
HOUSE BILL 1233

State of Washington **67th Legislature** **2021 Regular Session**

By Representatives Barkis, Griffey, and Eslick

Read first time 01/18/21. Referred to Committee on Local Government.

1 AN ACT Relating to limited areas of more intensive rural
2 development; and reenacting and amending RCW 36.70A.070.

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

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

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

15 (1) A land use element designating the proposed general
16 distribution and general location and extent of the uses of land,
17 where appropriate, for agriculture, timber production, housing,
18 commerce, industry, recreation, open spaces, general aviation
19 airports, public utilities, public facilities, and other land uses.
20 The land use element shall include population densities, building
21 intensities, and estimates of future population growth. The land use

1 element shall provide for protection of the quality and quantity of
2 groundwater used for public water supplies. Wherever possible, the
3 land use element should consider utilizing urban planning approaches
4 that promote physical activity. Where applicable, the land use
5 element shall review drainage, flooding, and stormwater runoff in the
6 area and nearby jurisdictions and provide guidance for corrective
7 actions to mitigate or cleanse those discharges that pollute waters
8 of the state, including Puget Sound or waters entering Puget Sound.

9 (2) A housing element ensuring the vitality and character of
10 established residential neighborhoods that: (a) Includes an inventory
11 and analysis of existing and projected housing needs that identifies
12 the number of housing units necessary to manage projected growth; (b)
13 includes a statement of goals, policies, objectives, and mandatory
14 provisions for the preservation, improvement, and development of
15 housing, including single-family residences; (c) identifies
16 sufficient land for housing, including, but not limited to,
17 government-assisted housing, housing for low-income families,
18 manufactured housing, multifamily housing, and group homes and foster
19 care facilities; and (d) makes adequate provisions for existing and
20 projected needs of all economic segments of the community. In
21 counties and cities subject to the review and evaluation requirements
22 of RCW 36.70A.215, any revision to the housing element shall include
23 consideration of prior review and evaluation reports and any
24 reasonable measures identified.

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
31 capital facilities within projected funding capacities and clearly
32 identifies sources of public money for such purposes; and (e) a
33 requirement to reassess the land use element if probable funding
34 falls short of meeting existing needs and to ensure that the land use
35 element, capital facilities plan element, and financing plan within
36 the capital facilities plan element are coordinated and consistent.
37 Park and recreation facilities shall be included in the capital
38 facilities plan element.

39 (4) A utilities element consisting of the general location,
40 proposed location, and capacity of all existing and proposed

1 utilities, including, but not limited to, electrical lines,
2 telecommunication lines, and natural gas lines.

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

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

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

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

26 (i) Containing or otherwise controlling rural development;

27 (ii) Assuring visual compatibility of rural development with the
28 surrounding rural area;

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

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

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

35 (d) Limited areas of more intensive rural development. Subject to
36 the requirements of this subsection and except as otherwise
37 specifically provided in this subsection (5)(d), the rural element
38 and development regulations may allow for limited areas of more
39 intensive rural development, including necessary public facilities
40 and public services to serve the limited area as follows:

1 (i) Rural development consisting of the infill, development, or
2 redevelopment of existing commercial, industrial, residential, or
3 mixed-use areas, whether characterized as shoreline development,
4 villages, hamlets, rural activity centers, or crossroads
5 developments.

6 (A) A commercial, industrial, residential, shoreline, or mixed-
7 use area are subject to the requirements of (d)(iv) of this
8 subsection, but are not subject to the requirements of (c)(ii) and
9 (iii) of this subsection.

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

14 (C) Any development or redevelopment in terms of building size,
15 scale, use, or intensity shall be determined by the county through
16 development regulations consistent with the character of the existing
17 areas. Development and redevelopment (~~may include changes in use~~
18 ~~from vacant land or a previously existing use~~) to new uses is
19 allowed as defined by local development regulations so long as the
20 new use conforms to the requirements of this subsection (5);

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

32 (iii) The intensification of development on lots containing
33 isolated nonresidential uses or new development of isolated cottage
34 industries and isolated small-scale businesses that are not
35 principally designed to serve the existing and projected rural
36 population and nonresidential uses, but do provide job opportunities
37 for rural residents. Rural counties may allow the expansion of small-
38 scale businesses as long as those small-scale businesses conform with
39 the rural character of the area as defined by the local government
40 according to RCW 36.70A.030(~~(+16)~~) (20). Rural counties may also

