

ESHB 1232 - S COMM AMD

By Committee on Housing & Local Government

NOT CONSIDERED 04/26/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
4 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

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

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

29 (2) A housing element ensuring the vitality and character of
30 established residential neighborhoods that: (a) Includes an inventory
31 and analysis of existing and projected housing needs that identifies
32 the number of housing units necessary to manage projected growth; (b)

1 includes a statement of goals, policies, objectives, and mandatory
2 provisions for the preservation, improvement, and development of
3 housing, including single-family residences, and within an urban
4 growth area boundary, single-family residences such as single-family
5 detached dwellings, duplexes, triplexes, and townhomes; (c)
6 identifies sufficient land for housing, including, but not limited
7 to, government-assisted housing, housing for low-income families,
8 manufactured housing, multifamily housing, ~~((and))~~ group homes and
9 foster care facilities, single-family residences, and within an urban
10 growth area boundary, single-family residences such as single-family
11 detached dwellings, duplexes, triplexes, and townhomes; and (d) makes
12 adequate provisions for existing and projected needs of all economic
13 segments of the community, including consideration of housing
14 locations in relation to employment locations. In counties and cities
15 subject to the review and evaluation requirements of RCW 36.70A.215,
16 any revision to the housing element shall include consideration of
17 prior review and evaluation reports and any reasonable measures
18 identified. The housing element should link jurisdictional goals with
19 overall county goals to ensure that the housing element goals are
20 met. If a county or city does not plan for each housing type
21 identified in this subsection, including, within an urban growth area
22 boundary, single-family residences such as single-family detached
23 dwellings, duplexes, triplexes, and townhomes, then the applicable
24 countywide planning policy required under RCW 36.70A.210 must provide
25 for how the county, as a whole, and its cities will meet the existing
26 and projected housing needs of all economic segments of the community
27 during the planning period. The planning, development, and other
28 requirements of this subsection related to duplexes, triplexes, and
29 townhomes within an urban growth area boundary do not apply to a
30 county or city that is not subject to the review and evaluation
31 requirements of RCW 36.70A.215 if the county or city adopts findings
32 and provides evidence that the current infrastructure within an urban
33 growth area boundary is not capable of supporting such development or
34 that there is little likelihood that infrastructure will be built to
35 support such development within the 20-year planning period.

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
39 forecast of the future needs for such capital facilities; (c) the
40 proposed locations and capacities of expanded or new capital

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

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

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

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

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

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

37 (i) Containing or otherwise controlling rural development;

38 (ii) Assuring visual compatibility of rural development with the
39 surrounding rural area;

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

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

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

7 (d) Limited areas of more intensive rural development. Subject to
8 the requirements of this subsection and except as otherwise
9 specifically provided in this subsection (5)(d), the rural element
10 may allow for limited areas of more intensive rural development,
11 including necessary public facilities and public services to serve
12 the limited area as follows:

13 (i) Rural development consisting of the infill, development, or
14 redevelopment of existing commercial, industrial, residential, or
15 mixed-use areas, whether characterized as shoreline development,
16 villages, hamlets, rural activity centers, or crossroads
17 developments.

18 (A) A commercial, industrial, residential, shoreline, or mixed-
19 use area are subject to the requirements of (d)(iv) of this
20 subsection, but are not subject to the requirements of (c)(ii) and
21 (iii) of this subsection.

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

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

31 (ii) The intensification of development on lots containing, or
32 new development of, small-scale recreational or tourist uses,
33 including commercial facilities to serve those recreational or
34 tourist uses, that rely on a rural location and setting, but that do
35 not include new residential development. A small-scale recreation or
36 tourist use is not required to be principally designed to serve the
37 existing and projected rural population. Public services and public
38 facilities shall be limited to those necessary to serve the
39 recreation or tourist use and shall be provided in a manner that does
40 not permit low-density sprawl;

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

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

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

23 (iii) Facilities and services needs, including:

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

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

33 (C) For state-owned transportation facilities, level of service
34 standards for highways, as prescribed in chapters 47.06 and 47.80
35 RCW, to gauge the performance of the system. The purposes of
36 reflecting level of service standards for state highways in the local
37 comprehensive plan are to monitor the performance of the system, to
38 evaluate improvement strategies, and to facilitate coordination
39 between the county's or city's six-year street, road, or transit
40 program and the office of financial management's ten-year investment

