

FINAL BILL REPORT

3ESB 5517

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Synopsis as Enacted

Brief Description: Concerning rail dependent uses for purposes of the growth management act and related development regulations.

Sponsors: Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler.

Senate Committee on Local Government
House Committee on Environment
House Committee on Rules

Background: The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated, by mandate or choice, to satisfy all planning requirements of the GMA.

Under the GMA, all counties and cities are obligated to designate, where appropriate, natural resource lands of long-term commercial significance, and environmentally sensitive areas. These designation requirements apply to:

- agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
- environmentally sensitive areas known as critical areas.

Jurisdictions that fully plan under the GMA must adopt development regulations to assure the conservation of designated natural resource lands of long-term commercial significance. These same jurisdictions must also adopt comprehensive land-use plans to express the general land-use policies of the county or city, and development regulations to implement those plans.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Comprehensive plans must include specific planning elements, each of which is a subset of the plan. The transportation element of a comprehensive plan must include sub-elements that address transportation mandates for forecasting, finance, coordination, and facilities and services needs.

Summary: The following counties, and the cities within such counties, may adopt development regulations to assure that agricultural lands, forest lands, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses:

- any county located west of the Cascade mountains that has a population of at least 400,000 and a border that touches another state; and
- any county that borders both the Cascade mountains and another country, and has a population of less than 50,000 people.

Any county located west of the Cascade mountains that has a population of at least 400,000 and a border that touches another state, and the cities within such a county, may also include development of freight rail dependent uses on land adjacent to short line railroads in the transportation element of their comprehensive plans. Development regulations may be modified to include development of freight rail dependent uses that do not require urban governmental services in rural lands.

Freight rail dependent uses include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on, and makes use of, an adjacent short line railroad. Buildings and other infrastructure used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or crude oil are excluded from this definition. These facilities are both urban and rural development under the GMA.

Votes on Final Passage:

Senate 38 11

Second Special Session

Senate 37 10

Third Special Session

Senate 35 11

House 82 12

Effective: October 19, 2017