
SUBSTITUTE SENATE BILL 5275

State of Washington

67th Legislature

2021 Regular Session

By Senate Housing & Local Government (originally sponsored by Senators Short, Lovelett, Das, Wellman, and Wilson, C.)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to enhancing opportunity in limited areas of more
2 intense rural development; and reenacting and amending RCW
3 36.70A.070.

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

5 **Sec. 1.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
6 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

16 (1) A land use element designating the proposed general
17 distribution and general location and extent of the uses of land,
18 where appropriate, for agriculture, timber production, housing,
19 commerce, industry, recreation, open spaces, general aviation
20 airports, public utilities, public facilities, and other land uses.
21 The land use element shall include population densities, building

1 intensities, and estimates of future population growth. The land use
2 element shall provide for protection of the quality and quantity of
3 groundwater used for public water supplies. Wherever possible, the
4 land use element should consider utilizing urban planning approaches
5 that promote physical activity. Where applicable, the land use
6 element shall review drainage, flooding, and stormwater runoff in the
7 area and nearby jurisdictions and provide guidance for corrective
8 actions to mitigate or cleanse those discharges that pollute waters
9 of the state, including Puget Sound or waters entering Puget Sound.

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

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

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

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

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

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

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

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development with the
30 surrounding rural area;

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

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

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

37 (d) Limited areas of more intensive rural development. Subject to
38 the requirements of this subsection and except as otherwise
39 specifically provided in this subsection (5)(d), the rural element
40 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~~) may be permitted subject to confirmation from
19 all existing providers of public facilities and public services of
20 sufficient capacity of existing public facilities and public services
21 to serve any new or additional demand from the new development or
22 redevelopment. Development and redevelopment may include changes in
23 use from vacant land or a previously existing use so long as the new
24 use conforms to the requirements of this subsection (5) and is
25 consistent with the local character. Any commercial development or
26 redevelopment within a mixed-use area must be principally designed to
27 serve the existing and projected rural population and must meet the
28 following requirements:

29 (I) Any included retail or food service space must not exceed the
30 footprint of previously occupied space or 5,000 square feet,
31 whichever is greater, for the same or similar use; and

32 (II) Any included retail or food service space must not exceed
33 2,500 square feet for a new use;

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

1 facilities shall be limited to those necessary to serve the
2 recreation or tourist use and shall be provided in a manner that does
3 not permit low-density sprawl;

4 (iii) The intensification of development on lots containing
5 isolated nonresidential uses or new development of isolated cottage
6 industries and isolated small-scale businesses that are not
7 principally designed to serve the existing and projected rural
8 population and nonresidential uses, but do provide job opportunities
9 for rural residents. Rural counties may allow the expansion of small-
10 scale businesses as long as those small-scale businesses conform with
11 the rural character of the area as defined by the local government
12 according to RCW 36.70A.030(~~((+16))~~) (20). Rural counties may also
13 allow new small-scale businesses to utilize a site previously
14 occupied by an existing business as long as the new small-scale
15 business conforms to the rural character of the area as defined by
16 the local government according to RCW 36.70A.030(~~((+16))~~) (20). Public
17 services and public facilities shall be limited to those necessary to
18 serve the isolated nonresidential use and shall be provided in a
19 manner that does not permit low-density sprawl;

20 (iv) A county shall adopt measures to minimize and contain the
21 existing areas (~~((or—uses))~~) of more intensive rural development, as
22 appropriate, authorized under this subsection. Lands included in such
23 existing areas (~~((or—uses))~~) shall not extend beyond the logical outer
24 boundary of the existing area (~~((or—use))~~), thereby allowing a new
25 pattern of low-density sprawl. Existing areas are those that are
26 clearly identifiable and contained and where there is a logical
27 boundary delineated predominately by the built environment, but that
28 may also include undeveloped lands if limited as provided in this
29 subsection. The county shall establish the logical outer boundary of
30 an area of more intensive rural development. In establishing the
31 logical outer boundary, the county shall address (A) the need to
32 preserve the character of existing natural neighborhoods and
33 communities, (B) physical boundaries, such as bodies of water,
34 streets and highways, and land forms and contours, (C) the prevention
35 of abnormally irregular boundaries, and (D) the ability to provide
36 public facilities and public services in a manner that does not
37 permit low-density sprawl(~~((+—(v))~~). In counties east of the Cascades
38 with populations of less than 75,000, the logical outer boundary of
39 the existing area may include the areas receiving services from

1 existing sanitary sewer systems in place upon the effective date of
2 this section;

3 (v) For purposes of this subsection (5)(d) (~~of this~~
4 ~~subsection~~)), an existing area or existing use is one that was in
5 existence:

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

8 (B) On the date the county adopted a resolution under RCW
9 36.70A.040(2), in a county that is planning under all of the
10 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

21 (a) The transportation element shall include the following
22 subelements:

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

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

30 (iii) Facilities and services needs, including:

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

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

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

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

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

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

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against
28 probable funding resources;

29 (B) A multiyear financing plan based on the needs identified in
30 the comprehensive plan, the appropriate parts of which shall serve as
31 the basis for the six-year street, road, or transit program required
32 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
33 35.58.2795 for public transportation systems. The multiyear financing
34 plan should be coordinated with the ten-year investment program
35 developed by the office of financial management as required by RCW
36 47.05.030;

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

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

4 (vi) Demand-management strategies;

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

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

27 (c) The transportation element described in this subsection (6),
28 the six-year plans required by RCW 35.77.010 for cities, RCW
29 36.81.121 for counties, and RCW 35.58.2795 for public transportation
30 systems, and the ten-year investment program required by RCW
31 47.05.030 for the state, must be consistent.

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

37 (8) A park and recreation element that implements, and is
38 consistent with, the capital facilities plan element as it relates to
39 park and recreation facilities. The element shall include: (a)
40 Estimates of park and recreation demand for at least a ten-year

1 period; (b) an evaluation of facilities and service needs; and (c) an
2 evaluation of intergovernmental coordination opportunities to provide
3 regional approaches for meeting park and recreational demand.

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

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