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HOUSE BILL 1787

State of Washington 68th Legislature 2023 Regular Session

By Representatives Sandlin, Chapman, Barkis, Robertson, Graham, Corry, Dent, Steele, Goehner, Couture, and Volz

Read first time 02/07/23. Referred to Committee on Local Government.

AN ACT Relating to the planning and implementation of infrastructure to facilitate the transport and delivery of goods; reenacting and amending RCW 36.70A.070; adding a new section to chapter 47.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; and creating new sections.

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

The trucking industry is vital to NEW SECTION. Sec. 1. Washington state's economy. In order to make the flow of goods by the trucking industry possible, there must be appropriate infrastructure to accommodate the needs of the men and women who drive and work on the trucks, and to service the trucks themselves. Some local governments in Washington have not planned sufficiently for those needs or have erected barriers to developing such infrastructure. The joint transportation committee has received recommendations in a truck parking action plan. The action plan includes immediate actions to have governments build parking, provide incentives to build truck parking in high-demand areas, and have governments plan for truck parking and other necessary facilities. The legislature intends for this act to promote action to increase these much needed facilities.

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- NEW SECTION. Sec. 2. A new section is added to chapter 47.04
 RCW to read as follows:
- (1) As part of the safety policy goal established in RCW 3 47.04.280(1), the department must establish a plan for the department 4 and other state agencies to facilitate the establishment and 5 6 operation of commercial truck parking located near interstate highways, ports, and other areas that generate significant amounts of 7 commercial truck trips. This plan should include proposals for public 8 investment in truck parking as well as recommending or providing 9 10 incentives for nonpublic investment in such parking.
 - (2) During the years 2023 to 2030, the department must annually report to the governor and the transportation committees of the legislature on the known increases to commercial truck parking near Interstates 2, 5, and 90, and any of the ports. The department must reach out to local governments, ports, and a state association representing commercial trucking companies when preparing the report.

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- With funding provided in the omnibus 17 NEW SECTION. Sec. 3. 18 transportation appropriations act, the department of transportation, consultation with members of port authorities, trucking 19 industries, counties, and cities, shall develop and implement a 20 21 program to provide direct assistance to counties and cities for the 22 preparation of comprehensive plan amendments, development regulations, and expedited permitting programs, land purchases, 23 24 building incentives, and construction funding to assist development of truck parking facilities, including collocations with 25 restaurants and showering facilities available for commercial truck 26 27 drivers.
- NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW to read as follows:
- 30 Cities must allow commercial truck parking near warehouses, and the national highway system in areas frequently used 31 by commercial trucks. Cities may not prohibit the establishment of 32 commercial truck parking in areas where there are commercial or 33 34 industrial developments, and are encouraged to facilitate the development of areas where commercial truck drivers may abide for 35 periods of rest. Commercial truck parking facilities should include 36 37 restrooms, showers, equipment to facilitate idle reduction allowing 38 for heating, ventilation, air conditioning, and electric services to

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- 1 be powered from on-site, and security measures. Some locations should
- 2 be collocated, abutting, or very near restaurants and grocery stores
- 3 that can accommodate commercial trucks with trailers.
- 4 <u>NEW SECTION.</u> **Sec. 5.** A new section is added to chapter 35.63 5 RCW to read as follows:

Cities must plan for and allow commercial truck parking near 6 ports, warehouses, and the national highway system in areas 7 frequently used by commercial trucks. Cities may not prohibit the 8 establishment of commercial truck parking in areas where there are 9 10 commercial or industrial developments, and are encouraged to facilitate the development of areas where commercial truck drivers 11 may abide for periods of rest. Commercial truck parking facilities 12 13 should include restrooms, showers, equipment to facilitate idle reduction allowing for heating, ventilation, air conditioning, and 14 15 electric services to be powered from on-site, and security measures. 16 locations should be collocated, abutting, or very near 17 restaurants and grocery stores that can accommodate commercial trucks with trailers. 18

- 19 <u>NEW SECTION.</u> **Sec. 6.** A new section is added to chapter 36.70 20 RCW to read as follows:
- 21 Counties must allow commercial truck parking near warehouses, and the national highway system in areas frequently used 22 23 by commercial trucks. Counties may not prohibit the establishment of 24 commercial truck parking in areas where there are commercial or industrial developments, and are encouraged to facilitate the 25 26 development of areas where commercial truck drivers may abide for 27 periods of rest. Commercial truck parking facilities should include restrooms, showers, equipment to facilitate idle reduction allowing 28 29 for heating, ventilation, air conditioning, and electric services to 30 be powered from on-site, and security measures. Some locations should be collocated, abutting, or very near restaurants and grocery stores 31 that can accommodate commercial trucks with trailers. 32
- 33 **Sec. 7.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:
- The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards

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used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

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- A land use element designating the proposed general (1)distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, truck parking, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.
- 23 (2) A housing element ensuring the vitality and character of established residential neighborhoods that:
 - (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:
- 29 (i) Units for moderate, low, very low, and extremely low-income 30 households; and
- 31 (ii) Emergency housing, emergency shelters, and permanent 32 supportive housing;
 - (b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;
- 39 (c) Identifies sufficient capacity of land for housing including, 40 but not limited to, government-assisted housing, housing for

