
SUBSTITUTE SENATE BILL 6334

State of Washington

64th Legislature

2016 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Benton, Chase, Rivers, Cleveland, Warnick, Hobbs, King, and Sheldon)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to rail dependent uses for purposes of the growth
2 management act and related development regulations; amending RCW
3 36.70A.030, 36.70A.060, 36.70A.070, 36.70A.070, and 36.70A.108;
4 creating a new section; providing an effective date; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that it enacted
8 the rail preservation program because railroads provide benefits to
9 state and local jurisdictions that are valuable to economic
10 development, highway safety, and the environment. The Washington
11 state freight mobility plan includes the goal of supporting rural
12 economies farm-to-market, manufacturing, and resource industry
13 sectors. The plan makes clear that ensuring the availability of rail
14 capacity is vital to meeting the future needs of the Puget Sound
15 region. Rail-served industrial sites are a necessary part of a
16 thriving freight mobility system, and are a key means of assuring
17 that food and goods from rural areas are able to make it to people
18 living in urban areas and international markets. Planned and
19 effective access to railroad services is a pivotal aspect of
20 transportation planning. A one hundred ten-car train can move roughly
21 the equivalent freight of five hundred trucks. This saves highway

1 maintenance, improves safety for nonfreight drivers, and reduces
2 carbon emissions. The number of fatalities per billion ton-miles for
3 trucking is more than nine times greater than compared to rail. The
4 legislature affirms that it is in the public interest to allow
5 economic development infrastructure to occur near rail lines as a
6 means to alleviate strains on government infrastructure elsewhere.
7 Therefore, the legislature finds that there is a need for counties
8 and cities to improve their planning under the growth management act
9 to provide much needed infrastructure for freight rail dependent uses
10 adjacent to railroad lines.

11 **Sec. 2.** RCW 36.70A.030 and 2012 c 21 s 1 are each amended to
12 read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Adopt a comprehensive land use plan" means to enact a new
16 comprehensive land use plan or to update an existing comprehensive
17 land use plan.

18 (2) "Agricultural land" means land primarily devoted to the
19 commercial production of horticultural, viticultural, floricultural,
20 dairy, apiary, vegetable, or animal products or of berries, grain,
21 hay, straw, turf, seed, Christmas trees not subject to the excise tax
22 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
23 hatcheries, or livestock, and that has long-term commercial
24 significance for agricultural production.

25 (3) "City" means any city or town, including a code city.

26 (4) "Comprehensive land use plan," "comprehensive plan," or
27 "plan" means a generalized coordinated land use policy statement of
28 the governing body of a county or city that is adopted pursuant to
29 this chapter.

30 (5) "Critical areas" include the following areas and ecosystems:

31 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
32 used for potable water; (c) fish and wildlife habitat conservation
33 areas; (d) frequently flooded areas; and (e) geologically hazardous
34 areas. "Fish and wildlife habitat conservation areas" does not
35 include such artificial features or constructs as irrigation delivery
36 systems, irrigation infrastructure, irrigation canals, or drainage
37 ditches that lie within the boundaries of and are maintained by a
38 port district or an irrigation district or company.

39 (6) "Department" means the department of commerce.

1 (7) "Development regulations" or "regulation" means the controls
2 placed on development or land use activities by a county or city,
3 including, but not limited to, zoning ordinances, critical areas
4 ordinances, shoreline master programs, official controls, planned
5 unit development ordinances, subdivision ordinances, and binding site
6 plan ordinances together with any amendments thereto. A development
7 regulation does not include a decision to approve a project permit
8 application, as defined in RCW 36.70B.020, even though the decision
9 may be expressed in a resolution or ordinance of the legislative body
10 of the county or city.

11 (8) "Forest land" means land primarily devoted to growing trees
12 for long-term commercial timber production on land that can be
13 economically and practically managed for such production, including
14 Christmas trees subject to the excise tax imposed under RCW 84.33.100
15 through 84.33.140, and that has long-term commercial significance. In
16 determining whether forest land is primarily devoted to growing trees
17 for long-term commercial timber production on land that can be
18 economically and practically managed for such production, the
19 following factors shall be considered: (a) The proximity of the land
20 to urban, suburban, and rural settlements; (b) surrounding parcel
21 size and the compatibility and intensity of adjacent and nearby land
22 uses; (c) long-term local economic conditions that affect the ability
23 to manage for timber production; and (d) the availability of public
24 facilities and services conducive to conversion of forest land to
25 other uses.

