
SENATE BILL 5730

State of Washington

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By Senators Talmadge and Fraser

Read first time 02/10/93. Referred to Committee on Government Operations.

1 AN ACT Relating to fire risk affecting both residential and forest
2 land areas; amending RCW 36.70.330 and 36.70A.070; adding a new section
3 to chapter 58.17 RCW; and adding a new section to chapter 76.04 RCW.

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

5 **Sec. 1.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read
6 as follows:

7 The comprehensive plan shall consist of a map or maps, and
8 descriptive text covering objectives, principles and standards used to
9 develop it, and shall include each of the following elements:

10 (1)(a) A land use element which designates the proposed general
11 distribution and general location and extent of the uses of land for
12 agriculture, housing, commerce, industry, recreation, education, public
13 buildings and lands, and other categories of public and private use of
14 land, including a statement of the standards of population density and
15 building intensity recommended for the various areas in the
16 jurisdiction and estimates of future population growth in the area
17 covered by the comprehensive plan, all correlated with the land use
18 element of the comprehensive plan.

1 (b) The land use element shall also provide for protection of the
2 quality and quantity of ground water used for public water supplies and
3 shall review drainage, flooding, and storm water run-off in the area
4 and nearby jurisdictions and provide guidance for corrective actions to
5 mitigate or cleanse those discharges that pollute Puget Sound or waters
6 entering Puget Sound((+)).

7 (c) The land use element shall also consider the degree of fire
8 hazard in providing for the location and extent of allowable
9 residential uses in high fire-risk forested areas and in providing for
10 necessary road and water system standards for residential uses in high
11 fire-risk forested areas.

12 (2) A circulation element consisting of the general location,
13 alignment and extent of major thoroughfares, major transportation
14 routes, trunk utility lines, and major terminal facilities, all of
15 which shall be correlated with the land use element of the
16 comprehensive plan((+)).

17 (3) Any supporting maps, diagrams, charts, descriptive material and
18 reports necessary to explain and supplement the above elements.

19 NEW SECTION. Sec. 2. A new section is added to chapter 58.17 RCW
20 to read as follows:

21 In addition to other requirements imposed by this chapter, the
22 legislative authority of a county may not approve a short plat or final
23 plat, as defined in RCW 58.17.020, for a subdivision, short
24 subdivision, lot, tract, parcel, or site that lies within or is
25 contiguous to lands classified as forest lands or reforestation lands
26 under chapter 84.33 RCW, unless:

27 (1) The area subject to the plat will receive adequate fire
28 protection services: (a) By a fire protection district that includes
29 such area, or (b) through agreement with a private corporation, city,
30 or town for the provision of the services; and

31 (2) Adequate provision for roads and emergency water supplies for
32 fire suppression purposes is made in the proposed plat.

33 **Sec. 3.** RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each
34 amended to read as follows:

35 The comprehensive plan of a county or city that is required or
36 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
37 and descriptive text covering objectives, principles, and standards

1 used to develop the comprehensive plan. The plan shall be an
2 internally consistent document and all elements shall be consistent
3 with the future land use map. A comprehensive plan shall be adopted
4 and amended with public participation as provided in RCW 36.70A.140.

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

7 (1) A land use element designating the proposed general
8 distribution and general location and extent of the uses of land, where
9 appropriate, for agriculture, timber production, housing, commerce,
10 industry, recreation, open spaces, public utilities, public facilities,
11 and other land uses. The land use element shall include population
12 densities, building intensities, and estimates of future population
13 growth. The land use element shall provide for protection of the
14 quality and quantity of ground water used for public water supplies.
15 Where applicable, the land use element shall review drainage, flooding,
16 and storm water run-off in the area and nearby jurisdictions and
17 provide guidance for corrective actions to mitigate or cleanse those
18 discharges that pollute waters of the state, including Puget Sound or
19 waters entering Puget Sound. In the case of a county comprehensive
20 plan, the land use element shall also consider the degree of fire
21 hazard in providing for the location and extent of allowable
22 residential uses in high fire-risk forested areas and for necessary
23 road and water system standards for residential uses in high fire-risk
24 forested areas.

