
ENGROSSED SUBSTITUTE SENATE BILL 6334

State of Washington

64th Legislature

2016 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Benton, Chase, Rivers, Cleveland, Warnick, Hobbs, King, and Sheldon)

READ FIRST TIME 02/05/16.

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, 36.70A.070, and 36.70A.108;
4 creating a new section; providing an effective date; and providing an
5 expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature recognizes that it enacted
8 the rail preservation program because railroads provide benefits to
9 state and local jurisdictions that are valuable to economic
10 development, highway safety, and the environment. The Washington
11 state freight mobility plan includes the goal of supporting rural
12 economies farm-to-market, manufacturing, and resource industry
13 sectors. The plan makes clear that ensuring the availability of rail
14 capacity is vital to meeting the future needs of the Puget Sound
15 region. Rail-served industrial sites are a necessary part of a
16 thriving freight mobility system, and are a key means of assuring
17 that food and goods from rural areas are able to make it to people
18 living in urban areas and international markets. Planned and
19 effective access to railroad services is a pivotal aspect of
20 transportation planning. A one hundred ten-car train can move roughly
21 the equivalent freight of five hundred trucks. This saves highway

1 maintenance, improves safety for nonfreight drivers, and reduces
2 carbon emissions. The number of fatalities per billion ton-miles for
3 trucking is more than nine times greater than compared to rail. The
4 legislature affirms that it is in the public interest to allow
5 economic development infrastructure to occur near rail lines as a
6 means to alleviate strains on government infrastructure elsewhere.
7 Therefore, the legislature finds that there is a need for counties
8 and cities to improve their planning under the growth management act
9 to provide much needed infrastructure for freight rail dependent uses
10 adjacent to railroad lines.

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

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Adopt a comprehensive land use plan" means to enact a new
16 comprehensive land use plan or to update an existing comprehensive
17 land use plan.

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

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

26 (4) "Comprehensive land use plan," "comprehensive plan," or
27 "plan" means a generalized coordinated land use policy statement of
28 the governing body of a county or city that is adopted pursuant to
29 this chapter.

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

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

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

1 (7) "Development regulations" or "regulation" means the controls
2 placed on development or land use activities by a county or city,
3 including, but not limited to, zoning ordinances, critical areas
4 ordinances, shoreline master programs, official controls, planned
5 unit development ordinances, subdivision ordinances, and binding site
6 plan ordinances together with any amendments thereto. A development
7 regulation does not include a decision to approve a project permit
8 application, as defined in RCW 36.70B.020, even though the decision
9 may be expressed in a resolution or ordinance of the legislative body
10 of the county or city.

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

26 (9) "Freight rail dependent uses" means buildings and other
27 infrastructure that are used in the fabrication, processing, storage,
28 and transport of goods where the use is dependent on and makes use of
29 an adjacent short line railroad in a county that has a population
30 greater than three hundred fifty thousand, is bordered by the
31 Columbia river, is west of the Cascade mountain range, and borders
32 another state to the south. Such facilities are both urban and rural
33 development for purposes of this chapter.

34 (10) "Geologically hazardous areas" means areas that because of
35 their susceptibility to erosion, sliding, earthquake, or other
36 geological events, are not suited to the siting of commercial,
37 residential, or industrial development consistent with public health
38 or safety concerns.

39 ((+10)) (11) "Long-term commercial significance" includes the
40 growing capacity, productivity, and soil composition of the land for

1 long-term commercial production, in consideration with the land's
2 proximity to population areas, and the possibility of more intense
3 uses of the land.

4 ~~((11))~~ (12) "Minerals" include gravel, sand, and valuable
5 metallic substances.

6 ~~((12))~~ (13) "Public facilities" include streets, roads,
7 highways, sidewalks, street and road lighting systems, traffic
8 signals, domestic water systems, storm and sanitary sewer systems,
9 parks and recreational facilities, and schools.