26 (9) "Freight rail dependent uses" means buildings and other
27 infrastructure that are used in the fabrication, processing, storage,
28 and transport of goods where the use is dependent on and makes use of
29 an adjacent short line railroad. Such facilities are both urban and
30 rural development for purposes of this chapter.

31 (10) "Geologically hazardous areas" means areas that because of
32 their susceptibility to erosion, sliding, earthquake, or other
33 geological events, are not suited to the siting of commercial,
34 residential, or industrial development consistent with public health
35 or safety concerns.

36 ((+10)) (11) "Long-term commercial significance" includes the
37 growing capacity, productivity, and soil composition of the land for
38 long-term commercial production, in consideration with the land's
39 proximity to population areas, and the possibility of more intense
40 uses of the land.

1 (~~(11)~~) (12) "Minerals" include gravel, sand, and valuable
2 metallic substances.

3 (~~(12)~~) (13) "Public facilities" include streets, roads,
4 highways, sidewalks, street and road lighting systems, traffic
5 signals, domestic water systems, storm and sanitary sewer systems,
6 parks and recreational facilities, and schools.

7 (~~(13)~~) (14) "Public services" include fire protection and
8 suppression, law enforcement, public health, education, recreation,
9 environmental protection, and other governmental services.

10 (~~(14)~~) (15) "Recreational land" means land so designated under
11 RCW 36.70A.1701 and that, immediately prior to this designation, was
12 designated as agricultural land of long-term commercial significance
13 under RCW 36.70A.170. Recreational land must have playing fields and
14 supporting facilities existing before July 1, 2004, for sports played
15 on grass playing fields.

16 (~~(15)~~) (16) "Rural character" refers to the patterns of land
17 use and development established by a county in the rural element of
18 its comprehensive plan:

19 (a) In which open space, the natural landscape, and vegetation
20 predominate over the built environment;

21 (b) That foster traditional rural lifestyles, rural-based
22 economies, and opportunities to both live and work in rural areas,
23 including railroad tracks and freight rail dependent uses;

24 (c) That provide visual landscapes that are traditionally found
25 in rural areas and communities;

26 (d) That are compatible with the use of the land by wildlife and
27 for fish and wildlife habitat;

28 (e) That reduce the inappropriate conversion of undeveloped land
29 into sprawling, low-density development;

30 (f) That generally do not require the extension of urban
31 governmental services; and

32 (g) That are consistent with the protection of natural surface
33 water flows and groundwater and surface water recharge and discharge
34 areas.

35 (~~(16)~~) (17) "Rural development" refers to development outside
36 the urban growth area and outside agricultural, forest, and mineral
37 resource lands designated pursuant to RCW 36.70A.170. Rural
38 development can consist of a variety of uses and residential
39 densities, including clustered residential development, at levels
40 that are consistent with the preservation of rural character and the

1 requirements of the rural element. Rural development includes
2 railroad tracks and freight rail dependent uses. Rural development
3 does not refer to agriculture or forestry activities that may be
4 conducted in rural areas.

5 ~~((17))~~ (18) "Rural governmental services" or "rural services"
6 include those public services and public facilities historically and
7 typically delivered at an intensity usually found in rural areas, and
8 may include domestic water systems, fire and police protection
9 services, transportation and public transit services, and other
10 public utilities associated with rural development and normally not
11 associated with urban areas. Rural services do not include storm or
12 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

13 ~~((18))~~ (19) "Short line railroad" means those railroad lines
14 designated Class II or Class III by the United States Surface
15 Transportation Board.

16 (20) "Urban governmental services" or "urban services" include
17 those public services and public facilities at an intensity
18 historically and typically provided in cities, specifically including
19 storm and sanitary sewer systems, domestic water systems, street
20 cleaning services, fire and police protection services, public
21 transit services, and other public utilities associated with urban
22 areas and normally not associated with rural areas.

