
SUBSTITUTE SENATE BILL 5193

State of Washington

66th Legislature

2019 Regular Session

By Senate Local Government (originally sponsored by Senators Short and Palumbo)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the process of identifying limited areas of
2 more intensive rural development; reenacting and amending RCW
3 36.70A.070; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Affordable housing in rural areas for
6 essential public employees such as teachers, nurses, and other public
7 servants is in high demand. Rural counties in Washington are
8 struggling to meet these demands as well as comply with the
9 restrictions of the rural element of the growth management act. The
10 legislature has received negative feedback regarding limited
11 development within the rural counties. A process-driven approach
12 regarding the identification, delineation, and management of limited
13 areas of more intensive rural development will aid the counties in
14 better serving historically underserved populations and providing
15 affordable housing to the public employees essential to providing
16 equal access for education and health care to rural populations.

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

19 The comprehensive plan of a county or city that is required or
20 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,

1 and descriptive text covering objectives, principles, and standards
2 used to develop the comprehensive plan. The plan shall be an
3 internally consistent document and all elements shall be consistent
4 with the future land use map. A comprehensive plan shall be adopted
5 and amended with public participation as provided in RCW 36.70A.140.
6 Each comprehensive plan shall include a plan, scheme, or design for
7 each of the following:

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

23 (2) A housing element ensuring the vitality and character of
24 established residential neighborhoods that: (a) Includes an inventory
25 and analysis of existing and projected housing needs that identifies
26 the number of housing units necessary to manage projected growth; (b)
27 includes a statement of goals, policies, objectives, and mandatory
28 provisions for the preservation, improvement, and development of
29 housing, including single-family residences; (c) identifies
30 sufficient land for housing, including, but not limited to,
31 government-assisted housing, housing for low-income families,
32 manufactured housing, multifamily housing, and group homes and foster
33 care facilities; and (d) makes adequate provisions for existing and
34 projected needs of all economic segments of the community. In
35 counties and cities subject to the review and evaluation requirements
36 of RCW 36.70A.215, any revision to the housing element shall include
37 consideration of prior review and evaluation reports and any
38 reasonable measures identified.

39 (3) A capital facilities plan element consisting of: (a) An
40 inventory of existing capital facilities owned by public entities,

1 showing the locations and capacities of the capital facilities; (b) a
2 forecast of the future needs for such capital facilities; (c) the
3 proposed locations and capacities of expanded or new capital
4 facilities; (d) at least a six-year plan that will finance such
5 capital facilities within projected funding capacities and clearly
6 identifies sources of public money for such purposes; and (e) a
7 requirement to reassess the land use element if probable funding
8 falls short of meeting existing needs and to ensure that the land use
9 element, capital facilities plan element, and financing plan within
10 the capital facilities plan element are coordinated and consistent.
11 Park and recreation facilities shall be included in the capital
12 facilities plan element.

13 (4) A utilities element consisting of the general location,
14 proposed location, and capacity of all existing and proposed
15 utilities, including, but not limited to, electrical lines,
16 telecommunication lines, and natural gas lines.

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

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

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

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

40 (i) (~~Containing or otherwise~~) Controlling rural development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (A) ~~On July 1, 1990, in a county that was initially required to~~
40 ~~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~~
3 ~~provisions 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~~
6 ~~that is planning under all of the provisions of this chapter pursuant~~
7 ~~to RCW 36.70A.040(5).)~~ A county may adopt measures to allow limited
8 areas of more intensive rural development that are not urban growth
9 areas, authorized under this subsection. Areas of more intensive
10 rural development are those that are clearly identifiable during a
11 comprehensive plan review of development within the jurisdiction as
12 referenced in RCW 36.70A.130 and delineated predominately by the
13 built environment, but that may also include undeveloped lands if
14 limited as provided in this subsection. The county must establish the
15 logical outer boundary of an area of more intensive rural development
16 and may review that boundary under the periodic review according to
17 RCW 36.70A.130 for adjustment. In establishing the logical outer
18 boundary, the county must consider the availability of services and
19 facilities for development or redevelopment in the area.

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

26 (ii) Limited areas of more intensive rural development may
27 include infill, development, or redevelopment of commercial,
28 industrial, residential, or mixed-use areas, whether characterized as
29 shoreline development, villages, hamlets, rural activity centers, or
30 crossroads developments. A commercial, industrial, residential,
31 shoreline, or mixed-use area may be considered a limited area of more
32 intensive rural development, but is not subject to the requirements
33 of (c) (ii) and (iii) of this subsection.

34 (iii) Future development and intensification of development
35 within these areas may be principally designed to serve the existing
36 and projected rural population and may include cottage industries and
37 small businesses that provide job opportunities for rural residents.

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

1 (B) Intensification of commercial development related to small-
2 scale recreational or tourist uses, not including residential
3 development, is not required to be principally designed to serve the
4 existed and projected rural population, but shall serve the
5 recreation or tourist use in a manner that does not encourage low-
6 density sprawl.

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

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

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

19 (a) The transportation element shall include the following
20 subelements:

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

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

28 (iii) Facilities and services needs, including:

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

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

38 (C) For state-owned transportation facilities, level of service
39 standards for highways, as prescribed in chapters 47.06 and 47.80
40 RCW, to gauge the performance of the system. The purposes of

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

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

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

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

23 (iv) Finance, including:

24 (A) An analysis of funding capability to judge needs against
25 probable funding resources;

26 (B) A multiyear financing plan based on the needs identified in
27 the comprehensive plan, the appropriate parts of which shall serve as
28 the basis for the six-year street, road, or transit program required
29 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
30 35.58.2795 for public transportation systems. The multiyear financing
31 plan should be coordinated with the ten-year investment program
32 developed by the office of financial management as required by RCW
33 47.05.030;

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

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

1 (vi) Demand-management strategies;

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

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

24 (c) The transportation element described in this subsection (6),
25 the six-year plans required by RCW 35.77.010 for cities, RCW
26 36.81.121 for counties, and RCW 35.58.2795 for public transportation
27 systems, and the ten-year investment program required by RCW
28 47.05.030 for the state, must be consistent.

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

34 (8) A park and recreation element that implements, and is
35 consistent with, the capital facilities plan element as it relates to
36 park and recreation facilities. The element shall include: (a)
37 Estimates of park and recreation demand for at least a ten-year
38 period; (b) an evaluation of facilities and service needs; and (c) an
39 evaluation of intergovernmental coordination opportunities to provide
40 regional approaches for meeting park and recreational demand.

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

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