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- 1 moderate, low, very low, and extremely low-income households,
- 2 manufactured housing, multifamily housing, group homes, foster care
- 3 facilities, emergency housing, emergency shelters, permanent
- 4 supportive housing, and within an urban growth area boundary,
- 5 consideration of duplexes, triplexes, and townhomes;
- 6 (d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:
- 8 (i) Incorporating consideration for low, very low, extremely low, 9 and moderate-income households;
- 10 (ii) Documenting programs and actions needed to achieve housing 11 availability including gaps in local funding, barriers such as 12 development regulations, and other limitations;
- 13 (iii) Consideration of housing locations in relation to 14 employment location; and
- 15 (iv) Consideration of the role of accessory dwelling units in 16 meeting housing needs;
- 17 (e) Identifies local policies and regulations that result in 18 racially disparate impacts, displacement, and exclusion in housing, 19 including:
 - (i) Zoning that may have a discriminatory effect;
 - (ii) Disinvestment; and

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- 22 (iii) Infrastructure availability;
 - (f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;
 - (g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and
 - (h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.
- In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should

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link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

- (3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.
- (4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.
- (5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:
 - (a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

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

- (c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:
 - (i) Containing or otherwise controlling rural development;
- 15 (ii) Assuring visual compatibility of rural development with the surrounding rural area;
 - (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
 - (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
 - (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.
 - (d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:
 - (i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.
 - (A) A commercial, industrial, residential, shoreline, or mixeduse area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.
- 38 (B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial

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area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

- (C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:
- (I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and
- (II) Any included retail or food service space must not exceed 2,500 square feet for a new use;
- (ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;
- (iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to

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the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

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- 6 (iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, 7 authorized under this subsection. Lands included in such existing 8 areas shall not extend beyond the logical outer boundary of the 9 existing area, thereby allowing a new pattern of low-density sprawl. 10 11 Existing areas are those that are clearly identifiable and contained 12 and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if 13 limited as provided in this subsection. The county shall establish 14 the logical outer boundary of an area of more intensive rural 15 development. In establishing the logical outer boundary, the county 16 17 shall address (A) the need to preserve the character of existing 18 natural neighborhoods and communities, (B) physical boundaries, such 19 as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and 20 21 (D) the ability to provide public facilities and public services in a 22 manner that does not permit low-density sprawl;
- 23 (v) For purposes of this subsection (5)(d), an existing area or 24 existing use is one that was in existence:
 - (A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;
 - (B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or
 - (C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).
 - (e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.
- 38 (6) A transportation element that implements, and is consistent 39 with, the land use element.

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- 1 (a) The transportation element shall include the following 2 subelements:
 - (i) Land use assumptions used in estimating travel;

- (ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;
 - (iii) Facilities and services needs, including:
- (A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;
- (B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;
- (C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ((ten)) 10-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;
- (D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;
- (E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

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

- (A) An analysis of funding capability to judge needs against probable funding resources;
- (B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ((ten)) 10-year investment program developed by the office of financial management as required by RCW 47.05.030;
- (C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
- (v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
 - (vi) Demand-management strategies;
- (vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles;
- (viii) Accommodation of the delivery of goods into communities by requiring truck loading and unloading areas in urban areas, the creation of commercial truck parking sufficient for the amount of deliveries into the community, and planned highway corridors for heavy commercial trucks to traverse.
- (b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

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- These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.
 - (c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ((ten)) $\underline{10}$ -year investment program required by RCW 47.05.030 for the state, must be consistent.

- (7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.
- (8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ((ten)) 10-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.
- (9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.
- NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:
- Planning cities and counties as part of the transportation requirements in RCW 36.70A.070(6) must address the following issues:

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(1) Each must plan to provide sufficient parking locations to accommodate delivery of goods.

- (a) Each may require properties that are to receive delivery from commercial trucks to have a way to accommodate those vehicles, preferably on-site.
- (b) Each must require communities to have commercial truck parking near ports, warehouses, and the national highway system in areas frequently used by commercial trucks. Counties and cities may not prohibit the establishment of commercial truck parking in areas where there are commercial or industrial developments. They are encouraged to facilitate the development of areas where commercial truck drivers may abide for periods of rest. Commercial truck parking facilities should include restrooms, showers, equipment to facilitate idle reduction allowing for heating, ventilation, air conditioning, and electric services to be powered from on-site, and security measures. Some locations should be collocated, abutting, or very near restaurants and grocery stores that can accommodate the commercial trucks.
- (c) Multifamily residential buildings within the urban growth area are to have locations where light duty, package delivery, or moving trucks can temporarily park without obstructing the flow of vehicular, bicycle, and pedestrian traffic on the streets, bicycle lanes, and sidewalks.
- 24 (2) Each must plan to provide and maintain streets designed, 25 sized, and constructed to be used by heavy commercial trucks in 26 appropriate locations.
- 27 (3) For counties or cities with a population greater than 75,000, 28 each must plan for and permit locations where large commercial 29 vehicles can receive maintenance, repairs, and services.

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