
THIRD ENGROSSED SENATE BILL 5517

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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. The legislature affirms that it is in the
20 public interest to allow economic development infrastructure to occur
21 near rail lines as a means to alleviate strains on government

1 infrastructure elsewhere. Therefore, the legislature finds that there
2 is a need for counties and cities to improve their planning under the
3 growth management act to provide much needed infrastructure for
4 freight rail dependent uses adjacent to railroad lines.

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

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Adopt a comprehensive land use plan" means to enact a new
10 comprehensive land use plan or to update an existing comprehensive
11 land use plan.

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

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

20 (4) "Comprehensive land use plan," "comprehensive plan," or
21 "plan" means a generalized coordinated land use policy statement of
22 the governing body of a county or city that is adopted pursuant to
23 this chapter.

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

33 (6) "Department" means the department of commerce.

34 (7) "Development regulations" or "regulation" means the controls
35 placed on development or land use activities by a county or city,
36 including, but not limited to, zoning ordinances, critical areas
37 ordinances, shoreline master programs, official controls, planned
38 unit development ordinances, subdivision ordinances, and binding site
39 plan ordinances together with any amendments thereto. A development

1 regulation does not include a decision to approve a project permit
2 application, as defined in RCW 36.70B.020, even though the decision
3 may be expressed in a resolution or ordinance of the legislative body
4 of the county or city.

5 (8) "Forest land" means land primarily devoted to growing trees
6 for long-term commercial timber production on land that can be
7 economically and practically managed for such production, including
8 Christmas trees subject to the excise tax imposed under RCW 84.33.100
9 through 84.33.140, and that has long-term commercial significance. In
10 determining whether forest land is primarily devoted to growing trees
11 for long-term commercial timber production on land that can be
12 economically and practically managed for such production, the
13 following factors shall be considered: (a) The proximity of the land
14 to urban, suburban, and rural settlements; (b) surrounding parcel
15 size and the compatibility and intensity of adjacent and nearby land
16 uses; (c) long-term local economic conditions that affect the ability
17 to manage for timber production; and (d) the availability of public
18 facilities and services conducive to conversion of forest land to
19 other uses.

20 (9) "Freight rail dependent uses" means buildings and other
21 infrastructure that are used in the fabrication, processing, storage,
22 and transport of goods where the use is dependent on and makes use of
23 an adjacent short line railroad. Such facilities are both urban and
24 rural development for purposes of this chapter. "Freight rail
25 dependent uses" does not include buildings and other infrastructure
26 that are used in the fabrication, processing, storage, and transport
27 of coal, liquefied natural gas, or "crude oil" as defined in RCW
28 90.56.010.

29 (10) "Geologically hazardous areas" means areas that because of
30 their susceptibility to erosion, sliding, earthquake, or other
31 geological events, are not suited to the siting of commercial,
32 residential, or industrial development consistent with public health
33 or safety concerns.

34 ~~((10))~~ (11) "Long-term commercial significance" includes the
35 growing capacity, productivity, and soil composition of the land for
36 long-term commercial production, in consideration with the land's
37 proximity to population areas, and the possibility of more intense
38 uses of the land.

39 ~~((11))~~ (12) "Minerals" include gravel, sand, and valuable
40 metallic substances.

1 (~~(12)~~) (13) "Public facilities" include streets, roads,
2 highways, sidewalks, street and road lighting systems, traffic
3 signals, domestic water systems, storm and sanitary sewer systems,
4 parks and recreational facilities, and schools.

5 (~~(13)~~) (14) "Public services" include fire protection and
6 suppression, law enforcement, public health, education, recreation,
7 environmental protection, and other governmental services.

8 (~~(14)~~) (15) "Recreational land" means land so designated under
9 RCW 36.70A.1701 and that, immediately prior to this designation, was
10 designated as agricultural land of long-term commercial significance
11 under RCW 36.70A.170. Recreational land must have playing fields and
12 supporting facilities existing before July 1, 2004, for sports played
13 on grass playing fields.

14 (~~(15)~~) (16) "Rural character" refers to the patterns of land
15 use and development established by a county in the rural element of
16 its comprehensive plan:

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

19 (b) That foster traditional rural lifestyles, rural-based
20 economies, and opportunities to both live and work in rural areas;

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

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

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

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

29 (g) That are consistent with the protection of natural surface
30 water flows and groundwater and surface water recharge and discharge
31 areas.

