

**SHB 1544** - H AMD 120

By Representative Maycumber

**NOT CONSIDERED 12/23/2019**

1 On page 2, after line 2, insert the following:

2  
3 "Sec. 2. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017  
4 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

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

1 pollute waters of the state, including Puget Sound or waters  
2 entering Puget Sound.

3 (2) A housing element ensuring the vitality and character of  
4 established residential neighborhoods that: (a) Includes an  
5 inventory and analysis of existing and projected housing needs that  
6 identifies the number of housing units necessary to manage projected  
7 growth; (b) includes a statement of goals, policies, objectives, and  
8 mandatory provisions for the preservation, improvement, and  
9 development of housing, including single-family residences; (c)  
10 identifies sufficient land for housing, including, but not limited  
11 to, government-assisted housing, housing for low-income families,  
12 manufactured housing, multifamily housing, and group homes and  
13 foster care facilities; and (d) makes adequate provisions for  
14 existing and projected needs of all economic segments of the  
15 community. In counties and cities subject to the review and  
16 evaluation requirements of RCW 36.70A.215, any revision to the  
17 housing element shall include consideration of prior review and  
18 evaluation reports and any reasonable measures identified.

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

33 (4) A utilities element consisting of the general location,  
34 proposed location, and capacity of all existing and proposed

1 utilities, including, but not limited to, electrical lines,  
2 telecommunication lines, and natural gas lines.

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

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

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

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

26 (i) ~~((Containing or otherwise))~~ Controlling rural development;  
27 (ii) Assuring visual compatibility of rural development with the  
28 surrounding rural area;

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

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

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

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

7 (i) Rural development consisting of the infill, development, or  
8 redevelopment of existing commercial, industrial, residential, or  
9 mixed use areas, whether characterized as shoreline development,  
10 villages, hamlets, rural activity centers, or crossroads developments.

11 (A) A commercial, industrial, residential, shoreline, or  
12 mixed use area are subject to the requirements of (d)(iv) of this  
13 subsection, but are not subject to the requirements of (c)(ii) and  
14 (iii) of this subsection.

15 (B) Any development or redevelopment other than an industrial  
16 area or an industrial use within a mixed use area or an industrial  
17 area under this subsection (5)(d)(i) must be principally designed to  
18 serve the existing and projected rural population.

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

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

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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~~  
4 ~~principally designed to serve the existing and projected rural~~  
5 ~~population and nonresidential uses, but do provide job opportunities~~  
6 ~~for rural residents. Rural counties may allow the expansion of~~  
7 ~~small scale businesses as long as those small scale businesses~~  
8 ~~conform with the rural character of the area as defined by the local~~  
9 ~~government according to RCW 36.70A.030(16). Rural counties may also~~  
10 ~~allow new small scale businesses to utilize a site previously~~  
11 ~~occupied by an existing business as long as the new small scale~~  
12 ~~business conforms to the rural character of the area as defined by~~  
13 ~~the local government according to RCW 36.70A.030(16). Public~~  
14 ~~services and public facilities shall be limited to those necessary~~  
15 ~~to serve the isolated nonresidential use and shall be provided in a~~  
16 ~~manner that does not 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~~  
20 ~~such existing areas or uses shall not extend beyond the logical~~  
21 ~~outer boundary of the existing area or use, thereby allowing a new~~  
22 ~~pattern of low density sprawl. Existing areas are those that are~~  
23 ~~clearly identifiable and contained and where there is a logical~~  
24 ~~boundary delineated predominately by the built environment, but that~~  
25 ~~may also include undeveloped lands if limited as provided in this~~  
26 ~~subsection. The county shall establish the logical outer boundary of~~  
27 ~~an area of more intensive rural development. In establishing the~~  
28 ~~logical outer boundary, the county shall address (A) the need to~~  
29 ~~preserve the character of existing natural neighborhoods and~~  
30 ~~communities, (B) physical boundaries, such as bodies of water,~~  
31 ~~streets and highways, and land forms and contours, (C) the~~  
32 ~~prevention of abnormally irregular boundaries, and (D) the ability~~  
33 ~~to provide public facilities and public services in a manner that~~  
34 ~~does not permit low density sprawl;~~

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

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

5 ~~(B) On the date the county adopted a resolution under RCW~~  
6 ~~36.70A.040(2), in a county that is planning under all of the~~  
7 ~~provisions of this chapter under RCW 36.70A.040(2); or~~

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

12 allow limited areas of more intensive rural development that are not  
13 urban growth areas, authorized under this subsection. Areas of more  
14 intensive rural development are those that are clearly identifiable  
15 during a comprehensive plan review of development within the  
16 jurisdiction as referenced in RCW 36.70A.130 and delineated  
17 predominately by the built environment, but that may also include  
18 undeveloped lands if limited as provided in this subsection. The  
19 county must establish the logical outer boundary of an area of more  
20 intensive rural development and may review that boundary under the  
21 periodic review according to RCW 36.70A.130 for adjustment. In  
22 establishing the logical outer boundary, the county must consider  
23 the availability of services and facilities for development or  
24 redevelopment in the area.

