

ESB 5517 - S AMD 289
By Senator Wilson

ADOPTED 06/13/2017

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

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

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

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

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

19 (~~(16)~~) (17) "Rural development" refers to development outside
20 the urban growth area and outside agricultural, forest, and mineral
21 resource lands designated pursuant to RCW 36.70A.170. Rural
22 development can consist of a variety of uses and residential
23 densities, including clustered residential development, at levels
24 that are consistent with the preservation of rural character and the
25 requirements of the rural element. Rural development does not refer
26 to agriculture or forestry activities that may be conducted in rural
27 areas.

28 (~~(17)~~) (18) "Rural governmental services" or "rural services"
29 include those public services and public facilities historically and
30 typically delivered at an intensity usually found in rural areas, and
31 may include domestic water systems, fire and police protection
32 services, transportation and public transit services, and other
33 public utilities associated with rural development and normally not
34 associated with urban areas. Rural services do not include storm or
35 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

36 (~~(18)~~) (19) "Short line railroad" means those railroad lines
37 designated Class II or Class III by the United States surface
38 transportation board.

39 (20) "Urban governmental services" or "urban services" include
40 those public services and public facilities at an intensity

1 historically and typically provided in cities, specifically including
2 storm and sanitary sewer systems, domestic water systems, street
3 cleaning services, fire and police protection services, public
4 transit services, and other public utilities associated with urban
5 areas and normally not associated with rural areas.

6 ~~((19))~~ (21) "Urban growth" refers to growth that makes
7 intensive use of land for the location of buildings, structures, and
8 impermeable surfaces to such a degree as to be incompatible with the
9 primary use of land for the production of food, other agricultural
10 products, or fiber, or the extraction of mineral resources, rural
11 uses, rural development, and natural resource lands designated
12 pursuant to RCW 36.70A.170. A pattern of more intensive rural
13 development, as provided in RCW 36.70A.070(5)(d), is not urban
14 growth. When allowed to spread over wide areas, urban growth
15 typically requires urban governmental services. "Characterized by
16 urban growth" refers to land having urban growth located on it, or to
17 land located in relationship to an area with urban growth on it as to
18 be appropriate for urban growth.

19 ~~((20))~~ (22) "Urban growth areas" means those areas designated
20 by a county pursuant to RCW 36.70A.110.

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

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

38 (1)(a) Each county that is required or chooses to plan under RCW
39 36.70A.040, and each city within such county, shall adopt development

1 regulations on or before September 1, 1991, to assure the
2 conservation of agricultural, forest, and mineral resource lands
3 designated under RCW 36.70A.170. Regulations adopted under this
4 subsection may not prohibit uses legally existing on any parcel prior
5 to their adoption and shall remain in effect until the county or city
6 adopts development regulations pursuant to RCW 36.70A.040. Such
7 regulations shall assure that the use of lands adjacent to
8 agricultural, forest, or mineral resource lands shall not interfere
9 with the continued use, in the accustomed manner and in accordance
10 with best management practices, of these designated lands for the
11 production of food, agricultural products, or timber, or for the
12 extraction of minerals. Any county located to the west of the crest
13 of the Cascade mountains that has both a population of at least four
14 hundred thousand and a border that touches another state, and any
15 city in such county, may adopt development regulations to assure that
16 agriculture, forest, and mineral resource lands adjacent to short
17 line railroads may be developed for freight rail dependent uses.

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

30 (c) Each county that adopts a resolution of partial planning
31 under RCW 36.70A.040(2)(b), and each city within such county, shall
32 adopt development regulations within one year after the adoption of
33 the resolution of partial planning to assure the conservation of
34 agricultural, forest, and mineral resource lands designated under RCW
35 36.70A.170. Regulations adopted under this subsection (1)(c) must
36 comply with the requirements governing regulations adopted under (a)
37 of this subsection.

38 (d)(i) A county that adopts a resolution of partial planning
39 under RCW 36.70A.040(2)(b) and that is not in compliance with the
40 planning requirements of this section, RCW 36.70A.040(4),

1 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
2 is adopted must, by January 30, 2017, apply for a determination of
3 compliance from the department finding that the county's development
4 regulations, including development regulations adopted to protect
5 critical areas, and comprehensive plans are in compliance with the
6 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
7 36.70A.170, and 36.70A.172. The department must approve or deny the
8 application for a determination of compliance within one hundred
9 twenty days of its receipt or by June 30, 2017, whichever date is
10 earlier.