1 allow new small-scale businesses to utilize a site previously
2 occupied by an existing business as long as the new small-scale
3 business conforms to the rural character of the area as defined by
4 the local government according to RCW 36.70A.030(~~((+16))~~) (20). Public
5 services and public facilities shall be limited to those necessary to
6 serve the isolated nonresidential use and shall be provided in a
7 manner that does not permit low-density sprawl;

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

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

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

30 ~~(B) On the date the county adopted a resolution under RCW~~
31 ~~36.70A.040(2), in a county that is planning under all of the~~
32 ~~provisions of this chapter under RCW 36.70A.040(2); or~~

33 ~~(C) On the date the office of financial management certifies the~~
34 ~~county's population as provided in RCW 36.70A.040(5), in a county~~
35 ~~that is planning under all of the provisions of this chapter pursuant~~
36 ~~to RCW 36.70A.040(5)) by the local government. A local government~~
37 may consider several factors when defining the logical outer
38 boundary, including but not limited to the existing built
39 environment, physical boundaries such as bodies of water and streets
40 and highways, and land forms and contours. A local government may

1 also consider the needs of the surrounding rural community, proximity
2 of the nearest urban growth area where services may be obtained, the
3 need for services in the rural area, and historic growth patterns.
4 Undeveloped and underdeveloped land may be included within a limited
5 area of more intensive rural development. A local government may also
6 connect two geographically separated limited areas of more intensive
7 rural development if the local government determines that other
8 factors should be considered in determining the logical outer
9 boundary. The boundary of a limited area of more intensive rural
10 development established pursuant to (d)(i) of this subsection may
11 also be expanded by a local government, in addition to connecting two
12 limited areas of more intensive rural development, in order to
13 primarily serve the needs of the existing rural population.

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

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

20 (a) The transportation element shall include the following
21 subelements:

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

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

29 (iii) Facilities and services needs, including:

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

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

39 (C) For state-owned transportation facilities, level of service
40 standards for highways, as prescribed in chapters 47.06 and 47.80

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

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

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

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

24 (iv) Finance, including:

25 (A) An analysis of funding capability to judge needs against
26 probable funding resources;

27 (B) A multiyear financing plan based on the needs identified in
28 the comprehensive plan, the appropriate parts of which shall serve as
29 the basis for the six-year street, road, or transit program required
30 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
31 35.58.2795 for public transportation systems. The multiyear financing
32 plan should be coordinated with the ten-year investment program
33 developed by the office of financial management as required by RCW
34 47.05.030;

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

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

4 (vi) Demand-management strategies;

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

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
13 on a locally owned transportation facility to decline below the
14 standards adopted in the transportation element of the comprehensive
15 plan, unless transportation improvements or strategies to accommodate
16 the impacts of development are made concurrent with the development.
17 These strategies may include increased public transportation service,
18 ride-sharing programs, demand management, and other transportation
19 systems management strategies. For the purposes of this subsection
20 (6), "concurrent with the development" means that improvements or
21 strategies are in place at the time of development, or that a
22 financial commitment is in place to complete the improvements or
23 strategies within six years. If the collection of impact fees is
24 delayed under RCW 82.02.050(3), the six-year period required by this
25 subsection (6)(b) must begin after full payment of all impact fees is
26 due to the county or city.

27 (c) The transportation element described in this subsection (6),
28 the six-year plans required by RCW 35.77.010 for cities, RCW
29 36.81.121 for counties, and RCW 35.58.2795 for public transportation
30 systems, and the ten-year investment program required by RCW
31 47.05.030 for the state, must be consistent.

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

37 (8) A park and recreation element that implements, and is
38 consistent with, the capital facilities plan element as it relates to
39 park and recreation facilities. The element shall include: (a)
40 Estimates of park and recreation demand for at least a ten-year

1 period; (b) an evaluation of facilities and service needs; and (c) an
2 evaluation of intergovernmental coordination opportunities to provide
3 regional approaches for meeting park and recreational demand.

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

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