25 (i) The county may consider: (A) Strategies to preserve and  
26 enhance the existing character of natural neighborhoods and  
27 communities; (B) physical boundaries, such as bodies of water,  
28 streets and highways, and land forms and contours; and (C) the  
29 ability to provide public facilities and public services in a manner  
30 that does not permit low-density sprawl.

31 (ii) Limited areas of more intensive rural development may  
32 include infill, development, or redevelopment of commercial,  
33 industrial, residential, or mixed-use areas, whether characterized  
34 as shoreline development, villages, hamlets, rural activity centers,

1 or crossroads developments. A commercial, industrial, residential,  
2 shoreline, or mixed-use area may be considered a limited area of  
3 more intensive rural development, but is not subject to the  
4 requirements of (c)(ii) and (iii) of this subsection.

5 (iii) Future development and intensification of development  
6 within these areas may be principally designed to serve the existing  
7 and projected rural population and may include cottage industries  
8 and small businesses that provide job opportunities for rural  
9 residents.

10 (A) Building size, scale, use, or intensity including  
11 development of vacant land or redevelopment within these areas must  
12 be consistent with the existing character of the area.

13 (B) Intensification of commercial development related to  
14 small-scale recreational or tourist uses, not including residential  
15 development, is not required to be principally designed to serve the  
16 existed and projected rural population, but shall serve the  
17 recreation or tourist use in a manner that does not encourage  
18 low-density sprawl.

19 (C) Cottage industries and small-scale businesses may expand as  
20 long as they continue to conform with and encourage the rural  
21 character of the area as defined by the local government according  
22 to RCW 36.70A.030(16). Public services and public facilities must be  
23 designed to serve the isolated nonresidential uses in a manner that  
24 does not permit low-density sprawl.

25 (e) Exception. This subsection shall not be interpreted to  
26 permit in the rural area a major industrial development or a master  
27 planned resort unless otherwise specifically permitted under RCW  
28 36.70A.360 and 36.70A.365.

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

31 (a) The transportation element shall include the following  
32 subelements:

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

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



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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against  
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in  
12 the comprehensive plan, the appropriate parts of which shall serve  
13 as the basis for the six-year street, road, or transit program  
14 required by RCW 35.77.010 for cities, RCW 36.81.121 for counties,  
15 and RCW 35.58.2795 for public transportation systems. The multiyear  
16 financing plan should be coordinated with the ten-year investment  
17 program developed by the office of financial management as required  
18 by RCW 47.05.030;

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

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

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative  
28 efforts to identify and designate planned improvements for  
29 pedestrian and bicycle facilities and corridors that address and  
30 encourage enhanced community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions  
32 required to plan or who choose to plan under RCW 36.70A.040, local  
33 jurisdictions must adopt and enforce ordinances which prohibit  
34 development approval if the development causes the level of service

1 on a locally owned transportation facility to decline below the  
2 standards adopted in the transportation element of the comprehensive  
3 plan, unless transportation improvements or strategies to  
4 accommodate the impacts of development are made concurrent with the  
5 development. These strategies may include increased public  
6 transportation service, ride-sharing programs, demand management,  
7 and other transportation systems management strategies. For the  
8 purposes of this subsection (6), "concurrent with the development"  
9 means that improvements or strategies are in place at the time of  
10 development, or that a financial commitment is in place to complete  
11 the improvements or strategies within six years. If the collection  
12 of impact fees is delayed under RCW 82.02.050(3), the six-year  
13 period required by this subsection (6)(b) must begin after full  
14 payment of all impact fees is due to the county or city.

15 (c) The transportation element described in this subsection (6),  
16 the six-year plans required by RCW 35.77.010 for cities, RCW  
17 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
18 systems, and the ten-year investment program required by RCW  
19 47.05.030 for the state, must be consistent.

20 (7) An economic development element establishing local goals,  
21 policies, objectives, and provisions for economic growth and  
22 vitality and a high quality of life. A city that has chosen to be a  
23 residential community is exempt from the economic development  
24 element requirement of this subsection.

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

32 (9) It is the intent that new or amended elements required after  
33 January 1, 2002, be adopted concurrent with the scheduled update  
34 provided in RCW 36.70A.130. Requirements to incorporate any such new

1 or amended elements shall be null and void until funds sufficient to  
2 cover applicable local government costs are appropriated and  
3 distributed by the state at least two years before local government  
4 must update comprehensive plans as required in RCW 36.70A.130."

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6 Correct the title.

EFFECT: Makes revisions to the limited areas of more intensive rural development provisions of the Growth Management Act, including the removal of requirements concerning the logical outer boundary and the removal of the existing areas requirement for infill, development, or redevelopment of commercial, industrial, residential, or mixed-use areas.

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