

1.1.00 Purpose of Development Services Manual

The Development Review Manual (*the Manual*) is a reference handbook intended primarily for internal purposes. The Manual is a compilation of information to help WSDOT staff respond to local land-use development proposals that affect state transportation facilities.

The Manual helps staff:

- Understand the regulatory framework for WSDOT's participation in land use and development review.
- Participate effectively in the local land use process.
- Coordinate internally to formulate a recommendation to a local government.
- Consistently apply WSDOT policies and standards to local land use and development reviews.
- Assess the transportation impacts of a land use proposal.
- Understand the options and the legal basis for WSDOT recommendations to local governments.
- Preserve the integrity of the state transportation system as land use changes.

1.1.01 How to Use the Manual

The Manual is organized into seven chapters.

- Chapter 1 provides an overview of WSDOT's Development Review Program.
- Chapter 2 explains the local land use process and gives general guidelines on working effectively with local partners.
- Chapter 3 explains the role of State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) in Development Services Review.
- Chapter 4 explains the technical and policy analysis necessary for WSDOT to make a recommendation on a local land use proposal.
- Chapter 5 explains how to prepare and process various developer and local agency agreements.
- Chapter 6 explains the Access Management and Limited Access laws and access permit review process.
- Chapter 7 includes strategies and guidelines for participating in local land use decisions and building a strong record for a potential appeal.

The Appendices include technical references, sample response letters, sample agreements and a Model Interlocal Agreement with local agencies.

1.1.02 Manual Updates

The electronic WSDOT Intranet version will be updated periodically to keep the Manual current. Web Link: <http://www.wsdot.wa.gov/fasc/EngineeringPublications/>

It will be important for users of the Manual to assist with keeping information current. Please send your comments and updates to your Region Development Services Manager, the Region Planning Manager or Headquarters Planning Office.

1.1.03 WSDOT Development Review Organization

The Development Review program is administered through WSDOT's six regional offices. Coordinating internal review of land use and development proposals varies among regions. In some regions, the Development Services staff takes the lead whereas in other regions the Planning staff takes the lead in Development Review coordination with local governments and other divisions within the WSDOT. It is important to become familiar with WSDOT's organizational structure for your particular region and to recognize where regional differences are appropriate and where state-wide interests require consistent practices. Appendix 1 contains a list of WSDOT Development Services staff.

1.1.04 Why WSDOT Participates in Local Land Use Review

WSDOT participates in local land use review to help protect the state transportation system by working with local governments to mitigate the significant adverse impacts of development.

The need to protect the state transportation system has become more pressing in recent years due to the rate of population growth. The funding for transportation investments has not kept pace with the state's travel demand. The growth in travel demand, combined with revenue shortfall, has increased the need to protect the existing state transportation system and to ensure that development impacts are mitigated.

1.1.05 WSDOT Development Services Objectives

The objectives of WSDOT's Development Services Review Program are as follows:

- Build positive relationships with our local partners, developers and citizens.
- Provide expertise on development-related WSDOT standards and procedures to local government, property owners and developers.
- Provide professional review of the transportation impacts of proposed land use changes and development projects.
- Provide timely and consistent recommendations for mitigation of traffic impacts to local governments based on local regulations and WSDOT policies and standards, state statutes and administrative rules.
- Work within the local land use process to obtain mitigation that is linked and proportional to a development's impacts.
- Help make decisions that strengthen the connection between land use and transportation.

1.1.06 WSDOT Review Authority

Coordination with WSDOT is sometimes required, i.e. when the proposed development is adjacent to a state highway, but always encouraged when the State Highway is affected by a proposed land use change or development.

Managed Access and Limited Access Laws¹

Managed Access: RCW 47.50, WAC 468-51, and WAC 468-52 define WSDOT authority, standards, and procedures for the management of access to non-limited access state highway facilities to maintain functional use, highway safety, and preservation of public investment consistent with adopted local comprehensive plans. Access management issues and procedures are specifically addressed in Chapter 6.

Limited Access: RCW 47.52, WAC 468-54, and WAC 468-58, govern WSDOT authority, standards, and procedures for the establishments of Limited Access highways and the purchase of access, light, view and air rights from private property owners.

