

SHB 1504 - H AMD 147  
By Representative Pike

WITHDRAWN 03/07/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that it  
4 enacted the rail preservation program because railroads provide  
5 benefits to state and local jurisdictions that are valuable to  
6 economic development, highway safety, and the environment. The  
7 Washington state freight mobility plan includes the goal of  
8 supporting rural economies farm-to-market, manufacturing, and  
9 resource industry sectors. The plan makes clear that ensuring the  
10 availability of rail capacity is vital to meeting the future needs of  
11 the Puget Sound region. Rail-served industrial sites are a necessary  
12 part of a thriving freight mobility system, and are a key means of  
13 assuring that food and goods from rural areas are able to make it to  
14 people living in urban areas and international markets. Planned and  
15 effective access to railroad services is a pivotal aspect of  
16 transportation planning. The legislature affirms that it is in the  
17 public interest to allow economic development infrastructure to occur  
18 near rail lines as a means to alleviate strains on government  
19 infrastructure elsewhere. Therefore, the legislature finds that there  
20 is a need for counties and cities to improve their planning under the  
21 growth management act to provide much needed infrastructure for  
22 freight rail dependent uses adjacent to railroad lines.

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

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout this chapter.

27 (1) "Adopt a comprehensive land use plan" means to enact a new  
28 comprehensive land use plan or to update an existing comprehensive  
29 land use plan.

30 (2) "Agricultural land" means land primarily devoted to the  
31 commercial production of horticultural, viticultural, floricultural,

1 dairy, apiary, vegetable, or animal products or of berries, grain,  
2 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
3 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
4 hatcheries, or livestock, and that has long-term commercial  
5 significance for agricultural production.

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

7 (4) "Comprehensive land use plan," "comprehensive plan," or  
8 "plan" means a generalized coordinated land use policy statement of  
9 the governing body of a county or city that is adopted pursuant to  
10 this chapter.

11 (5) "Critical areas" include the following areas and ecosystems:  
12 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
13 used for potable water; (c) fish and wildlife habitat conservation  
14 areas; (d) frequently flooded areas; and (e) geologically hazardous  
15 areas. "Fish and wildlife habitat conservation areas" does not  
16 include such artificial features or constructs as irrigation delivery  
17 systems, irrigation infrastructure, irrigation canals, or drainage  
18 ditches that lie within the boundaries of and are maintained by a  
19 port district or an irrigation district or company.

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

21 (7) "Development regulations" or "regulation" means the controls  
22 placed on development or land use activities by a county or city,  
23 including, but not limited to, zoning ordinances, critical areas  
24 ordinances, shoreline master programs, official controls, planned  
25 unit development ordinances, subdivision ordinances, and binding site  
26 plan ordinances together with any amendments thereto. A development  
27 regulation does not include a decision to approve a project permit  
28 application, as defined in RCW 36.70B.020, even though the decision  
29 may be expressed in a resolution or ordinance of the legislative body  
30 of the county or city.

31 (8) "Forest land" means land primarily devoted to growing trees  
32 for long-term commercial timber production on land that can be  
33 economically and practically managed for such production, including  
34 Christmas trees subject to the excise tax imposed under RCW 84.33.100  
35 through 84.33.140, and that has long-term commercial significance. In  
36 determining whether forest land is primarily devoted to growing trees  
37 for long-term commercial timber production on land that can be  
38 economically and practically managed for such production, the  
39 following factors shall be considered: (a) The proximity of the land  
40 to urban, suburban, and rural settlements; (b) surrounding parcel

1 size and the compatibility and intensity of adjacent and nearby land  
2 uses; (c) long-term local economic conditions that affect the ability  
3 to manage for timber production; and (d) the availability of public  
4 facilities and services conducive to conversion of forest land to  
5 other uses.

