
SENATE BILL 6135

State of Washington

59th Legislature

2006 Regular Session

By Senators Jacobsen and Thibaudeau

Read first time 01/09/2006. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to off-campus student housing; amending RCW
2 36.70A.070; and adding a new section to chapter 28B.10 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW
5 to read as follows:

6 (1) For the purposes of this section, "department" means the
7 Washington state department of community, trade, and economic
8 development.

9 (2) The governing board of each state four-year institution of
10 higher education must develop and implement an off-campus housing
11 quality assessment program. At a minimum this program must include the
12 following elements:

13 (a) Evaluation of the institution of higher education's
14 responsibility and accountability for the impacts of off-campus housing
15 on the communities in which that housing is located;

16 (b) Identification of assets and funding necessary to offset any
17 detrimental impacts to the residential community caused by the
18 institution of higher education's off-campus housing;

1 (c) A process for reviewing the safety and habitability of off-
2 campus housing;

3 (d) Inventory and analysis of existing and projected off-campus
4 housing needs that identifies the number of housing units necessary to
5 manage projected student population growth;

6 (e) A review of available land and housing affordability for
7 current and projected off-campus housing needs; and

8 (f) Analysis of the infrastructure necessary to maintain current
9 and projected off-campus housing needs.

10 (3) The governing board of each state four-year institution of
11 higher education must hold a public hearing at least biannually to
12 discuss the institution's development and implementation of the off-
13 campus housing quality assessment program. The president, of the
14 institution of higher education holding the hearing, is required to
15 attend. The president must be available at the hearing to respond to
16 public comment regarding the institution's off-campus housing quality
17 assessment program.

18 (4) The governing board of each state four-year institution of
19 higher education must establish procedures providing for early and
20 continuous public participation in the development and amendment of the
21 off-campus housing quality assessment program. These procedures must
22 provide for broad dissemination of proposals and alternatives,
23 opportunity for written comments, public meetings after effective
24 notice, provision for open discussion, and consideration of and
25 response to public comments.

26 (5) The off-campus housing quality assessment program must be
27 submitted by the governing board of each state four-year institution of
28 higher education to the department in accordance with the scheduled
29 update, provided in RCW 36.70A.130.

30 **Sec. 2.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
31 as follows:

32 The comprehensive plan of a county or city that is required or
33 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
34 and descriptive text covering objectives, principles, and standards
35 used to develop the comprehensive plan. The plan shall be an
36 internally consistent document and all elements shall be consistent

1 with the future land use map. A comprehensive plan shall be adopted
2 and amended with public participation as provided in RCW 36.70A.140.

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

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

20 (2) A housing element ensuring the vitality and character of
21 established residential neighborhoods that: (a) Includes an inventory
22 and analysis of existing and projected housing needs that identifies
23 the number of housing units necessary to manage projected growth; (b)
24 includes a statement of goals, policies, objectives, and mandatory
25 provisions for the preservation, improvement, and development of
26 housing, including single-family residences; (c) identifies sufficient
27 land for housing, including, but not limited to, government-assisted
28 housing, housing for low-income families, manufactured housing,
29 multifamily housing, and group homes and foster care facilities;
30 ~~((and))~~ (d) makes adequate provisions for existing and projected needs
31 of all economic segments of the community; and

32 (e) Includes an off-campus housing quality assessment program for
33 state four-year institutions of higher education, as defined in RCW
34 28B.10.016. The minimum requirements for this program are provided in
35 section 1 of this act.

36 (3) A capital facilities plan element consisting of: (a) An
37 inventory of existing capital facilities owned by public entities,
38 showing the locations and capacities of the capital facilities; (b) a

1 forecast of the future needs for such capital facilities; (c) the
2 proposed locations and capacities of expanded or new capital
3 facilities; (d) at least a six-year plan that will finance such capital
4 facilities within projected funding capacities and clearly identifies
5 sources of public money for such purposes; and (e) a requirement to
6 reassess the land use element if probable funding falls short of
7 meeting existing needs and to ensure that the land use element, capital
8 facilities plan element, and financing plan within the capital
9 facilities plan element are coordinated and consistent. Park and
10 recreation facilities shall be included in the capital facilities plan
11 element.

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

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

20 (a) Growth management act goals and local circumstances. Because
21 circumstances vary from county to county, in establishing patterns of
22 rural densities and uses, a county may consider local circumstances,
23 but shall develop a written record explaining how the rural element
24 harmonizes the planning goals in RCW 36.70A.020 and meets the
25 requirements of this chapter.