32 (~~(16)~~) (17) "Rural development" refers to development outside
33 the urban growth area and outside agricultural, forest, and mineral
34 resource lands designated pursuant to RCW 36.70A.170. Rural
35 development can consist of a variety of uses and residential
36 densities, including clustered residential development, at levels
37 that are consistent with the preservation of rural character and the
38 requirements of the rural element. Rural development does not refer
39 to agriculture or forestry activities that may be conducted in rural
40 areas.

1 ~~((17))~~ (18) "Rural governmental services" or "rural services"
2 include those public services and public facilities historically and
3 typically delivered at an intensity usually found in rural areas, and
4 may include domestic water systems, fire and police protection
5 services, transportation and public transit services, and other
6 public utilities associated with rural development and normally not
7 associated with urban areas. Rural services do not include storm or
8 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

9 ~~((18))~~ (19) "Short line railroad" means those railroad lines
10 designated Class II or Class III by the United States surface
11 transportation board.

12 (20) "Urban governmental services" or "urban services" include
13 those public services and public facilities at an intensity
14 historically and typically provided in cities, specifically including
15 storm and sanitary sewer systems, domestic water systems, street
16 cleaning services, fire and police protection services, public
17 transit services, and other public utilities associated with urban
18 areas and normally not associated with rural areas.

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

32 ~~((20))~~ (22) "Urban growth areas" means those areas designated
33 by a county pursuant to RCW 36.70A.110.

34 ~~((21))~~ (23) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or groundwater at a frequency
36 and duration sufficient to support, and that under normal
37 circumstances do support, a prevalence of vegetation typically
38 adapted for life in saturated soil conditions. Wetlands generally
39 include swamps, marshes, bogs, and similar areas. Wetlands do not
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and
2 drainage ditches, grass-lined swales, canals, detention facilities,
3 wastewater treatment facilities, farm ponds, and landscape amenities,
4 or those wetlands created after July 1, 1990, that were
5 unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

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

11 (1)(a) Each county that is required or chooses to plan under RCW
12 36.70A.040, and each city within such county, shall adopt development
13 regulations on or before September 1, 1991, to assure the
14 conservation of agricultural, forest, and mineral resource lands
15 designated under RCW 36.70A.170. Regulations adopted under this
16 subsection may not prohibit uses legally existing on any parcel prior
17 to their adoption and shall remain in effect until the county or city
18 adopts development regulations pursuant to RCW 36.70A.040. Such
19 regulations shall assure that the use of lands adjacent to
20 agricultural, forest, or mineral resource lands shall not interfere
21 with the continued use, in the accustomed manner and in accordance
22 with best management practices, of these designated lands for the
23 production of food, agricultural products, or timber, or for the
24 extraction of minerals. Any county located to the west of the crest
25 of the Cascade mountains that has both a population of at least four
26 hundred thousand and a border that touches another state, and any
27 city in such county, may adopt development regulations to assure that
28 agriculture, forest, and mineral resource lands adjacent to short
29 line railroads may be developed for freight rail dependent uses.

30 (b) Counties and cities shall require that all plats, short
31 plats, development permits, and building permits issued for
32 development activities on, or within five hundred feet of, lands
33 designated as agricultural lands, forest lands, or mineral resource
34 lands, contain a notice that the subject property is within or near
35 designated agricultural lands, forest lands, or mineral resource
36 lands on which a variety of commercial activities may occur that are
37 not compatible with residential development for certain periods of
38 limited duration. The notice for mineral resource lands shall also
39 inform that an application might be made for mining-related

1 activities, including mining, extraction, washing, crushing,
2 stockpiling, blasting, transporting, and recycling of minerals.

3 (c) Each county that adopts a resolution of partial planning
4 under RCW 36.70A.040(2)(b), and each city within such county, shall
5 adopt development regulations within one year after the adoption of
6 the resolution of partial planning to assure the conservation of
7 agricultural, forest, and mineral resource lands designated under RCW
8 36.70A.170. Regulations adopted under this subsection (1)(c) must
9 comply with the requirements governing regulations adopted under (a)
10 of this subsection.

