
SENATE BILL 5210

State of Washington

60th Legislature

2007 Regular Session

By Senators Kastama, Kauffman, Berkey, Haugen, Murray, Marr, Pflug and Rasmussen

Read first time 01/12/2007. Referred to Committee on Transportation.

1 AN ACT Relating to transportation concurrency under the growth
2 management act; and amending RCW 36.70A.020 and 36.70A.070.

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

4 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to read
5 as follows:

6 The following goals are adopted to guide the development and
7 adoption of comprehensive plans and development regulations of those
8 counties and cities that are required or choose to plan under RCW
9 36.70A.040. The following goals are not listed in order of priority
10 and shall be used exclusively for the purpose of guiding the
11 development of comprehensive plans and development regulations:

12 (1) Urban growth. Encourage development in urban areas where
13 adequate public facilities and services exist or can be provided in an
14 efficient manner.

15 (2) Reduce sprawl. Reduce the inappropriate conversion of
16 undeveloped land into sprawling, low-density development.

17 (3) Transportation. Encourage efficient multimodal transportation
18 systems that are based on regional priorities (~~and~~), coordinated with
19 county and city comprehensive plans, and concurrent with development.

1 (4) Housing. Encourage the availability of affordable housing to
2 all economic segments of the population of this state, promote a
3 variety of residential densities and housing types, and encourage
4 preservation of existing housing stock.

5 (5) Economic development. Encourage economic development
6 throughout the state that is consistent with adopted comprehensive
7 plans, promote economic opportunity for all citizens of this state,
8 especially for unemployed and for disadvantaged persons, promote the
9 retention and expansion of existing businesses and recruitment of new
10 businesses, recognize regional differences impacting economic
11 development opportunities, and encourage growth in areas experiencing
12 insufficient economic growth, all within the capacities of the state's
13 natural resources, public services, and public facilities.

14 (6) Property rights. Private property shall not be taken for
15 public use without just compensation having been made. The property
16 rights of landowners shall be protected from arbitrary and
17 discriminatory actions.

18 (7) Permits. Applications for both state and local government
19 permits should be processed in a timely and fair manner to ensure
20 predictability.

21 (8) Natural resource industries. Maintain and enhance natural
22 resource-based industries, including productive timber, agricultural,
23 and fisheries industries. Encourage the conservation of productive
24 forest lands and productive agricultural lands, and discourage
25 incompatible uses.

26 (9) Open space and recreation. Retain open space, enhance
27 recreational opportunities, conserve fish and wildlife habitat,
28 increase access to natural resource lands and water, and develop parks
29 and recreation facilities.

30 (10) Environment. Protect the environment and enhance the state's
31 high quality of life, including air and water quality, and the
32 availability of water.

33 (11) Citizen participation and coordination. Encourage the
34 involvement of citizens in the planning process and ensure coordination
35 between communities and jurisdictions to reconcile conflicts.

36 (12) Public facilities and services. Ensure that those public
37 facilities and services necessary to support development shall be

1 adequate to serve the development at the time the development is
2 available for occupancy and use without decreasing current service
3 levels below (~~locally~~) established minimum standards.

4 (13) Historic preservation. Identify and encourage the
5 preservation of lands, sites, and structures, that have historical or
6 archaeological significance.

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

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

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

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

33 (2) A housing element ensuring the vitality and character of
34 established residential neighborhoods that: (a) Includes an inventory
35 and analysis of existing and projected housing needs that identifies
36 the number of housing units necessary to manage projected growth; (b)
37 includes a statement of goals, policies, objectives, and mandatory

1 provisions for the preservation, improvement, and development of
2 housing, including single-family residences; (c) identifies sufficient
3 land for housing, including, but not limited to, government-assisted
4 housing, housing for low-income families, manufactured housing,
5 multifamily housing, and group homes and foster care facilities; and
6 (d) makes adequate provisions for existing and projected needs of all
7 economic segments of the community.

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

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

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

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

36 (b) Rural development. The rural element shall permit rural
37 development, forestry, and agriculture in rural areas. The rural
38 element shall provide for a variety of rural densities, uses, essential

1 public facilities, and rural governmental services needed to serve the
2 permitted densities and uses. To achieve a variety of rural densities
3 and uses, counties may provide for clustering, density transfer, design
4 guidelines, conservation easements, and other innovative techniques
5 that will accommodate appropriate rural densities and uses that are not
6 characterized by urban growth and that are consistent with rural
7 character.

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

- 11 (i) Containing or otherwise controlling rural development;
- 12 (ii) Assuring visual compatibility of rural development with the
13 surrounding rural area;
- 14 (iii) Reducing the inappropriate conversion of undeveloped land
15 into sprawling, low-density development in the rural area;
- 16 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
17 surface water and ground water resources; and
- 18 (v) Protecting against conflicts with the use of agricultural,
19 forest, and mineral resource lands designated under RCW 36.70A.170.