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

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

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

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

31 (2) Each county and city shall adopt development regulations that
32 protect critical areas that are required to be designated under RCW
33 36.70A.170. For counties and cities that are required or choose to
34 plan under RCW 36.70A.040, such development regulations shall be
35 adopted on or before September 1, 1991. For the remainder of the
36 counties and cities, such development regulations shall be adopted on
37 or before March 1, 1992.

38 (3) Such counties and cities shall review these designations and
39 development regulations when adopting their comprehensive plans under
40 RCW 36.70A.040 and implementing development regulations under RCW

1 36.70A.120 and may alter such designations and development
2 regulations to insure consistency.

3 (4) Forest land and agricultural land located within urban growth
4 areas shall not be designated by a county or city as forest land or
5 agricultural land of long-term commercial significance under RCW
6 36.70A.170 unless the city or county has enacted a program
7 authorizing transfer or purchase of development rights.

8 **Sec. 4.** RCW 36.70A.070 and 2017 c 331 s 2 are each amended to
9 read as follows:

10 The comprehensive plan of a county or city that is required or
11 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
12 and descriptive text covering objectives, principles, and standards
13 used to develop the comprehensive plan. The plan shall be an
14 internally consistent document and all elements shall be consistent
15 with the future land use map. A comprehensive plan shall be adopted
16 and amended with public participation as provided in RCW 36.70A.140.
17 Each comprehensive plan shall include a plan, scheme, or design for
18 each of the following:

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

34 (2) A housing element ensuring the vitality and character of
35 established residential neighborhoods that: (a) Includes an inventory
36 and analysis of existing and projected housing needs that identifies
37 the number of housing units necessary to manage projected growth; (b)
38 includes a statement of goals, policies, objectives, and mandatory
39 provisions for the preservation, improvement, and development of

1 housing, including single-family residences; (c) identifies
2 sufficient land for housing, including, but not limited to,
3 government-assisted housing, housing for low-income families,
4 manufactured housing, multifamily housing, and group homes and foster
5 care facilities; and (d) makes adequate provisions for existing and
6 projected needs of all economic segments of the community.

7 (3) A capital facilities plan element consisting of: (a) An
8 inventory of existing capital facilities owned by public entities,
9 showing the locations and capacities of the capital facilities; (b) a
10 forecast of the future needs for such capital facilities; (c) the
11 proposed locations and capacities of expanded or new capital
12 facilities; (d) at least a six-year plan that will finance such
13 capital facilities within projected funding capacities and clearly
14 identifies sources of public money for such purposes; and (e) a
15 requirement to reassess the land use element if probable funding
16 falls short of meeting existing needs and to ensure that the land use
17 element, capital facilities plan element, and financing plan within
18 the capital facilities plan element are coordinated and consistent.
19 Park and recreation facilities shall be included in the capital
20 facilities plan element.

21 (4) A utilities element consisting of the general location,
22 proposed location, and capacity of all existing and proposed
23 utilities, including, but not limited to, electrical lines,
24 telecommunication lines, and natural gas lines.

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

29 (a) Growth management act goals and local circumstances. Because
30 circumstances vary from county to county, in establishing patterns of
31 rural densities and uses, a county may consider local circumstances,
32 but shall develop a written record explaining how the rural element
33 harmonizes the planning goals in RCW 36.70A.020 and meets the
34 requirements of this chapter.

35 (b) Rural development. The rural element shall permit rural
36 development, forestry, and agriculture in rural areas. The rural
37 element shall provide for a variety of rural densities, uses,
38 essential public facilities, and rural governmental services needed
39 to serve the permitted densities and uses. To achieve a variety of
40 rural densities and uses, counties may provide for clustering,

1 density transfer, design guidelines, conservation easements, and
2 other innovative techniques that will accommodate appropriate rural
3 economic advancement, densities, and uses that are not characterized
4 by urban growth and that are consistent with rural character.

