

# APPENDIX D

## GROWTH MANAGEMENT ACT REQUIREMENTS AND RECOMMENDATIONS

### Introduction

In order to identify recommendations to guide development of rural lands, it is necessary to provide a framework for decision-making. This appendix provides a review of the Growth Management Act requirements, and includes the legal requirements in the Revised Code of Washington (RCW) and the more specific Washington Administrative Code (WAC) for each Comprehensive Plan element.

### LAND USE/RURAL ELEMENT

#### Revised Code of Washington

The Growth Management Act (RCW 36.70A) was adopted by the Washington State Legislature in March of 1990. The Revised Code of Washington (RCW) 36.70A.070 states that each Comprehensive Plan shall include a land use element which addresses the following:

*“...the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth.”*

The Growth Management Act did not specifically identify appropriate densities for urban or rural areas. Chapter 36.70A.110(1) RCW stated the following:

*“Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.”*

In 1997, the State Legislature amended the GMA to provide definitions of “rural development,” “rural character,” and “rural governmental services.” Rural development “...can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character....” RCW 36.70A.030(15) The definition of rural character explains this further:

*“Rural character refers to the patterns of land use and development....*

- a) In which open space, the natural landscape, and vegetation predominate over the built environment;*
- b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;*
- b) That provide visual landscapes that are traditionally found in rural areas and communities;*
- c) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;*
- d) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;*
- e) That generally do not require the extension of urban governmental services; and*
- f) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.” RCW 36.70A.030(14)*

Jefferson County has developed the Land Use and Rural Element in order to establish land use and development patterns which preserve the County's rural character consistent with all of the components listed in the definition of rural character.

The Revised Code of Washington (RCW) did not specifically define rural areas in the original Growth Management Act (GMA). In 1997, an amendment to the GMA enacted in Engrossed Substitute Bill 6094 provided the following definition of "rural development:"

*"....development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural Development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas." RCW 36.70A.030(15)*

The 1997 amendment also included a definition of "rural governmental services" which provides further guidance regarding the services appropriate to rural development:

*"....rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A110(4)."*

### **Washington Administrative Code**

Section 365-195 of the Washington Administrative Code (WAC) provides guidance on the implementation of the Growth Management Act (GMA), and requires Land Use Elements to contain the following features:

1. Designation of the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses.
2. Population densities, building intensities, and estimates of future population growth.
3. Provisions for environmental quality protection.
4. Provisions for ground water and public water supply quality protection.
5. A review of drainage, flooding and storm water runoff in the area covered by the plan and nearby jurisdictions.
6. Guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the State, including Puget Sound or waters entering Puget Sound.

Working together, these goals serve to guide Jefferson County in the preparation of a Land Use and Rural Element which meets the needs of the citizens of Jefferson County while complying with the intent and requirements of the Growth Management Act. This Comprehensive Plan includes an Environmental Element which provides water resource protection goals, policies, and regulations which, when applied individually or collectively, serve to protect the waters of the State. Therefore, Jefferson County will specifically address required environmental issues in the Environment Element of this Comprehensive Plan.

Section 365.195 also contains requirements for the preservation of rural character and the provision of a variety of rural densities. Counties planning under GMA are directed to prepare a Rural Element which contains the following:

*"The [Rural Element] shall include lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities."*

To meet these requirements, guidance on achieving the following goals is provided in the Rural Element:

- The preservation of rural character;
- The permitting of appropriate land uses that are compatible with the rural character of non-urban or non-resource lands;
- The provision of a variety of rural densities;
- The prevention of sprawl; and,
- The direction of population growth to urban areas.

## NATURAL RESOURCES ELEMENT

### Revised Code of Washington

All jurisdictions planning under the provisions of the Growth Management Act (GMA) are required to designate Agricultural, Forest and Mineral Lands of Long-Term Commercial Significance and to adopt development regulations to assure the conservation of these natural resource lands by September 1, 1991. The purpose of these "interim" designations and regulations was to conserve the resource land base of each jurisdiction until such time as this was accomplished for the 20-year planning period by the adoption of a Comprehensive Plan.

