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**SUBSTITUTE HOUSE BILL 1605**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Local Government & Housing (originally sponsored by Representatives Springer, Rodne, Hinkle, Takko, Anderson, Eddy, Lias, Sullivan, Upthegrove, and Simpson)

READ FIRST TIME 02/17/09.

1            AN ACT Relating to allocating projected population growth for  
2 planning purposes among cities sharing common borders and located in  
3 the same county for the purpose of addressing requirements in the land  
4 use and housing elements by designating and identifying land for  
5 residential and commercial, industrial, and other nonresidential  
6 development needs under the growth management act; amending RCW  
7 36.70A.070; and adding a new section to chapter 36.70A RCW.

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

9            NEW SECTION.    **Sec. 1.** A new section is added to chapter 36.70A RCW  
10 to read as follows:

11            Two or more cities sharing common borders and located in the same  
12 county, or two or more cities sharing a common border and located  
13 within adjacent counties, in coordination with countywide and  
14 multicounty planning bodies, may agree to establish a subregion in  
15 order to address housing and employment markets that cross  
16 jurisdictional boundaries through proposed amendments to each city's  
17 comprehensive plan and to countywide planning policies and multicounty  
18 policies. The policies proposed by the cities under this section may  
19 include, but are not limited to:

1 (1) Policies that reallocate among the cities in the subregion the  
2 population growth established for each local government under RCW  
3 36.70A.110;

4 (2) Policies that provide for a sufficient number of housing units  
5 to accommodate the existing housing needs and projected population  
6 growth in the subregion; and

7 (3) Policies that provide for sufficient land suitable for  
8 development to meet the needs for commercial and industrial growth in  
9 the subregion.

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

12 The comprehensive plan of a county or city that is required or  
13 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
14 and descriptive text covering objectives, principles, and standards  
15 used to develop the comprehensive plan. The plan shall be an  
16 internally consistent document and all elements shall be consistent  
17 with the future land use map. A comprehensive plan shall be adopted  
18 and amended with public participation as provided in RCW 36.70A.140.

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

21 (1) A land use element designating the proposed general  
22 distribution and general location and extent of the uses of land, where  
23 appropriate, for agriculture, timber production, housing, commerce,  
24 industry, recreation, open spaces, general aviation airports, public  
25 utilities, public facilities, and other land uses. The land use  
26 element shall include population densities, building intensities, and  
27 estimates of future population growth. Consistent with this subsection  
28 (1) and other provisions of this chapter, the land use element shall  
29 designate a sufficient quantity of land needed for residential uses  
30 and, as appropriate, for commercial, industrial, and other  
31 nonresidential uses. These designations must be consistent with the  
32 range of the growth management population projections made for counties  
33 by the office of financial management, projections that are allocated  
34 among counties and cities in accordance with RCW 36.70A.110. The land  
35 use element shall provide for protection of the quality and quantity of  
36 groundwater used for public water supplies. Wherever possible, the  
37 land use element should consider utilizing urban planning approaches

1 that promote physical activity. Where applicable, the land use element  
2 shall review drainage, flooding, and storm water run-off in the area  
3 and nearby jurisdictions and provide guidance for corrective actions to  
4 mitigate or cleanse those discharges that pollute waters of the state,  
5 including Puget Sound or waters entering Puget Sound.

6 (2) A housing element ensuring the vitality and character of  
7 established residential neighborhoods that: (a) Includes an inventory  
8 and analysis of existing and projected housing needs that identifies  
9 the number of housing units necessary to (~~manage~~) accommodate  
10 projected growth; (b) includes a statement of goals, policies,  
11 objectives, and mandatory provisions for the preservation, improvement,  
12 and development of housing, including single-family residences; (c)  
13 identifies a sufficient quantity of land for (~~housing,~~) meeting the  
14 existing and projected housing needs identified in (a) of this  
15 subsection including, but not limited to, government-assisted housing,  
16 housing for low-income families, manufactured housing, multifamily  
17 housing, and group homes and foster care facilities; and (d) makes  
18 adequate provisions for existing and projected needs of all economic  
19 segments of the community.

