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HOUSE BILL 2519

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By Representatives Upthegrove, Dunshee, Ruderman, Linville, Kirby, Simpson and Schual-Berke

Read first time 01/18/2002. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to requiring concurrency planning for parks in  
2 growth management comprehensive plans and development regulations;  
3 amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW;  
4 and creating a new section.

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

6 **Sec. 1.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read  
7 as follows:

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

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

17 (1) A land use element designating the proposed general  
18 distribution and general location and extent of the uses of land, where  
19 appropriate, for agriculture, timber production, housing, commerce,

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

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

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

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

38 (5) Rural element. Counties shall include a rural element  
39 including lands that are not designated for urban growth, agriculture,

1 forest, or mineral resources. The following provisions shall apply to  
2 the rural element:

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

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

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

22 (i) Containing or otherwise controlling rural development;

23 (ii) Assuring visual compatibility of rural development with the  
24 surrounding rural area;

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

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

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

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

37 (i) Rural development consisting of the infill, development, or  
38 redevelopment of existing commercial, industrial, residential, or  
39 mixed-use areas, whether characterized as shoreline development,

1 villages, hamlets, rural activity centers, or crossroads developments.  
2 A commercial, industrial, residential, shoreline, or mixed-use area  
3 shall be subject to the requirements of (d)(iv) of this subsection, but  
4 shall not be subject to the requirements of (c)(ii) and (iii) of this  
5 subsection. An industrial area is not required to be principally  
6 designed to serve the existing and projected rural population;

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

17 (iii) The intensification of development on lots containing  
18 isolated nonresidential uses or new development of isolated cottage  
19 industries and isolated small-scale businesses that are not principally  
20 designed to serve the existing and projected rural population and  
21 nonresidential uses, but do provide job opportunities for rural  
22 residents. Public services and public facilities shall be limited to  
23 those necessary to serve the isolated nonresidential use and shall be  
24 provided in a manner that does not permit low-density sprawl;

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

1 boundaries, and (D) the ability to provide public facilities and public  
2 services in a manner that does not permit low-density sprawl;

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

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

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

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

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

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

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

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

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

28 (iii) Facilities and services needs, including:

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

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

38 (C) For state-owned transportation facilities, level of service  
39 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,

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

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

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

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

24 (iv) Finance, including:

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

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

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

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

4 (vi) Demand-management strategies.

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 ~~(e))~~ 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, RCW 35.58.2795 for public transportation  
23 systems, and RCW 47.05.030 for the state, must be consistent.

24 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW  
25 to read as follows:

26 (1) 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.

37 (2) Jurisdictions planning under RCW 36.70A.040 shall establish in  
38 their comprehensive plans level of service standards for all parks and

1 recreation services and facilities within their jurisdictions. These  
2 standards should be coordinated with relevant special purpose  
3 districts. After adoption of the comprehensive plan by jurisdictions  
4 planning under RCW 36.70A.040, local jurisdictions must adopt and  
5 enforce ordinances which prohibit development approval if the  
6 development causes the level of service for any of these services or  
7 facilities to decline below the standards adopted in the comprehensive  
8 plan, unless improvements or strategies to accommodate the impacts of  
9 development are made concurrent with the development.

10 (3) For the purposes of this section, "concurrent with the  
11 development" means that improvements or strategies are in place at the  
12 time of development, or that a financial commitment is in place to  
13 complete the improvements or strategies within six years.

14 NEW SECTION. **Sec. 3.** This act applies to all comprehensive plans  
15 adopted by jurisdictions planning under RCW 36.70A.040 on or after  
16 September 1, 2002.

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