The Growth Management Act adopted a series of goals to guide the development of comprehensive plans and development regulations. As stated in Chapter 36.70A.020 (8), the planning goals for natural resource industries are as follows:

*"Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive agricultural lands, and discourage incompatible uses."*

As part of the process of achieving this goal, Chapter 36.70A.170 states that each jurisdiction shall develop criteria and designate the following natural resource lands in its comprehensive plan:

- *Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;*
- *Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber; and,*
- *Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals.*

In order to meet the requirements of the GMA, the Comprehensive Plan must develop a strategy to assure the conservation of these agricultural, forest, and mineral resource lands. The RCWs do not spell out how this strategy must function. Rather, the Act establishes parameters that must be adhered to. For example, Chapter 36.70A.060 states:

*“...the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.”*

### **Washington Administrative Code**

Specifically, Chapter 365-195-400 directs jurisdictions planning under GMA to prepare a comprehensive plan that meets the following requirements:

*“Prior to the development of comprehensive plans, cities and counties ought to have designated natural resource lands of long-term commercial significance and adopted development regulations to assure their conservation. The previous designations and development regulations shall be reviewed in connection with the comprehensive plan adoption process and where necessary be altered to ensure consistency.”*

To meet this requirement, the comprehensive plan must provide direction on achieving the following goals:

- The identification of natural resource land classification criteria, consistent with the guidelines issued by the Department of Community, Trade, and Economic Development;
- The designation of agricultural, forest, and mineral resource lands;
- The encouragement of productive and sustainable management of natural resource lands; and,
- The prevention of uses on and adjacent to natural resource lands that are incompatible with their conservation.

Working together, these goals serve to guide Jefferson County in the preparation of a Natural Resource Lands Element which meets the needs of the citizens of Jefferson County while complying with the intent and requirements of the Growth Management Act.

## **HOUSING ELEMENT**

### **Revised Code of Washington**

Jurisdictions planning under the provisions of the Growth Management Act (GMA) are required to adopt a Comprehensive Plan that includes a Housing Element. The GMA established the following housing planning goals:

- Encourage the availability of affordable housing to all economic segments of the population;
- Promote a variety of residential densities and housing types; and
- Encourage the preservation of the existing housing stock.

Because housing is an issue of regional scale and importance, the Growth Management Act requires interjurisdictional coordination and development of County-wide policies to address these housing planning goals. These policies must allow a “fair share” process for the distribution and accommodation of the full range of housing types and income groups throughout the region.

## Washington Administrative Code

The Housing Element is a mandatory component of a jurisdiction's Comprehensive Plan.

WAC 365-195-310 requires each county planning under the provisions of the GMA to include the following features:

- An inventory and analysis of existing and projected housing needs;
- A statement of the goals, policies, and objectives for the improvement, preservation, and development of housing;
- Identification of sufficient land for housing, including, but not limited to, government assisted housing, housing for low-income families, manufactured housing, multi-family housing, and group homes and foster care facilities; and,
- Adequate provision for existing and projected housing needs of all economic segments of the community.

These procedural criteria provide the legislative framework for the preparation of the Jefferson County Housing Element.

## OPEN SPACE, PARKS AND RECREATION, AND HISTORIC PRESERVATION ELEMENT

### Revised Code of Washington

The Growth Management Act established the following planning goals for open space protection:

- Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks;
- Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water;
- Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries; and,
- Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible use.

RCW 36.70A.020 defines recreation as an integral part of public services: "Public Services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other government services."

Another provision is contained in RCW 36.70A.150: "Each county...shall identify lands useful for public purposes such as ... recreation". RCW 36.70A.080 states that recreation may constitute an optional element in a comprehensive plan: "A comprehensive plan may include additional elements, .... including ... recreation."