11 (d)(i) A county that adopts a resolution of partial planning
12 under RCW 36.70A.040(2)(b) and that is not in compliance with the
13 planning requirements of this section, RCW 36.70A.040(4),
14 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
15 is adopted must, by January 30, 2017, apply for a determination of
16 compliance from the department finding that the county's development
17 regulations, including development regulations adopted to protect
18 critical areas, and comprehensive plans are in compliance with the
19 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
20 36.70A.170, and 36.70A.172. The department must approve or deny the
21 application for a determination of compliance within one hundred
22 twenty days of its receipt or by June 30, 2017, whichever date is
23 earlier.

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

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

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

37 (v) The department may implement this subsection (~~((1))~~)(1)(d)
38 by adopting rules related to determinations of compliance. The rules
39 may address, but are not limited to: The requirements for
40 applications for a determination of compliance; charging of costs

1 under (d)(iv) of this subsection; procedures for processing
2 applications; criteria for the evaluation of applications; issuance
3 and notice of department decisions; and applicable timelines.

4 (e) Any county that borders both the Cascade mountains and
5 another country and has a population of less than fifty thousand
6 people, and any city in such county, may adopt development
7 regulations to assure that agriculture, forest, and mineral resource
8 lands adjacent to short line railroads may be developed for freight
9 rail dependent uses.

10 (2) Each county and city shall adopt development regulations that
11 protect critical areas that are required to be designated under RCW
12 36.70A.170. For counties and cities that are required or choose to
13 plan under RCW 36.70A.040, such development regulations shall be
14 adopted on or before September 1, 1991. For the remainder of the
15 counties and cities, such development regulations shall be adopted on
16 or before March 1, 1992.

17 (3) Such counties and cities shall review these designations and
18 development regulations when adopting their comprehensive plans under
19 RCW 36.70A.040 and implementing development regulations under RCW
20 36.70A.120 and may alter such designations and development
21 regulations to insure consistency.

22 (4) Forest land and agricultural land located within urban growth
23 areas shall not be designated by a county or city as forest land or
24 agricultural land of long-term commercial significance under RCW
25 36.70A.170 unless the city or county has enacted a program
26 authorizing transfer or purchase of development rights.

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

29 The comprehensive plan of a county or city that is required or
30 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
31 and descriptive text covering objectives, principles, and standards
32 used to develop the comprehensive plan. The plan shall be an
33 internally consistent document and all elements shall be consistent
34 with the future land use map. A comprehensive plan shall be adopted
35 and amended with public participation as provided in RCW 36.70A.140.
36 Each comprehensive plan shall include a plan, scheme, or design for
37 each of the following:

38 (1) A land use element designating the proposed general
39 distribution and general location and extent of the uses of land,

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

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

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

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

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

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

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

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

28 (i) Containing or otherwise controlling rural development;

29 (ii) Assuring visual compatibility of rural development with the
30 surrounding rural area;

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

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

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

37 (d) Limited areas of more intensive rural development. Subject to
38 the requirements of this subsection and except as otherwise
39 specifically provided in this subsection (5)(d), the rural element
40 may allow for limited areas of more intensive rural development,

1 including necessary public facilities and public services to serve
2 the limited area as follows:

3 (i) Rural development consisting of the infill, development, or
4 redevelopment of existing commercial, industrial, residential, or
5 mixed-use areas, whether characterized as shoreline development,
6 villages, hamlets, rural activity centers, or crossroads
7 developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-
9 use area are subject to the requirements of (d)(iv) of this
10 subsection, but are not subject to the requirements of (c)(ii) and
11 (iii) of this subsection.

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

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

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

31 (iii) The intensification of development on lots containing
32 isolated nonresidential uses or new development of isolated cottage
33 industries and isolated small-scale businesses that are not
34 principally designed to serve the existing and projected rural
35 population and nonresidential uses, but do provide job opportunities
36 for rural residents. Rural counties may allow the expansion of small-
37 scale businesses as long as those small-scale businesses conform with
38 the rural character of the area as defined by the local government
39 according to RCW 36.70A.030(~~((+15+))~~) (16). Rural counties may also
40 allow new small-scale businesses to utilize a site previously

