
SENATE BILL 5078

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen, Goings, Wojahn and Costa

Read first time 01/12/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to parks and recreation facilities; amending RCW
2 36.70A.020, 36.70A.030, 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.080,
3 36.70A.110, 36.70A.160, 36.70A.177, 36.70A.200, and 43.99.120; adding
4 a new section to chapter 43.99 RCW; creating a new section; and making
5 appropriations.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that there is a
8 serious deficiency in park and recreation facilities in many urban and
9 urbanizing areas of the state, and that projected growth for these
10 areas will only widen the gap between the public's demand for park and
11 recreation facilities and their supply. The legislature further finds
12 that park and recreation facilities are public facilities that are as
13 important to the public health, safety, and well-being of Washington
14 citizens as other public facilities, and that the goals of providing
15 and planning for adequate park and recreation facilities should have
16 equal weight with other goals and mandates of the growth management
17 act. Park and recreation facilities have not been accorded appropriate
18 weight in interpreting the growth management act and in comprehensive
19 planning.

1 It is therefore the intent of this act to clarify and amend
2 applicable provisions of the growth management act to assure parity in
3 the treatment of park and recreation facilities, to afford local
4 governments the tools and discretion to meet these public needs, and to
5 provide state financial and technical assistance in carrying out this
6 important responsibility of local governments.

7 **Sec. 2.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each
8 amended to read as follows:

9 The following goals are adopted to guide the development and
10 adoption of comprehensive plans and development regulations of those
11 counties and cities that are required or choose to plan under RCW
12 36.70A.040. The following goals are not listed in order of priority
13 and shall be used exclusively for the purpose of guiding the
14 development of comprehensive plans and development regulations:

15 (1) Urban growth. Encourage development in urban areas where
16 adequate public facilities and services exist or can be provided in an
17 efficient manner.

18 (2) Reduce sprawl. Reduce the inappropriate conversion of
19 undeveloped land into sprawling, low-density development.

20 (3) Transportation. Encourage efficient multimodal transportation
21 systems that are based on regional priorities and coordinated with
22 county and city comprehensive plans.

23 (4) Housing. Encourage the availability of affordable housing to
24 all economic segments of the population of this state, promote a
25 variety of residential densities and housing types, and encourage
26 preservation of existing housing stock.

27 (5) Economic development. Encourage economic development
28 throughout the state that is consistent with adopted comprehensive
29 plans, promote economic opportunity for all citizens of this state,
30 especially for unemployed and for disadvantaged persons, and encourage
31 growth in areas experiencing insufficient economic growth, all within
32 the capacities of the state's natural resources, public services, and
33 public facilities.

34 (6) Property rights. Private property shall not be taken for
35 public use without just compensation having been made. The property
36 rights of landowners shall be protected from arbitrary and
37 discriminatory actions.

1 (7) Permits. Applications for both state and local government
2 permits should be processed in a timely and fair manner to ensure
3 predictability.

4 (8) Natural resource industries. Maintain and enhance natural
5 resource-based industries, including productive timber, agricultural,
6 and fisheries industries. Encourage the conservation of productive
7 forest lands and productive agricultural lands, and discourage
8 incompatible uses.

9 (9) Open space and recreation. (~~Encourage the retention of~~)
10 Retain open space (~~and development of~~), enhance recreational
11 opportunities, conserve fish and wildlife habitat, increase access to
12 natural resource lands and water, and develop parks and recreation
13 facilities.

14 (10) Environment. Protect the environment and enhance the state's
15 high quality of life, including air and water quality, and the
16 availability of water.

17 (11) Citizen participation and coordination. Encourage the
18 involvement of citizens in the planning process and ensure coordination
19 between communities and jurisdictions to reconcile conflicts.

20 (12) Public facilities and services. Ensure that those public
21 facilities and services necessary to support development shall be
22 adequate to serve the development at the time the development is
23 available for occupancy and use without decreasing current service
24 levels below locally established minimum standards.

25 (13) Historic preservation. Identify and encourage the
26 preservation of lands, sites, and structures, that have historical or
27 archaeological significance.

28 **Sec. 3.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to read
29 as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout this chapter.

32 (1) "Adopt a comprehensive land use plan" means to enact a new
33 comprehensive land use plan or to update an existing comprehensive land
34 use plan.

35 (2) "Agricultural land" means land primarily devoted to the
36 commercial production of horticultural, viticultural, floricultural,
37 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
38 straw, turf, seed, Christmas trees not subject to the excise tax

1 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
2 hatcheries, or livestock, and that has long-term commercial
3 significance for agricultural production.