26 (b) Rural development. The rural element shall permit rural
27 development, forestry, and agriculture in rural areas. The rural
28 element shall provide for a variety of rural densities, uses, essential
29 public facilities, and rural governmental services needed to serve the
30 permitted densities and uses. To achieve a variety of rural densities
31 and uses, counties may provide for clustering, density transfer, design
32 guidelines, conservation easements, and other innovative techniques
33 that will accommodate appropriate rural densities and uses that are not
34 characterized by urban growth and that are consistent with rural
35 character.

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

- 1 (i) Containing or otherwise controlling rural development;
- 2 (ii) Assuring visual compatibility of rural development with the
3 surrounding rural area;
- 4 (iii) Reducing the inappropriate conversion of undeveloped land
5 into sprawling, low-density development in the rural area;
- 6 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
7 surface water and ground water resources; and
- 8 (v) Protecting against conflicts with the use of agricultural,
9 forest, and mineral resource lands designated under RCW 36.70A.170.
- 10 (d) Limited areas of more intensive rural development. Subject to
11 the requirements of this subsection and except as otherwise
12 specifically provided in this subsection (5)(d), the rural element may
13 allow for limited areas of more intensive rural development, including
14 necessary public facilities and public services to serve the limited
15 area as follows:
 - 16 (i) Rural development consisting of the infill, development, or
17 redevelopment of existing commercial, industrial, residential, or
18 mixed-use areas, whether characterized as shoreline development,
19 villages, hamlets, rural activity centers, or crossroads developments.
 - 20 (A) A commercial, industrial, residential, shoreline, or mixed-use
21 area shall be subject to the requirements of (d)(iv) of this
22 subsection, but shall not be subject to the requirements of (c)(ii) and
23 (iii) of this subsection.
 - 24 (B) Any development or redevelopment other than an industrial area
25 or an industrial use within a mixed-use area or an industrial area
26 under this subsection (5)(d)(i) must be principally designed to serve
27 the existing and projected rural population.
 - 28 (C) Any development or redevelopment in terms of building size,
29 scale, use, or intensity shall be consistent with the character of the
30 existing areas. Development and redevelopment may include changes in
31 use from vacant land or a previously existing use so long as the new
32 use conforms to the requirements of this subsection (5);
 - 33 (ii) The intensification of development on lots containing, or new
34 development of, small-scale recreational or tourist uses, including
35 commercial facilities to serve those recreational or tourist uses, that
36 rely on a rural location and setting, but that do not include new
37 residential development. A small-scale recreation or tourist use is
38 not required to be principally designed to serve the existing and

1 projected rural population. Public services and public facilities
2 shall be limited to those necessary to serve the recreation or tourist
3 use and shall be provided in a manner that does not permit low-density
4 sprawl;

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

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

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

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

5 (B) On the date the county adopted a resolution under RCW
6 36.70A.040(2), in a county that is planning under all of the provisions
7 of this chapter under RCW 36.70A.040(2); or

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

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

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

18 (a) The transportation element shall include the following
19 subelements:

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

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

26 (iii) Facilities and services needs, including:

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

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

36 (C) For state-owned transportation facilities, level of service
37 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
38 to gauge the performance of the system. The purposes of reflecting

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

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

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

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

22 (iv) Finance, including:

23 (A) An analysis of funding capability to judge needs against
24 probable funding resources;

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

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

37 (v) Intergovernmental coordination efforts, including an assessment

1 of the impacts of the transportation plan and land use assumptions on
2 the transportation systems of adjacent jurisdictions;

3 (vi) Demand-management strategies;

4 (vii) Pedestrian and bicycle component to include collaborative
5 efforts to identify and designate planned improvements for pedestrian
6 and bicycle facilities and corridors that address and encourage
7 enhanced community access and promote healthy lifestyles.

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

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

28 (7) An economic development element establishing local goals,
29 policies, objectives, and provisions for economic growth and vitality
30 and a high quality of life. The element shall include: (a) A summary
31 of the local economy such as population, employment, payroll, sectors,
32 businesses, sales, and other information as appropriate; (b) a summary
33 of the strengths and weaknesses of the local economy defined as the
34 commercial and industrial sectors and supporting factors such as land
35 use, transportation, utilities, education, work force, housing, and
36 natural/cultural resources; and (c) an identification of policies,
37 programs, and projects to foster economic growth and development and to

1 address future needs. A city that has chosen to be a residential
2 community is exempt from the economic development element requirement
3 of this subsection.

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

11 (9) It is the intent that new or amended elements required after
12 January 1, 2002, be adopted concurrent with the scheduled update
13 provided in RCW 36.70A.130. Requirements to incorporate any such new
14 or amended elements shall be null and void until funds sufficient to
15 cover applicable local government costs are appropriated and
16 distributed by the state at least two years before local government
17 must update comprehensive plans as required in RCW 36.70A.130.

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