
SENATE BILL 5275

State of Washington

67th Legislature

2021 Regular Session

By Senators Short, Lovelett, Das, Wellman, and Wilson, C.

Read first time 01/19/21. Referred to Committee on Housing & Local Government.

1 AN ACT Relating to enhancing opportunity in limited areas of more
2 intense rural development; reenacting and amending RCW 36.70A.070;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Affordable housing in rural areas for
6 essential public employees such as teachers, nurses, and other public
7 servants is in high demand. Rural counties in Washington are
8 struggling to meet these demands as well as comply with the
9 restrictions of the rural element of the growth management act. This
10 inability to increase development has led to a housing shortage even
11 in rural areas.

12 Limited areas of more intense rural development were instituted
13 at the first passage of the growth management act in the 1990's.
14 These areas are confined by a boundary set almost 30 years ago. Rural
15 counties have struggled to develop under the growth management act.
16 It is almost impossible for these counties to react to development
17 pressures and societal pressures for housing and jobs under these
18 conditions. The legislature finds that reform is necessary.
19 Additionally, the legislature finds that providing flexibility with
20 regard to the uses allowed within the boundary may alleviate some of
21 these struggles. The legislature finds that it is important for rural

1 counties to adopt creative solutions to the conflicts caused by
2 development pressures.

3 **Sec. 2.** 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)
33 includes a statement of goals, policies, objectives, and mandatory
34 provisions for the preservation, improvement, and development of
35 housing, including single-family residences; (c) identifies
36 sufficient land for housing, including, but not limited to,
37 government-assisted housing, housing for low-income families,
38 manufactured housing, multifamily housing, and group homes and foster
39 care facilities; and (d) makes adequate provisions for existing and

1 projected needs of all economic segments of the community. In
2 counties and cities subject to the review and evaluation requirements
3 of RCW 36.70A.215, any revision to the housing element shall include
4 consideration of prior review and evaluation reports and any
5 reasonable measures identified.

6 (3) A capital facilities plan element consisting of: (a) An
7 inventory of existing capital facilities owned by public entities,
8 showing the locations and capacities of the capital facilities; (b) a
9 forecast of the future needs for such capital facilities; (c) the
10 proposed locations and capacities of expanded or new capital
11 facilities; (d) at least a six-year plan that will finance such
12 capital facilities within projected funding capacities and clearly
13 identifies sources of public money for such purposes; and (e) a
14 requirement to reassess the land use element if probable funding
15 falls short of meeting existing needs and to ensure that the land use
16 element, capital facilities plan element, and financing plan within
17 the capital facilities plan element are coordinated and consistent.
18 Park and recreation facilities shall be included in the capital
19 facilities plan element.

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

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

28 (a) Growth management act goals and local circumstances. Because
29 circumstances vary from county to county, in establishing patterns of
30 rural densities and uses, a county may consider local circumstances,
31 but shall develop a written record explaining how the rural element
32 harmonizes the planning goals in RCW 36.70A.020 and meets the
33 requirements of this chapter.

34 (b) Rural development. The rural element shall permit rural
35 development, forestry, and agriculture in rural areas. The rural
36 element shall provide for a variety of rural densities, uses,
37 essential public facilities, and rural governmental services needed
38 to serve the permitted densities and uses. To achieve a variety of
39 rural densities and uses, counties may provide for clustering,
40 density transfer, design guidelines, conservation easements, and

1 other innovative techniques that will accommodate appropriate rural
2 economic advancement, densities, and uses that are not characterized
3 by urban growth and that are consistent with rural character.

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

7 (i) Containing or otherwise controlling rural development;

8 (ii) Assuring visual compatibility of rural development with the
9 surrounding rural area;

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

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

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

16 (d) Limited areas of more intensive rural development. Subject to
17 the requirements of this subsection and except as otherwise
18 specifically provided in this subsection (5)(d), the rural element
19 may allow for limited areas of more intensive rural development,
20 including necessary public facilities and public services to serve
21 the limited area as follows:

22 (i) Rural development consisting of the infill, development, or
23 redevelopment of existing commercial, industrial, residential, or
24 mixed-use areas, whether characterized as shoreline development,
25 villages, hamlets, rural activity centers, or crossroads
26 developments.

27 (A) A commercial, industrial, residential, shoreline, or mixed-
28 use area are subject to the requirements of (d)(iv) of this
29 subsection, but are not subject to the requirements of (c)(ii) and
30 (iii) of this subsection.