4 (3) "City" means any city or town, including a code city.

5 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
6 means a generalized coordinated land use policy statement of the
7 governing body of a county or city that is adopted pursuant to this
8 chapter.

9 (5) "Critical areas" include the following areas and ecosystems:

10 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
11 used for potable water; (c) fish and wildlife habitat conservation
12 areas; (d) frequently flooded areas; and (e) geologically hazardous
13 areas.

14 (6) "Department" means the department of community, trade, and
15 economic development.

16 (7) "Development regulations" or "regulation" means the controls
17 placed on development or land use activities by a county or city,
18 including, but not limited to, zoning ordinances, critical areas
19 ordinances, shoreline master programs, official controls, planned unit
20 development ordinances, subdivision ordinances, and binding site plan
21 ordinances together with any amendments thereto. A development
22 regulation does not include a decision to approve a project permit
23 application, as defined in RCW 36.70B.020, even though the decision may
24 be expressed in a resolution or ordinance of the legislative body of
25 the county or city.

26 (8) "Forest land" means land primarily devoted to growing trees for
27 long-term commercial timber production on land that can be economically
28 and practically managed for such production, including Christmas trees
29 subject to the excise tax imposed under RCW 84.33.100 through
30 84.33.140, and that has long-term commercial significance. In
31 determining whether forest land is primarily devoted to growing trees
32 for long-term commercial timber production on land that can be
33 economically and practically managed for such production, the following
34 factors shall be considered: (a) The proximity of the land to urban,
35 suburban, and rural settlements; (b) surrounding parcel size and the
36 compatibility and intensity of adjacent and nearby land uses; (c) long-
37 term local economic conditions that affect the ability to manage for
38 timber production; and (d) the availability of public facilities and
39 services conducive to conversion of forest land to other uses.

1 (9) "Geologically hazardous areas" means areas that because of
2 their susceptibility to erosion, sliding, earthquake, or other
3 geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health or
5 safety concerns.

6 (10) "Long-term commercial significance" includes the growing
7 capacity, productivity, and soil composition of the land for long-term
8 commercial production, in consideration with the land's proximity to
9 population areas, and the possibility of more intense uses of the land.

10 (11) "Minerals" include gravel, sand, and valuable metallic
11 substances.

12 (12) "Open area playfields" are athletic fields and other areas
13 used for active recreation requiring large open areas and that do not
14 require stadiums or other such permanent structures that would be
15 incompatible with retention of the area as open space.

16 (13) "Public facilities" include streets, roads, highways,
17 sidewalks, street and road lighting systems, traffic signals, domestic
18 water systems, storm and sanitary sewer systems, parks and recreational
19 facilities, and schools.

20 (~~(13)~~) (14) "Public services" include fire protection and
21 suppression, law enforcement, public health, education, recreation,
22 environmental protection, and other governmental services.

23 (~~(14)~~) (15) "Rural character" refers to the patterns of land use
24 and development established by a county in the rural element of its
25 comprehensive plan:

26 (a) In which open space, the natural landscape, and vegetation
27 predominate over the built environment;

28 (b) That foster traditional rural lifestyles, rural-based
29 economies, and opportunities to both live and work in rural areas;

30 (c) That provide visual landscapes that are traditionally found in
31 rural areas and communities;

32 (d) That are compatible with the use of the land by wildlife and
33 for fish and wildlife habitat;

34 (e) That reduce the inappropriate conversion of undeveloped land
35 into sprawling, low-density development;

36 (f) That generally do not require the extension of urban
37 governmental services; and

1 (g) That are consistent with the protection of natural surface
2 water flows and ground water and surface water recharge and discharge
3 areas.

4 (~~(15)~~) (16) "Rural development" refers to development outside the
5 urban growth area and outside agricultural, forest, and mineral
6 resource lands designated pursuant to RCW 36.70A.170. Rural
7 development can consist of a variety of uses and residential densities,
8 including clustered residential development, at levels that are
9 consistent with the preservation of rural character and the
10 requirements of the rural element. Rural development does not refer to
11 agriculture or forestry activities that may be conducted in rural
12 areas.