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

35 (3) A capital facilities plan element consisting of: (a) An
36 inventory of existing capital facilities owned by public entities,
37 showing the locations and capacities of the capital facilities; (b) a
38 forecast of the future needs for such capital facilities; (c) the
39 proposed locations and capacities of expanded or new capital

1 facilities; (d) at least a six-year plan that will finance such capital
2 facilities within projected funding capacities and clearly identifies
3 sources of public money for such purposes; and (e) a requirement to
4 reassess the land use element if probable funding falls short of
5 meeting existing needs and to ensure that the land use element, capital
6 facilities plan element, and financing plan within the capital
7 facilities plan element are coordinated and consistent.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed utilities,
10 including, but not limited to, electrical lines, telecommunication
11 lines, and natural gas lines.

12 (5) Counties shall include a rural element including lands that are
13 not designated for urban growth, agriculture, forest, or mineral
14 resources. The rural element shall permit land uses that are
15 compatible with the rural character of such lands and provide for a
16 variety of rural densities.

17 (6) A transportation element that implements, and is consistent
18 with, the land use element. The transportation element shall include
19 the following subelements:

20 (a) Land use assumptions used in estimating travel;

21 (b) Facilities and services needs, including:

22 (i) An inventory of air, water, and land transportation facilities
23 and services, including transit alignments, to define existing capital
24 facilities and travel levels as a basis for future planning;

25 (ii) Level of service standards for all arterials and transit
26 routes to serve as a gauge to judge performance of the system. These
27 standards should be regionally coordinated;

28 (iii) Specific actions and requirements for bringing into
29 compliance any facilities or services that are below an established
30 level of service standard;

31 (iv) Forecasts of traffic for at least ten years based on the
32 adopted land use plan to provide information on the location, timing,
33 and capacity needs of future growth;

34 (v) Identification of system expansion needs and transportation
35 system management needs to meet current and future demands;

36 (c) Finance, including:

37 (i) An analysis of funding capability to judge needs against
38 probable funding resources;

1 (ii) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required by
4 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems;

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

10 (d) Intergovernmental coordination efforts, including an assessment
11 of the impacts of the transportation plan and land use assumptions on
12 the transportation systems of adjacent jurisdictions;

13 (e) Demand-management strategies.

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

28 The transportation element described in this subsection, and the
29 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
30 counties, and RCW 35.58.2795 for public transportation systems, must be
31 consistent.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.04 RCW
33 to read as follows:

34 A person who owns, leases, controls, operates, or maintains a
35 building or structure in or upon a high fire-risk forested area, shall,
36 at such times of the year as provided by department rules, do all of
37 the following:

1 (1) Maintain around and adjacent to the building or structure a
2 firebreak made by removing and clearing away, for a distance of not
3 less than thirty feet on each side of the building or structure or to
4 the property line, whichever is nearer, all flammable vegetation or
5 other combustible growth. This requirement does not apply to
6 individual trees, ornamental shrubbery, or similar plants that are used
7 as ground cover, if they do not form a means of rapidly transmitting
8 fire from the native growth to a building or structure;

9 (2) If, because of extra hazardous conditions, a firebreak of only
10 thirty feet around the building or structure is not sufficient to
11 provide reasonable fire safety, the department may require the person
12 to maintain around and adjacent to the building or structure additional
13 fire protection or firebreak made by removing all brush, flammable
14 vegetation, or combustible growth that is located from thirty feet to
15 one hundred feet from the building or structure or the property line,
16 whichever is nearer. Grass and other vegetation located more than
17 thirty feet from the building or structure and less than eighteen
18 inches in height above the ground may be maintained where necessary to
19 stabilize the soil and prevent erosion;

20 (3) Remove that portion of a tree that extends within ten feet of
21 the outlet of a chimney or stovepipe;

22 (4) Maintain a tree adjacent to or overhanging a building free of
23 dead or dying wood;

24 (5) Maintain the roof of a structure free of leaves, needles, or
25 other dead vegetative growth; and

26 (6) Provide and maintain a screen over the outlet of every chimney
27 or stovepipe that is attached to a fireplace, stove, or other device
28 that burns any solid or liquid fuel. The screen shall be constructed
29 of nonflammable material with openings of not more than one-half inch
30 in size.

31 The department shall adopt rules to implement this section,
32 including the definition of high fire-risk forested areas and
33 specifying those times of the year in which the requirements of this
34 section must be met.

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