

SENATE BILL REPORT

3ESB 5517

As Passed Senate, June 27, 2017

Title: An act relating to rail dependent uses for purposes of the growth management act and related development regulations.

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

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

Brief History:

Committee Activity: Local Government: 2/02/17, 2/09/17 [DP, w/oRec].

Floor Activity:

Passed Senate: 2/28/17, 38-11.

Second Special Session: Passed Senate: 6/13/17, 37-10.

Third Special Session: Passed Senate: 6/27/17, 35-11.

Brief Summary of Third Engrossed Bill

- Authorizes certain counties and cities to adopt development regulations allowing agricultural, forest, and mineral resources lands adjacent to railroads to be developed for freight rail dependent uses.
- Allows certain counties and cities to provide for freight rail dependent uses in the transportation element of their comprehensive plans.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Sheldon.

Minority Report: That it be referred without recommendation.

Signed by Senator Palumbo.

Staff: Alex Fairfortune (786-7416)

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

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 Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities, and a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

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

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

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

Comprehensive plans must include specific planning elements, each of which is a subset of the plan. The rural element of a comprehensive plan must include measures that apply to rural development and protect the rural character of the area by, in part, protecting against conflicts with the use of designated agricultural, forest, and mineral resource lands. The transportation element of a comprehensive plan must include sub-elements that address transportation mandates for forecasting, finance, coordination, and facilities and services needs.

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

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

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

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

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Freight rail industrial zoned land is the rarest form of land in our state. It is in high demand and difficult to find acreage that is large enough to meet the needs of prospective customers. The de-designation of under-used and under-utilized agricultural lands is a state-wide systemic problem that can be fixed by this legislation. Only 78 acres in Clark County are able to be used for freight but customers need 100-200 acres. There are four key projects on rail dependent parcels that could provide anywhere from several hundred jobs to 6500 jobs. Most of these projects are agricultural processing or rail dependent manufacturing and distribution. Within the Portland Metro Area there are only three areas that can support these types of jobs and two are owned by the Port of Portland. Agricultural processing and manufacturing is key to Clark County's economic strategy for the future. Defining freight rail dependent uses in the Growth Management Act and allowing their use in comprehensive plans builds on the recognition that freight rail creates jobs and improves economic development. The trucking industry has some concerns with the intent section of this bill.

CON: Futurewise has concerns about the loss of agricultural land of long-term commercial significance. There have been a number of studies throughout the area and this agricultural land has some of the best soil in Clark County, so it should continue to be used as farm land. The second concern is the number of jobs created without urban services. If some of these sources are creating 6500 jobs without adequate services, there is a concern about what that actually looks like.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; Amber Carter, Client: Portland Vancouver Junction Railroad; Mark Boldt, Clark County Councilors; Mike Bomar, Columbia River Economic Development Council; Mike Ennis, Association of Washington Business.

CON: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.