

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **764**  
By Senator Short

**NOT CONSIDERED 04/26/2021**

1 On page 29, after line 38, insert the following:

2 **"Sec. 10.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017  
3 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

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

28 (2) A housing element ensuring the vitality and character of  
29 established residential neighborhoods that: (a) Includes an inventory  
30 and analysis of existing and projected housing needs that identifies  
31 the number of housing units necessary to manage projected growth; (b)  
32 includes a statement of goals, policies, objectives, and mandatory

1 provisions for the preservation, improvement, and development of  
2 housing, including single-family residences; (c) identifies  
3 sufficient land for housing, including, but not limited to,  
4 government-assisted housing, housing for low-income families,  
5 manufactured housing, multifamily housing, and group homes and foster  
6 care facilities; and (d) makes adequate provisions for existing and  
7 projected needs of all economic segments of the community. In  
8 counties and cities subject to the review and evaluation requirements  
9 of RCW 36.70A.215, any revision to the housing element shall include  
10 consideration of prior review and evaluation reports and any  
11 reasonable measures identified.

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

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

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

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

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

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

- 14 (i) Containing or otherwise controlling rural development;
- 15 (ii) Assuring visual compatibility of rural development with the  
16 surrounding rural area;
- 17 (iii) Reducing the inappropriate conversion of undeveloped land  
18 into sprawling, low-density development in the rural area;
- 19 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
20 and surface water and groundwater resources; and
- 21 (v) Protecting against conflicts with the use of agricultural,  
22 forest, and mineral resource lands designated under RCW 36.70A.170.

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

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

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

38 (B) Any development or redevelopment other than an industrial  
39 area or an industrial use within a mixed-use area or an industrial

1 area under this subsection (5)(d)(i) must be principally designed to  
2 serve the existing and projected rural population.

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

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

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

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

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

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

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

16 (B) On the date the county adopted a resolution under RCW  
17 36.70A.040(2), in a county that is planning under all of the  
18 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

29 (a) The transportation element shall include the following  
30 subelements:

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

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

38 (iii) Facilities and services needs, including:

39 (A) An inventory of air, water, and ground transportation  
40 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities  
2 and travel levels as a basis for future planning. This inventory must  
3 include state-owned transportation facilities within the city or  
4 county's jurisdictional boundaries;

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

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

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

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

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

33 (iv) Finance, including:

34 (A) An analysis of funding capability to judge needs against  
35 probable funding resources;

36 (B) A multiyear financing plan based on the needs identified in  
37 the comprehensive plan, the appropriate parts of which shall serve as  
38 the basis for the six-year street, road, or transit program required  
39 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
40 35.58.2795 for public transportation systems. The multiyear financing

1 plan should be coordinated with the ten-year investment program  
2 developed by the office of financial management as required by RCW  
3 47.05.030;

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

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

11 (vi) Demand-management strategies;

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

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

34 (c) The transportation element described in this subsection (6),  
35 the six-year plans required by RCW 35.77.010 for cities, RCW  
36 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
37 systems, and the ten-year investment program required by RCW  
38 47.05.030 for the state, must be consistent.

39 (7) An economic development element establishing local goals,  
40 policies, objectives, and provisions for economic growth and vitality

1 and a high quality of life. A city that has chosen to be a  
2 residential community is exempt from the economic development element  
3 requirement of this subsection.

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

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

18 (10) A county that is required or chooses to plan under RCW  
19 36.70A.040 with a population of 70,000 or less and with a growth rate  
20 of less than 20 percent over the previous 10 years; has a population  
21 of 50,000 or less; or the comprehensive plan for the unincorporated  
22 lands of a county that is considered rural according to the  
23 definition in RCW 82.14.370, but not including the cities within such  
24 county, is not subject to subsections (2)(a), (c), and (d), (3)(c)  
25 and (d), (5)(a) and (c)(i) and (ii), (6)(a)(iii)(E), and (8) of this  
26 section."

27 Renumber the remaining sections consecutively and correct any  
28 internal references accordingly.

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By Senator Short

**NOT CONSIDERED 04/26/2021**

29 On page 30, line 8, after "36.70A.130" insert "and 36.70A.070"

EFFECT: Exempts smaller planning jurisdictions from certain parts  
of elements such as an inventory and analysis of existing and



projected housing needs and the proposed locations and capacities of expanded or new capital facilities.

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