23 ~~((19))~~ (21) "Urban growth" refers to growth that makes
24 intensive use of land for the location of buildings, structures, and
25 impermeable surfaces to such a degree as to be incompatible with the
26 primary use of land for the production of food, other agricultural
27 products, or fiber, or the extraction of mineral resources, rural
28 uses, rural development, and natural resource lands designated
29 pursuant to RCW 36.70A.170. A pattern of more intensive rural
30 development, as provided in RCW 36.70A.070(5)(d), is not urban
31 growth. When allowed to spread over wide areas, urban growth
32 typically requires urban governmental services. "Characterized by
33 urban growth" refers to land having urban growth located on it, or to
34 land located in relationship to an area with urban growth on it as to
35 be appropriate for urban growth.

36 ~~((20))~~ (22) "Urban growth areas" means those areas designated
37 by a county pursuant to RCW 36.70A.110.

38 ~~((21))~~ (23) "Wetland" or "wetlands" means areas that are
39 inundated or saturated by surface water or groundwater at a frequency
40 and duration sufficient to support, and that under normal

1 circumstances do support, a prevalence of vegetation typically
2 adapted for life in saturated soil conditions. Wetlands generally
3 include swamps, marshes, bogs, and similar areas. Wetlands do not
4 include those artificial wetlands intentionally created from
5 nonwetland sites, including, but not limited to, irrigation and
6 drainage ditches, grass-lined swales, canals, detention facilities,
7 wastewater treatment facilities, farm ponds, and landscape amenities,
8 or those wetlands created after July 1, 1990, that were
9 unintentionally created as a result of the construction of a road,
10 street, or highway. Wetlands may include those artificial wetlands
11 intentionally created from nonwetland areas created to mitigate
12 conversion of wetlands.

13 **Sec. 3.** RCW 36.70A.060 and 2014 c 147 s 2 are each amended to
14 read as follows:

15 (1)(a) Each county that is required or chooses to plan under RCW
16 36.70A.040, and each city within such county, shall adopt development
17 regulations on or before September 1, 1991, to assure the
18 conservation of agricultural, forest, and mineral resource lands
19 designated under RCW 36.70A.170. Regulations adopted under this
20 subsection may not prohibit uses legally existing on any parcel prior
21 to their adoption and shall remain in effect until the county or city
22 adopts development regulations pursuant to RCW 36.70A.040. Such
23 regulations shall assure that the use of lands adjacent to
24 agricultural, forest, or mineral resource lands shall not interfere
25 with the continued use, in the accustomed manner and in accordance
26 with best management practices, of these designated lands for the
27 production of food, agricultural products, or timber, or for the
28 extraction of minerals. Each county and city may adopt development
29 regulations to assure that agriculture, forest, and mineral resource
30 lands adjacent to short line railroads may be developed for freight
31 rail dependent uses.

32 (b) Counties and cities shall require that all plats, short
33 plats, development permits, and building permits issued for
34 development activities on, or within five hundred feet of, lands
35 designated as agricultural lands, forest lands, or mineral resource
36 lands, contain a notice that the subject property is within or near
37 designated agricultural lands, forest lands, or mineral resource
38 lands on which a variety of commercial activities may occur that are
39 not compatible with residential development for certain periods of

1 limited duration. The notice for mineral resource lands shall also
2 inform that an application might be made for mining-related
3 activities, including mining, extraction, washing, crushing,
4 stockpiling, blasting, transporting, and recycling of minerals.

5 (c) Each county that adopts a resolution of partial planning
6 under RCW 36.70A.040(2)(b), and each city within such county, shall
7 adopt development regulations within one year after the adoption of
8 the resolution of partial planning to assure the conservation of
9 agricultural, forest, and mineral resource lands designated under RCW
10 36.70A.170. Regulations adopted under this subsection (1)(c) must
11 comply with the requirements governing regulations adopted under (a)
12 of this subsection.

