
HOUSE BILL 2231

State of Washington 65th Legislature 2017 3rd Special Session

By Representatives Pike, Haler, Sells, Van Werven, J. Walsh, Dent,
and Kraft

Read first time 06/26/17. Referred to Committee on Environment.

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. Rail-served business sites are a necessary part of a
13 thriving freight mobility system, and are a key means of assuring
14 that food and goods from rural areas are able to make it to people
15 living in urban areas and international markets. Planned and
16 effective access to railroad services is a pivotal aspect of
17 transportation planning. The legislature affirms that it is smart
18 planning for economic development infrastructure to be placed near
19 rail lines as a means to alleviate strains on government
20 infrastructure elsewhere. Allowing rail dependent development
21 provides opportunities for new jobs. Therefore, the legislature

1 directs counties and cities to improve their planning under the
2 growth management act to provide much needed infrastructure for
3 freight rail dependent uses adjacent to railroad lines.

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

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

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

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

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

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

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

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

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

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

1 application, as defined in RCW 36.70B.020, even though the decision
2 may be expressed in a resolution or ordinance of the legislative body
3 of the county or city.

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

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

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

33 ~~((10))~~ (11) "Long-term commercial significance" includes the
34 growing capacity, productivity, and soil composition of the land for
35 long-term commercial production, in consideration with the land's
36 proximity to population areas, and the possibility of more intense
37 uses of the land.

38 ~~((11))~~ (12) "Minerals" include gravel, sand, and valuable
39 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, access to
17 railroad lines, public transit services, and other public utilities
18 associated with urban areas and normally not associated with rural
19 areas.

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

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

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

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

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

12 (1)(a) Each county that is required or chooses to plan under RCW
13 36.70A.040, and each city within such county, shall adopt development
14 regulations on or before September 1, 1991, to assure the
15 conservation of agricultural, forest, and mineral resource lands
16 designated under RCW 36.70A.170. Regulations adopted under this
17 subsection may not prohibit uses legally existing on any parcel prior
18 to their adoption and shall remain in effect until the county or city
19 adopts development regulations pursuant to RCW 36.70A.040. Such
20 regulations shall assure that the use of lands adjacent to
21 agricultural, forest, or mineral resource lands shall not interfere
22 with the continued use, in the accustomed manner and in accordance
23 with best management practices, of these designated lands for the
24 production of food, agricultural products, or timber, or for the
25 extraction of minerals. Counties and cities may adopt development
26 regulations to assure that agriculture, forest, and mineral resource
27 lands adjacent to short line railroads may be developed for freight
28 rail dependent uses in accordance with the provisions of RCW
29 36.70A.108(2).

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 (2) Each county and city shall adopt development regulations that
5 protect critical areas that are required to be designated under RCW
6 36.70A.170. For counties and cities that are required or choose to
7 plan under RCW 36.70A.040, such development regulations shall be
8 adopted on or before September 1, 1991. For the remainder of the
9 counties and cities, such development regulations shall be adopted on
10 or before March 1, 1992.

11 (3) Such counties and cities shall review these designations and
12 development regulations when adopting their comprehensive plans under
13 RCW 36.70A.040 and implementing development regulations under RCW
14 36.70A.120 and may alter such designations and development
15 regulations to insure consistency.

16 (4) Forest land and agricultural land located within urban growth
17 areas shall not be designated by a county or city as forest land or
18 agricultural land of long-term commercial significance under RCW
19 36.70A.170 unless the city or county has enacted a program
20 authorizing transfer or purchase of development rights.

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

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

32 (1) A land use element designating the proposed general
33 distribution and general location and extent of the uses of land,
34 where appropriate, for agriculture, timber production, housing,
35 commerce, industry, recreation, open spaces, general aviation
36 airports, public utilities, public facilities, and other land uses.
37 The land use element shall include population densities, building
38 intensities, and estimates of future population growth. The land use
39 element shall provide for protection of the quality and quantity of

1 groundwater used for public water supplies. Wherever possible, the
2 land use element should consider utilizing urban planning approaches
3 that promote physical activity. Where applicable, the land use
4 element shall review drainage, flooding, and storm water run-off in
5 the area and nearby jurisdictions and provide guidance for corrective
6 actions to mitigate or cleanse those discharges that pollute waters
7 of the state, including Puget Sound or waters entering Puget Sound.

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

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

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

38 (5) Rural element. Counties shall include a rural element
39 including lands that are not designated for urban growth,

1 agriculture, forest, or mineral resources. The following provisions
2 shall apply to the rural element:

3 (a) Growth management act goals and local circumstances. Because
4 circumstances vary from county to county, in establishing patterns of
5 rural densities and uses, a county may consider local circumstances,
6 but shall develop a written record explaining how the rural element
7 harmonizes the planning goals in RCW 36.70A.020 and meets the
8 requirements of this chapter.

