

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **754**
By Senator Warnick

NOT CONSIDERED 04/26/2021

1 On page 18, after line 39 insert the following:

2 "Sec. 5. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
3 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 The land use element must reduce and mitigate the risk to lives and
29 property posed by wildfires by using land use planning tools, which
30 may include adoption of portions or all of the wildland urban
31 interface code developed by the international code council or
32 developing building and maintenance standards consistent with the

1 firewise U.S.A. program or similar program designed to reduce
2 wildfire risk.

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

33 (4) A utilities element consisting of the general location,
34 proposed location, and capacity of all existing and proposed
35 utilities, including, but not limited to, electrical lines,
36 telecommunication lines, and natural gas lines.

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

1 (a) Growth management act goals and local circumstances. Because
2 circumstances vary from county to county, in establishing patterns of
3 rural densities and uses, a county may consider local circumstances,
4 but shall develop a written record explaining how the rural element
5 harmonizes the planning goals in RCW 36.70A.020 and meets the
6 requirements of this chapter.

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

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

20 (i) Containing or otherwise controlling rural development;

21 (ii) Assuring visual compatibility of rural development with the
22 surrounding rural area;

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

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

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

29 (d) Limited areas of more intensive rural development. Subject to
30 the requirements of this subsection and except as otherwise
31 specifically provided in this subsection (5)(d), the rural element
32 may allow for limited areas of more intensive rural development,
33 including necessary public facilities and public services to serve
34 the limited area as follows:

35 (i) Rural development consisting of the infill, development, or
36 redevelopment of existing commercial, industrial, residential, or
37 mixed-use areas, whether characterized as shoreline development,
38 villages, hamlets, rural activity centers, or crossroads
39 developments.

1 (A) A commercial, industrial, residential, shoreline, or mixed-
2 use area are subject to the requirements of (d)(iv) of this
3 subsection, but are not subject to the requirements of (c)(ii) and
4 (iii) of this subsection.

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

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

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

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

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

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

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

23 (B) On the date the county adopted a resolution under RCW
24 36.70A.040(2), in a county that is planning under all of the
25 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

36 (a) The transportation element shall include the following
37 subelements:

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

39 (ii) Estimated traffic impacts to state-owned transportation
40 facilities resulting from land use assumptions to assist the

1 department of transportation in monitoring the performance of state
2 facilities, to plan improvements for the facilities, and to assess
3 the impact of land-use decisions on state-owned transportation
4 facilities;

5 (iii) Facilities and services needs, including:

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

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

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

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

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

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

40 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in
4 the comprehensive plan, the appropriate parts of which shall serve as
5 the basis for the six-year street, road, or transit program required
6 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
7 35.58.2795 for public transportation systems. The multiyear financing
8 plan should be coordinated with the ten-year investment program
9 developed by the office of financial management as required by RCW
10 47.05.030;

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

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

18 (vi) Demand-management strategies;

19 (vii) Pedestrian and bicycle component to include collaborative
20 efforts to identify and designate planned improvements for pedestrian
21 and bicycle facilities and corridors that address and encourage
22 enhanced community access and promote healthy lifestyles.

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

1 (c) The transportation element described in this subsection (6),
2 the six-year plans required by RCW 35.77.010 for cities, RCW
3 36.81.121 for counties, and RCW 35.58.2795 for public transportation
4 systems, and the ten-year investment program required by RCW
5 47.05.030 for the state, must be consistent.

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

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

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

25 Renumber the remaining sections consecutively and correct any
26 internal references accordingly.

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By Senator Warnick

NOT CONSIDERED 04/26/2021

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

EFFECT: Requires, in the comprehensive plan under the Growth
Management Act, that the land use element reduce and mitigate the
risk to lives and property posed by wildfires by using land use
planning tools, which may include adoption of the wildland urban
interface code developed by the international code council or
developing building and maintenance standards consistent with the

firewise U.S.A. program or similar program designed to reduce wildfire risk.

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