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

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

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

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

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

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

24 (i) Containing or otherwise controlling rural development;

25 (ii) Assuring visual compatibility of rural development with the  
26 surrounding rural area;

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

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

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

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

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

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

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

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

28 (iii) The intensification of development on lots containing  
29 isolated nonresidential uses or new development of isolated cottage  
30 industries and isolated small-scale businesses that are not principally  
31 designed to serve the existing and projected rural population and  
32 nonresidential uses, but do provide job opportunities for rural  
33 residents. Rural counties may allow the expansion of small-scale  
34 businesses as long as those small-scale businesses conform with the  
35 rural character of the area as defined by the local government  
36 according to RCW 36.70A.030(~~((+14))~~)(15). Rural counties may also allow  
37 new small-scale businesses to utilize a site previously occupied by an  
38 existing business as long as the new small-scale business conforms to

1 the rural character of the area as defined by the local government  
2 according to RCW 36.70A.030(~~((14))~~)(15). Public services and public  
3 facilities shall be limited to those necessary to serve the isolated  
4 nonresidential use and shall be provided in a manner that does not  
5 permit low-density sprawl;

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

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

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

27 (B) On the date the county adopted a resolution under RCW  
28 36.70A.040(2), in a county that is planning under all of the provisions  
29 of this chapter under RCW 36.70A.040(2); or

30 (C) On the date the office of financial management certifies the  
31 county's population as provided in RCW 36.70A.040(5), in a county that  
32 is planning under all of the provisions of this chapter pursuant to RCW  
33 36.70A.040(5).

34 (e) Exception. This subsection shall not be interpreted to permit  
35 in the rural area a major industrial development or a master planned  
36 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
37 36.70A.365.

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

3 (a) The transportation element shall include the following  
4 subelements:

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

6 (ii) Estimated traffic impacts to state-owned transportation  
7 facilities resulting from land use assumptions to assist the department  
8 of transportation in monitoring the performance of state facilities, to  
9 plan improvements for the facilities, and to assess the impact of land-  
10 use decisions on state-owned transportation facilities;

11 (iii) Facilities and services needs, including:

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

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

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

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

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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against  
10 probable funding resources;

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

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

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

26 (vi) Demand-management strategies;

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

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

1 may include increased public transportation service, ride sharing  
2 programs, demand management, and other transportation systems  
3 management strategies. For the purposes of this subsection (6)  
4 "concurrent with the development" shall mean that improvements or  
5 strategies are in place at the time of development, or that a financial  
6 commitment is in place to complete the improvements or strategies  
7 within six years.

8 (c) The transportation element described in this subsection (6),  
9 and the six-year plans required by RCW 35.77.010 for cities, RCW  
10 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
11 systems, and the ten-year program required by RCW 47.05.030 for the  
12 state, must be consistent.

13 (7) An economic development element establishing local goals,  
14 policies, objectives, and provisions for economic growth and vitality  
15 and a high quality of life. The element shall include: (a) A summary  
16 of the local economy such as population, employment, payroll, sectors,  
17 businesses, sales, and other information as appropriate; (b) a summary  
18 of the strengths and weaknesses of the local economy defined as the  
19 commercial and industrial sectors and supporting factors such as land  
20 use, transportation, utilities, education, workforce, housing, and  
21 natural/cultural resources; and (c) an identification of policies,  
22 programs, and projects to foster economic growth and development and to  
23 address future needs. A city that has chosen to be a residential  
24 community is exempt from the economic development element requirement  
25 of this subsection.

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

33 (9) It is the intent that new or amended elements required after  
34 January 1, 2002, be adopted concurrent with the scheduled update  
35 provided in RCW 36.70A.130. Requirements to incorporate any such new  
36 or amended elements shall be null and void until funds sufficient to  
37 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.

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