10 ~~((13))~~ (14) "Public services" include fire protection and
11 suppression, law enforcement, public health, education, recreation,
12 environmental protection, and other governmental services.

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

19 ~~((15))~~ (16) "Rural character" refers to the patterns of land
20 use and development established by a county in the rural element of
21 its comprehensive plan:

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

24 (b) That foster traditional rural lifestyles, rural-based
25 economies, and opportunities to both live and work in rural areas,
26 including railroad tracks and freight rail dependent uses;

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

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

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

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

35 (g) That are consistent with the protection of natural surface
36 water flows and groundwater and surface water recharge and discharge
37 areas.

38 ~~((16))~~ (17) "Rural development" refers to development outside
39 the urban growth area and outside agricultural, forest, and mineral
40 resource lands designated pursuant to RCW 36.70A.170. Rural

1 development can consist of a variety of uses and residential
2 densities, including clustered residential development, at levels
3 that are consistent with the preservation of rural character and the
4 requirements of the rural element. Rural development includes
5 railroad tracks and freight rail dependent uses. Rural development
6 does not refer to agriculture or forestry activities that may be
7 conducted in rural areas.

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

16 ~~((18))~~ (19) "Short line railroad" means those railroad lines
17 designated Class II or Class III by the United States Surface
18 Transportation Board.

19 (20) "Urban governmental services" or "urban services" include
20 those public services and public facilities at an intensity
21 historically and typically provided in cities, specifically including
22 storm and sanitary sewer systems, domestic water systems, street
23 cleaning services, fire and police protection services, public
24 transit services, and other public utilities associated with urban
25 areas and normally not associated with rural areas.

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

39 ~~((20))~~ (22) "Urban growth areas" means those areas designated
40 by a county pursuant to RCW 36.70A.110.

1 (~~(21)~~) (23) "Wetland" or "wetlands" means areas that are
2 inundated or saturated by surface water or groundwater at a frequency
3 and duration sufficient to support, and that under normal
4 circumstances do support, a prevalence of vegetation typically
5 adapted for life in saturated soil conditions. Wetlands generally
6 include swamps, marshes, bogs, and similar areas. Wetlands do not
7 include those artificial wetlands intentionally created from
8 nonwetland sites, including, but not limited to, irrigation and
9 drainage ditches, grass-lined swales, canals, detention facilities,
10 wastewater treatment facilities, farm ponds, and landscape amenities,
11 or those wetlands created after July 1, 1990, that were
12 unintentionally created as a result of the construction of a road,
13 street, or highway. Wetlands may include those artificial wetlands
14 intentionally created from nonwetland areas created to mitigate
15 conversion of wetlands.

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

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

35 (b) Counties and cities shall require that all plats, short
36 plats, development permits, and building permits issued for
37 development activities on, or within five hundred feet of, lands
38 designated as agricultural lands, forest lands, or mineral resource
39 lands, contain a notice that the subject property is within or near

1 designated agricultural lands, forest lands, or mineral resource
2 lands on which a variety of commercial activities may occur that are
3 not compatible with residential development for certain periods of
4 limited duration. The notice for mineral resource lands shall also
5 inform that an application might be made for mining-related
6 activities, including mining, extraction, washing, crushing,
7 stockpiling, blasting, transporting, and recycling of minerals.

8 (c) Each county that adopts a resolution of partial planning
9 under RCW 36.70A.040(2)(b), and each city within such county, shall
10 adopt development regulations within one year after the adoption of
11 the resolution of partial planning to assure the conservation of
12 agricultural, forest, and mineral resource lands designated under RCW
13 36.70A.170. Regulations adopted under this subsection (1)(c) must
14 comply with the requirements governing regulations adopted under (a)
15 of this subsection.