6 (9) "Freight rail dependent uses" means buildings and other  
7 infrastructure that are used in the fabrication, processing, storage,  
8 and transport of goods where the use is dependent on and makes use of  
9 an adjacent short line railroad. Such facilities are both urban and  
10 rural development for purposes of this chapter. "Freight rail  
11 dependent uses" does not include buildings and other infrastructure  
12 that are used in the fabrication, processing, storage, and transport  
13 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
14 90.56.010.

15 (10) "Geologically hazardous areas" means areas that because of  
16 their susceptibility to erosion, sliding, earthquake, or other  
17 geological events, are not suited to the siting of commercial,  
18 residential, or industrial development consistent with public health  
19 or safety concerns.

20 ((+10)) (11) "Long-term commercial significance" includes the  
21 growing capacity, productivity, and soil composition of the land for  
22 long-term commercial production, in consideration with the land's  
23 proximity to population areas, and the possibility of more intense  
24 uses of the land.

25 ((+11)) (12) "Minerals" include gravel, sand, and valuable  
26 metallic substances.

27 ((+12)) (13) "Public facilities" include streets, roads,  
28 highways, sidewalks, street and road lighting systems, traffic  
29 signals, domestic water systems, storm and sanitary sewer systems,  
30 parks and recreational facilities, and schools.

31 ((+13)) (14) "Public services" include fire protection and  
32 suppression, law enforcement, public health, education, recreation,  
33 environmental protection, and other governmental services.

34 ((+14)) (15) "Recreational land" means land so designated under  
35 RCW 36.70A.1701 and that, immediately prior to this designation, was  
36 designated as agricultural land of long-term commercial significance  
37 under RCW 36.70A.170. Recreational land must have playing fields and  
38 supporting facilities existing before July 1, 2004, for sports played  
39 on grass playing fields.

1       (~~(15)~~) (16) "Rural character" refers to the patterns of land  
2 use and development established by a county in the rural element of  
3 its comprehensive plan:

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

6       (b) That foster traditional rural lifestyles, rural-based  
7 economies, and opportunities to both live and work in rural areas,  
8 including railroad tracks;

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

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

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

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

17       (g) That are consistent with the protection of natural surface  
18 water flows and groundwater and surface water recharge and discharge  
19 areas.

20       (~~(16)~~) (17) "Rural development" refers to development outside  
21 the urban growth area and outside agricultural, forest, and mineral  
22 resource lands designated pursuant to RCW 36.70A.170. Rural  
23 development can consist of a variety of uses and residential  
24 densities, including clustered residential development, at levels  
25 that are consistent with the preservation of rural character and the  
26 requirements of the rural element. Rural development includes  
27 railroad tracks. Rural development does not refer to agriculture or  
28 forestry activities that may be conducted in rural areas.

29       (~~(17)~~) (18) "Rural governmental services" or "rural services"  
30 include those public services and public facilities historically and  
31 typically delivered at an intensity usually found in rural areas, and  
32 may include domestic water systems, fire and police protection  
33 services, transportation and public transit services, and other  
34 public utilities associated with rural development and normally not  
35 associated with urban areas. Rural services do not include storm or  
36 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

37       (~~(18)~~) (19) "Short line railroad" means those railroad lines  
38 designated Class II or Class III by the United States Surface  
39 Transportation Board and that are thirty-six miles or less in length.

1        (20) "Urban governmental services" or "urban services" include  
2 those public services and public facilities at an intensity  
3 historically and typically provided in cities, specifically including  
4 storm and sanitary sewer systems, domestic water systems, street  
5 cleaning services, fire and police protection services, access to  
6 railroad lines, public transit services, and other public utilities  
7 associated with urban areas and normally not associated with rural  
8 areas.