13 (~~(16)~~) (17) "Rural governmental services" or "rural services"
14 include those public services and public facilities historically and
15 typically delivered at an intensity usually found in rural areas, and
16 may include domestic water systems, fire and police protection
17 services, transportation and public transit services, and other public
18 utilities associated with rural development and normally not associated
19 with urban areas. Rural services do not include storm or sanitary
20 sewers, except as otherwise authorized by RCW 36.70A.110(4).

21 (~~(17)~~) (18) "Urban growth" refers to growth that makes intensive
22 use of land for the location of buildings, structures, and impermeable
23 surfaces to such a degree as to be incompatible with the primary use of
24 land for the production of food, other agricultural products, or fiber,
25 or the extraction of mineral resources, rural uses, rural development,
26 and natural resource lands designated pursuant to RCW 36.70A.170. A
27 pattern of more intensive rural development, as provided in RCW
28 36.70A.070(5)(d), is not urban growth. When allowed to spread over
29 wide areas, urban growth typically requires urban governmental
30 services. "Characterized by urban growth" refers to land having urban
31 growth located on it, or to land located in relationship to an area
32 with urban growth on it as to be appropriate for urban growth.

33 (~~(18)~~) (19) "Urban growth areas" means those areas designated by
34 a county pursuant to RCW 36.70A.110.

35 (~~(19)~~) (20) "Urban governmental services" or "urban services"
36 include those public services and public facilities at an intensity
37 historically and typically provided in cities, specifically including
38 storm and sanitary sewer systems, domestic water systems, street
39 cleaning services, fire and police protection services, public transit

1 services, and other public utilities associated with urban areas and
2 normally not associated with rural areas.

3 ((+20+)) (21) "Wetland" or "wetlands" means areas that are
4 inundated or saturated by surface water or ground water at a frequency
5 and duration sufficient to support, and that under normal circumstances
6 do support, a prevalence of vegetation typically adapted for life in
7 saturated soil conditions. Wetlands generally include swamps, marshes,
8 bogs, and similar areas. Wetlands do not include those artificial
9 wetlands intentionally created from nonwetland sites, including, but
10 not limited to, irrigation and drainage ditches, grass-lined swales,
11 canals, detention facilities, wastewater treatment facilities, farm
12 ponds, and landscape amenities, or those wetlands created after July 1,
13 1990, that were unintentionally created as a result of the construction
14 of a road, street, or highway. Wetlands may include those artificial
15 wetlands intentionally created from nonwetland areas created to
16 mitigate conversion of wetlands.

17 **Sec. 4.** RCW 36.70A.040 and 1998 c 171 s 1 are each amended to read
18 as follows:

19 (1) Each county that has both a population of fifty thousand or
20 more and, until May 16, 1995, has had its population increase by more
21 than ten percent in the previous ten years or, on or after May 16,
22 1995, has had its population increase by more than seventeen percent in
23 the previous ten years, and the cities located within such county, and
24 any other county regardless of its population that has had its
25 population increase by more than twenty percent in the previous ten
26 years, and the cities located within such county, shall conform with
27 all of the requirements of this chapter. However, the county
28 legislative authority of such a county with a population of less than
29 fifty thousand population may adopt a resolution removing the county,
30 and the cities located within the county, from the requirements of
31 adopting comprehensive land use plans and development regulations under
32 this chapter if this resolution is adopted and filed with the
33 department by December 31, 1990, for counties initially meeting this
34 set of criteria, or within sixty days of the date the office of
35 financial management certifies that a county meets this set of criteria
36 under subsection (5) of this section.

37 Once a county meets either of these sets of criteria, the
38 requirement to conform with all of the requirements of this chapter

1 remains in effect, even if the county no longer meets one of these sets
2 of criteria.

3 (2) The county legislative authority of any county that does not
4 meet either of the sets of criteria established under subsection (1) of
5 this section may adopt a resolution indicating its intention to have
6 subsection (1) of this section apply to the county. Each city, located
7 in a county that chooses to plan under this subsection, shall conform
8 with all of the requirements of this chapter. Once such a resolution
9 has been adopted, the county and the cities located within the county
10 remain subject to all of the requirements of this chapter.