16 (d)(i) A county that adopts a resolution of partial planning
17 under RCW 36.70A.040(2)(b) and that is not in compliance with the
18 planning requirements of this section, RCW 36.70A.040(4),
19 36.70A.070(5), 36.70A.170, and 36.70A.172 at the time the resolution
20 is adopted must, by January 30, 2017, apply for a determination of
21 compliance from the department finding that the county's development
22 regulations, including development regulations adopted to protect
23 critical areas, and comprehensive plans are in compliance with the
24 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
25 36.70A.170, and 36.70A.172. The department must approve or deny the
26 application for a determination of compliance within one hundred
27 twenty days of its receipt or by June 30, 2017, whichever date is
28 earlier.

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

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

37 (iv) In the event of a filing of a petition in accordance with
38 (d)(iii) of this subsection, the county and the department must
39 equally share the costs incurred by the department for defending an

1 approval of determination of compliance that is before the growth
2 management hearings board.

3 (v) The department may implement this subsection (~~((1))~~)(1)(d)
4 by adopting rules related to determinations of compliance. The rules
5 may address, but are not limited to: The requirements for
6 applications for a determination of compliance; charging of costs
7 under (d)(iv) of this subsection; procedures for processing
8 applications; criteria for the evaluation of applications; issuance
9 and notice of department decisions; and applicable timelines.

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 2010 1st sp.s. c 26 s 6 are each
28 amended to 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
37 for 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, and freight
17 rail dependent uses. The rural element shall provide for a variety of
18 rural densities, uses, essential public facilities, and rural
19 governmental services needed to serve the permitted densities and
20 uses. To achieve a variety of rural densities and uses, counties may
21 provide for clustering, density transfer, design guidelines,
22 conservation easements, and other innovative techniques that will
23 accommodate appropriate rural densities and uses that are not
24 characterized by urban growth and that are consistent with rural
25 character.

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

29 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

1 may allow for limited areas of more intensive rural development,
2 including necessary public facilities and public services to serve
3 the limited area as follows:

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

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

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

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

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

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

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

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

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

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

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

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

37 (e) Exception. This subsection shall not be interpreted to permit
38 in the rural area a major industrial development or a master planned
39 resort unless otherwise specifically permitted under RCW 36.70A.360
40 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.

6 (c) The transportation element described in this subsection (6),
7 the six-year plans required by RCW 35.77.010 for cities, RCW
8 36.81.121 for counties, and RCW 35.58.2795 for public transportation
9 systems, and the ten-year investment program required by RCW
10 47.05.030 for the state, must be consistent.

11 (7) An economic development element establishing local goals,
12 policies, objectives, and provisions for economic growth and vitality
13 and a high quality of life. The element shall include: (a) A summary
14 of the local economy such as population, employment, payroll,
15 sectors, businesses, sales, and other information as appropriate; (b)
16 a summary of the strengths and weaknesses of the local economy
17 defined as the commercial and industrial sectors and supporting
18 factors such as land use, transportation, utilities, education,
19 workforce, housing, and natural/cultural resources; and (c) an
20 identification of policies, programs, and projects to foster economic
21 growth and development and to address future needs. A city that has
22 chosen to be a residential community is exempt from the economic
23 development element requirement of this subsection.

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

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

38 **Sec. 5.** RCW 36.70A.070 and 2015 c 241 s 2 are each amended to
39 read as follows:

1 The comprehensive plan of a county or city that is required or
2 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
3 and descriptive text covering objectives, principles, and standards
4 used to develop the comprehensive plan. The plan shall be an
5 internally consistent document and all elements shall be consistent
6 with the future land use map. A comprehensive plan shall be adopted
7 and amended with public participation as provided in RCW 36.70A.140.
8 Each comprehensive plan shall include a plan, scheme, or design for
9 each of the following:

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

25 (2) A housing element ensuring the vitality and character of
26 established residential neighborhoods that: (a) Includes an inventory
27 and analysis of existing and projected housing needs that identifies
28 the number of housing units necessary to manage projected growth; (b)
29 includes a statement of goals, policies, objectives, and mandatory
30 provisions for the preservation, improvement, and development of
31 housing, including single-family residences; (c) identifies
32 sufficient land for housing, including, but not limited to,
33 government-assisted housing, housing for low-income families,
34 manufactured housing, multifamily housing, and group homes and foster
35 care facilities; and (d) makes adequate provisions for existing and
36 projected needs of all economic segments of the community.

