
HOUSE BILL 2855

State of Washington 60th Legislature 2008 Regular Session

By Representatives Miloscia and Santos

Read first time 01/16/08. Referred to Committee on Local Government.

1 AN ACT Relating to evaluating county and city compliance with
2 housing element requirements of the growth management act; and amending
3 RCW 36.70A.070.

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

5 **Sec. 1.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
6 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, where
18 appropriate, for agriculture, timber production, housing, commerce,
19 industry, recreation, open spaces, general aviation airports, public

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

12 (2)(a) A housing element ensuring the vitality and character of
13 established residential neighborhoods that: ~~((a))~~ (i) Includes an
14 inventory and analysis of existing and projected housing needs that
15 identifies the number of housing units necessary to manage projected
16 growth; ~~((b))~~ (ii) includes a statement of goals, policies,
17 objectives, and mandatory provisions for the preservation, improvement,
18 and development of housing, including single-family residences; ~~((c))~~
19 (iii) identifies sufficient land for housing, including, but not
20 limited to, government-assisted housing, housing for low-income
21 families, manufactured housing, multifamily housing, and group homes
22 and foster care facilities; and ~~((d))~~ (iv) makes adequate provisions
23 for existing and projected needs of all economic segments of the
24 community.

25 (b)(i) The department shall develop criteria for evaluating county
26 and city compliance with (a) of this subsection. The department shall
27 consult with counties and cities planning under RCW 36.70A.040 in
28 complying with this subsection.

29 (ii) On or before December 1, 2008, and annually thereafter, the
30 department shall submit to the appropriate committees of the house of
31 representatives and the senate a report evaluating county and city
32 compliance with (a) of this subsection.

33 (3) A capital facilities plan element consisting of: (a) An
34 inventory of existing capital facilities owned by public entities,
35 showing the locations and capacities of the capital facilities; (b) a
36 forecast of the future needs for such capital facilities; (c) the
37 proposed locations and capacities of expanded or new capital
38 facilities; (d) at least a six-year plan that will finance such capital

1 facilities within projected funding capacities and clearly identifies
2 sources of public money for such purposes; and (e) a requirement to
3 reassess the land use element if probable funding falls short of
4 meeting existing needs and to ensure that the land use element, capital
5 facilities plan element, and financing plan within the capital
6 facilities plan element are coordinated and consistent. Park and
7 recreation facilities shall be included in the capital facilities plan
8 element.

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

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

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

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

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

- 36 (i) Containing or otherwise controlling rural development;
- 37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

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

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

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

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

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

17 (A) A commercial, industrial, residential, shoreline, or mixed-use
18 area shall be subject to the requirements of (d)(iv) of this
19 subsection, but shall not be subject to the requirements of (c)(ii) and
20 (iii) of this subsection.

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

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

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

1 use and shall be provided in a manner that does not permit low-density
2 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 principally
6 designed to serve the existing and projected rural population and
7 nonresidential uses, but do provide job opportunities for rural
8 residents. Rural counties may allow the expansion of small-scale
9 businesses as long as those small-scale businesses conform with the
10 rural character of the area as defined by the local government
11 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
12 allow new small-scale businesses to utilize a site previously occupied
13 by an existing business as long as the new small-scale business
14 conforms to the rural character of the area as defined by the local
15 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
16 and public facilities shall be limited to those necessary to serve the
17 isolated nonresidential use and shall be provided in a manner that does
18 not 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 of
24 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, and
33 land forms and contours, (C) the prevention of abnormally irregular
34 boundaries, and (D) the ability to provide public facilities and public
35 services in a manner that does not permit low-density sprawl;

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

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

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the provisions
5 of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county that
8 is planning under all of the provisions of this chapter pursuant to RCW
9 36.70A.040(5).

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

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

16 (a) The transportation element shall include the following
17 subelements:

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

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

24 (iii) Facilities and services needs, including:

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

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

34 (C) For state-owned transportation facilities, level of service
35 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
36 to gauge the performance of the system. The purposes of reflecting
37 level of service standards for state highways in the local
38 comprehensive plan are to monitor the performance of the system, to

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

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

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

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

20 (iv) Finance, including:

21 (A) An analysis of funding capability to judge needs against
22 probable funding resources;

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

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

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

38 (vi) Demand-management strategies;

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

5 (b) After adoption of the comprehensive plan by jurisdictions
6 required to plan or who choose to plan under RCW 36.70A.040, local
7 jurisdictions must adopt and enforce ordinances which prohibit
8 development approval if the development causes the level of service on
9 a locally owned transportation facility to decline below the standards
10 adopted in the transportation element of the comprehensive plan, unless
11 transportation improvements or strategies to accommodate the impacts of
12 development are made concurrent with the development. These strategies
13 may include increased public transportation service, ride sharing
14 programs, demand management, and other transportation systems
15 management strategies. For the purposes of this subsection (6)
16 "concurrent with the development" shall mean that improvements or
17 strategies are in place at the time of development, or that a financial
18 commitment is in place to complete the improvements or strategies
19 within six years.

20 (c) The transportation element described in this subsection (6),
21 and the six-year plans required by RCW 35.77.010 for cities, RCW
22 36.81.121 for counties, and RCW 35.58.2795 for public transportation
23 systems, and the ten-year plan required by RCW 47.05.030 for the state,
24 must be consistent.

25 (7) An economic development element establishing local goals,
26 policies, objectives, and provisions for economic growth and vitality
27 and a high quality of life. The element shall include: (a) A summary
28 of the local economy such as population, employment, payroll, sectors,
29 businesses, sales, and other information as appropriate; (b) a summary
30 of the strengths and weaknesses of the local economy defined as the
31 commercial and industrial sectors and supporting factors such as land
32 use, transportation, utilities, education, workforce, housing, and
33 natural/cultural resources; and (c) an identification of policies,
34 programs, and projects to foster economic growth and development and to
35 address future needs. A city that has chosen to be a residential
36 community is exempt from the economic development element requirement
37 of this subsection.

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

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

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