11 (3) Any county or city that is initially required to conform with
12 all of the requirements of this chapter under subsection (1) of this
13 section shall take actions under this chapter as follows: (a) The
14 county legislative authority shall adopt a county-wide planning policy
15 under RCW 36.70A.210; (b) the county and each city located within the
16 county shall designate critical areas, agricultural lands, forest
17 lands, and mineral resource lands, and adopt development regulations
18 conserving these designated agricultural lands, forest lands, and
19 mineral resource lands and protecting these designated critical areas,
20 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
21 take other actions related to urban growth areas under RCW 36.70A.110;
22 (d) if the county has a population of fifty thousand or more, the
23 county and each city located within the county shall adopt a
24 comprehensive plan under this chapter and development regulations that
25 are consistent with and implement the comprehensive plan on or before
26 July 1, 1994, and if the county has a population of less than fifty
27 thousand, the county and each city located within the county shall
28 adopt a comprehensive plan under this chapter and development
29 regulations that are consistent with and implement the comprehensive
30 plan by January 1, 1995, but if the governor makes written findings
31 that a county with a population of less than fifty thousand or a city
32 located within such a county is not making reasonable progress toward
33 adopting a comprehensive plan and development regulations the governor
34 may reduce this deadline for such actions to be taken by no more than
35 one hundred eighty days. Any county or city subject to this subsection
36 may obtain an additional six months before it is required to have
37 adopted its development regulations by submitting a letter notifying
38 the department of community, trade, and economic development of its

1 need prior to the deadline for adopting both a comprehensive plan and
2 development regulations.

3 (4) Any county or city that is required to conform with all the
4 requirements of this chapter, as a result of the county legislative
5 authority adopting its resolution of intention under subsection (2) of
6 this section, shall take actions under this chapter as follows: (a)
7 The county legislative authority shall adopt a county-wide planning
8 policy under RCW 36.70A.210; (b) the county and each city that is
9 located within the county shall adopt development regulations
10 conserving agricultural lands, forest lands, and mineral resource lands
11 it designated under RCW 36.70A.060 within one year of the date the
12 county legislative authority adopts its resolution of intention; (c)
13 the county shall designate and take other actions related to urban
14 growth areas under RCW 36.70A.110; and (d) the county and each city
15 that is located within the county shall adopt a comprehensive plan and
16 development regulations that are consistent with and implement the
17 comprehensive plan not later than four years from the date the county
18 legislative authority adopts its resolution of intention, but a county
19 or city may obtain an additional six months before it is required to
20 have adopted its development regulations by submitting a letter
21 notifying the department of community, trade, and economic development
22 of its need prior to the deadline for adopting both a comprehensive
23 plan and development regulations.

24 (5) If the office of financial management certifies that the
25 population of a county that previously had not been required to plan
26 under subsection (1) or (2) of this section has changed sufficiently to
27 meet either of the sets of criteria specified under subsection (1) of
28 this section, and where applicable, the county legislative authority
29 has not adopted a resolution removing the county from these
30 requirements as provided in subsection (1) of this section, the county
31 and each city within such county shall take actions under this chapter
32 as follows: (a) The county legislative authority shall adopt a county-
33 wide planning policy under RCW 36.70A.210; (b) the county and each city
34 located within the county shall adopt development regulations under RCW
35 36.70A.060 conserving agricultural lands, forest lands, and mineral
36 resource lands it designated within one year of the certification by
37 the office of financial management; (c) the county shall designate and
38 take other actions related to urban growth areas under RCW 36.70A.110;
39 and (d) the county and each city located within the county shall adopt

1 a comprehensive land use plan and development regulations that are
2 consistent with and implement the comprehensive plan within four years
3 of the certification by the office of financial management, but a
4 county or city may obtain an additional six months before it is
5 required to have adopted its development regulations by submitting a
6 letter notifying the department of community, trade, and economic
7 development of its need prior to the deadline for adopting both a
8 comprehensive plan and development regulations.

9 (6) A copy of each document that is required under this section
10 shall be submitted to the department at the time of its adoption.

11 (7) Cities and counties planning under this chapter must amend the
12 transportation element of the comprehensive plan to be in compliance
13 with this chapter and chapter 47.80 RCW no later than December 31,
14 2000.

15 (8) Cities and counties planning under this chapter must amend or
16 adopt the park and recreation element of the comprehensive plan to be
17 in compliance with this chapter no later than September 1, 2002.