The foundation of planning for archaeological and historic preservation under the Act is found in RCW 36.70A.020(13). This goal involves the identification of, and encouragement for, preservation of "lands, sites, and structures," with historical or archaeological significance. While RCW 36.70A.070 does not require the inclusion of an archaeological or historic preservation element, it may be included at the discretion of the planning jurisdiction.

### **Washington State Open Space Act**

The Washington State Open Space Act (RCW 84.34.020) defines open space as any land area, the preservation of which, in its present use, would:

- Conserve or enhance natural, cultural or scenic resources;
- Protect streams, stream corridors, wetlands, natural shorelines and aquifers;
- Protect soil resources and unique or critical wildlife and native plant habitat;
- Promote conservation principles by example or by offering educational opportunities;
- Enhance the value of parks, forests, wildlife preserves, nature reservations and other open spaces;
- Enhance recreational opportunities; or,
- Preserve historic and/or archaeological sites.

### **Washington Administrative Code**

Although a Parks, Open Space and Recreation Element is not a mandatory component of a jurisdiction's Comprehensive Plan, Chapter 365-195-345(c) recommends that consideration be given to including such an element in the Plan.

WAC 365-195-420 requires each county planning under the act to identify open space corridors within and between Urban Growth Areas: "They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas ...."

## **ECONOMIC DEVELOPMENT ELEMENT**

### **Revised Code of Washington**

Jurisdictions planning under the provisions of the Growth Management Act (GMA) are required to use State-wide goals for the purpose of guiding the development of the Comprehensive Plan and subsequent Development Regulations. One of these State-wide goals is to "[e]ncourage economic development throughout the State that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this State, especially for unemployed and for disadvantaged persons, and encourage[s] growth in areas experiencing insufficient economic growth, all within the capacities of the State's natural resources, public services, and public facilities."

While the GMA does not require a jurisdiction planning under the GMA to develop a "stand alone" economic development element, Jefferson County has prepared an economic development element for inclusion in its Comprehensive Plan to foster economic development activities that meet the intent of the State-wide economic development goal.

### **Washington Administrative Code**

While economic development is not a required element of a jurisdiction's comprehensive plan, WAC 365-195-060(2) states:

*"[t]he Act lists economic development as one of the overall goals, but does not mandate an economic development element within comprehensive plans. This should not be read as a downgrading of the importance of economic development as a feature of the growth management planning and implementation process. Planning under the Act in connection with all mandatory elements should be*

*undertaken with the goal of economic development in mind. Whether the jurisdiction elects to develop a separate economic development element or not, desired levels of job growth, and of commercial and industrial expansion should be identified and supporting strategies should be integrated with the land use, housing, utilities, transportation and other features of the comprehensive plan.”*

## **ENVIRONMENT ELEMENT**

### **Revised Code of Washington**

The Growth Management Act adopted a series of goals to guide the development of comprehensive plans and development regulations. As stated in Chapter 36.70A.020 (10), the planning goals for the environment are as follows:

*“Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.”*

As part of the process of achieving this goal, Chapter 36.70A.170 states that each jurisdiction shall develop criteria and designate the following critical areas in its comprehensive plan:

- Wetlands;
- Areas with a critical recharging effect on aquifers used for potable water;
- Fish and wildlife habitat conservation areas;
- Frequently flooded areas; and,
- Geologically hazardous areas.

In order to meet the requirements of the GMA, the Comprehensive Plan must develop a strategy to protect these critical areas.

### **Washington Administrative Code**

While an environmental chapter is not a mandatory element of a jurisdiction’s Comprehensive Plan, Chapter 369-195-345 recommends that “strong consideration be given” to including an element on “environmental protection, including critical areas.”

More specifically, Chapter 365-195-410 directs jurisdictions planning under GMA to prepare a comprehensive plan that meets the following requirements:

*“Prior to the development of comprehensive plans, cities and counties ought to have designated critical areas and adopted development regulations protective of them. The previous designations and development regulations shall be reviewed in the comprehensive plan process to ensure consistency.”*

To meet this requirement for critical areas, the Comprehensive Plan must provide direction on achieving the following goals:

- Identification of classification criteria for critical areas, consistent with the guidelines issued by the Department of Community, Trade, and Economic Development;
- Designation of critical areas wherever the applicable natural conditions exist; and,
- Development of the policies and processes, including regulation and other means, that will be used to make decisions regarding the protection of critical areas.