37 (3) A capital facilities plan element consisting of: (a) An
38 inventory of existing capital facilities owned by public entities,
39 showing the locations and capacities of the capital facilities; (b) a
40 forecast of the future needs for such capital facilities; (c) the

1 proposed locations and capacities of expanded or new capital
2 facilities; (d) at least a six-year plan that will finance such
3 capital facilities within projected funding capacities and clearly
4 identifies sources of public money for such purposes; and (e) a
5 requirement to reassess the land use element if probable funding
6 falls short of meeting existing needs and to ensure that the land use
7 element, capital facilities plan element, and financing plan within
8 the capital facilities plan element are coordinated and consistent.
9 Park and recreation facilities shall be included in the capital
10 facilities plan element.

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

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

19 (a) Growth management act goals and local circumstances. Because
20 circumstances vary from county to county, in establishing patterns of
21 rural densities and uses, a county may consider local circumstances,
22 but shall develop a written record explaining how the rural element
23 harmonizes the planning goals in RCW 36.70A.020 and meets the
24 requirements of this chapter.

25 (b) Rural development. The rural element shall permit rural
26 development, forestry, and agriculture in rural areas, and freight
27 rail dependent uses. The rural element shall provide for a variety of
28 rural densities, uses, essential public facilities, and rural
29 governmental services needed to serve the permitted densities and
30 uses. To achieve a variety of rural densities and uses, counties may
31 provide for clustering, density transfer, design guidelines,
32 conservation easements, and other innovative techniques that will
33 accommodate appropriate rural densities and uses that are not
34 characterized by urban growth and that are consistent with rural
35 character.

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

39 (i) Containing or otherwise controlling rural development;

1 (ii) Assuring visual compatibility of rural development with the
2 surrounding rural area;

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

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

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

9 (d) Limited areas of more intensive rural development. Subject to
10 the requirements of this subsection and except as otherwise
11 specifically provided in this subsection (5)(d), the rural element
12 may allow for limited areas of more intensive rural development,
13 including necessary public facilities and public services to serve
14 the limited area as follows:

15 (i) Rural development consisting of the infill, development, or
16 redevelopment of existing commercial, industrial, residential, or
17 mixed-use areas, whether characterized as shoreline development,
18 villages, hamlets, rural activity centers, or crossroads
19 developments.

20 (A) A commercial, industrial, residential, shoreline, or mixed-
21 use area are subject to the requirements of (d)(iv) of this
22 subsection, but are not subject to the requirements of (c)(ii) and
23 (iii) of this subsection.

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

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

33 (ii) The intensification of development on lots containing, or
34 new development of, small-scale recreational or tourist uses,
35 including commercial facilities to serve those recreational or
36 tourist uses, that rely on a rural location and setting, but that do
37 not include new residential development. A small-scale recreation or
38 tourist use is not required to be principally designed to serve the
39 existing and projected rural population. Public services and public
40 facilities shall be limited to those necessary to serve the

1 recreation or tourist use and shall be provided in a manner that does
2 not permit low-density sprawl;

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

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

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

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

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

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

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

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

14 (a) The transportation element shall include the following
15 subelements:

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

17 (ii) Estimated traffic impacts to state-owned transportation
18 facilities resulting from land use assumptions to assist the
19 department of transportation in monitoring the performance of state
20 facilities, to plan improvements for the facilities, and to assess
21 the impact of land-use decisions on state-owned transportation
22 facilities;

23 (iii) Facilities and services needs, including:

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

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

33 (C) For state-owned transportation facilities, level of service
34 standards for highways, as prescribed in chapters 47.06 and 47.80
35 RCW, to gauge the performance of the system. The purposes of
36 reflecting level of service standards for state highways in the local
37 comprehensive plan are to monitor the performance of the system, to
38 evaluate improvement strategies, and to facilitate coordination
39 between the county's or city's six-year street, road, or transit
40 program and the office of financial management's ten-year investment

1 program. The concurrency requirements of (b) of this subsection do
2 not apply to transportation facilities and services of statewide
3 significance except for counties consisting of islands whose only
4 connection to the mainland are state highways or ferry routes. In
5 these island counties, state highways and ferry route capacity must
6 be a factor in meeting the concurrency requirements in (b) of this
7 subsection;

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

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

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

18 (iv) Finance, including:

19 (A) An analysis of funding capability to judge needs against
20 probable funding resources;

21 (B) A multiyear financing plan based on the needs identified in
22 the comprehensive plan, the appropriate parts of which shall serve as
23 the basis for the six-year street, road, or transit program required
24 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
25 35.58.2795 for public transportation systems. The multiyear financing
26 plan should be coordinated with the ten-year investment program
27 developed by the office of financial management as required by RCW
28 47.05.030;

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

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

36 (vi) Demand-management strategies;

37 (vii) Pedestrian and bicycle component to include collaborative
38 efforts to identify and designate planned improvements for pedestrian
39 and bicycle facilities and corridors that address and encourage
40 enhanced community access and promote healthy lifestyles.

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

19 (c) The transportation element described in this subsection (6),
20 the six-year plans required by RCW 35.77.010 for cities, RCW
21 36.81.121 for counties, and RCW 35.58.2795 for public transportation
22 systems, and the ten-year investment program required by RCW
23 47.05.030 for the state, must be consistent.

24 (7) An economic development element establishing local goals,
25 policies, objectives, and provisions for economic growth and vitality
26 and a high quality of life. The element shall include: (a) A summary
27 of the local economy such as population, employment, payroll,
28 sectors, businesses, sales, and other information as appropriate; (b)
29 a summary of the strengths and weaknesses of the local economy
30 defined as the commercial and industrial sectors and supporting
31 factors such as land use, transportation, utilities, education,
32 workforce, housing, and natural/cultural resources; and (c) an
33 identification of policies, programs, and projects to foster economic
34 growth and development and to address future needs. A city that has
35 chosen to be a residential community is exempt from the economic
36 development element requirement of this subsection.

37 (8) A park and recreation element that implements, and is
38 consistent with, the capital facilities plan element as it relates to
39 park and recreation facilities. The element shall include: (a)
40 Estimates of park and recreation demand for at least a ten-year

1 period; (b) an evaluation of facilities and service needs; and (c) an
2 evaluation of intergovernmental coordination opportunities to provide
3 regional approaches for meeting park and recreational demand.

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

11 **Sec. 6.** RCW 36.70A.108 and 2005 c 328 s 1 are each amended to
12 read as follows:

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

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

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

25 (2) The transportation element required by RCW 36.70A.070 may
26 include development of freight rail dependent uses on land adjacent
27 to a short line railroad. Development regulations may be modified to
28 include development of freight rail dependent uses that do not
29 require urban governmental services in rural lands.

30 (3) Nothing in this section or RCW 36.70A.070(6)(b) shall be
31 construed as prohibiting a county or city planning under RCW
32 36.70A.040 from exercising existing authority to develop multimodal
33 improvements or strategies to satisfy the concurrency requirements of
34 this chapter.

35 ~~((3))~~ (4) Nothing in this section is intended to affect or
36 otherwise modify the authority of jurisdictions planning under RCW
37 36.70A.040.

1 NEW SECTION. **Sec. 7.** Section 4 of this act expires September 1,
2 2016.

3 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect
4 September 1, 2016.

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