18 **Sec. 5.** RCW 36.70A.060 and 1998 c 286 s 5 are each amended to read
19 as follows:

20 (1) Each county that is required or chooses to plan under RCW
21 36.70A.040, and each city within such county, shall adopt development
22 regulations on or before September 1, 1991, to assure the conservation
23 of agricultural, forest, and mineral resource lands designated under
24 RCW 36.70A.170. Regulations adopted under this subsection may not
25 prohibit uses legally existing on any parcel prior to their adoption
26 and shall remain in effect until the county or city adopts development
27 regulations pursuant to RCW 36.70A.040. Such regulations shall assure
28 that the use of lands adjacent to agricultural, forest, or mineral
29 resource lands shall not interfere with the continued use, in the
30 accustomed manner and in accordance with best management practices, of
31 these designated lands for the production of food, agricultural
32 products, or timber, or for the extraction of minerals. Regulations
33 for the conservation of resource lands may allow that lands not used or
34 presently necessary for commercial production may be used for open area
35 playfields or other recreational uses that preserve the lands for
36 future commercial production. Counties and cities shall require that
37 all plats, short plats, development permits, and building permits
38 issued for development activities on, or within five hundred feet of,

1 lands designated as agricultural lands, forest lands, or mineral
2 resource lands, contain a notice that the subject property is within or
3 near designated agricultural lands, forest lands, or mineral resource
4 lands on which a variety of commercial activities may occur that are
5 not compatible with residential development for certain periods of
6 limited duration. The notice for mineral resource lands shall also
7 inform that an application might be made for mining-related activities,
8 including mining, extraction, washing, crushing, stockpiling, blasting,
9 transporting, and recycling of minerals.

10 (2) Each county and city shall adopt development regulations that
11 protect critical areas that are required to be designated under RCW
12 36.70A.170. For counties and cities that are required or choose to
13 plan under RCW 36.70A.040, such development regulations shall be
14 adopted on or before September 1, 1991. For the remainder of the
15 counties and cities, such development regulations shall be adopted on
16 or before March 1, 1992.

17 (3) Such counties and cities shall review these designations and
18 development regulations when adopting their comprehensive plans under
19 RCW 36.70A.040 and implementing development regulations under RCW
20 36.70A.120 and may alter such designations and development regulations
21 to insure consistency.

22 (4) Forest land and agricultural land located within urban growth
23 areas shall not be designated by a county or city as forest land or
24 agricultural land of long-term commercial significance under RCW
25 36.70A.170 unless the city or county has enacted a program authorizing
26 transfer or purchase of development rights.

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

29 The comprehensive plan of a county or city that is required or
30 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
31 and descriptive text covering objectives, principles, and standards
32 used to develop the comprehensive plan. The plan shall be an
33 internally consistent document and all elements shall be consistent
34 with the future land use map. A comprehensive plan shall be adopted
35 and amended with public participation as provided in RCW 36.70A.140.

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

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

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

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

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

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

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

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

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

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development with the
30 surrounding rural area;

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

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

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

37 (d) Limited areas of more intensive rural development. Subject to
38 the requirements of this subsection and except as otherwise
39 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including
2 necessary public facilities and public services to serve the limited
3 area as follows:

4 (i) Rural development consisting of the infill, development, or
5 redevelopment of existing commercial, industrial, residential, or
6 mixed-use areas, whether characterized as shoreline development,
7 villages, hamlets, rural activity centers, or crossroads developments.
8 A commercial, industrial, residential, shoreline, or mixed-use area
9 shall be subject to the requirements of (d)(iv) of this subsection, but
10 shall not be subject to the requirements of (c)(ii) and (iii) of this
11 subsection. An industrial area is not required to be principally
12 designed to serve the existing and projected rural population;

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

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

31 (iv) A county shall adopt measures to minimize and contain the
32 existing areas or uses of more intensive rural development, as
33 appropriate, authorized under this subsection. Lands included in such
34 existing areas or uses shall not extend beyond the logical outer
35 boundary of the existing area or use, thereby allowing a new pattern of
36 low-density sprawl. Existing areas are those that are clearly
37 identifiable and contained and where there is a logical boundary
38 delineated predominately by the built environment, but that may also
39 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, and
6 land forms and contours, (C) the prevention of abnormally irregular
7 boundaries, and (D) the ability to provide public facilities and public
8 services in a manner that does not permit low-density sprawl;

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

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

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

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

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

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

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

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

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

34 (iii) Facilities and services needs, including:

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

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

3 (B) Level of service standards for all locally owned arterials and
4 transit routes to serve as a gauge to judge performance of the system.
5 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 RCW,
8 to gauge the performance of the system. The purposes of reflecting
9 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 between
12 the county's or city's six-year street, road, or transit program and
13 the department of transportation's six-year investment program. The
14 concurrency requirements of (b) of this subsection do not apply to
15 transportation facilities and services of state-wide significance
16 except for counties consisting of islands whose only connection to the
17 mainland are state highways or ferry routes. In these island counties,
18 state highways and ferry route capacity must be a factor in meeting the
19 concurrency requirements in (b) of this subsection;

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

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

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

30 (iv) Finance, including:

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

33 (B) A multiyear financing plan based on the needs identified in the
34 comprehensive plan, the appropriate parts of which shall serve as the
35 basis for the six-year street, road, or transit program required by RCW
36 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
37 for public transportation systems. The multiyear financing plan should
38 be coordinated with the six-year improvement program developed by the
39 department of transportation as required by RCW 47.05.030;

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

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

8 (vi) Demand-management strategies.