Additional parameters for environmental protection of water resources are provided in the requirements for the mandatory Land Use Element (WAC 365-195-305):

- Review of drainage, flooding and storm water runoff in the area covered by the Plan and nearby jurisdictions;
- Guidelines for corrective actions that mitigate or cleanse those discharges;
- Creation of a strategy to protect ground water quality and quantity; and,
- Development of a cooperative, integrated, watershed based approach to identified pollution problems.

The Washington State Legislature acted on its commitment to watershed planning and management in 1998 by passing HSB 2514, providing for local governments to develop watershed planning units based on collaborative, stakeholder representation. In addition, the state is responding to 1998 proposed listings of a number of salmon species under the federal Endangered Species Act. The Governor's Office of Salmon Policy has been established and funded through ESHB 2496 and passed by the legislature in 1998. In order to address salmon recovery, policies recommend that land use activities in many areas will be regulated according to watershed-based salmon recovery plans which are approved by the National Marine Fisheries Service. Jefferson County's Comprehensive Plan provides goals, policies, and strategies to integrate the watershed approach with a goal of salmon recovery.

The Environmental Element reflects the GMA requirements for environmental protection. Four strategies are developed: one for a watershed approach, a second for a consolidated regulatory process, a third for critical areas, and a fourth for public education and involvement. This approach ensures that each strategy fully addresses the recommendations contained in the Growth Management Act and the Washington Administrative Code.

Working together, these strategies serve to guide Jefferson County in the preparation of an Environmental Element that meets the needs of the citizens of Jefferson County while complying with the intent and requirements of the Growth Management Act and other state and federal environmental laws.

## **ESSENTIAL PUBLIC FACILITIES ELEMENT**

### **Revised Code of Washington**

The Revised Code of Washington (RCW) 36.70A.200 requires each jurisdictions' Comprehensive Plan to include a process for identifying and siting essential public facilities. This section defines "Essential public facilities" as:

*"those facilities typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state or local correctional facilities, solid waste handling facilities and in-patient facilities including substance abuse facilities, mental health facilities and group homes."*

RCW 36.70A.200 (2) states that:

*"The Office of Financial Management (OFM) shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The Office of Financial Management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities."*

In addition to the list maintained by OFM, Jefferson County and its cities and towns may identify other additional public facilities that are essential to providing services to residents and without which development cannot occur.

### **Washington Administrative Code**

Section 365-195 of the Washington Administrative Code (WAC) requires each comprehensive plan to include a process for identifying and siting essential public facilities. Section 365-195-840 requires each jurisdiction to list those types of facilities determined locally to be essential, pursuant to the definition and criteria established in the jurisdictions comprehensive plan. This is in addition to the list maintained by OFM.

### **TRANSPORTATION ELEMENT**

Each comprehensive plan developed under GMA is required to contain a transportation element which meets several criteria. These criteria are outlined in the following sections:

#### **Revised Code of Washington**

Under RCW 36.70A.70, a comprehensive plan must contain a Transportation Element:

*"... that implements, and is consistent with, the land use element. The transportation element shall contain the following sub-elements:*

- (a) Land use assumptions used in estimating travel;*
- (b) Facilities and services needs, including:*
  - (i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning.*
  - (ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated.*
  - (iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;*
  - (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information in the location, timing, and capacity needs of future growth;*
  - (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;*
- (c) Finance, including:*
  - (i) An analysis of funding capability to judge needs against probable funding resources;*
  - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;*
  - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;*
- (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;*
- (e) Demand management strategies.*

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent. [1990 1st ex.s. 17( 7]

### **Washington Administrative Code**

Section 365-195 of the Washington Administrative Code (WAC) provides guidance for the implementation of the Growth Management Act (GMA). Specifically, Chapter 365-195-325 directs jurisdictions planning under GMA to prepare a comprehensive plan which includes a Transportation Element containing at least the subelements described above (under Revised Code of Washington).

