

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2905

Chapter 196, Laws of 2004

58th Legislature
2004 Regular Session

INTENSIVE RURAL DEVELOPMENT

EFFECTIVE DATE: 6/10/04

Passed by the House February 17, 2004
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2004
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2905** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 29, 2004 - 2:55 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2905

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Hatfield and Jarrett)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to modifying provisions for limited areas of more
2 intensive rural development; and amending RCW 36.70A.070.

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

4 **Sec. 1.** RCW 36.70A.070 and 2003 c 152 s 1 are each amended to read
5 as follows:

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

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

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

1 element shall include population densities, building intensities, and
2 estimates of future population growth. The land use element shall
3 provide for protection of the quality and quantity of ground water used
4 for public water supplies. Where applicable, the land use element
5 shall review drainage, flooding, and storm water run-off in the area
6 and nearby jurisdictions and provide guidance for corrective actions to
7 mitigate or cleanse those discharges that pollute waters of the state,
8 including Puget Sound or waters entering Puget Sound.

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

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

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

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

25 (ii) Assuring visual compatibility of rural development with the
26 surrounding rural area;

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

29 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
30 surface water and ground water resources; and

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

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

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

5 (A) A commercial, industrial, residential, shoreline, or mixed-use
6 area shall be subject to the requirements of (d)(iv) of this
7 subsection, but shall not be subject to the requirements of (c)(ii) and
8 (iii) of this subsection.

9 (B) Any development or redevelopment other than an industrial area
10 or an industrial use within a mixed-use area or an industrial area
11 under this subsection (5)(d)(i) (~~is not required to~~) must be
12 principally designed to serve the existing and projected rural
13 population.

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

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

29 (iii) The intensification of development on lots containing
30 isolated nonresidential uses or new development of isolated cottage
31 industries and isolated small-scale businesses that are not principally
32 designed to serve the existing and projected rural population and
33 nonresidential uses, but do provide job opportunities for rural
34 residents. Rural counties may allow the expansion of small-scale
35 businesses as long as those small-scale businesses conform with the
36 rural character of the area as defined by the local government
37 according to RCW 36.70A.030(14). Rural counties may also allow new
38 small-scale businesses to utilize a site previously occupied by an

1 existing business as long as the new small-scale business conforms to
2 the rural character of the area as defined by the local government
3 according to RCW 36.70A.030(14). Public services and public facilities
4 shall be limited to those necessary to serve the isolated
5 nonresidential use and shall be provided in a manner that does not
6 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 of
12 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, and
21 land forms and contours, (C) the prevention of abnormally irregular
22 boundaries, and (D) the ability to provide public facilities and public
23 services in a manner that does not permit low-density sprawl;

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

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

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

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

35 (e) Exception. This subsection shall not be interpreted to permit
36 in the rural area a major industrial development or a master planned
37 resort unless otherwise specifically permitted under RCW 36.70A.360 and
38 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 department
8 of transportation in monitoring the performance of state facilities, to
9 plan improvements for the facilities, and to assess the impact of land-
10 use decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

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

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

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

35 (D) Specific actions and requirements for bringing into compliance
36 locally owned transportation facilities or services that are below an
37 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 current
5 and future demands. Identified needs on state-owned transportation
6 facilities must be consistent with the statewide multimodal
7 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 the
12 comprehensive plan, the appropriate parts of which shall serve as the
13 basis for the six-year street, road, or transit program required by RCW
14 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
15 for public transportation systems. The multiyear financing plan should
16 be coordinated with the six-year improvement program developed by the
17 department of transportation as required by RCW 47.05.030;

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

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

25 (vi) Demand-management strategies.

26 (b) After adoption of the comprehensive plan by jurisdictions
27 required to plan or who choose to plan under RCW 36.70A.040, local
28 jurisdictions must adopt and enforce ordinances which prohibit
29 development approval if the development causes the level of service on
30 a locally owned transportation facility to decline below the standards
31 adopted in the transportation element of the comprehensive plan, unless
32 transportation improvements or strategies to accommodate the impacts of
33 development are made concurrent with the development. These strategies
34 may include increased public transportation service, ride sharing
35 programs, demand management, and other transportation systems
36 management strategies. For the purposes of this subsection (6)
37 "concurrent with the development" shall mean that improvements or

1 strategies are in place at the time of development, or that a financial
2 commitment is in place to complete the improvements or strategies
3 within six years.

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

8 (7) An economic development element establishing local goals,
9 policies, objectives, and provisions for economic growth and vitality
10 and a high quality of life. The element shall include: (a) A summary
11 of the local economy such as population, employment, payroll, sectors,
12 businesses, sales, and other information as appropriate; (b) a summary
13 of the strengths and weaknesses of the local economy defined as the
14 commercial and industrial sectors and supporting factors such as land
15 use, transportation, utilities, education, work force, housing, and
16 natural/cultural resources; and (c) an identification of policies,
17 programs, and projects to foster economic growth and development and to
18 address future needs. A city that has chosen to be a residential
19 community is exempt from the economic development element requirement
20 of this subsection.

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

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

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