

ESHB 1504 - S COMM AMD

By Committee on Local Government

ADOPTED AND ENGROSSED 4/12/17

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. Each of the following counties, and each of
13 the cities in such counties, may adopt development regulations to
14 assure that agriculture, forest, and mineral resource lands adjacent
15 to short line railroads may be developed for freight rail dependent
16 uses: Counties located to the east of the crest of the Cascade
17 mountains; and counties located to the west of the crest of the
18 Cascade mountains that have both a population of at least two hundred
19 forty thousand and a border that touches another state. Any
20 development regulations related to the development of agriculture,
21 forest, and mineral resource lands adjacent to short line railroads
22 for freight rail dependent uses must require buffers sufficient to
23 prevent encroachment on or impacts to 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 2022 and ending in 2032, that describes any job
17 gains, tax impacts, and impacts to resource lands resulting from
18 freight rail dependent uses sited under this chapter.

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 for each of the following counties, and for each of the cities in
10 such counties, include development of freight rail dependent uses on
11 land adjacent to a short line railroad: Counties located to the east
12 of the crest of the Cascade mountains; and counties located to the
13 west of the crest of the Cascade mountains that have both a
14 population of at least two hundred forty thousand and a border that
15 touches another state. Development regulations may be modified to
16 include development of freight rail dependent uses that do not
17 require urban governmental services in rural lands.

18 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be
19 construed as prohibiting a county or city planning under RCW
20 36.70A.040 from exercising existing authority to develop multimodal
21 improvements or strategies to satisfy the concurrency requirements of
22 this chapter.

23 ((+3)) (4) Nothing in this section is intended to affect or
24 otherwise modify the authority of jurisdictions planning under RCW
25 36.70A.040."

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By Committee on Local Government

ADOPTED 4/12/17

26 On page 1, line 2 of the title, after "regulations;" strike the
27 remainder of the title and insert "amending RCW 36.70A.030,
28 36.70A.060, 36.70A.070, and 36.70A.108; and creating a new section."

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