WAC Chapter 365-195-325 recommends these be followed in the preparation of the transportation element:

- Development of local and regional transportation goals and policies for the full spectrum of transportation modes.
- Discussion of the relationship and consistency between the transportation element and the land use element and between the transportation element and the regional transportation plan.
- Inventories of existing transportation facilities, systems, and demands.
- Definition of the level of service (LOS) to be adopted for the transportation system.
- Inclusion of consideration for repair, replacement or enhancement, and/or expansion in discussion of system expansion needs.
- Transportation System Management (TSM) and Transportation Demand Management (TDM) implementation measures, including provisions for evaluation of strategy effectiveness and identification of funding sources.
- Intergovernmental Coordination.

### **UTILITIES ELEMENT**

The framework for Comprehensive Plan decision-making for utilities planning includes six key components: (1) the Revised Code of Washington (RCW), (2) the Washington Administrative Code (WAC), (3) County-wide Planning Policy (CWPP) adopted jointly by the City of Port Townsend and Jefferson County, (4) utility-specific comprehensive plans including those prepared by entities other than Jefferson County including the City of Port Townsend, Public Utility District No. 1 and other special service districts, (5) the decisions of the Washington State Growth Management Hearings Boards which are summarized in the legal appendix to the Comprehensive Plan, and (6) Public Service Utility providers input.

## General Statutory Requirements

The Utilities Element was developed in accordance with Section 36.70A.070 of the Washington Growth Management Act (GMA) to address utility facilities and services within Jefferson County during the next 20 years (1998-2018). The Utilities Element must be consistent with other elements of the Comprehensive Plan, as well as with County-wide Planning Policies (CWPP) and Growth Management Planning Goals as adopted by the Jefferson County Board of County Commissioners.

Utilities, as defined in this element of the Jefferson County Comprehensive Plan, include all lines and facilities used to distribute, collect, transmit, or control electric power, water, sanitary sewer, storm water management systems, solid waste, and telecommunications.

Most Jefferson County utilities are operated by special purpose districts and private companies, or are provided by the City of Port Townsend. County responsibility for utilities provided by other agencies varies from regulating use of land to managing activities in public rights-of-way.

Electrical and telecommunications systems are regionally-based services, and are regulated directly and indirectly at several levels, including the Washington Utilities and Transportation Commission (WUTC), the Federal Energy Regulatory Commission (FERC), the Federal Communication Commission (FCC), and the Federal Aviation Administration (FAA). Utilities under the jurisdiction of the WUTC must provide suitable facilities to supply service on demand. State law regulates the rates and charges, services, facilities, and operations of most utility services. Proposed changes in policy, particularly changes in customer charges or the provision of services, usually require Washington Utilities and Transportation Commission (WUTC) review and approval.

Changing regulations at every level affect the way in which utilities within the County will be managed in the 20-year planning period. Changes in the competitive marketplace, in new and varying electrical and telecommunications needs, and in the transmission of power and provision of telecommunications services among different purveyors will most likely affect the way in which electric power and telecommunications services are marketed, transmitted, and used.

## Revised Code of Washington

The Growth Management Act Chapter 36.70A.070 (4) identifies the following for mandatory inclusion in a Comprehensive Plan:

*“A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.”*

In conformance with the Growth Management Act (GMA), the Comprehensive Plan Utilities Element identifies planning objectives, principles, and standards to guide development of utility facilities and services within Jefferson County, for the next 20 years (1998-2018). Utilities, defined as an element of the Jefferson County Comprehensive Plan, include the following systems: water, sanitary sewer, solid waste, telecommunications, electrical, and surface/storm water utility systems. The goals, policies, and strategies identified in the Utilities Element meet GMA planning goals, including those associated with urban growth, reduction of sprawl, open space and recreation, and public facilities and services.