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

24 (c) The transportation element described in this subsection (6),
25 and the six-year plans required by RCW 35.77.010 for cities, RCW
26 36.81.121 for counties, RCW 35.58.2795 for public transportation
27 systems, and RCW 47.05.030 for the state, must be consistent.

28 (7) A park and recreation element that implements, and is
29 consistent with, the capital facilities element as it relates to park
30 and recreation facilities.

31 (a) The park and recreation element shall include the following
32 subelements:

33 (i) Estimates of park and recreation demand for at least a twenty-
34 year period, and the assumptions regarding population, demographic
35 composition of the population, and recreational trends, used in making
36 the estimates;

37 (ii) Facilities and service needs, including:

1 (A) An inventory of existing facilities and services within the
2 local jurisdiction or within reasonable proximity available for use by
3 the jurisdiction's residents;

4 (B) Level of service standards for park and recreation facilities
5 and services addressing the range of passive and active recreational
6 uses estimated as needed or forecasted for the local jurisdiction's
7 residents. These standards shall be regionally coordinated with other
8 nearby planning jurisdictions, including cities, counties, and special
9 districts;

10 (C) Specific actions and requirements for achieving compliance with
11 level of service standards for any existing deficiencies, and for
12 ensuring that additional park and recreation facilities and services to
13 meet the forecasted growth for the jurisdiction will not cause
14 deficiencies below the established level of service standard;

15 (iii) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in the
19 comprehensive plan;

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

24 (iv) Intergovernmental coordination efforts to provide regional
25 approaches for meeting park and recreational demand.

26 NEW SECTION. Sec. 7. A new section is added to chapter 43.99 RCW
27 to read as follows:

28 (1) No later than March 1, 2000, the committee and the department
29 of community, trade, and economic development shall develop model
30 provisions for park and recreation capital facilities plans to assist
31 cities and counties to comply with RCW 36.70A.070(7). The model
32 provisions shall address estimating future park and recreation demand,
33 establishing level of service standards, and adopting concurrent
34 ordinances for park and recreation facilities and services. The
35 committee and department shall consult with representatives of city and
36 county governments in the development of the model provisions.

37 (2) For the biennium ending June 30, 2001, the committee shall
38 award planning grants on a competitive basis to city and county

1 governments to assist in complying with the requirements of RCW
2 36.70A.070(7). The factors the committee may consider in making the
3 awards include but are not limited to:

4 (a) Early action to develop and adopt a plan in compliance with RCW
5 36.70A.070(7);

6 (b) The city or county resources available for the planning;

7 (c) The city or county resources committed to the planning; and

8 (d) Likely deficiencies in the jurisdiction between current and
9 projected park and recreation demand and current and projected park and
10 recreation facilities and services.

11 **Sec. 8.** RCW 36.70A.080 and 1990 1st ex.s. c 17 s 8 are each
12 amended to read as follows:

13 (1) A comprehensive plan may include additional elements, items, or
14 studies dealing with other subjects relating to the physical
15 development within its jurisdiction, including, but not limited to:

16 (a) Conservation; and

17 (b) Solar energy(~~and~~

18 ~~(c) Recreation~~)).

19 (2) A comprehensive plan may include, where appropriate, subarea
20 plans, each of which is consistent with the comprehensive plan.

21 **Sec. 9.** RCW 36.70A.110 and 1997 c 429 s 24 are each amended to
22 read as follows:

23 (1) Each county that is required or chooses to plan under RCW
24 36.70A.040 shall designate an urban growth area or areas within which
25 urban growth shall be encouraged and outside of which growth can occur
26 only if it is not urban in nature. Each city that is located in such
27 a county shall be included within an urban growth area. An urban
28 growth area may include more than a single city. An urban growth area
29 may include territory that is located outside of a city only if such
30 territory already is characterized by urban growth whether or not the
31 urban growth area includes a city, or is adjacent to territory already
32 characterized by urban growth, or is a designated new fully contained
33 community as defined by RCW 36.70A.350.

