

ESHB 1241 - S AMD TO HLG COMM AMD (S-2308.1/21) 767
By Senator Short

NOT CONSIDERED 04/26/2021

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

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

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

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

28 (2) A housing element ensuring the vitality and character of
29 established residential neighborhoods that: (a) Includes an inventory
30 and analysis of existing and projected housing needs that identifies
31 the number of housing units necessary to manage projected growth; (b)
32 includes a statement of goals, policies, objectives, and mandatory
33 provisions for the preservation, improvement, and development of

1 housing, including single-family residences; (c) identifies
2 sufficient land for housing, including, but not limited to,
3 government-assisted housing, housing for low-income families,
4 manufactured housing, multifamily housing, and group homes and foster
5 care facilities; and (d) makes adequate provisions for existing and
6 projected needs of all economic segments of the community. In
7 counties and cities subject to the review and evaluation requirements
8 of RCW 36.70A.215, any revision to the housing element shall include
9 consideration of prior review and evaluation reports and any
10 reasonable measures identified.

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

25 (4) A utilities element consisting of the general location,
26 proposed location, and capacity of all existing and proposed
27 utilities, including, but not limited to, electrical lines,
28 telecommunication lines, and natural gas lines.

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

33 (a) Growth management act goals and local circumstances. Because
34 circumstances vary from county to county, in establishing patterns of
35 rural densities and uses, a county may consider local circumstances,
36 but shall develop a written record explaining how the rural element
37 harmonizes the planning goals in RCW 36.70A.020 and meets the
38 requirements of this chapter.

39 (b) Rural development. The rural element shall permit rural
40 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses,
2 essential public facilities, and rural governmental services needed
3 to serve the permitted densities and uses. To achieve a variety of
4 rural densities and uses, counties may provide for clustering,
5 density transfer, design guidelines, conservation easements, and
6 other innovative techniques that will accommodate appropriate rural
7 economic advancement, densities, and uses that are not characterized
8 by urban growth and that are consistent with rural character.

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

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the
14 surrounding rural area;

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

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

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

21 (d) Limited areas of more intensive rural development. Subject to
22 the requirements of this subsection and except as otherwise
23 specifically provided in this subsection (5)(d), the rural element
24 may allow for limited areas of more intensive rural development,
25 including necessary public facilities and public services to serve
26 the limited area as follows:

27 (i) Rural development consisting of the infill, development, or
28 redevelopment of existing commercial, industrial, residential, or
29 mixed-use areas, whether characterized as shoreline development,
30 villages, hamlets, rural activity centers, or crossroads
31 developments.

32 (A) A commercial, industrial, residential, shoreline, or mixed-
33 use area are subject to the requirements of (d)(iv) of this
34 subsection, but are not subject to the requirements of (c)(ii) and
35 (iii) of this subsection.

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

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

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

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

32 (iv) A county shall adopt measures to minimize and contain the
33 existing areas or uses of more intensive rural development, as
34 appropriate, authorized under this subsection. Lands included in such
35 existing areas or uses shall not extend beyond the logical outer
36 boundary of the existing area or use, thereby allowing a new pattern
37 of low-density sprawl. Existing areas are those that are clearly
38 identifiable and contained and where there is a logical boundary
39 delineated predominately by the built environment, but that may also
40 include undeveloped lands if limited as provided in this subsection.

1 The county shall establish the logical outer boundary of an area of
2 more intensive rural development. In establishing the logical outer
3 boundary, the county shall address (A) the need to preserve the
4 character of existing natural neighborhoods and communities, (B)
5 physical boundaries, such as bodies of water, streets and highways,
6 and land forms and contours, (C) the prevention of abnormally
7 irregular boundaries, and (D) the ability to provide public
8 facilities and public services in a manner that does not permit low-
9 density sprawl;

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

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

14 (B) On the date the county adopted a resolution under RCW
15 36.70A.040(2), in a county that is planning under all of the
16 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

27 (a) The transportation element shall include the following
28 subelements:

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

30 (ii) Estimated traffic impacts to state-owned transportation
31 facilities resulting from land use assumptions to assist the
32 department of transportation in monitoring the performance of state
33 facilities, to plan improvements for the facilities, and to assess
34 the impact of land-use decisions on state-owned transportation
35 facilities;

36 (iii) Facilities and services needs, including:

37 (A) An inventory of air, water, and ground transportation
38 facilities and services, including transit alignments and general
39 aviation airport facilities, to define existing capital facilities
40 and travel levels as a basis for future planning. This inventory must

1 include state-owned transportation facilities within the city or
2 county's jurisdictional boundaries;

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

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

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

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

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

31 (iv) Finance, including:

32 (A) An analysis of funding capability to judge needs against
33 probable funding resources;

34 (B) A multiyear financing plan based on the needs identified in
35 the comprehensive plan, the appropriate parts of which shall serve as
36 the basis for the six-year street, road, or transit program required
37 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
38 35.58.2795 for public transportation systems. The multiyear financing
39 plan should be coordinated with the ten-year investment program

1 developed by the office of financial management as required by RCW
2 47.05.030;

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

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

10 (vi) Demand-management strategies;

11 (vii) Pedestrian and bicycle component to include collaborative
12 efforts to identify and designate planned improvements for pedestrian
13 and bicycle facilities and corridors that address and encourage
14 enhanced community access and promote healthy lifestyles.

