

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) **822**

By Senator Sheldon

NOT CONSIDERED 04/26/2021

1 On page 29, after line 38, insert the following:

2
3 "Sec. 10. RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017
4 3rd sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

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

1 pollute waters of the state, including Puget Sound or waters
2 entering Puget Sound.

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

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

33 (4) A utilities element consisting of the general location,
34 proposed location, and capacity of all existing and proposed

1 utilities, including, but not limited to, electrical lines,
2 telecommunication lines, and natural gas lines.

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

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

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

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

26 (i) Containing or otherwise controlling rural development;

27 (ii) Assuring visual compatibility of rural development with the
28 surrounding rural area;

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

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

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

1 (d) Limited areas of more intensive rural development. Subject
2 to the requirements of this subsection and except as otherwise
3 specifically provided in this subsection (5)(d), the rural element
4 may allow for limited areas of more intensive rural development,
5 including necessary public facilities and public services to serve
6 the limited area as follows:

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

11 (A) A commercial, industrial, residential, shoreline, or mixed-
12 use area are subject to the requirements of (d)(iv) of this
13 subsection, but are not subject to the requirements of (c)(ii) and
14 (iii) of this subsection.

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

19 (C) Any development or redevelopment in terms of building size,
20 scale, use, or intensity (~~shall be consistent with the character of~~
21 ~~the existing areas~~) may be permitted subject to confirmation from
22 all existing providers of public facilities and public services of
23 sufficient capacity of existing public facilities and public
24 services to serve any new or additional demand from the new
25 development or redevelopment. Development and redevelopment may
26 include changes in use from vacant land or a previously existing use
27 so long as the new use conforms to the requirements of this
28 subsection (5) and is consistent with the local character. Any
29 commercial development or redevelopment within a mixed-use area must
30 be principally designed to serve the existing and projected rural
31 population and must meet the following requirements:

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

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

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

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

29 (iv) A county shall adopt measures to minimize and contain the
30 existing areas (~~((or-uses))~~) of more intensive rural development, as
31 appropriate, authorized under this subsection. Lands included in
32 such existing areas (~~((or-uses))~~) shall not extend beyond the logical
33 outer boundary of the existing area (~~((or-use))~~), thereby allowing a
34 new pattern of low-density sprawl. Existing areas are those that are

1 clearly identifiable and contained and where there is a logical
2 boundary delineated predominately by the built environment, but that
3 may also include undeveloped lands if limited as provided in this
4 subsection. The county shall establish the logical outer boundary of
5 an area of more intensive rural development. In establishing the
6 logical outer boundary, the county shall address (A) the need to
7 preserve the character of existing natural neighborhoods and
8 communities, (B) physical boundaries, such as bodies of water,
9 streets and highways, and land forms and contours, (C) the
10 prevention of abnormally irregular boundaries, and (D) the ability
11 to provide public facilities and public services in a manner that
12 does not permit low-density sprawl;

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

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

18 (B) On the date the county adopted a resolution under RCW
19 36.70A.040(2), in a county that is planning under all of the
20 provisions of this chapter under RCW 36.70A.040(2); or

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

25 (e) Exception. This subsection shall not be interpreted to
26 permit in the rural area a major industrial development or a master
27 planned resort unless otherwise specifically permitted under RCW
28 36.70A.360 and 36.70A.365.

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

31 (a) The transportation element shall include the following
32 subelements:

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

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1 (ii) Estimated traffic impacts to state-owned transportation
2 facilities resulting from land use assumptions to assist the
3 department of transportation in monitoring the performance of state
4 facilities, to plan improvements for the facilities, and to assess
5 the impact of land-use decisions on state-owned transportation
6 facilities;

7 (iii) Facilities and services needs, including:

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

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

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

32 (D) Specific actions and requirements for bringing into
33 compliance locally owned transportation facilities or services that
34 are below an 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,
3 timing, and capacity needs of future growth;

4 (F) Identification of state and local system needs to meet
5 current and future demands. Identified needs on state-owned
6 transportation facilities must be consistent with the statewide
7 multimodal 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
12 the comprehensive plan, the appropriate parts of which shall serve
13 as the basis for the six-year street, road, or transit program
14 required by RCW 35.77.010 for cities, RCW 36.81.121 for counties,
15 and RCW 35.58.2795 for public transportation systems. The multiyear
16 financing plan should be coordinated with the ten-year investment
17 program developed by the office of financial management as required
18 by RCW 47.05.030;

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

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

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative
28 efforts to identify and designate planned improvements for
29 pedestrian and bicycle facilities and corridors that address and
30 encourage enhanced community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions
32 required to plan or who choose to plan under RCW 36.70A.040, local
33 jurisdictions must adopt and enforce ordinances which prohibit
34 development approval if the development causes the level of service

1 on a locally owned transportation facility to decline below the
2 standards adopted in the transportation element of the comprehensive
3 plan, unless transportation improvements or strategies to
4 accommodate the impacts of development are made concurrent with the
5 development. These strategies may include increased public
6 transportation service, ride-sharing programs, demand management,
7 and other transportation systems management strategies. For the
8 purposes of this subsection (6), "concurrent with the development"
9 means that improvements or strategies are in place at the time of
10 development, or that a financial commitment is in place to complete
11 the improvements or strategies within six years. If the collection
12 of impact fees is delayed under RCW 82.02.050(3), the six-year
13 period required by this subsection (6)(b) must begin after full
14 payment of all impact fees is due to the county or city.

15 (c) The transportation element described in this subsection (6),
16 the six-year plans required by RCW 35.77.010 for cities, RCW
17 36.81.121 for counties, and RCW 35.58.2795 for public transportation
18 systems, and the ten-year investment program required by RCW
19 47.05.030 for the state, must be consistent.

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

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

32 (9) It is the intent that new or amended elements required after
33 January 1, 2002, be adopted concurrent with the scheduled update
34 provided in RCW 36.70A.130. Requirements to incorporate any such new

1 or amended elements shall be null and void until funds sufficient to
2 cover applicable local government costs are appropriated and
3 distributed by the state at least two years before local government
4 must update comprehensive plans as required in RCW 36.70A.130."

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6 Renumber the remaining sections consecutively and correct any
7 internal references accordingly.

8 **ESHB 1241** S AMD TO HLG COMM AMD (S-2308.1/21)

9 By Senator

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On page 30, line 8, after "36.70A.130" insert "and 36.70A.070"

EFFECT: (1) Within a limited area of more intensive rural development (LAMIRD), authorizes any development or redevelopment in terms of building size, scale, use, or intensity to be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment.

(2) Provides that any development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use is consistent with the local character.

(3) Requires any commercial development or redevelopment within a mixed-use area to be principally designed to serve the existing and projected rural population and:

(a) Any included retail or food service space must not exceed the footprint of previously-occupied space or 5000 square feet, whichever is greater, for the same or similar use; or

(b) Any included retail or food service space must not exceed 2500 square feet for a new use.

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