13 (d)(i) A county that adopts a resolution of partial planning
14 under RCW 36.70A.040(2)(b) and that is not in compliance with the
15 planning requirements of this section, RCW 36.70A.040(4),
16 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
17 is adopted must, by January 30, 2017, apply for a determination of
18 compliance from the department finding that the county's development
19 regulations, including development regulations adopted to protect
20 critical areas, and comprehensive plans are in compliance with the
21 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
22 36.70A.170, and 36.70A.172. The department must approve or deny the
23 application for a determination of compliance within one hundred
24 twenty days of its receipt or by June 30, 2017, whichever date is
25 earlier.

26 (ii) If the department denies an application under (d)(i) of this
27 subsection, the county and each city within is obligated to comply
28 with all requirements of this chapter and the resolution for partial
29 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

30 (iii) A petition for review of a determination of compliance
31 under (d)(i) of this subsection may only be appealed to the growth
32 management hearings board within sixty days of the issuance of the
33 decision by the department.

34 (iv) In the event of a filing of a petition in accordance with
35 (d)(iii) of this subsection, the county and the department must
36 equally share the costs incurred by the department for defending an
37 approval of determination of compliance that is before the growth
38 management hearings board.

39 (v) The department may implement this subsection (~~((1))~~)(1)(d)
40 by adopting rules related to determinations of compliance. The rules

1 may address, but are not limited to: The requirements for
2 applications for a determination of compliance; charging of costs
3 under (d)(iv) of this subsection; procedures for processing
4 applications; criteria for the evaluation of applications; issuance
5 and notice of department decisions; and applicable timelines.

6 (2) Each county and city shall adopt development regulations that
7 protect critical areas that are required to be designated under RCW
8 36.70A.170. For counties and cities that are required or choose to
9 plan under RCW 36.70A.040, such development regulations shall be
10 adopted on or before September 1, 1991. For the remainder of the
11 counties and cities, such development regulations shall be adopted on
12 or before March 1, 1992.

13 (3) Such counties and cities shall review these designations and
14 development regulations when adopting their comprehensive plans under
15 RCW 36.70A.040 and implementing development regulations under RCW
16 36.70A.120 and may alter such designations and development
17 regulations to insure consistency.

18 (4) Forest land and agricultural land located within urban growth
19 areas shall not be designated by a county or city as forest land or
20 agricultural land of long-term commercial significance under RCW
21 36.70A.170 unless the city or county has enacted a program
22 authorizing transfer or purchase of development rights.

23 **Sec. 4.** RCW 36.70A.070 and 2010 1st sp.s. c 26 s 6 are each
24 amended to read as follows:

25 The comprehensive plan of a county or city that is required or
26 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
27 and descriptive text covering objectives, principles, and standards
28 used to develop the comprehensive plan. The plan shall be an
29 internally consistent document and all elements shall be consistent
30 with the future land use map. A comprehensive plan shall be adopted
31 and amended with public participation as provided in RCW 36.70A.140.

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

34 (1) A land use element designating the proposed general
35 distribution and general location and extent of the uses of land,
36 where appropriate, for agriculture, timber production, housing,
37 commerce, industry, recreation, open spaces, general aviation
38 airports, public utilities, public facilities, and other land uses.
39 The land use element shall include population densities, building

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

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

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

36 (4) A utilities element consisting of the general location,
37 proposed location, and capacity of all existing and proposed
38 utilities, including, but not limited to, electrical lines,
39 telecommunication 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,
3 agriculture, forest, or mineral resources. The following provisions
4 shall apply to 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, and freight
13 rail dependent uses. The rural element shall provide for a variety of
14 rural densities, uses, essential public facilities, and rural
15 governmental services needed to serve the permitted densities and
16 uses. To achieve a variety of rural densities and uses, counties may
17 provide for clustering, density transfer, design guidelines,
18 conservation easements, and other innovative techniques that will
19 accommodate appropriate rural densities and uses that are not
20 characterized by urban growth and that are consistent with rural
21 character.

