
Local Government & Housing Committee

HB 1959

Brief Description: Concerning land use and transportation planning for marine container ports.

Sponsors: Representatives Simpson, Rodne, Williams and Armstrong; by request of Governor Gregoire.

Brief Summary of Bill

- Requires the comprehensive plans of cities with a qualifying marine container port in their jurisdiction to include a container port element.
- Requires the Department of Community, Trade, and Economic Development to provide matching grant funds to cities to support development of the container port elements of comprehensive plans.
- Declares key freight transportation corridors that serve qualifying marine port facilities to be transportation facilities and services of statewide significance.
- Includes a null and void clause if funding is not provided in the omnibus appropriations act by June 30, 2009.

Hearing Date: 2/12/09

Staff: Ethan Moreno (786-7386)

Background:

Port Districts.

Port districts are authorized to acquire, build, maintain, operate, develop, and regulate the commercial transportation, transfer, storage, handling, and terminal facilities and industrial improvements within the district. Two Washington ports, the Port of Seattle and the Port of Tacoma, have annual operating revenues in excess of \$60 million.

Growth Management Act.

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

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The Department of Community, Trade, and Economic Development (DCTED) provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Except as otherwise provided, planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a recurring seven-year statutory schedule. Jurisdictions that do not fully plan under the GMA must, except as otherwise provided, satisfy requirements pertaining to critical areas and natural resource lands according to this same schedule.

Transportation Facilities and Services of Statewide Significance.

The legislature has declared certain transportation facilities and services to be of statewide significance. Examples of these facilities include:

- the interstate highway system;
- interregional state principal arterials, including ferry connections, that serve statewide travel;
- the freight railroad system; and
- marine port facilities and services that are related solely to marine activities affecting international and interstate trade.

In addition to other planning requirements for transportation facilities, the Department of Transportation, in consultation with local governments, must set level of service standards for state highways and state ferry routes of statewide significance.

Summary of Bill:

The GMA comprehensive plans of cities that have a marine container port with annual operating revenues in excess of \$60 million within their jurisdiction must include a container port element. The container port element must be developed collaboratively by qualifying cities and ports, and it must be completed and approved by the city according to the recurring review and revision schedule of the GMA. The DCTED must provide matching grant funds to qualifying cities to support development of the container port element.

The container port element must establish policies and programs that define and protect the core areas of port and port-related industrial uses within the city. The element also must:

- provide reasonably efficient access to the core area through freight corridors within the city limits;
- identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate incompatible uses along the edge of the core area; and
- be consistent with specific elements of the city's comprehensive plan and with the city's capital facilities plan.

Qualifying cities and ports must work together to ensure consistency between container port elements and the port requirements pertaining to harbor and marginal land improvements, while retaining sufficient planning flexibility to secure emerging economic opportunities.

Cities, in developing container port elements, may include one or more of several specified approaches, including:

- creation of a port overlay district that protects container port uses;
- buffers and transition zones between incompatible uses;
- policies to encourage the retention of valuable warehouse and storage facilities; and
- other approaches by agreement between the city and the port.

Any planned improvements to the marine container ports identified in the container port element must be transmitted by the city to the transportation commission for inclusion in a specific statewide transportation plan.

The list of legislatively declared transportation facilities and services of statewide significance is expanded to include key freight transportation corridors that serve marine port facilities and services that are related solely to marine activities affecting international and interstate trade.

If funding for the requirements of the bill is not provided by June 30, 2009, in the omnibus appropriations act, the bill is null and void.

Appropriation: None.

Fiscal Note: Partial note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.