

ESSB 5275 - S AMD 930

By Senator Short

ADOPTED 01/26/2022

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

3 **"Sec. 1.** RCW 36.70A.070 and 2021 c 254 s 2 are each amended to
4 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:

31 (a) Includes an inventory and analysis of existing and projected
32 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

7 (b) Includes a statement of goals, policies, objectives, and
8 mandatory provisions for the preservation, improvement, and
9 development of housing, including single-family residences, and
10 within an urban growth area boundary, moderate density housing
11 options including(~~(+)~~), but not limited to, duplexes, triplexes,
12 and townhomes;

13 (c) Identifies sufficient capacity of land for housing including,
14 but not limited to, government-assisted housing, housing for
15 moderate, low, very low, and extremely low-income households,
16 manufactured housing, multifamily housing, group homes, foster care
17 facilities, emergency housing, emergency shelters, permanent
18 supportive housing, and within an urban growth area boundary,
19 consideration of duplexes, triplexes, and townhomes;

20 (d) Makes adequate provisions for existing and projected needs of
21 all economic segments of the community, including:

22 (i) Incorporating consideration for low, very low, extremely low,
23 and moderate-income households;

24 (ii) Documenting programs and actions needed to achieve housing
25 availability including gaps in local funding, barriers such as
26 development regulations, and other limitations;

27 (iii) Consideration of housing locations in relation to
28 employment location; and

29 (iv) Consideration of the role of accessory dwelling units in
30 meeting housing needs;

31 (e) Identifies local policies and regulations that result in
32 racially disparate impacts, displacement, and exclusion in housing,
33 including:

34 (i) Zoning that may have a discriminatory effect;

35 (ii) Disinvestment; and

36 (iii) Infrastructure availability;

37 (f) Identifies and implements policies and regulations to address
38 and begin to undo racially disparate impacts, displacement, and
39 exclusion in housing caused by local policies, plans, and actions;

1 (g) Identifies areas that may be at higher risk of displacement
2 from market forces that occur with changes to zoning development
3 regulations and capital investments; and

4 (h) Establishes antidisplacement policies, with consideration
5 given to the preservation of historical and cultural communities as
6 well as investments in low, very low, extremely low, and moderate-
7 income housing; equitable development initiatives; inclusionary
8 zoning; community planning requirements; tenant protections; land
9 disposition policies; and consideration of land that may be used for
10 affordable housing.

11 In counties and cities subject to the review and evaluation
12 requirements of RCW 36.70A.215, any revision to the housing element
13 shall include consideration of prior review and evaluation reports
14 and any reasonable measures identified. The housing element should
15 link jurisdictional goals with overall county goals to ensure that
16 the housing element goals are met.

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

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

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

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses,
8 essential public facilities, and rural governmental services needed
9 to serve the permitted densities and uses. To achieve a variety of
10 rural densities and uses, counties may provide for clustering,
11 density transfer, design guidelines, conservation easements, and
12 other innovative techniques that will accommodate appropriate rural
13 economic advancement, densities, and uses that are not characterized
14 by urban growth and that are consistent with rural character.

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

18 (i) Containing or otherwise controlling rural development;

19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;

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

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

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

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element
30 may allow for limited areas of more intensive rural development,
31 including necessary public facilities and public services to serve
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or
34 redevelopment of existing commercial, industrial, residential, or
35 mixed-use areas, whether characterized as shoreline development,
36 villages, hamlets, rural activity centers, or crossroads
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

1 subsection, but are not subject to the requirements of (c)(ii) and
2 (iii) of this subsection.

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

7 (C) Any development or redevelopment in terms of building size,
8 scale, use, or intensity (~~(shall be consistent with the character of~~
9 ~~the existing areas)~~) may be permitted subject to confirmation from
10 all existing providers of public facilities and public services of
11 sufficient capacity of existing public facilities and public services
12 to serve any new or additional demand from the new development or
13 redevelopment. Development and redevelopment may include changes in
14 use from vacant land or a previously existing use so long as the new
15 use conforms to the requirements of this subsection (5) and is
16 consistent with the local character. Any commercial development or
17 redevelopment within a mixed-use area must be principally designed to
18 serve the existing and projected rural population and must meet the
19 following requirements:

