techniques to accommodate rural economic advancement, in addition to rural densities and uses;

(2) Restores the prohibition on county actions to accommodate rural densities and uses that are characterized by urban growth;

(3) Authorizes economic development elements to: Summarize the strengths and weaknesses of manufacturing, natural resource, and other locally significant economic sectors; include policies to increase incomes; examine whether sites planned for economic development have adequate public facilities; include education and job-training programs; and address existing economic development opportunities;

(4) Authorizes counties with a population of less than 75,000 as of January 1, 2014, to identify policies, programs, and development opportunities to address potential economic deterioration and to seize development opportunities that may deviate from prescriptive interpretations of the GMA;

(5) Directs courts and the Growth Management Hearings Board to afford deference, in situations where the GMA's competing goals would restrain economic development, to local economic development choices of counties with a population of less than 75,000 as of January 1, 2014, and cities in those counties, consistent with the GMA's existing presumption of validity of adopted comprehensive plans and development regulations; and

(6) Strikes the intent section.

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