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

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

30 (A) A commercial, industrial, residential, shoreline, or mixed-use
31 area shall be subject to the requirements of (d)(iv) of this
32 subsection, but shall not be subject to the requirements of (c)(ii) and
33 (iii) of this subsection.

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

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

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

16 (iii) The intensification of development on lots containing
17 isolated nonresidential uses or new development of isolated cottage
18 industries and isolated small-scale businesses that are not principally
19 designed to serve the existing and projected rural population and
20 nonresidential uses, but do provide job opportunities for rural
21 residents. Rural counties may allow the expansion of small-scale
22 businesses as long as those small-scale businesses conform with the
23 rural character of the area as defined by the local government
24 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
25 allow new small-scale businesses to utilize a site previously occupied
26 by an existing business as long as the new small-scale business
27 conforms to the rural character of the area as defined by the local
28 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
29 and public facilities shall be limited to those necessary to serve the
30 isolated nonresidential use and shall be provided in a manner that does
31 not permit low-density sprawl;

32 (iv) A county shall adopt measures to minimize and contain the
33 existing areas or uses of more intensive rural development, as
34 appropriate, authorized under this subsection. Lands included in such
35 existing areas or uses shall not extend beyond the logical outer
36 boundary of the existing area or use, thereby allowing a new pattern of
37 low-density sprawl. Existing areas are those that are clearly
38 identifiable and contained and where there is a logical boundary

1 delineated predominately by the built environment, but that may also
2 include undeveloped lands if limited as provided in this subsection.
3 The county shall establish the logical outer boundary of an area of
4 more intensive rural development. In establishing the logical outer
5 boundary the county shall address (A) the need to preserve the
6 character of existing natural neighborhoods and communities, (B)
7 physical boundaries such as bodies of water, streets and highways, and
8 land forms and contours, (C) the prevention of abnormally irregular
9 boundaries, and (D) the ability to provide public facilities and public
10 services in a manner that does not permit low-density sprawl;

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

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

15 (B) On the date the county adopted a resolution under RCW
16 36.70A.040(2), in a county that is planning under all of the provisions
17 of this chapter under RCW 36.70A.040(2); or

18 (C) On the date the office of financial management certifies the
19 county's population as provided in RCW 36.70A.040(5), in a county that
20 is planning under all of the provisions of this chapter pursuant to RCW
21 36.70A.040(5).

22 (e) Exception. This subsection shall not be interpreted to permit
23 in the rural area a major industrial development or a master planned
24 resort unless otherwise specifically permitted under RCW 36.70A.360 and
25 36.70A.365.

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

28 (a) The transportation element shall include the following
29 subelements:

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

31 (ii) Estimated traffic impacts to state-owned transportation
32 facilities resulting from land use assumptions to assist the department
33 of transportation in monitoring the performance of state facilities, to
34 plan improvements for the facilities, and to assess the impact of land-
35 use decisions on state-owned transportation facilities;

36 (iii) Facilities and services needs, including:

37 (A) An inventory of air, water, and ground transportation
38 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities and
2 travel levels as a basis for future planning. This inventory must
3 include state-owned transportation facilities within the city or
4 county's jurisdictional boundaries;

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

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

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

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

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

34 (iv) Finance, including:

35 (A) An analysis of funding capability to judge needs against
36 probable funding resources;

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

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

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

11 (v) Intergovernmental coordination efforts, including an assessment
12 of the impacts of the transportation plan and land use assumptions on
13 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 on
23 a locally-owned transportation facility to decline below the standards
24 adopted in the transportation element of the comprehensive plan or
25 causes the level of service on a state-owned transportation facility to
26 decline below the standards for state highways and state ferry routes,
27 as prescribed in chapters 47.06 and 47.80 RCW, unless transportation
28 improvements or strategies to accommodate the impacts of development
29 are made concurrent with the development. These strategies may include
30 increased public transportation service, ride sharing programs, demand
31 management, and other transportation systems management strategies.
32 For the purposes of this subsection (6) "concurrent with the
33 development" shall mean that improvements or strategies are in place at
34 the time of development, or that a financial commitment is in place to
35 complete the improvements or strategies within six years. Included
36 among the concurrency requirements of this subsection (6)(b) are
37 transportation facilities and services of statewide significance for

1 counties consisting of islands whose only connection to the mainland
2 are state highways or ferry routes whose capacity must be a factor in
3 meeting the concurrency requirements of this subsection (6)(b).

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

9 (7) An economic development element establishing local goals,
10 policies, objectives, and provisions for economic growth and vitality
11 and a high quality of life. The element shall include: (a) A summary
12 of the local economy such as population, employment, payroll, sectors,
13 businesses, sales, and other information as appropriate; (b) a summary
14 of the strengths and weaknesses of the local economy defined as the
15 commercial and industrial sectors and supporting factors such as land
16 use, transportation, utilities, education, work force, housing, and
17 natural/cultural resources; and (c) an identification of policies,
18 programs, and projects to foster economic growth and development and to
19 address future needs. A city that has chosen to be a residential
20 community is exempt from the economic development element requirement
21 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 period;
26 (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.

--- END ---