
SENATE BILL 5517

State of Washington

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By Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser, and Schoesler

Read first time 01/26/17. Referred to Committee on Local Government.

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, and 36.70A.108; and creating a
4 new section.

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

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

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

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

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

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

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

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

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

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

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

38 (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. "Freight rail
31 dependent uses" does not include buildings and other infrastructure
32 that are used in the fabrication, processing, storage, and transport
33 of coal, liquefied natural gas, or "crude oil" as defined in RCW
34 90.56.010.

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

1 (~~(10)~~) (11) "Long-term commercial significance" includes the
2 growing capacity, productivity, and soil composition of the land for
3 long-term commercial production, in consideration with the land's
4 proximity to population areas, and the possibility of more intense
5 uses of the land.

6 (~~(11)~~) (12) "Minerals" include gravel, sand, and valuable
7 metallic substances.

8 (~~(12)~~) (13) "Public facilities" include streets, roads,
9 highways, sidewalks, street and road lighting systems, traffic
10 signals, domestic water systems, storm and sanitary sewer systems,
11 parks and recreational facilities, and schools.

12 (~~(13)~~) (14) "Public services" include fire protection and
13 suppression, law enforcement, public health, education, recreation,
14 environmental protection, and other governmental services.

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

21 (~~(15)~~) (16) "Rural character" refers to the patterns of land
22 use and development established by a county in the rural element of
23 its comprehensive plan:

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

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

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

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

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

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

37 (g) That are consistent with the protection of natural surface
38 water flows and groundwater and surface water recharge and discharge
39 areas.

1 (~~(16)~~) (17) "Rural development" refers to development outside
2 the urban growth area and outside agricultural, forest, and mineral
3 resource lands designated pursuant to RCW 36.70A.170. Rural
4 development can consist of a variety of uses and residential
5 densities, including clustered residential development, at levels
6 that are consistent with the preservation of rural character and the
7 requirements of the rural element. Rural development includes
8 railroad tracks and freight rail dependent uses. Rural development
9 does not refer to agriculture or forestry activities that may be
10 conducted in rural areas.

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

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

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

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

1 land located in relationship to an area with urban growth on it as to
2 be appropriate for urban growth.

3 ~~((+20))~~ (22) "Urban growth areas" means those areas designated
4 by a county pursuant to RCW 36.70A.110.

5 ~~((+21))~~ (23) "Wetland" or "wetlands" means areas that are
6 inundated or saturated by surface water or groundwater at a frequency
7 and duration sufficient to support, and that under normal
8 circumstances do support, a prevalence of vegetation typically
9 adapted for life in saturated soil conditions. Wetlands generally
10 include swamps, marshes, bogs, and similar areas. Wetlands do not
11 include those artificial wetlands intentionally created from
12 nonwetland sites, including, but not limited to, irrigation and
13 drainage ditches, grass-lined swales, canals, detention facilities,
14 wastewater treatment facilities, farm ponds, and landscape amenities,
15 or those wetlands created after July 1, 1990, that were
16 unintentionally created as a result of the construction of a road,
17 street, or highway. Wetlands may include those artificial wetlands
18 intentionally created from nonwetland areas created to mitigate
19 conversion of wetlands.

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

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

1 (b) Counties and cities shall require that all plats, short
2 plats, development permits, and building permits issued for
3 development activities on, or within five hundred feet of, lands
4 designated as agricultural lands, forest lands, or mineral resource
5 lands, contain a notice that the subject property is within or near
6 designated agricultural lands, forest lands, or mineral resource
7 lands on which a variety of commercial activities may occur that are
8 not compatible with residential development for certain periods of
9 limited duration. The notice for mineral resource lands shall also
10 inform that an application might be made for mining-related
11 activities, including mining, extraction, washing, crushing,
12 stockpiling, blasting, transporting, and recycling of minerals.

13 (c) Each county that adopts a resolution of partial planning
14 under RCW 36.70A.040(2)(b), and each city within such county, shall
15 adopt development regulations within one year after the adoption of
16 the resolution of partial planning to assure the conservation of
17 agricultural, forest, and mineral resource lands designated under RCW
18 36.70A.170. Regulations adopted under this subsection (1)(c) must
19 comply with the requirements governing regulations adopted under (a)
20 of this subsection.

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

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

38 (iii) A petition for review of a determination of compliance
39 under (d)(i) of this subsection may only be appealed to the growth

1 management hearings board within sixty days of the issuance of the
2 decision by the department.