1 program. The concurrency requirements of (b) of this subsection do
2 not apply to transportation facilities and services of statewide
3 significance except for counties consisting of islands whose only
4 connection to the mainland are state highways or ferry routes. In
5 these island counties, state highways and ferry route capacity must
6 be a factor in meeting the concurrency requirements in (b) of this
7 subsection;

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

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

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

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against
20 probable funding resources;

21 (B) A multiyear financing plan based on the needs identified in
22 the comprehensive plan, the appropriate parts of which shall serve as
23 the basis for the six-year street, road, or transit program required
24 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
25 35.58.2795 for public transportation systems. The multiyear financing
26 plan should be coordinated with the ten-year investment program
27 developed by the office of financial management as required by RCW
28 47.05.030;

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

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

36 (vi) Demand-management strategies;

37 (vii) Pedestrian and bicycle component to include collaborative
38 efforts to identify and designate planned improvements for pedestrian
39 and bicycle facilities and corridors that address and encourage
40 enhanced community access and promote healthy lifestyles.

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

19 (c) The transportation element described in this subsection (6),
20 the six-year plans required by RCW 35.77.010 for cities, RCW
21 36.81.121 for counties, and RCW 35.58.2795 for public transportation
22 systems, and the ten-year investment program required by RCW
23 47.05.030 for the state, must be consistent.

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

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 **Sec. 2.** RCW 36.70A.210 and 2009 c 121 s 2 are each amended to
4 read as follows:

5 (1) The legislature recognizes that counties are regional
6 governments within their boundaries, and cities are primary providers
7 of urban governmental services within urban growth areas. For the
8 purposes of this section, a "countywide planning policy" is a written
9 policy statement or statements used solely for establishing a
10 countywide framework from which county and city comprehensive plans
11 are developed and adopted pursuant to this chapter. This framework
12 shall ensure that city and county comprehensive plans are consistent
13 as required in RCW 36.70A.100. Nothing in this section shall be
14 construed to alter the land-use powers of cities.

15 (2) The legislative authority of a county that plans under RCW
16 36.70A.040 shall adopt a countywide planning policy in cooperation
17 with the cities located in whole or in part within the county (~~as~~
18 ~~follows:~~

19 ~~(a) No later than sixty calendar days from July 16, 1991, the~~
20 ~~legislative authority of each county that as of June 1, 1991, was~~
21 ~~required or chose to plan under RCW 36.70A.040 shall convene a~~
22 ~~meeting with representatives of each city located within the county~~
23 ~~for the purpose of establishing a collaborative process that will~~
24 ~~provide a framework for the adoption of a countywide planning policy.~~
25 ~~In other counties that are required or choose to plan under RCW~~
26 ~~36.70A.040, this meeting shall be convened no later than sixty days~~
27 ~~after the date the county adopts its resolution of intention or was~~
28 ~~certified by the office of financial management.~~

29 ~~(b) The process and framework for adoption of a countywide~~
30 ~~planning policy specified in (a) of this subsection shall determine~~
31 ~~the manner in which the county and the cities agree to all procedures~~
32 ~~and provisions including but not limited to desired planning~~
33 ~~policies, deadlines, ratification of final agreements and~~
34 ~~demonstration thereof, and financing, if any, of all activities~~
35 ~~associated therewith.~~

36 ~~(c) If a county fails for any reason to convene a meeting with~~
37 ~~representatives of cities as required in (a) of this subsection, the~~
38 ~~governor may immediately impose any appropriate sanction or sanctions~~
39 ~~on the county from those specified under RCW 36.70A.340.~~

1 ~~(d) If there is no agreement by October 1, 1991, in a county that~~
2 ~~was required or chose to plan under RCW 36.70A.040 as of June 1,~~
3 ~~1991, or if there is no agreement within one hundred twenty days of~~
4 ~~the date the county adopted its resolution of intention or was~~
5 ~~certified by the office of financial management in any other county~~
6 ~~that is required or chooses to plan under RCW 36.70A.040, the~~
7 ~~governor shall first inquire of the jurisdictions as to the reason or~~
8 ~~reasons for failure to reach an agreement. If the governor deems it~~
9 ~~appropriate, the governor may immediately request the assistance of~~
10 ~~the department of community, trade, and economic development to~~
11 ~~mediate any disputes that preclude agreement. If mediation is~~
12 ~~unsuccessful in resolving all disputes that will lead to agreement,~~
13 ~~the governor may impose appropriate sanctions from those specified~~
14 ~~under RCW 36.70A.340 on the county, city, or cities for failure to~~
15 ~~reach an agreement as provided in this section. The governor shall~~
16 ~~specify the reason or reasons for the imposition of any sanction.~~