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

25 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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

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

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

29 (iii) The intensification of development on lots containing
30 isolated nonresidential uses or new development of isolated cottage
31 industries and isolated small-scale businesses that are not
32 principally designed to serve the existing and projected rural
33 population and nonresidential uses, but do provide job opportunities
34 for rural residents. Rural counties may allow the expansion of small-
35 scale businesses as long as those small-scale businesses conform with
36 the rural character of the area as defined by the local government
37 according to RCW 36.70A.030(~~(+15)~~)(16). Rural counties may also
38 allow new small-scale businesses to utilize a site previously
39 occupied by an existing business as long as the new small-scale
40 business conforms to the rural character of the area as defined by

1 the local government according to RCW 36.70A.030(~~((+15+))~~)(16). Public
2 services and public facilities shall be limited to those necessary to
3 serve the isolated nonresidential use and shall be provided in a
4 manner that does not permit low-density sprawl;

5 (iv) A county shall adopt measures to minimize and contain the
6 existing areas or uses of more intensive rural development, as
7 appropriate, authorized under this subsection. Lands included in such
8 existing areas or uses shall not extend beyond the logical outer
9 boundary of the existing area or use, thereby allowing a new pattern
10 of low-density sprawl. Existing areas are those that are clearly
11 identifiable and contained and where there is a logical boundary
12 delineated predominately by the built environment, but that may also
13 include undeveloped lands if limited as provided in this subsection.
14 The county shall establish the logical outer boundary of an area of
15 more intensive rural development. In establishing the logical outer
16 boundary, the county shall address (A) the need to preserve the
17 character of existing natural neighborhoods and communities, (B)
18 physical boundaries, such as bodies of water, streets and highways,
19 and land forms and contours, (C) the prevention of abnormally
20 irregular boundaries, and (D) the ability to provide public
21 facilities and public services in a manner that does not permit low-
22 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
29 provisions 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
32 that is planning under all of the provisions of this chapter pursuant
33 to RCW 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
37 and 36.70A.365.

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

1 (a) The transportation element shall include the following
2 subelements:

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

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

10 (iii) Facilities and services needs, including:

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

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

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

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

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

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

5 (iv) Finance, including:

6 (A) An analysis of funding capability to judge needs against
7 probable funding resources;

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

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

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

23 (vi) Demand-management strategies;

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

28 (b) After adoption of the comprehensive plan by jurisdictions
29 required to plan or who choose to plan under RCW 36.70A.040, local
30 jurisdictions must adopt and enforce ordinances which prohibit
31 development approval if the development causes the level of service
32 on a locally owned transportation facility to decline below the
33 standards adopted in the transportation element of the comprehensive
34 plan, unless transportation improvements or strategies to accommodate
35 the impacts of development are made concurrent with the development.
36 These strategies may include increased public transportation service,
37 ride sharing programs, demand management, and other transportation
38 systems management strategies. For the purposes of this subsection
39 (6), "concurrent with the development" means that improvements or
40 strategies are in place at the time of development, or that a

1 financial commitment is in place to complete the improvements or
2 strategies within six years.

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

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

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

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

35 **Sec. 5.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
36 read as follows:

37 The comprehensive plan of a county or city that is required or
38 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
39 and descriptive text covering objectives, principles, and standards

1 used to develop the comprehensive plan. The plan shall be an
2 internally consistent document and all elements shall be consistent
3 with the future land use map. A comprehensive plan shall be adopted
4 and amended with public participation as provided in RCW 36.70A.140.
5 Each comprehensive plan shall include a plan, scheme, or design for
6 each of the following:

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

22 (2) A housing element ensuring the vitality and character of
23 established residential neighborhoods that: (a) Includes an inventory
24 and analysis of existing and projected housing needs that identifies
25 the number of housing units necessary to manage projected growth; (b)
26 includes a statement of goals, policies, objectives, and mandatory
27 provisions for the preservation, improvement, and development of
28 housing, including single-family residences; (c) identifies
29 sufficient land for housing, including, but not limited to,
30 government-assisted housing, housing for low-income families,
31 manufactured housing, multifamily housing, and group homes and foster
32 care facilities; and (d) makes adequate provisions for existing and
33 projected needs of all economic segments of the community.