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

8 (v) The department may implement this subsection (~~((1))~~)(1)(d)
9 by adopting rules related to determinations of compliance. The rules
10 may address, but are not limited to: The requirements for
11 applications for a determination of compliance; charging of costs
12 under (d)(iv) of this subsection; procedures for processing
13 applications; criteria for the evaluation of applications; issuance
14 and notice of department decisions; and applicable timelines.

15 (2) Each county and city shall adopt development regulations that
16 protect critical areas that are required to be designated under RCW
17 36.70A.170. For counties and cities that are required or choose to
18 plan under RCW 36.70A.040, such development regulations shall be
19 adopted on or before September 1, 1991. For the remainder of the
20 counties and cities, such development regulations shall be adopted on
21 or before March 1, 1992.

22 (3) Such counties and cities shall review these designations and
23 development regulations when adopting their comprehensive plans under
24 RCW 36.70A.040 and implementing development regulations under RCW
25 36.70A.120 and may alter such designations and development
26 regulations to insure consistency.

27 (4) Forest land and agricultural land located within urban growth
28 areas shall not be designated by a county or city as forest land or
29 agricultural land of long-term commercial significance under RCW
30 36.70A.170 unless the city or county has enacted a program
31 authorizing transfer or purchase of development rights.

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

34 The comprehensive plan of a county or city that is required or
35 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
36 and descriptive text covering objectives, principles, and standards
37 used to develop the comprehensive plan. The plan shall be an
38 internally consistent document and all elements shall be consistent
39 with the future land use map. A comprehensive plan shall be adopted

1 and amended with public participation as provided in RCW 36.70A.140.
2 Each comprehensive plan shall include a plan, scheme, or design for
3 each of the following:

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

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

31 (3) A capital facilities plan element consisting of: (a) An
32 inventory of existing capital facilities owned by public entities,
33 showing the locations and capacities of the capital facilities; (b) a
34 forecast of the future needs for such capital facilities; (c) the
35 proposed locations and capacities of expanded or new capital
36 facilities; (d) at least a six-year plan that will finance such
37 capital facilities within projected funding capacities and clearly
38 identifies sources of public money for such purposes; and (e) a
39 requirement to reassess the land use element if probable funding
40 falls short of meeting existing needs and to ensure that the land use

1 element, capital facilities plan element, and financing plan within
2 the capital facilities plan element are coordinated and consistent.
3 Park and recreation facilities shall be included in the capital
4 facilities plan element.

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

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

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

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

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

- 33 (i) Containing or otherwise controlling rural development;
34 (ii) Assuring visual compatibility of rural development with the
35 surrounding rural area;
36 (iii) Reducing the inappropriate conversion of undeveloped land
37 into sprawling, low-density development in the rural area;
38 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
39 and surface water and groundwater resources; and

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

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

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

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

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

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

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

37 (iii) The intensification of development on lots containing
38 isolated nonresidential uses or new development of isolated cottage
39 industries and isolated small-scale businesses that are not
40 principally designed to serve the existing and projected rural

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

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

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

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

35 (B) On the date the county adopted a resolution under RCW
36 36.70A.040(2), in a county that is planning under all of the
37 provisions of this chapter under RCW 36.70A.040(2); or

38 (C) On the date the office of financial management certifies the
39 county's population as provided in RCW 36.70A.040(5), in a county

1 that is planning under all of the provisions of this chapter pursuant
2 to RCW 36.70A.040(5).

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

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

9 (a) The transportation element shall include the following
10 subelements:

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

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

18 (iii) Facilities and services needs, including:

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

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

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

1 be a factor in meeting the concurrency requirements in (b) of this
2 subsection;

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

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

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

13 (iv) Finance, including:

14 (A) An analysis of funding capability to judge needs against
15 probable funding resources;

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

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

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

31 (vi) Demand-management strategies;

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

36 (b) After adoption of the comprehensive plan by jurisdictions
37 required to plan or who choose to plan under RCW 36.70A.040, local
38 jurisdictions must adopt and enforce ordinances which prohibit
39 development approval if the development causes the level of service
40 on a locally owned transportation facility to decline below the

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

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

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

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

39 (9) It is the intent that new or amended elements required after
40 January 1, 2002, be adopted concurrent with the scheduled update

1 provided in RCW 36.70A.130. Requirements to incorporate any such new
2 or amended elements shall be null and void until funds sufficient to
3 cover applicable local government costs are appropriated and
4 distributed by the state at least two years before local government
5 must update comprehensive plans as required in RCW 36.70A.130.

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

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

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

18 (b) Modal performance standards meeting the peak and nonpeak hour
19 capacity performance standards.

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

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

30 ((+3)) (4) Nothing in this section is intended to affect or
31 otherwise modify the authority of jurisdictions planning under RCW
32 36.70A.040.

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