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HOUSE BILL 3315

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Morrell, Bailey, Santos, Kenney, Cody, Simpson, Roberts, Linville, Kelley, and Campbell

Read first time 01/30/08. Referred to Committee on Local Government.

1            AN ACT Relating to land use planning provision that address the  
2 needs of an aging population; amending RCW 36.70A.070; and creating a  
3 new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature recognizes that meeting the  
6 diverse and numerous needs of an aging population requires an awareness  
7 of these needs, and an implementation plan that considers this  
8 population and those who assist with their care. The legislature  
9 recognizes also that many seniors are choosing to remain in their  
10 private residences for longer time periods, and that these choices  
11 create new housing and economic development opportunities for  
12 communities.

13            Therefore, the legislature intends this act to promote a greater  
14 awareness of the needs of an aging population and how land use  
15 decisions affect these persons and those who care for them.

16            **Sec. 2.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read  
17 as follows:

18            The comprehensive plan of a county or city that is required or

1 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
2 and descriptive text covering objectives, principles, and standards  
3 used to develop the comprehensive plan. The plan shall be an  
4 internally consistent document and all elements shall be consistent  
5 with the future land use map. A comprehensive plan shall be adopted  
6 and amended with public participation as provided in RCW 36.70A.140.

7 Each comprehensive plan shall include a plan, scheme, or design for  
8 each of the following:

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

25 (2) A housing element ensuring the vitality and character of  
26 established residential neighborhoods that: (a) Includes an inventory  
27 and analysis of existing and projected housing needs that identifies  
28 the number of housing units necessary to manage projected growth; (b)  
29 includes a statement of goals, policies, objectives, and mandatory  
30 provisions for the preservation, improvement, and development of  
31 housing, including single-family residences; (c) identifies sufficient  
32 land for housing, including, but not limited to, government-assisted  
33 housing, housing for low-income families, manufactured housing,  
34 multifamily housing, and group homes and foster care facilities;  
35 (~~and~~) (d) makes adequate provisions for existing and projected needs  
36 of all economic segments of the community; and (e) considers the needs  
37 of the aging population.

1           (3) A capital facilities plan element consisting of: (a) An  
2 inventory of existing capital facilities owned by public entities,  
3 showing the locations and capacities of the capital facilities; (b) a  
4 forecast of the future needs for such capital facilities; (c) the  
5 proposed locations and capacities of expanded or new capital  
6 facilities; (d) at least a six-year plan that will finance such capital  
7 facilities within projected funding capacities and clearly identifies  
8 sources of public money for such purposes; and (e) a requirement to  
9 reassess the land use element if probable funding falls short of  
10 meeting existing needs and to ensure that the land use element, capital  
11 facilities plan element, and financing plan within the capital  
12 facilities plan element are coordinated and consistent. Park and  
13 recreation facilities shall be included in the capital facilities plan  
14 element.

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

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

23           (a) Growth management act goals and local circumstances. Because  
24 circumstances vary from county to county, in establishing patterns of  
25 rural densities and uses, a county may consider local circumstances,  
26 but shall develop a written record explaining how the rural element  
27 harmonizes the planning goals in RCW 36.70A.020 and meets the  
28 requirements of this chapter.

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

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

4 (i) Containing or otherwise controlling rural development;

5 (ii) Assuring visual compatibility of rural development with the  
6 surrounding rural area;

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

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

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

13 (d) Limited areas of more intensive rural development. Subject to  
14 the requirements of this subsection and except as otherwise  
15 specifically provided in this subsection (5)(d), the rural element may  
16 allow for limited areas of more intensive rural development, including  
17 necessary public facilities and public services to serve the limited  
18 area as follows:

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

23 (A) A commercial, industrial, residential, shoreline, or mixed-use  
24 area shall be subject to the requirements of (d)(iv) of this  
25 subsection, but shall not be subject to the requirements of (c)(ii) and  
26 (iii) of this subsection.

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

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

36 (ii) The intensification of development on lots containing, or new  
37 development of, small-scale recreational or tourist uses, including  
38 commercial facilities to serve those recreational or tourist uses, that

1 rely on a rural location and setting, but that do not include new  
2 residential development. A small-scale recreation or tourist use is  
3 not required to be principally designed to serve the existing and  
4 projected rural population. Public services and public facilities  
5 shall be limited to those necessary to serve the recreation or tourist  
6 use and shall be provided in a manner that does not permit low-density  
7 sprawl;

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

24 (iv) A county shall adopt measures to minimize and contain the  
25 existing areas or uses of more intensive rural development, as  
26 appropriate, authorized under this subsection. Lands included in such  
27 existing areas or uses shall not extend beyond the logical outer  
28 boundary of the existing area or use, thereby allowing a new pattern of  
29 low-density sprawl. Existing areas are those that are clearly  
30 identifiable and contained and where there is a logical boundary  
31 delineated predominately by the built environment, but that may also  
32 include undeveloped lands if limited as provided in this subsection.  
33 The county shall establish the logical outer boundary of an area of  
34 more intensive rural development. In establishing the logical outer  
35 boundary the county shall address (A) the need to preserve the  
36 character of existing natural neighborhoods and communities, (B)  
37 physical boundaries such as bodies of water, streets and highways, and

1 land forms and contours, (C) the prevention of abnormally irregular  
2 boundaries, and (D) the ability to provide public facilities and public  
3 services in a manner that does not permit low-density sprawl;

4 (v) For purposes of (d) of this subsection, an existing area or  
5 existing use is one that was in 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 provisions  
10 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 that  
13 is planning under all of the provisions of this chapter pursuant to RCW  
14 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 and  
18 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 department  
26 of transportation in monitoring the performance of state facilities, to  
27 plan improvements for the facilities, and to assess the impact of land-  
28 use decisions on state-owned transportation facilities;

29 (iii) Facilities and services needs, including:

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

36 (B) Level of service standards for all locally owned arterials and  
37 transit routes to serve as a gauge to judge performance of the system.  
38 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 RCW,  
3 to gauge the performance of the system. The purposes of reflecting  
4 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 between  
7 the county's or city's six-year street, road, or transit program and  
8 the department of transportation's six-year investment program. The  
9 concurrency requirements of (b) of this subsection do not apply to  
10 transportation facilities and services of statewide significance except  
11 for counties consisting of islands whose only connection to the  
12 mainland are state highways or ferry routes. In these island counties,  
13 state highways and ferry route capacity must be a factor in meeting the  
14 concurrency requirements in (b) of this subsection;

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

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

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

25 (iv) Finance, including:

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

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

36 (C) If probable funding falls short of meeting identified needs, a  
37 discussion of how additional funding will be raised, or how land use

1 assumptions will be reassessed to ensure that level of service  
2 standards will be met;

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

6 (vi) Demand-management strategies;

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

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

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

31 (7) An economic development element establishing local goals,  
32 policies, objectives, and provisions for economic growth and vitality  
33 and a high quality of life. The element shall include: (a) A summary  
34 of the local economy such as population, employment, payroll, sectors,  
35 businesses, sales, and other information as appropriate; (b) a summary  
36 of the strengths and weaknesses of the local economy defined as the  
37 commercial and industrial sectors and supporting factors such as land  
38 use, transportation, utilities, education, workforce, housing, and



1 natural/cultural resources; and (c) an identification of policies,  
2 programs, and projects to foster economic growth and development and to  
3 address future needs. A city that has chosen to be a residential  
4 community is exempt from the economic development element requirement  
5 of this subsection.

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

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

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