34 (3) A capital facilities plan element consisting of: (a) An
35 inventory of existing capital facilities owned by public entities,
36 showing the locations and capacities of the capital facilities; (b) a
37 forecast of the future needs for such capital facilities; (c) the
38 proposed locations and capacities of expanded or new capital
39 facilities; (d) at least a six-year plan that will finance such
40 capital facilities within projected funding capacities and clearly

1 identifies sources of public money for such purposes; and (e) a
2 requirement to reassess the land use element if probable funding
3 falls short of meeting existing needs and to ensure that the land use
4 element, capital facilities plan element, and financing plan within
5 the capital facilities plan element are coordinated and consistent.
6 Park and recreation facilities shall be included in the capital
7 facilities plan element.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed
10 utilities, including, but not limited to, electrical lines,
11 telecommunication lines, and natural gas lines.

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

16 (a) Growth management act goals and local circumstances. Because
17 circumstances vary from county to county, in establishing patterns of
18 rural densities and uses, a county may consider local circumstances,
19 but shall develop a written record explaining how the rural element
20 harmonizes the planning goals in RCW 36.70A.020 and meets the
21 requirements of this chapter.

22 (b) Rural development. The rural element shall permit rural
23 development, forestry, and agriculture in rural areas, and freight
24 rail dependent uses. The rural element shall provide for a variety of
25 rural densities, uses, essential public facilities, and rural
26 governmental services needed to serve the permitted densities and
27 uses. To achieve a variety of rural densities and uses, counties may
28 provide for clustering, density transfer, design guidelines,
29 conservation easements, and other innovative techniques that will
30 accommodate appropriate rural densities and uses that are not
31 characterized by urban growth and that are consistent with rural
32 character.

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

36 (i) Containing or otherwise controlling rural development;

37 (ii) Assuring visual compatibility of rural development with the
38 surrounding rural area;

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

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

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

5 (d) Limited areas of more intensive rural development. Subject to
6 the requirements of this subsection and except as otherwise
7 specifically provided in this subsection (5)(d), the rural element
8 may allow for limited areas of more intensive rural development,
9 including necessary public facilities and public services to serve
10 the limited area as follows:

11 (i) Rural development consisting of the infill, development, or
12 redevelopment of existing commercial, industrial, residential, or
13 mixed-use areas, whether characterized as shoreline development,
14 villages, hamlets, rural activity centers, or crossroads
15 developments.

16 (A) A commercial, industrial, residential, shoreline, or mixed-
17 use area are subject to the requirements of (d)(iv) of this
18 subsection, but are not subject to the requirements of (c)(ii) and
19 (iii) of this subsection.

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

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

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

39 (iii) The intensification of development on lots containing
40 isolated nonresidential uses or new development of isolated cottage

1 industries and isolated small-scale businesses that are not
2 principally designed to serve the existing and projected rural
3 population and nonresidential uses, but do provide job opportunities
4 for rural residents. Rural counties may allow the expansion of small-
5 scale businesses as long as those small-scale businesses conform with
6 the rural character of the area as defined by the local government
7 according to RCW 36.70A.030(~~(+15+)~~)(16). Rural counties may also
8 allow new small-scale businesses to utilize a site previously
9 occupied by an existing business as long as the new small-scale
10 business conforms to the rural character of the area as defined by
11 the local government according to RCW 36.70A.030(~~(+15+)~~)(16). Public
12 services and public facilities shall be limited to those necessary to
13 serve the isolated nonresidential use and shall be provided in a
14 manner that does not permit low-density sprawl;

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

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

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

37 (B) On the date the county adopted a resolution under RCW
38 36.70A.040(2), in a county that is planning under all of the
39 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

11 (a) The transportation element shall include the following
12 subelements:

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

14 (ii) Estimated traffic impacts to state-owned transportation
15 facilities resulting from land use assumptions to assist the
16 department of transportation in monitoring the performance of state
17 facilities, to plan improvements for the facilities, and to assess
18 the impact of land-use decisions on state-owned transportation
19 facilities;

20 (iii) Facilities and services needs, including:

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

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

30 (C) For state-owned transportation facilities, level of service
31 standards for highways, as prescribed in chapters 47.06 and 47.80
32 RCW, to gauge the performance of the system. The purposes of
33 reflecting level of service standards for state highways in the local
34 comprehensive plan are to monitor the performance of the system, to
35 evaluate improvement strategies, and to facilitate coordination
36 between the county's or city's six-year street, road, or transit
37 program and the office of financial management's ten-year investment
38 program. The concurrency requirements of (b) of this subsection do
39 not apply to transportation facilities and services of statewide
40 significance except for counties consisting of islands whose only