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

8 (i) Containing or otherwise controlling rural development;

9 (ii) Assuring visual compatibility of rural development with the
10 surrounding rural area;

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

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

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

17 (d) Limited areas of more intensive rural development. Subject to
18 the requirements of this subsection and except as otherwise
19 specifically provided in this subsection (5)(d), the rural element
20 may allow for limited areas of more intensive rural development,
21 including necessary public facilities and public services to serve
22 the limited area as follows:

23 (i) Rural development consisting of the infill, development, or
24 redevelopment of existing commercial, industrial, residential, or
25 mixed-use areas, whether characterized as shoreline development,
26 villages, hamlets, rural activity centers, or crossroads
27 developments.

28 (A) A commercial, industrial, residential, shoreline, or mixed-
29 use area are subject to the requirements of (d)(iv) of this
30 subsection, but are not subject to the requirements of (c)(ii) and
31 (iii) of this subsection.

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

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

1 (ii) The intensification of development on lots containing, or
2 new development of, small-scale recreational or tourist uses,
3 including commercial facilities to serve those recreational or
4 tourist uses, that rely on a rural location and setting, but that do
5 not include new residential development. A small-scale recreation or
6 tourist use is not required to be principally designed to serve the
7 existing and projected rural population. Public services and public
8 facilities shall be limited to those necessary to serve the
9 recreation or tourist use and shall be provided in a manner that does
10 not permit low-density sprawl;

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

27 (iv) A county shall adopt measures to minimize and contain the
28 existing areas or uses of more intensive rural development, as
29 appropriate, authorized under this subsection. Lands included in such
30 existing areas or uses shall not extend beyond the logical outer
31 boundary of the existing area or use, thereby allowing a new pattern
32 of low-density sprawl. Existing areas are those that are clearly
33 identifiable and contained and where there is a logical boundary
34 delineated predominately by the built environment, but that may also
35 include undeveloped lands if limited as provided in this subsection.
36 The county shall establish the logical outer boundary of an area of
37 more intensive rural development. In establishing the logical outer
38 boundary, the county shall address (A) the need to preserve the
39 character of existing natural neighborhoods and communities, (B)
40 physical boundaries, such as bodies of water, streets and highways,

1 and land forms and contours, (C) the prevention of abnormally
2 irregular boundaries, and (D) the ability to provide public
3 facilities and public services in a manner that does not permit low-
4 density sprawl;

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

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

9 (B) On the date the county adopted a resolution under RCW
10 36.70A.040(2), in a county that is planning under all of the
11 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

22 (a) The transportation element shall include the following
23 subelements:

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

25 (ii) Estimated traffic impacts to state-owned transportation
26 facilities resulting from land use assumptions to assist the
27 department of transportation in monitoring the performance of state
28 facilities, to plan improvements for the facilities, and to assess
29 the impact of land-use decisions on state-owned transportation
30 facilities;

31 (iii) Facilities and services needs, including:

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

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

1 (C) For state-owned transportation facilities, level of service
2 standards for highways, as prescribed in chapters 47.06 and 47.80
3 RCW, to gauge the performance of the system. The purposes of
4 reflecting level of service standards for state highways in the local
5 comprehensive plan are to monitor the performance of the system, to
6 evaluate improvement strategies, and to facilitate coordination
7 between the county's or city's six-year street, road, or transit
8 program and the office of financial management's ten-year investment
9 program. The concurrency requirements of (b) of this subsection do
10 not apply to transportation facilities and services of statewide
11 significance except for counties consisting of islands whose only
12 connection to the mainland are state highways or ferry routes. In
13 these island counties, state highways and ferry route capacity must
14 be a factor in meeting the concurrency requirements in (b) of this
15 subsection;

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

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

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

26 (iv) Finance, including:

27 (A) An analysis of funding capability to judge needs against
28 probable funding resources;

29 (B) A multiyear financing plan based on the needs identified in
30 the comprehensive plan, the appropriate parts of which shall serve as
31 the basis for the six-year street, road, or transit program required
32 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
33 35.58.2795 for public transportation systems. The multiyear financing
34 plan should be coordinated with the ten-year investment program
35 developed by the office of financial management as required by RCW
36 47.05.030;

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

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

4 (vi) Demand-management strategies;

5 (vii) Pedestrian and bicycle component to include collaborative
6 efforts to identify and designate planned improvements for pedestrian
7 and bicycle facilities and corridors that address and encourage
8 enhanced community access and promote healthy lifestyles.