20 (I) Any included retail or food service space must not exceed the
21 footprint of previously occupied space or 5,000 square feet,
22 whichever is greater, for the same or similar use; and

23 (II) Any included retail or food service space must not exceed
24 2,500 square feet for a new use;

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

35 (iii) The intensification of development on lots containing
36 isolated nonresidential uses or new development of isolated cottage
37 industries and isolated small-scale businesses that are not
38 principally designed to serve the existing and projected rural
39 population and nonresidential uses, but do provide job opportunities
40 for rural residents. Rural counties may allow the expansion of small-

1 scale businesses as long as those small-scale businesses conform with
2 the rural character of the area as defined by the local government
3 according to RCW 36.70A.030(23). Rural counties may also allow new
4 small-scale businesses to utilize a site previously occupied by an
5 existing business as long as the new small-scale business conforms to
6 the rural character of the area as defined by the local government
7 according to RCW 36.70A.030(23). Public services and public
8 facilities shall be limited to those necessary to serve the isolated
9 nonresidential use and shall be provided in a manner that does not
10 permit low-density sprawl;

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

29 (v) For purposes of this subsection (5)(d) (~~(of this~~
30 ~~subsection)~~), an existing area or existing use is one that was in
31 existence:

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

34 (B) On the date the county adopted a resolution under RCW
35 36.70A.040(2), in a county that is planning under all of the
36 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

7 (a) The transportation element shall include the following
8 subelements:

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

10 (ii) Estimated traffic impacts to state-owned transportation
11 facilities resulting from land use assumptions to assist the
12 department of transportation in monitoring the performance of state
13 facilities, to plan improvements for the facilities, and to assess
14 the impact of land-use decisions on state-owned transportation
15 facilities;

16 (iii) Facilities and services needs, including:

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

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

26 (C) For state-owned transportation facilities, level of service
27 standards for highways, as prescribed in chapters 47.06 and 47.80
28 RCW, to gauge the performance of the system. The purposes of
29 reflecting level of service standards for state highways in the local
30 comprehensive plan are to monitor the performance of the system, to
31 evaluate improvement strategies, and to facilitate coordination
32 between the county's or city's six-year street, road, or transit
33 program and the office of financial management's ten-year investment
34 program. The concurrency requirements of (b) of this subsection do
35 not apply to transportation facilities and services of statewide
36 significance except for counties consisting of islands whose only
37 connection to the mainland are state highways or ferry routes. In
38 these island counties, state highways and ferry route capacity must
39 be a factor in meeting the concurrency requirements in (b) of this
40 subsection;

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

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

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

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in
15 the comprehensive plan, the appropriate parts of which shall serve as
16 the basis for the six-year street, road, or transit program required
17 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
18 35.58.2795 for public transportation systems. The multiyear financing
19 plan should be coordinated with the ten-year investment program
20 developed by the office of financial management as required by RCW
21 47.05.030;

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

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

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service
38 on a locally owned transportation facility to decline below the
39 standards adopted in the transportation element of the comprehensive
40 plan, unless transportation improvements or strategies to accommodate

1 the impacts of development are made concurrent with the development.
2 These strategies may include increased public transportation service,
3 ride-sharing programs, demand management, and other transportation
4 systems management strategies. For the purposes of this subsection
5 (6), "concurrent with the development" means that improvements or
6 strategies are in place at the time of development, or that a
7 financial commitment is in place to complete the improvements or
8 strategies within six years. If the collection of impact fees is
9 delayed under RCW 82.02.050(3), the six-year period required by this
10 subsection (6)(b) must begin after full payment of all impact fees is
11 due to the county or city.

12 (c) The transportation element described in this subsection (6),
13 the six-year plans required by RCW 35.77.010 for cities, RCW
14 36.81.121 for counties, and RCW 35.58.2795 for public transportation
15 systems, and the ten-year investment program required by RCW
16 47.05.030 for the state, must be consistent.

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

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

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

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1 On page 1, line 2 of the title, after "development;" strike the
2 remainder of the title and insert "and amending RCW 36.70A.070."

EFFECT: Provides technical changes by updating the underlying language of the amended statute.

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