State Environmental Policy Act (SEPA)²

First adopted in 1971, the State Environmental Policy Act (SEPA) under RCW 43.21C chartered Washington State's environmental policy.

SEPA requires state agencies, counties, municipal cities and public corporations to evaluate and determine mitigation for the environmental impacts of land use proposals. Provisions of SEPA require the lead agency to involve agencies, tribes, and the general public in most review processes prior to a final decision being made.

SEPA authorizes WSDOT to require developers to mitigate traffic impacts created by their developments, if WSDOT is the permitting agency i.e. access permits;. Otherwise, WSDOT must work through the local agencies to fashion developer mitigation requirements. Mitigation may be in the form of developer constructed transportation improvements, financial contributions to programmed WSDOT projects, and/or dedication of property for right of way.

Growth Management Act (GMA)²

The Washington State Legislature passed the Growth Management Act in 1990, amending it in later years. The GMA requires the fastest growing counties, and the cities within them, to specify plans to mitigate the problems associated with growth.

GMA's Applicability to State Highways:

- **Impact Fees (RCW 82.02)**

GMA impact fee statutes do not apply directly to state highways because state highways are not included in the definition of public facility under RCW 82.02.090(7). They apply to city streets and county roadways only. The only exceptions are San Juan and Island Counties where the only means of access to the mainland is by state highway or ferry.

¹ Refer to chapter 6 for more detail

² Refer to chapter 3 for more detail

- **Level of Service (LOS) and Local Planning**

The Legislature enacted RCW 47.06.140 in 1998 - the “Level of Service Bill.” The main elements of the law are:

1. Local agencies must include transportation facilities of state-wide significance (including interstate highways, interregional state principal arterials, and state-wide ferry service) in their comprehensive plans consistent with the state-wide transportation plan.
2. The WSDOT has the sole authority to set the LOS standards for highways of state-wide significance (HSS)³, but it is required to consult with local governments. For regionally significant state highways (Non-HSS), the LOS is set through a collaborative process with Regional Transportation Planning Organizations (RTPOs) and local governments.
3. Improvements to facilities and services of state-wide significance identified in the state-wide multi-modal plan are essential state public facilities under RCW 36.70A.200 (see RCW 47.06.140). No local comprehensive plan or development regulation may preclude the siting of essential public facilities (RCW 36.70A.200(5)).

While SEPA is the primary statutory authority for WSDOT to require mitigation from developments that cause significant adverse impacts to state highways, the GMA plays an important role in that it requires local agencies to include the LOS standards for state highways of state-wide significance (HSS) within their comprehensive plans. These LOS standards can then be used in assessing the need for mitigation measures.

- **Concurrency⁴**

Local agency concurrency requirements do NOT apply to highways of state-wide significance (HSS), except for San Juan and Island Counties, but DO apply to regionally significant state highways (Non-HSS) (RCW 36.70A.070(6)C).

“While state law clearly exempts highways of statewide significance (HSS routes) from local concurrency regulation, it is not clear whether GMA applies concurrency to state-owned facilities that are not of statewide significance. These regionally significant state highways must be addressed in local comprehensive plans, have LOS standards set regionally, but the law is silent in terms of including or exempting them from local concurrency rules. Therefore, each local jurisdiction, with assistance from its legal staff, will decide how to respond to the regional standard. If the regional LOS standard is already compatible with the local standard previously set, then the local jurisdiction may decide to do nothing other than acknowledge the regional LOS standard in its comprehensive plan. Other options for local jurisdiction includes amending its existing concurrency program to reflect the newly established regional LOS standard, modifying its local concurrency program to make it more flexible with regard to regionally significant state highways, or removing the state highway from the local concurrency program.”⁵

3 For definition and map of HSS highways, go to: <http://www.wsdot.wa.gov/ppsc/hsp/HSS.htm>

4 Also see "concurrency" in Chapter 3, section 3.2.07

5 From the Puget Sound Regional Council (PSRC) report on “Adopted Level of Service Standards for Regionally Significant State Highways”, dated 1/13/2004,