
SENATE BILL 6566

State of Washington

60th Legislature

2008 Regular Session

By Senator Swecker

Read first time 01/18/08. Referred to Committee on Transportation.

1 AN ACT Relating to concurrency and impact fees for transportation
2 purposes; 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 2005 c 360 s 2 are each amended to read
5 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, where
17 appropriate, for agriculture, timber production, housing, commerce,
18 industry, recreation, open spaces, general aviation airports, public
19 utilities, public facilities, and other land uses. The land use

1 element shall include population densities, building intensities, and
2 estimates of future population growth. The land use element shall
3 provide for protection of the quality and quantity of groundwater used
4 for public water supplies. Wherever possible, the land use element
5 should consider utilizing urban planning approaches that promote
6 physical activity. Where applicable, the land use element shall review
7 drainage, flooding, and storm water run-off in the area and nearby
8 jurisdictions and provide guidance for corrective actions to mitigate
9 or cleanse those discharges that pollute waters of the state, including
10 Puget Sound or waters entering Puget Sound.

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

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

37 (4) A utilities element consisting of the general location,

1 proposed location, and capacity of all existing and proposed utilities,
2 including, but not limited to, electrical lines, telecommunication
3 lines, and natural gas lines.

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

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

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

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

27 (i) Containing or otherwise controlling rural development;

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

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

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

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

36 (d) Limited areas of more intensive rural development. Subject to
37 the requirements of this subsection and except as otherwise
38 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including
2 necessary public facilities and public services to serve the limited
3 area as follows:

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

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

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

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

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

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

1 according to RCW 36.70A.030(~~(14)~~) (15). Rural counties may also
2 allow new small-scale businesses to utilize a site previously occupied
3 by an existing business as long as the new small-scale business
4 conforms to the rural character of the area as defined by the local
5 government according to RCW 36.70A.030(~~(14)~~) (15). Public services
6 and public facilities shall be limited to those necessary to serve the
7 isolated nonresidential use and shall be provided in a manner that does
8 not permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the
10 existing areas or uses of more intensive rural development, as
11 appropriate, authorized under this subsection. Lands included in such
12 existing areas or uses shall not extend beyond the logical outer
13 boundary of the existing area or use, thereby allowing a new pattern of
14 low-density sprawl. Existing areas are those that are clearly
15 identifiable and contained and where there is a logical boundary
16 delineated predominately by the built environment, but that may also
17 include undeveloped lands if limited as provided in this subsection.
18 The county shall establish the logical outer boundary of an area of
19 more intensive rural development. In establishing the logical outer
20 boundary the county shall address (A) the need to preserve the
21 character of existing natural neighborhoods and communities, (B)
22 physical boundaries such as bodies of water, streets and highways, and
23 land forms and contours, (C) the prevention of abnormally irregular
24 boundaries, and (D) the ability to provide public facilities and public
25 services in a manner that does not 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 provisions
32 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 that
35 is planning under all of the provisions of this chapter pursuant to RCW
36 36.70A.040(5).

37 (e) Exception. This subsection shall not be interpreted to permit

1 in the rural area a major industrial development or a master planned
2 resort unless otherwise specifically permitted under RCW 36.70A.360 and
3 36.70A.365.

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

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

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

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

14 (iii) Facilities and services needs, including:

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

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

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

1 (D) Specific actions and requirements for bringing into compliance
2 locally owned transportation facilities or services that are below an
3 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 current
8 and future demands. Identified needs on state-owned transportation
9 facilities must be consistent with the statewide multimodal
10 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 the
15 comprehensive plan, the appropriate parts of which shall serve as the
16 basis for the six-year street, road, or transit program required by RCW
17 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
18 for public transportation systems. The multiyear financing plan should
19 be coordinated with the ((~~six-year~~)) ten-year improvement program
20 developed by the department of transportation as required by RCW
21 47.05.030;

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

26 (v) Intergovernmental coordination efforts, including an assessment
27 of the impacts of the transportation plan and land use assumptions on
28 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 on
38 a locally owned transportation facility to decline below the standards

1 adopted in the transportation element of the comprehensive plan, unless
2 transportation improvements or strategies to accommodate the impacts of
3 development are made concurrent with the development. These strategies
4 may include increased public transportation service, ride sharing
5 programs, demand management, impact fees pursuant to RCW 82.02.050
6 through 82.02.100, and other transportation systems management
7 strategies. For the purposes of this subsection (6) "concurrent with
8 the development" shall mean that improvements or strategies are in
9 place at the time of development, or that a financial commitment is in
10 place to complete the improvements or strategies within six years, or
11 that the proposed development is required to pay transportation impact
12 fees pursuant to RCW 82.02.050 through 82.02.100.

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

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

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

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

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