34 (2) Based upon the growth management population projection made for
35 the county by the office of financial management, the county and each
36 city within the county shall include areas and densities sufficient to
37 permit the urban growth that is projected to occur in the county or

1 city for the succeeding twenty-year period. Each urban growth area
2 shall permit urban densities and shall include greenbelt ((and)), open
3 space, and recreational areas. An urban growth area determination may
4 include a reasonable land market supply factor and shall permit a range
5 of urban densities and uses. In determining this market factor, cities
6 and counties may consider local circumstances. Cities and counties
7 have discretion in their comprehensive plans to make many choices about
8 accommodating growth.

9 Within one year of July 1, 1990, each county that as of June 1,
10 1991, was required or chose to plan under RCW 36.70A.040, shall begin
11 consulting with each city located within its boundaries and each city
12 shall propose the location of an urban growth area. Within sixty days
13 of the date the county legislative authority of a county adopts its
14 resolution of intention or of certification by the office of financial
15 management, all other counties that are required or choose to plan
16 under RCW 36.70A.040 shall begin this consultation with each city
17 located within its boundaries. The county shall attempt to reach
18 agreement with each city on the location of an urban growth area within
19 which the city is located. If such an agreement is not reached with
20 each city located within the urban growth area, the county shall
21 justify in writing why it so designated the area an urban growth area.
22 A city may object formally with the department over the designation of
23 the urban growth area within which it is located. Where appropriate,
24 the department shall attempt to resolve the conflicts, including the
25 use of mediation services.

26 (3) Urban growth should be located first in areas already
27 characterized by urban growth that have adequate existing public
28 facility and service capacities to serve such development, second in
29 areas already characterized by urban growth that will be served
30 adequately by a combination of both existing public facilities and
31 services and any additional needed public facilities and services that
32 are provided by either public or private sources, and third in the
33 remaining portions of the urban growth areas. Urban growth may also be
34 located in designated new fully contained communities as defined by RCW
35 36.70A.350.

36 (4) In general, cities are the units of local government most
37 appropriate to provide urban governmental services. In general, it is
38 not appropriate that urban governmental services be extended to or
39 expanded in rural areas except in those limited circumstances shown to

1 be necessary to protect basic public health and safety and the
2 environment and when such services are financially supportable at rural
3 densities and do not permit urban development.

4 (5) On or before October 1, 1993, each county that was initially
5 required to plan under RCW 36.70A.040(1) shall adopt development
6 regulations designating interim urban growth areas under this chapter.
7 Within three years and three months of the date the county legislative
8 authority of a county adopts its resolution of intention or of
9 certification by the office of financial management, all other counties
10 that are required or choose to plan under RCW 36.70A.040 shall adopt
11 development regulations designating interim urban growth areas under
12 this chapter. Adoption of the interim urban growth areas may only
13 occur after public notice; public hearing; and compliance with the
14 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
15 Such action may be appealed to the appropriate growth management
16 hearings board under RCW 36.70A.280. Final urban growth areas shall be
17 adopted at the time of comprehensive plan adoption under this chapter.

18 (6) Each county shall include designations of urban growth areas in
19 its comprehensive plan.

20 **Sec. 10.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to
21 read as follows:

22 Each county and city that is required or chooses to prepare a
23 comprehensive land use plan under RCW 36.70A.040 shall identify open
24 space (~~((corridors))~~) areas within and between urban growth areas. They
25 shall include lands useful for recreation including open area
26 playfields and other park uses compatible with the retention of open
27 space, wildlife habitat, trails, and connection of critical areas as
28 defined in RCW 36.70A.030. Identification of (~~((a corridor))~~) an area
29 under this section by a county or city shall not restrict the use or
30 management of lands within the (~~((corridor))~~) area for agricultural or
31 forest purposes. Restrictions on the use or management of such lands
32 for agricultural or forest purposes imposed after identification solely
33 to maintain or enhance the value of such lands as (~~((a corridor))~~) an
34 open space area may occur only if the county or city acquires
35 sufficient interest to prevent development of the lands or to control
36 the resource development of the lands. The requirement for acquisition
37 of sufficient interest does not include those (~~((corridors))~~) areas
38 regulated by the interstate commerce commission, under provisions of 16

1 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912.
2 Nothing in this section shall be interpreted to alter the authority of
3 the state, or a county or city, to regulate land use activities.

