

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) 766
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 and

24 (vi) In counties east of the Cascade mountains with a population
25 of fewer than 75,000, the logical outer boundary may include the
26 areas receiving services from existing sanitary sewer systems in
27 place upon the effective date of this section. Areas receiving
28 services from existing sanitary sewer systems include those parcels
29 to which service is extended and an existing structure is being
30 served, and those parcels to which service is extended and capacity
31 of the existing system is sufficient to provide service. Areas
32 receiving services from existing sanitary sewer systems may include
33 undeveloped parcels that border at least two other parcels currently
34 receiving services upon confirmation the capacity of the existing
35 sanitary sewer system is sufficient to provide such service.

36 (d) Limited areas of more intensive rural development. Subject to
37 the requirements of this subsection and except as otherwise
38 specifically provided in this subsection (5)(d), the rural element
39 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve
2 the limited area as follows:

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

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

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

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

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

31 (iii) The intensification of development on lots containing
32 isolated nonresidential uses or new development of isolated cottage
33 industries and isolated small-scale businesses that are not
34 principally designed to serve the existing and projected rural
35 population and nonresidential uses, but do provide job opportunities
36 for rural residents. Rural counties may allow the expansion of small-
37 scale businesses as long as those small-scale businesses conform with
38 the rural character of the area as defined by the local government
39 according to RCW 36.70A.030(~~((+16+))~~) (20). Rural counties may also
40 allow new small-scale businesses to utilize a site previously

1 occupied by an existing business as long as the new small-scale
2 business conforms to the rural character of the area as defined by
3 the local government according to RCW 36.70A.030(~~(+16+)~~) (20). Public
4 services and public facilities shall be limited to those necessary to
5 serve the isolated nonresidential use and shall be provided in a
6 manner that does not permit low-density sprawl;

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

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

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

29 (B) On the date the county adopted a resolution under RCW
30 36.70A.040(2), in a county that is planning under all of the
31 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

3 (a) The transportation element shall include the following
4 subelements:

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

6 (ii) Estimated traffic impacts to state-owned transportation
7 facilities resulting from land use assumptions to assist the
8 department of transportation in monitoring the performance of state
9 facilities, to plan improvements for the facilities, and to assess
10 the impact of land-use decisions on state-owned transportation
11 facilities;

12 (iii) Facilities and services needs, including:

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

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

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

37 (D) Specific actions and requirements for bringing into
38 compliance locally owned transportation facilities or services that
39 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, timing,
3 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 as
13 the basis for the six-year street, road, or transit program required
14 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
15 35.58.2795 for public transportation systems. The multiyear financing
16 plan should be coordinated with the ten-year investment program
17 developed by the office of financial management as required by RCW
18 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 pedestrian
29 and bicycle facilities and corridors that address and encourage
30 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
35 on a locally owned transportation facility to decline below the
36 standards adopted in the transportation element of the comprehensive
37 plan, unless transportation improvements or strategies to accommodate
38 the impacts of development are made concurrent with the development.
39 These strategies may include increased public transportation service,
40 ride-sharing programs, demand management, and other transportation

1 systems management strategies. For the purposes of this subsection
2 (6), "concurrent with the development" means that improvements or
3 strategies are in place at the time of development, or that a
4 financial commitment is in place to complete the improvements or
5 strategies within six years. If the collection of impact fees is
6 delayed under RCW 82.02.050(3), the six-year period required by this
7 subsection (6)(b) must begin after full payment of all impact fees is
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),
10 the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation
12 systems, and the ten-year investment program required by RCW
13 47.05.030 for the state, must be consistent.

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

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

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

33 Renumber the remaining sections consecutively and correct any
34 internal references accordingly.

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By Senator Short

NOT CONSIDERED 04/26/2021

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

EFFECT: In counties east of the Cascades with populations of fewer than 75,000, the logical outer boundary may include the areas receiving services from existing sanitary sewer systems.

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