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

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

22 (i) Containing or otherwise controlling rural development;

23 (ii) Assuring visual compatibility of rural development with the
24 surrounding rural area;

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

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

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

31 (d) Limited areas of more intensive rural development. Subject to
32 the requirements of this subsection and except as otherwise
33 specifically provided in this subsection (5)(d), the rural element
34 may allow for limited areas of more intensive rural development,
35 including necessary public facilities and public services to serve
36 the limited area as follows:

37 (i) Rural development consisting of the infill, development, or
38 redevelopment of existing commercial, industrial, residential, or
39 mixed-use areas, whether characterized as shoreline development,

1 villages, hamlets, rural activity centers, or crossroads
2 developments.

3 (A) A commercial, industrial, residential, shoreline, or mixed-
4 use area are subject to the requirements of (d)(iv) of this
5 subsection, but are not subject to the requirements of (c)(ii) and
6 (iii) of this subsection.

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

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

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

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

1 serve the isolated nonresidential use and shall be provided in a
2 manner that does not permit low-density sprawl;

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

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

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

25 (B) On the date the county adopted a resolution under RCW
26 36.70A.040(2), in a county that is planning under all of the
27 provisions of this chapter under RCW 36.70A.040(2); or

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

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

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

38 (a) The transportation element shall include the following
39 subelements:

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

1 (ii) Estimated traffic impacts to state-owned transportation
2 facilities resulting from land use assumptions to assist the
3 department of transportation in monitoring the performance of state
4 facilities, to plan improvements for the facilities, and to assess
5 the impact of land-use decisions on state-owned transportation
6 facilities;

7 (iii) Facilities and services needs, including:

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

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

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

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

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

38 (F) Identification of state and local system needs to meet
39 current and future demands. Identified needs on state-owned

1 transportation facilities must be consistent with the statewide
2 multimodal transportation plan required under chapter 47.06 RCW;

3 (iv) Finance, including:

4 (A) An analysis of funding capability to judge needs against
5 probable funding resources;

6 (B) A multiyear financing plan based on the needs identified in
7 the comprehensive plan, the appropriate parts of which shall serve as
8 the basis for the six-year street, road, or transit program required
9 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
10 35.58.2795 for public transportation systems. The multiyear financing
11 plan should be coordinated with the ten-year investment program
12 developed by the office of financial management as required by RCW
13 47.05.030;

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

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

21 (vi) Demand-management strategies;

22 (vii) Pedestrian and bicycle component to include collaborative
23 efforts to identify and designate planned improvements for pedestrian
24 and bicycle facilities and corridors that address and encourage
25 enhanced community access and promote healthy lifestyles.

26 (b) After adoption of the comprehensive plan by jurisdictions
27 required to plan or who choose to plan under RCW 36.70A.040, local
28 jurisdictions must adopt and enforce ordinances which prohibit
29 development approval if the development causes the level of service
30 on a locally owned transportation facility to decline below the
31 standards adopted in the transportation element of the comprehensive
32 plan, unless transportation improvements or strategies to accommodate
33 the impacts of development are made concurrent with the development.
34 These strategies may include increased public transportation service,
35 ride-sharing programs, demand management, and other transportation
36 systems management strategies. For the purposes of this subsection
37 (6), "concurrent with the development" means that improvements or
38 strategies are in place at the time of development, or that a
39 financial commitment is in place to complete the improvements or
40 strategies within six years. If the collection of impact fees is

1 delayed under RCW 82.02.050(3), the six-year period required by this
2 subsection (6)(b) must begin after full payment of all impact fees is
3 due to the county or city.

4 (c) The transportation element described in this subsection (6),
5 the six-year plans required by RCW 35.77.010 for cities, RCW
6 36.81.121 for counties, and RCW 35.58.2795 for public transportation
7 systems, and the ten-year investment program required by RCW
8 47.05.030 for the state, must be consistent.

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

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

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

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

31 (1) The transportation element required by RCW 36.70A.070 may
32 include, in addition to improvements or strategies to accommodate the
33 impacts of development authorized under RCW 36.70A.070(6)(b),
34 multimodal transportation improvements or strategies that are made
35 concurrent with the development. These transportation improvements or
36 strategies may include, but are not limited to, measures implementing
37 or evaluating:

1 (a) Multiple modes of transportation with peak and nonpeak hour
2 capacity performance standards for locally owned transportation
3 facilities; and

4 (b) Modal performance standards meeting the peak and nonpeak hour
5 capacity performance standards.

6 (2) The transportation element required by RCW 36.70A.070 may
7 include development of freight rail dependent uses on land adjacent
8 to a short line railroad in counties, and cities within those
9 counties, (a) located to the west of the crest of the Cascade
10 mountains that have both a population of at least two hundred forty
11 thousand and a border that touches another state, or (b) that have a
12 total land area of at least five thousand square miles. Development
13 regulations may be modified to include development of freight rail
14 dependent uses that do not require urban governmental services in
15 rural lands or can be served by proximate connection to urban
16 governmental services that exist in rural lands.

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

22 ((+3)) (4) Nothing in this section is intended to affect or
23 otherwise modify the authority of jurisdictions planning under RCW
24 36.70A.040.

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