1 connection to the mainland are state highways or ferry routes. In
2 these island counties, state highways and ferry route capacity must
3 be a factor in meeting the concurrency requirements in (b) of this
4 subsection;

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

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

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

15 (iv) Finance, including:

16 (A) An analysis of funding capability to judge needs against
17 probable funding resources;

18 (B) A multiyear financing plan based on the needs identified in
19 the comprehensive plan, the appropriate parts of which shall serve as
20 the basis for the six-year street, road, or transit program required
21 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
22 35.58.2795 for public transportation systems. The multiyear financing
23 plan should be coordinated with the ten-year investment program
24 developed by the office of financial management as required by RCW
25 47.05.030;

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

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

33 (vi) Demand-management strategies;

34 (vii) Pedestrian and bicycle component to include collaborative
35 efforts to identify and designate planned improvements for pedestrian
36 and bicycle facilities and corridors that address and encourage
37 enhanced community access and promote healthy lifestyles.

38 (b) After adoption of the comprehensive plan by jurisdictions
39 required to plan or who choose to plan under RCW 36.70A.040, local
40 jurisdictions must adopt and enforce ordinances which prohibit

1 development approval if the development causes the level of service
2 on a locally owned transportation facility to decline below the
3 standards adopted in the transportation element of the comprehensive
4 plan, unless transportation improvements or strategies to accommodate
5 the impacts of development are made concurrent with the development.
6 These strategies may include increased public transportation service,
7 ride sharing programs, demand management, and other transportation
8 systems management strategies. For the purposes of this subsection
9 (6), "concurrent with the development" means that improvements or
10 strategies are in place at the time of development, or that a
11 financial commitment is in place to complete the improvements or
12 strategies within six years. If the collection of impact fees is
13 delayed under RCW 82.02.050(3), the six-year period required by this
14 subsection (6)(b) must begin after full payment of all impact fees is
15 due to the county or city.

16 (c) The transportation element described in this subsection (6),
17 the six-year plans required by RCW 35.77.010 for cities, RCW
18 36.81.121 for counties, and RCW 35.58.2795 for public transportation
19 systems, and the ten-year investment program required by RCW
20 47.05.030 for the state, must be consistent.

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

34 (8) A park and recreation element that implements, and is
35 consistent with, the capital facilities plan element as it relates to
36 park and recreation facilities. The element shall include: (a)
37 Estimates of park and recreation demand for at least a ten-year
38 period; (b) an evaluation of facilities and service needs; and (c) an
39 evaluation of intergovernmental coordination opportunities to provide
40 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.

8 **Sec. 6.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to
9 read as follows:

10 (1) The transportation element required by RCW 36.70A.070 may
11 include, in addition to improvements or strategies to accommodate the
12 impacts of development authorized under RCW 36.70A.070(6)(b),
13 multimodal transportation improvements or strategies that are made
14 concurrent with the development. These transportation improvements or
15 strategies may include, but are not limited to, measures implementing
16 or evaluating:

17 (a) Multiple modes of transportation with peak and nonpeak hour
18 capacity performance standards for locally owned transportation
19 facilities; and

20 (b) Modal performance standards meeting the peak and nonpeak hour
21 capacity performance standards.

22 (2) The transportation element required by RCW 36.70A.070 may
23 include development of freight rail dependent uses on land adjacent
24 to a short line railroad. Development regulations may be modified to
25 include development of freight rail dependent uses that do not
26 require urban governmental services in rural lands.

27 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be
28 construed as prohibiting a county or city planning under RCW
29 36.70A.040 from exercising existing authority to develop multimodal
30 improvements or strategies to satisfy the concurrency requirements of
31 this chapter.

32 ~~((+3))~~ (4) Nothing in this section is intended to affect or
33 otherwise modify the authority of jurisdictions planning under RCW
34 36.70A.040.

35 NEW SECTION. **Sec. 7.** Section 4 of this act expires September 1,
36 2016.

1 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect
2 September 1, 2016.

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