15 (b) After adoption of the comprehensive plan by jurisdictions
16 required to plan or who choose to plan under RCW 36.70A.040, local
17 jurisdictions must adopt and enforce ordinances which prohibit
18 development approval if the development causes the level of service
19 on a locally owned transportation facility to decline below the
20 standards adopted in the transportation element of the comprehensive
21 plan, unless transportation improvements or strategies to accommodate
22 the impacts of development are made concurrent with the development.
23 These strategies may include increased public transportation service,
24 ride-sharing programs, demand management, and other transportation
25 systems management strategies. For the purposes of this subsection
26 (6), "concurrent with the development" means that improvements or
27 strategies are in place at the time of development, or that a
28 financial commitment is in place to complete the improvements or
29 strategies within six years. If the collection of impact fees is
30 delayed under RCW 82.02.050(3), the six-year period required by this
31 subsection (6)(b) must begin after full payment of all impact fees is
32 due to the county or city.

33 (c) The transportation element described in this subsection (6),
34 the six-year plans required by RCW 35.77.010 for cities, RCW
35 36.81.121 for counties, and RCW 35.58.2795 for public transportation
36 systems, and the ten-year investment program required by RCW
37 47.05.030 for the state, must be consistent.

38 (7) An economic development element establishing local goals,
39 policies, objectives, and provisions for economic growth and vitality
40 and a high quality of life. A city that has chosen to be a

1 residential community is exempt from the economic development element
2 requirement of this subsection.

3 (a) The economic development element required by this subsection
4 may include the following:

5 (i) A summary of the local economy, such as population,
6 employment, payroll, sectors, businesses, sales, and other
7 information as appropriate;

8 (ii) A summary of the strengths and weaknesses of the local
9 economy, which may include the commercial, industrial, manufacturing,
10 natural resources, and other locally significant economic sectors and
11 supporting factors such as land use, transportation, utilities,
12 education, workforce, housing, and natural and cultural resources;

13 (iii) An identification of policies, programs, and projects to
14 foster economic growth and development and to address future needs;

15 (iv) Policies to promote increases in family, individual, and
16 business incomes;

17 (v) An examination of whether sites planned for economic
18 development have adequate public facilities and services and, as
19 appropriate, a plan for any needed public facilities and services;

20 (vi) Policies to encourage access to education and training for
21 family wage jobs; and

22 (vii) Policies and opportunities to address economic development,
23 including existing industries and businesses, value-added
24 manufacturing of locally produced natural resources, and the use of
25 locally produced energy and other natural resources.

26 (b) Each county and city planning under this chapter is
27 encouraged to adopt comprehensive plans and development regulations
28 that promote economic development in urban and rural areas and
29 evaluate economic performance in the jurisdiction in the time since
30 the most recent update to the comprehensive plan. Each county and
31 city planning under this chapter may make findings regarding the
32 economic condition of the jurisdiction. If there is stagnation or
33 economic deterioration during the period of time since the most
34 recent update to the comprehensive plan, the comprehensive plan and
35 development regulations may be modified to increase economic
36 development opportunities.

37 (c)(i) Counties with a population of fewer than 75,000 as of
38 January 1, 2021, as determined by the office of financial management
39 and published on April 1, 2021, that are planning under this chapter,
40 and the cities within those counties, may identify policies,

1 programs, and development opportunities to address the potential for
2 economic deterioration and to seize economic development
3 opportunities that may deviate from prescriptive interpretations of
4 this chapter.

5 (ii) For the purposes of this section, economic deterioration is
6 exemplified by, but not limited to, any combination of the following
7 performance outcomes:

8 (A) Incomes that are at least \$10,000 lower than the statewide
9 median household income for the same year as established by the
10 office of financial management;

11 (B) A decrease in the county's household median income during any
12 year within the prior eight years;

13 (C) The inability of the jurisdiction to add new full-time jobs
14 in sufficient quantities to provide for population increases;

15 (D) Decreases or stagnation of economic start-ups during multiple
16 years within the prior eight years;

17 (E) Unemployment rates that are higher than the national and
18 statewide averages over multiple years within the prior eight years;
19 and

20 (F) Decreases or stagnation in the issuance of commercial
21 building permits during multiple years.

22 (d) In situations where the competing goals of this chapter would
23 restrain economic development in the counties described in (c)(i) of
24 this subsection, and the cities within those counties, that are
25 experiencing economic deterioration, the growth management hearings
26 board and courts shall afford deference to local development choices
27 that make economic development a priority, consistent with the
28 presumption of validity required under RCW 36.70A.320.

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

36 (9) It is the intent that new or amended elements required after
37 January 1, 2002, be adopted concurrent with the scheduled update
38 provided in RCW 36.70A.130. Requirements to incorporate any such new
39 or amended elements shall be null and void until funds sufficient to
40 cover applicable local government costs are appropriated and

1 distributed by the state at least two years before local government
2 must update comprehensive plans as required in RCW 36.70A.130."

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

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By Senator Short

NOT CONSIDERED 04/26/2021

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

EFFECT: Adds optional factors to the economic development element such as a summary of the local economy, strengths and weaknesses of the local economy, and policies to encourage access to education and training for family wage jobs.

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