17 ~~(e) No later than July 1, 1992, the legislative authority of each~~
18 ~~county that was required or chose to plan under RCW 36.70A.040 as of~~
19 ~~June 1, 1991, or no later than fourteen months after the date the~~
20 ~~county adopted its resolution of intention or was certified by the~~
21 ~~office of financial management the county legislative authority of~~
22 ~~any other county that is required or chooses to plan under RCW~~
23 ~~36.70A.040, shall adopt a countywide planning policy according to the~~
24 ~~process provided under this section and that is consistent with the~~
25 ~~agreement pursuant to (b) of this subsection, and after holding a~~
26 ~~public hearing or hearings on the proposed countywide planning~~
27 ~~policy)). The countywide planning policy must be updated prior to any~~
28 ~~update of a comprehensive plan as required under RCW 36.70A.130.~~

29 (3) A countywide planning policy shall at a minimum, address the
30 following:

31 (a) Policies to implement RCW 36.70A.110;

32 (b) Policies for promotion of contiguous and orderly development
33 and provision of urban services to such development;

34 (c) Policies for siting public capital facilities of a countywide
35 or statewide nature, including transportation facilities of statewide
36 significance as defined in RCW 47.06.140;

37 (d) Policies for countywide transportation facilities and
38 strategies;

39 (e) Policies that consider the need for affordable housing, such
40 as housing for all economic segments of the population and parameters

1 for its distribution, and to address how the county and its cities
2 will jointly meet the requirements to consider all housing types
3 identified in RCW 36.70A.070(2), including, within an urban growth
4 area boundary, single-family residences such as single-family
5 detached dwellings, duplexes, triplexes, and townhomes. Such policies
6 must address how the combined efforts of the county and its cities
7 will ensure the housing element requirements in RCW 36.70A.070(2) are
8 met as the county and each city update their comprehensive plans. The
9 requirements of this subsection related to considering duplexes,
10 triplexes, and townhomes within an urban growth area boundary do not
11 apply to a county or city that is not subject to the review and
12 evaluation requirements of RCW 36.70A.215 if the county or city has
13 adopted findings and provided evidence as provided for in RCW
14 36.70A.070(2) that the current infrastructure within an urban growth
15 area boundary is not capable of supporting such development or that
16 there is little likelihood that infrastructure will be built to
17 support such development within the 20-year planning period;

18 (f) Policies for joint county and city planning within urban
19 growth areas;

20 (g) Policies for countywide economic development and employment,
21 which must include consideration of the future development of
22 commercial and industrial facilities; and

23 (h) An analysis of the fiscal impact.

24 (4) Federal agencies and Indian tribes may participate in and
25 cooperate with the countywide planning policy adoption process.
26 Adopted countywide planning policies shall be adhered to by state
27 agencies.

28 (5) Failure to adopt a countywide planning policy that meets the
29 requirements of this section may result in the imposition of a
30 sanction or sanctions on a county or city within the county, as
31 specified in RCW 36.70A.340. In imposing a sanction or sanctions, the
32 governor shall specify the reasons for failure to adopt a countywide
33 planning policy in order that any imposed sanction or sanctions are
34 fairly and equitably related to the failure to adopt a countywide
35 planning policy.

36 (6) Cities and the governor may appeal an adopted countywide
37 planning policy to the growth management hearings board within sixty
38 days of the adoption of the countywide planning policy.

39 (7) Multicounty planning policies shall be adopted by two or more
40 counties, each with a population of four hundred fifty thousand or

1 more, with contiguous urban areas and may be adopted by other
2 counties, according to the process established under this section or
3 other processes agreed to among the counties and cities within the
4 affected counties throughout the multicounty region."

ESHB 1232 - S COMM AMD

By Committee on Housing & Local Government

NOT CONSIDERED 04/26/2021

5 On page 1, line 2 of the title, after "act;" strike the remainder
6 of the title and insert "amending RCW 36.70A.210; and reenacting and
7 amending RCW 36.70A.070."

EFFECT: (1) Removes the 14-month deadline in which countywide
planning policies must be updated before any update of the
comprehensive plan.

(2) Removes the requirement that countywide planning policies
under the GMA address how the counties and their cities will jointly
meet the requirements of the land-use element under the comprehensive
plan.

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