9 (b) After adoption of the comprehensive plan by jurisdictions
10 required to plan or who choose to plan under RCW 36.70A.040, local
11 jurisdictions must adopt and enforce ordinances which prohibit
12 development approval if the development causes the level of service
13 on a locally owned transportation facility to decline below the
14 standards adopted in the transportation element of the comprehensive
15 plan, unless transportation improvements or strategies to accommodate
16 the impacts of development are made concurrent with the development.
17 These strategies may include increased public transportation service,
18 ride-sharing programs, demand management, and other transportation
19 systems management strategies. For the purposes of this subsection
20 (6), "concurrent with the development" means that improvements or
21 strategies are in place at the time of development, or that a
22 financial commitment is in place to complete the improvements or
23 strategies within six years. If the collection of impact fees is
24 delayed under RCW 82.02.050(3), the six-year period required by this
25 subsection (6)(b) must begin after full payment of all impact fees is
26 due to the county or city.

27 (c) The transportation element described in this subsection (6),
28 the six-year plans required by RCW 35.77.010 for cities, RCW
29 36.81.121 for counties, and RCW 35.58.2795 for public transportation
30 systems, and the ten-year investment program required by RCW
31 47.05.030 for the state, must be consistent.

32 (7) An economic development element establishing local goals,
33 policies, objectives, and provisions for economic growth and vitality
34 and a high quality of life. (~~The element may include the provisions~~
35 ~~in section 3 of this act.~~) A city that has chosen to be a
36 residential community is exempt from the economic development element
37 requirement of this subsection.

38 (8) A park and recreation element that implements, and is
39 consistent with, the capital facilities plan element as it relates to
40 park and recreation facilities. The element shall include: (a)

1 Estimates of park and recreation demand for at least a ten-year
2 period; (b) an evaluation of facilities and service needs; and (c) an
3 evaluation of intergovernmental coordination opportunities to provide
4 regional approaches for meeting park and recreational demand.

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

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

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

21 (a) Multiple modes of transportation with peak and nonpeak hour
22 capacity performance standards for locally owned transportation
23 facilities; and

24 (b) Modal performance standards meeting the peak and nonpeak hour
25 capacity performance standards.

26 (2) Any county located to the west of the crest of the Cascade
27 mountains that has both a population of at least four hundred
28 thousand and a border that touches another state, and any city in
29 such county, may include development of freight rail dependent uses
30 on land adjacent to a short line railroad in the transportation
31 element required by RCW 36.70A.070. Such counties and cities may also
32 modify development regulations to include development of freight rail
33 dependent uses that do not require urban governmental services in
34 rural lands.

35 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be
36 construed as prohibiting a county or city planning under RCW
37 36.70A.040 from exercising existing authority to develop multimodal
38 improvements or strategies to satisfy the concurrency requirements of
39 this chapter.

1 (~~(3)~~) (4) Nothing in this section is intended to affect or
2 otherwise modify the authority of jurisdictions planning under RCW
3 36.70A.040."

ESB 5517 - S AMD 289
By Senator Wilson

ADOPTED 06/13/2017

4 On page 1, line 2 of the title, after "regulations;" strike the
5 remainder of the title and insert "amending RCW 36.70A.030,
6 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section."

EFFECT: Removes railroad tracks and freight rail dependent use from the definitions of rural character and rural development.

Removes the authority for counties to provide for freight rail dependent uses in the rural element of their comprehensive plans.

Limits the counties, and the cities within those counties, that may adopt development regulations permitting development of resource lands adjacent to short line railroads. This authority is limited to those counties located west of the Cascade mountains that have a population of at least 400,000 and border another state.

Limits the counties, and the cities within those counties, that may include development of freight rail dependent uses on land adjacent to short line railroads in the transportation element of their comprehensive plans. This authority is limited to those counties located west of the Cascade mountains that have a population of at least 400,000 and border another state.

--- END ---