## Washington Administrative Code

Section 365-195-320 of the Washington Administrative Code provides recommendations for meeting the requirements for the Utilities Element and implementation of the Growth Management Act. WAC 365-195-320 (2) recommends the following in preparing the Comprehensive Plan Utilities Element:

- Ensure integration of general location and capacity of existing and proposed utility facilities with the Comprehensive Plan Land Use Element.
- Analysis of utility capacity to serve the growth anticipated in the County including consideration of comprehensive utility plans, least-cost plans, load forecasts, and other planning activities.
- General locations of utility lines and facilities required to serve the growth anticipated in the County, including evaluation of utilities which may potentially be defined as essential public facilities.
- Development of local utility siting criteria
- Coordination among adjacent planning jurisdictions to ensure the consistency of each jurisdiction's utilities element and regional utility plans, and development of a coordinated process for siting regional utility facilities in a timely manner.

## CAPITAL FACILITIES ELEMENT

### Revised Code of Washington

The Growth Management Act (RCW 36.70A) was adopted by the Washington State Legislature in March of 1990. The Act adopted a series of goals to guide the development of comprehensive plans and development regulations. As stated in Chapter 36.70A.020 (12), the planning goal for public facilities and services is as follows:

*“Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”*

In order to achieve this goal, Chapter 36.70A.070(3) requires that each jurisdiction shall include a capital facilities element in its comprehensive plan consisting of:

*(a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;*

*(b) A forecast of future needs for such capital facilities;*

*(c) The proposed locations and capacities of expanded or new capital facilities;*

*(d) At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and*

*(e) A requirement to reassess the land use plan element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.*

The terms “*public facilities*” and “*public services*” are defined as follows in RCW 36.70A.030:

*(12) Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.*

*(13) Public services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.*

As noted above, the Growth Management Act requires the County to

*“Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”*

In the case of most public facilities this can be achieved by the “*requirement to reassess the land use plan element if probable funding falls short of meeting existing needs*”. RCW 36.70A.070(3)(e). Denial of development approvals is not required by the Act. However, in the case of transportation facilities, the Act specifically requires that:

*“... local governments must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development ... For the purposes of this subsection, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.”* (RCW 36.70A.070(6)(e))

### **Washington Administrative Code**

Section 365-195 of the Washington Administrative Code (WAC) provides guidance on the implementation of the Growth Management Act (GMA). Specifically, Chapter 365-195-315 Capital facilities element states that “*The capital facilities element should serve as a check on the practicality of achieving the other elements of the plan.*”

Chapter 365-195-315 WAC recommends the following steps in preparing the capital facilities element:

*(a) Inventory of existing capital facilities showing locations and capacities, including inventory of the extent to which existing facilities possess presently unused capacity. Capital facilities involved should include water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities.*

*(b) The selection of levels of service or planning assumptions for the various facilities to apply during the planning period (twenty years or more) and which reflect community goals.*

*(c) A forecast for future needs for such capital facilities based on the levels of service or planning assumptions selected and consistent with the growth, densities, and distribution of growth anticipated in the land use element.*

*(d) The creation of a six-year capital facilities plan for financing capital facilities needed within that time frame. projected funding capacities are to be evaluated followed by the identification of sources of public or private funds for which there is reasonable assurance of availability. The six-year plan should be*

*updated at least biennially so that the financing plan remains sufficiently ahead of the present for concurrency to be evaluated.*

*(e) The needs for capital facilities should be dictated by the phasing schedule set forth in the land use element.*

*(f) Provision should be made to reassess the land use element and other elements of the plan periodically in light of the evolving capital facilities plan. If the probable funding for capital facilities at any time is insufficient to meet existing needs, the land use element must be reassessed. At the same time funding possibilities and levels of service might also be reassessed. The plan should require that as a result of such reassessment appropriate action must be taken to ensure the internal consistency of the land use and capital facilities portions of the plan. The plan should set forth how, if at all, pending applications for development will be affected while such reassessment is being undertaken.*