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

35 (C) Any development or redevelopment in terms of building size,
36 scale, use, or intensity (~~(shall be consistent with the character of~~
37 ~~the existing areas)~~) may be permitted subject to confirmation from
38 all existing providers of public facilities and public services of
39 sufficient capacity of existing public facilities and public services
40 to serve any new or additional demand from the new development or

1 redevelopment. Development and redevelopment may include changes in
2 use from vacant land or a previously existing use so long as the new
3 use conforms to the requirements of this subsection (5) and is
4 consistent with the local character;

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

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

31 (iv) A county shall adopt measures to minimize and contain the
32 existing areas (~~((or—uses))~~) of more intensive rural development, as
33 appropriate, authorized under this subsection. Lands included in such
34 existing areas (~~((or—uses))~~) shall not extend beyond the logical outer
35 boundary of the existing area (~~((or—use))~~), thereby allowing a new
36 pattern of low-density sprawl. Existing areas are those that are
37 clearly identifiable and contained and where there is a logical
38 boundary delineated predominately by the built environment, but that
39 may also include undeveloped lands if limited as provided in this
40 subsection. The county shall establish the logical outer boundary of

1 an area of more intensive rural development. In establishing the
2 logical outer boundary, the county shall address (A) the need to
3 preserve the character of existing natural neighborhoods and
4 communities, (B) physical boundaries, such as bodies of water,
5 streets and highways, and land forms and contours, (C) the prevention
6 of abnormally irregular boundaries, and (D) the ability to provide
7 public facilities and public services in a manner that does not
8 permit low-density sprawl;

9 (v) In counties east of the Cascades, the logical outer boundary
10 of the existing area may include the existing utility service areas
11 and facilities pursuant to (d)(vi) of this subsection and consider
12 needed upgrades and replacement of related infrastructure including
13 the economies of scale for such service-related infrastructures and
14 affordability for rate payers.

15 (vi) For purposes of (d) of this subsection, an existing area or
16 existing use is one that was in existence:

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

19 (B) On the date the county adopted a resolution under RCW
20 36.70A.040(2), in a county that is planning under all of the
21 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

32 (a) The transportation element shall include the following
33 subelements:

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

35 (ii) Estimated traffic impacts to state-owned transportation
36 facilities resulting from land use assumptions to assist the
37 department of transportation in monitoring the performance of state
38 facilities, to plan improvements for the facilities, and to assess
39 the impact of land-use decisions on state-owned transportation
40 facilities;

1 (iii) Facilities and services needs, including:

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

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

11 (C) For state-owned transportation facilities, level of service
12 standards for highways, as prescribed in chapters 47.06 and 47.80
13 RCW, to gauge the performance of the system. The purposes of
14 reflecting level of service standards for state highways in the local
15 comprehensive plan are to monitor the performance of the system, to
16 evaluate improvement strategies, and to facilitate coordination
17 between the county's or city's six-year street, road, or transit
18 program and the office of financial management's ten-year investment
19 program. The concurrency requirements of (b) of this subsection do
20 not apply to transportation facilities and services of statewide
21 significance except for counties consisting of islands whose only
22 connection to the mainland are state highways or ferry routes. In
23 these island counties, state highways and ferry route capacity must
24 be a factor in meeting the concurrency requirements in (b) of this
25 subsection;

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

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

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

36 (iv) Finance, including:

37 (A) An analysis of funding capability to judge needs against
38 probable funding resources;

39 (B) A multiyear financing plan based on the needs identified in
40 the comprehensive plan, the appropriate parts of which shall serve as

1 the basis for the six-year street, road, or transit program required
2 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
3 35.58.2795 for public transportation systems. The multiyear financing
4 plan should be coordinated with the ten-year investment program
5 developed by the office of financial management as required by RCW
6 47.05.030;

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

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

14 (vi) Demand-management strategies;

15 (vii) Pedestrian and bicycle component to include collaborative
16 efforts to identify and designate planned improvements for pedestrian
17 and bicycle facilities and corridors that address and encourage
18 enhanced community access and promote healthy lifestyles.

19 (b) After adoption of the comprehensive plan by jurisdictions
20 required to plan or who choose to plan under RCW 36.70A.040, local
21 jurisdictions must adopt and enforce ordinances which prohibit
22 development approval if the development causes the level of service
23 on a locally owned transportation facility to decline below the
24 standards adopted in the transportation element of the comprehensive
25 plan, unless transportation improvements or strategies to accommodate
26 the impacts of development are made concurrent with the development.
27 These strategies may include increased public transportation service,
28 ride-sharing programs, demand management, and other transportation
29 systems management strategies. For the purposes of this subsection
30 (6), "concurrent with the development" means that improvements or
31 strategies are in place at the time of development, or that a
32 financial commitment is in place to complete the improvements or
33 strategies within six years. If the collection of impact fees is
34 delayed under RCW 82.02.050(3), the six-year period required by this
35 subsection (6)(b) must begin after full payment of all impact fees is
36 due to the county or city.

37 (c) The transportation element described in this subsection (6),
38 the six-year plans required by RCW 35.77.010 for cities, RCW
39 36.81.121 for counties, and RCW 35.58.2795 for public transportation

1 systems, and the ten-year investment program required by RCW
2 47.05.030 for the state, must be consistent.

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

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

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

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