9        ~~((19))~~ (21) "Urban growth" refers to growth that makes  
10 intensive use of land for the location of buildings, structures, and  
11 impermeable surfaces to such a degree as to be incompatible with the  
12 primary use of land for the production of food, other agricultural  
13 products, or fiber, or the extraction of mineral resources, rural  
14 uses, rural development, and natural resource lands designated  
15 pursuant to RCW 36.70A.170. A pattern of more intensive rural  
16 development, as provided in RCW 36.70A.070(5)(d), is not urban  
17 growth. When allowed to spread over wide areas, urban growth  
18 typically requires urban governmental services. "Characterized by  
19 urban growth" refers to land having urban growth located on it, or to  
20 land located in relationship to an area with urban growth on it as to  
21 be appropriate for urban growth.

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

24        ~~((21))~~ (23) "Wetland" or "wetlands" means areas that are  
25 inundated or saturated by surface water or groundwater at a frequency  
26 and duration sufficient to support, and that under normal  
27 circumstances do support, a prevalence of vegetation typically  
28 adapted for life in saturated soil conditions. Wetlands generally  
29 include swamps, marshes, bogs, and similar areas. Wetlands do not  
30 include those artificial wetlands intentionally created from  
31 nonwetland sites, including, but not limited to, irrigation and  
32 drainage ditches, grass-lined swales, canals, detention facilities,  
33 wastewater treatment facilities, farm ponds, and landscape amenities,  
34 or those wetlands created after July 1, 1990, that were  
35 unintentionally created as a result of the construction of a road,  
36 street, or highway. Wetlands may include those artificial wetlands  
37 intentionally created from nonwetland areas created to mitigate  
38 conversion of wetlands.

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

3       (1)(a) Each county that is required or chooses to plan under RCW  
4 36.70A.040, and each city within such county, shall adopt development  
5 regulations on or before September 1, 1991, to assure the  
6 conservation of agricultural, forest, and mineral resource lands  
7 designated under RCW 36.70A.170. Regulations adopted under this  
8 subsection may not prohibit uses legally existing on any parcel prior  
9 to their adoption and shall remain in effect until the county or city  
10 adopts development regulations pursuant to RCW 36.70A.040. Such  
11 regulations shall assure that the use of lands adjacent to  
12 agricultural, forest, or mineral resource lands shall not interfere  
13 with the continued use, in the accustomed manner and in accordance  
14 with best management practices, of these designated lands for the  
15 production of food, agricultural products, or timber, or for the  
16 extraction of minerals. Each county and city may adopt development  
17 regulations to assure that agriculture, forest, and mineral resource  
18 lands adjacent to short line railroads may be developed for freight  
19 rail dependent uses. Any development regulations related to the  
20 development of agriculture, forest, and mineral resource lands  
21 adjacent to short line railroads for freight rail dependent uses must  
22 require buffers sufficient to prevent encroachment on or impacts to  
23 the adjacent resource lands.

24       (b) Counties and cities shall require that all plats, short  
25 plats, development permits, and building permits issued for  
26 development activities on, or within five hundred feet of, lands  
27 designated as agricultural lands, forest lands, or mineral resource  
28 lands, contain a notice that the subject property is within or near  
29 designated agricultural lands, forest lands, or mineral resource  
30 lands on which a variety of commercial activities may occur that are  
31 not compatible with residential development for certain periods of  
32 limited duration. The notice for mineral resource lands shall also  
33 inform that an application might be made for mining-related  
34 activities, including mining, extraction, washing, crushing,  
35 stockpiling, blasting, transporting, and recycling of minerals.

36       (c) Each county that adopts a resolution of partial planning  
37 under RCW 36.70A.040(2)(b), and each city within such county, shall  
38 adopt development regulations within one year after the adoption of  
39 the resolution of partial planning to assure the conservation of  
40 agricultural, forest, and mineral resource lands designated under RCW

1 36.70A.170. Regulations adopted under this subsection (1)(c) must  
2 comply with the requirements governing regulations adopted under (a)  
3 of this subsection.