1 occupied by an existing business as long as the new small-scale
2 business conforms to the rural character of the area as defined by
3 the local government according to RCW 36.70A.030(~~(+15+)~~) (16). Public
4 services and public facilities shall be limited to those necessary to
5 serve the isolated nonresidential use and shall be provided in a
6 manner that does not permit low-density sprawl;

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

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

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

29 (B) On the date the county adopted a resolution under RCW
30 36.70A.040(2), in a county that is planning under all of the
31 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

3 (a) The transportation element shall include the following
4 subelements:

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

6 (ii) Estimated traffic impacts to state-owned transportation
7 facilities resulting from land use assumptions to assist the
8 department of transportation in monitoring the performance of state
9 facilities, to plan improvements for the facilities, and to assess
10 the impact of land-use decisions on state-owned transportation
11 facilities;

12 (iii) Facilities and services needs, including:

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

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

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

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

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

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

8 (iv) Finance, including:

9 (A) An analysis of funding capability to judge needs against
10 probable funding resources;

11 (B) A multiyear financing plan based on the needs identified in
12 the comprehensive plan, the appropriate parts of which shall serve as
13 the basis for the six-year street, road, or transit program required
14 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
15 35.58.2795 for public transportation systems. The multiyear financing
16 plan should be coordinated with the ten-year investment program
17 developed by the office of financial management as required by RCW
18 47.05.030;

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

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

26 (vi) Demand-management strategies;

27 (vii) Pedestrian and bicycle component to include collaborative
28 efforts to identify and designate planned improvements for pedestrian
29 and bicycle facilities and corridors that address and encourage
30 enhanced community access and promote healthy lifestyles.

31 (b) After adoption of the comprehensive plan by jurisdictions
32 required to plan or who choose to plan under RCW 36.70A.040, local
33 jurisdictions must adopt and enforce ordinances which prohibit
34 development approval if the development causes the level of service
35 on a locally owned transportation facility to decline below the
36 standards adopted in the transportation element of the comprehensive
37 plan, unless transportation improvements or strategies to accommodate
38 the impacts of development are made concurrent with the development.
39 These strategies may include increased public transportation service,
40 ride-sharing programs, demand management, and other transportation

1 systems management strategies. For the purposes of this subsection
2 (6), "concurrent with the development" means that improvements or
3 strategies are in place at the time of development, or that a
4 financial commitment is in place to complete the improvements or
5 strategies within six years. If the collection of impact fees is
6 delayed under RCW 82.02.050(3), the six-year period required by this
7 subsection (6)(b) must begin after full payment of all impact fees is
8 due to the county or city.

9 (c) The transportation element described in this subsection (6),
10 the six-year plans required by RCW 35.77.010 for cities, RCW
11 36.81.121 for counties, and RCW 35.58.2795 for public transportation
12 systems, and the ten-year investment program required by RCW
13 47.05.030 for the state, must be consistent.

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

20 (8) A park and recreation element that implements, and is
21 consistent with, the capital facilities plan element as it relates to
22 park and recreation facilities. The element shall include: (a)
23 Estimates of park and recreation demand for at least a ten-year
24 period; (b) an evaluation of facilities and service needs; and (c) an
25 evaluation of intergovernmental coordination opportunities to provide
26 regional approaches for meeting park and recreational demand.

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

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

36 (1) The transportation element required by RCW 36.70A.070 may
37 include, in addition to improvements or strategies to accommodate the
38 impacts of development authorized under RCW 36.70A.070(6)(b),
39 multimodal transportation improvements or strategies that are made

1 concurrent with the development. These transportation improvements or
2 strategies may include, but are not limited to, measures implementing
3 or evaluating:

4 (a) Multiple modes of transportation with peak and nonpeak hour
5 capacity performance standards for locally owned transportation
6 facilities; and

7 (b) Modal performance standards meeting the peak and nonpeak hour
8 capacity performance standards.

9 (2) Any county located to the west of the crest of the Cascade
10 mountains that has both a population of at least four hundred
11 thousand and a border that touches another state, and any city in
12 such county, may include development of freight rail dependent uses
13 on land adjacent to a short line railroad in the transportation
14 element required by RCW 36.70A.070. Such counties and cities may also
15 modify development regulations to include development of freight rail
16 dependent uses that do not require urban governmental services in
17 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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