4 The city or county may acquire by donation or purchase the fee
5 simple or lesser interests in these open space ~~((corridors))~~ areas
6 using funds authorized by RCW 84.34.230 or other sources.

7 **Sec. 11.** RCW 36.70A.177 and 1997 c 429 s 23 are each amended to
8 read as follows:

9 (1) A county or a city may use a variety of innovative zoning
10 techniques in areas designated as agricultural lands of long-term
11 commercial significance under RCW 36.70A.170. The innovative zoning
12 techniques should be designed to conserve agricultural lands and
13 encourage the agricultural economy. A county or city should encourage
14 nonagricultural uses to be limited to lands with ~~((poor))~~ poorer soils
15 or otherwise ~~((not))~~ less suitable for agricultural purposes.

16 (2) Innovative zoning techniques a county or city may consider
17 include, but are not limited to:

18 (a) Agricultural zoning, which limits the density of development
19 and restricts or prohibits nonfarm uses of agricultural land;

20 (b) Cluster zoning, which allows new development on ~~((one))~~ a
21 portion of the land or a portion of designated agricultural resource
22 lands or districts, leaving the remainder in agricultural or open space
23 uses;

24 (c) Large lot zoning, which establishes as a minimum lot size the
25 amount of land necessary to achieve a successful farming practice;

26 (d) Quarter/quarter zoning, which permits one residential dwelling
27 on a one-acre minimum lot for each one-sixteenth of a section of land;
28 ~~((and))~~

29 (e) Sliding scale zoning, which allows the number of lots for
30 single-family residential purposes with a minimum lot size of one acre
31 to increase inversely as the size of the total acreage increases; and

32 (f) Interim zoning, which allows interim use of fallow lands for
33 nonfarm uses while preserving the agricultural soils for future
34 agricultural uses.

35 **Sec. 12.** RCW 36.70A.200 and 1998 c 171 s 3 are each amended to
36 read as follows:

1 (1) The comprehensive plan of each county and city that is planning
2 under this chapter shall include a process for identifying and siting
3 essential public facilities. Essential public facilities include those
4 facilities that are typically difficult to site, such as airports,
5 state education facilities and state or regional transportation
6 facilities as defined in RCW 47.06.140, large open area playfields,
7 state and local correctional facilities, solid waste handling
8 facilities, and in-patient facilities including substance abuse
9 facilities, mental health facilities, and group homes.

10 (2) The office of financial management shall maintain a list of
11 those essential state public facilities that are required or likely to
12 be built within the next six years. The office of financial management
13 may at any time add facilities to the list. No local comprehensive
14 plan or development regulation may preclude the siting of essential
15 public facilities.

16 **Sec. 13.** RCW 43.99.120 and 1995 c 166 s 7 are each amended to read
17 as follows:

18 (1) Any public body or any agency of state government authorized to
19 acquire or improve public outdoor recreation land which desires funds
20 from the outdoor recreation account, the recreation resource account,
21 or the nonhighway and off-road vehicle activities program account shall
22 submit to the committee a long-range plan for developing outdoor
23 recreation facilities within its authority and detailed plans for the
24 projects sought to be financed from these accounts, including estimated
25 cost and such other information as the committee may require. For
26 jurisdictions preparing comprehensive plans under chapter 36.70A RCW,
27 the capital facilities and park and recreation elements of the
28 comprehensive plan shall satisfy the long-range plan requirements of
29 this section. The committee shall analyze all proposed plans and
30 projects, and shall recommend to the governor for inclusion in the
31 budget such projects as it may approve and find to be consistent with
32 an orderly plan for the acquisition and improvement of outdoor
33 recreation lands in the state.

34 (2) Until September 1, 2002, the committee shall provide additional
35 points in its evaluation of competitive grant applications to local
36 governments that have adopted a park and recreation comprehensive plan
37 that includes the elements referenced in RCW 36.70A.070(7), including
38 the adoption of level of service standards.

1 NEW SECTION. **Sec. 14.** The sum of two hundred thousand dollars, or
2 as much thereof as may be necessary, is appropriated from the general
3 fund for the fiscal year ending June 30, 2000, and the sum of two
4 hundred thousand dollars, or as much thereof as may be necessary, is
5 appropriated from the general fund for the fiscal year ending June 30,
6 2001, to the interagency committee for outdoor recreation to carry out
7 the purposes of this act.

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