4 (d)(i) A county that adopts a resolution of partial planning  
5 under RCW 36.70A.040(2)(b) and that is not in compliance with the  
6 planning requirements of this section, RCW 36.70A.040(4),  
7 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution  
8 is adopted must, by January 30, 2017, apply for a determination of  
9 compliance from the department finding that the county's development  
10 regulations, including development regulations adopted to protect  
11 critical areas, and comprehensive plans are in compliance with the  
12 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),  
13 36.70A.170, and 36.70A.172. The department must approve or deny the  
14 application for a determination of compliance within one hundred  
15 twenty days of its receipt or by June 30, 2017, whichever date is  
16 earlier.

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

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

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

30 (v) The department may implement this subsection (~~((1))~~)(1)(d)  
31 by adopting rules related to determinations of compliance. The rules  
32 may address, but are not limited to: The requirements for  
33 applications for a determination of compliance; charging of costs  
34 under (d)(iv) of this subsection; procedures for processing  
35 applications; criteria for the evaluation of applications; issuance  
36 and notice of department decisions; and applicable timelines.

37 (2) Each county and city shall adopt development regulations that  
38 protect critical areas that are required to be designated under RCW  
39 36.70A.170. For counties and cities that are required or choose to  
40 plan under RCW 36.70A.040, such development regulations shall be

1 adopted on or before September 1, 1991. For the remainder of the  
2 counties and cities, such development regulations shall be adopted on  
3 or before March 1, 1992.

4 (3) Such counties and cities shall review these designations and  
5 development regulations when adopting their comprehensive plans under  
6 RCW 36.70A.040 and implementing development regulations under RCW  
7 36.70A.120 and may alter such designations and development  
8 regulations to insure consistency.

9 (4) Forest land and agricultural land located within urban growth  
10 areas shall not be designated by a county or city as forest land or  
11 agricultural land of long-term commercial significance under RCW  
12 36.70A.170 unless the city or county has enacted a program  
13 authorizing transfer or purchase of development rights.

14 (5) The department of commerce is directed to submit a written  
15 report to the legislature by November 15th of each even-numbered  
16 year, beginning in 2018 and ending in 2028, that describes any job  
17 gains, tax impacts, and impacts to resource lands resulting from  
18 freight rail dependent uses sited under this act.

19 **Sec. 4.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to  
20 read as follows:

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

30 (1) A land use element designating the proposed general  
31 distribution and general location and extent of the uses of land,  
32 where appropriate, for agriculture, timber production, housing,  
33 commerce, industry, recreation, open spaces, general aviation  
34 airports, public utilities, public facilities, and other land uses.  
35 The land use element shall include population densities, building  
36 intensities, and estimates of future population growth. The land use  
37 element shall provide for protection of the quality and quantity of  
38 groundwater used for public water supplies. Wherever possible, the  
39 land use element should consider utilizing urban planning approaches



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

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

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

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

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

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

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

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

20 (i) Containing or otherwise controlling rural development;

21 (ii) Assuring visual compatibility of rural development with the  
22 surrounding rural area;

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

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

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

29 (d) Limited areas of more intensive rural development. Subject to  
30 the requirements of this subsection and except as otherwise  
31 specifically provided in this subsection (5)(d), the rural element  
32 may allow for limited areas of more intensive rural development,  
33 including necessary public facilities and public services to serve  
34 the limited area as follows:

35 (i) Rural development consisting of the infill, development, or  
36 redevelopment of existing commercial, industrial, residential, or  
37 mixed-use areas, whether characterized as shoreline development,  
38 villages, hamlets, rural activity centers, or crossroads  
39 developments.

1 (A) A commercial, industrial, residential, shoreline, or mixed-  
2 use area are subject to the requirements of (d)(iv) of this  
3 subsection, but are not subject to the requirements of (c)(ii) and  
4 (iii) of this subsection.

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

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

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

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

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

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

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

23 (B) On the date the county adopted a resolution under RCW  
24 36.70A.040(2), in a county that is planning under all of the  
25 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

36 (a) The transportation element shall include the following  
37 subelements:

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

39 (ii) Estimated traffic impacts to state-owned transportation  
40 facilities resulting from land use assumptions to assist the

1 department of transportation in monitoring the performance of state  
2 facilities, to plan improvements for the facilities, and to assess  
3 the impact of land-use decisions on state-owned transportation  
4 facilities;

5 (iii) Facilities and services needs, including:

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

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

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

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

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

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

40 (iv) Finance, including:

1 (A) An analysis of funding capability to judge needs against  
2 probable funding resources;

3 (B) A multiyear financing plan based on the needs identified in  
4 the comprehensive plan, the appropriate parts of which shall serve as  
5 the basis for the six-year street, road, or transit program required  
6 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
7 35.58.2795 for public transportation systems. The multiyear financing  
8 plan should be coordinated with the ten-year investment program  
9 developed by the office of financial management as required by RCW  
10 47.05.030;

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

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

18 (vi) Demand-management strategies;

19 (vii) Pedestrian and bicycle component to include collaborative  
20 efforts to identify and designate planned improvements for pedestrian  
21 and bicycle facilities and corridors that address and encourage  
22 enhanced community access and promote healthy lifestyles.

23 (b) After adoption of the comprehensive plan by jurisdictions  
24 required to plan or who choose to plan under RCW 36.70A.040, local  
25 jurisdictions must adopt and enforce ordinances which prohibit  
26 development approval if the development causes the level of service  
27 on a locally owned transportation facility to decline below the  
28 standards adopted in the transportation element of the comprehensive  
29 plan, unless transportation improvements or strategies to accommodate  
30 the impacts of development are made concurrent with the development.  
31 These strategies may include increased public transportation service,  
32 ride sharing programs, demand management, and other transportation  
33 systems management strategies. For the purposes of this subsection  
34 (6), "concurrent with the development" means that improvements or  
35 strategies are in place at the time of development, or that a  
36 financial commitment is in place to complete the improvements or  
37 strategies within six years. If the collection of impact fees is  
38 delayed under RCW 82.02.050(3), the six-year period required by this  
39 subsection (6)(b) must begin after full payment of all impact fees is  
40 due to the county or city.

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

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

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

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

33 **Sec. 5.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to  
34 read as follows:

35 (1) The transportation element required by RCW 36.70A.070 may  
36 include, in addition to improvements or strategies to accommodate the  
37 impacts of development authorized under RCW 36.70A.070(6)(b),  
38 multimodal transportation improvements or strategies that are made  
39 concurrent with the development. These transportation improvements or

1 strategies may include, but are not limited to, measures implementing  
2 or evaluating:

3 (a) Multiple modes of transportation with peak and nonpeak hour  
4 capacity performance standards for locally owned transportation  
5 facilities; and

6 (b) Modal performance standards meeting the peak and nonpeak hour  
7 capacity performance standards.

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

13 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be  
14 construed as prohibiting a county or city planning under RCW  
15 36.70A.040 from exercising existing authority to develop multimodal  
16 improvements or strategies to satisfy the concurrency requirements of  
17 this chapter.

18 ((+3)) (4) Nothing in this section is intended to affect or  
19 otherwise modify the authority of jurisdictions planning under RCW  
20 36.70A.040.

21 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act expire  
22 June 30, 2028."

23 Correct the title.

EFFECT: Modifies the definition of "short line railroads" to mean those railroad lines designated Class II or Class III by the United States Surface Transportation Board and that are thirty-six miles or less in length. Directs the Department of Commerce to submit a written report to the legislature by November 15th of each even-numbered year, beginning in 2018 and ending in 2028, that describes any job gains, tax impacts, and impacts to resource lands resulting from freight rail dependent uses sited under this act. Provides that all sections of the act expire June 30, 2028.

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