



CITY OF BLACK DIAMOND
April 9, 2015 Regular Work Session Agenda
25510 Lawson Street, Black Diamond, Washington

6:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

WORK SESSION:

- 1) MPD Zoning – Mr. Nix
- 2) Transportation Benefit District – Mr. Boettcher
- 3) Adjournment



PALMER COKING COAL CO, LLP

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March 31, 2015

Aaron Nix
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Residential Rezone for Property in the MPD Zone: Section 22-21-6

Dear Aaron:

As you know the City has imposed a moratorium for certain activities on property owned by PCCC and located in Section 22-21-6 (hereinafter the "Section 22 property"). During this moratorium period the City is considering what zone classification might best suit this property going forward. We would like to weigh in with our ideas.

In approving the Villages MPD the City mandated a coordination and integration with the interface of adjacent land uses in adjoining developments (see Design Concept and Land Use Plan – The Villages, page 3-26). The idea articulated in that plan was that lot sizes adjacent to the boundary of the MPD would be no smaller than 75% of the size or 7,200 square feet, whichever is less. That same approval plan (Chapter 4 – Circulation) demanded connectivity and integration through adjacent streets within the larger circulation system. At the community level, the circulation plan shows approximate locations of connections on-site and to adjacent properties (see page 4-1). There are five potential future connection points which will allow this connectivity and circulation plan to integrate future development of Palmer's Section 22 properties.

In making a determination for the best zoning, the first and foremost fact to acknowledge is that this property will eventually be surrounded by an MPD with densities envisioned and approved through the Village project. The current phases that are already under development will be bordering the north boundary of our property. This is a fact and a challenge, but also a guideline. The Villages will have a variety of land uses including single-family residential, multi-family residential, and retail-commercial within the confines of the first phases of the Villages. Since most of the retail-commercial will be nearer the Auburn-Black Diamond Road and capable of serving both the first phases as well as later phases, it seems reasonable that there is little pressing need for the same kind of retail-commercial on the Section 22 property.

Thus, residential will be the dominant use, but the obvious question is what kind of residential? Given the dense urban nature of this property, large lot residential is of course out of the question. Within Black Diamond there are three residential zones which can be applied to this property: R-4; R-6; and MDR-8. As the property is rather

varied both in terms of topography and adjacency to other uses, we would support a variety of residential zones on the Section 22 property. We suggest the following zoning strategies for our 160 acres in the NW 1/4 of Section 22.

- The western edges of the Section 22 property border rural lands, which are being developed by Yarrow Bay in a cluster style of development. Thus, it make sense to have some lower density residential (i.e. R-4) along the western boundary.
- The northern and southern edges of the Section 22 property border the Villages, where adjacent land use is characterized as MPD-Low with density ranges from 1 to 8 dwelling units per acre. As a transitional zone for these areas along the northern and southern boundaries, we would suggest an R-6 zone.
- The eastern edges present more challenges as there are several wetlands which may limit development. The Villages plan call for high-density residential development in the central portion of this eastern edge. We suggest that a transition zoning of MDR-8 be continued on Palmer's property to the west. Because this area will generally be isolated due to surrounding wetlands, and because the MPD will support high density residential of 13-30 dwelling units per acres, it may actually be appropriate to continue the high density residential land use on the Palmer property.

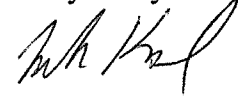
Attached please find a combination topography and preliminary wetland map upon which we've designated areas as suggested above. Since topographic lines can make good divisions between neighborhoods, our suggested zoning lines generally follow topographic lines and wetland limits.

The following are our zoning strategies for the approximate 30 acres located in the NE 1/2 of Section 22 near Black Diamond Lake.

- This property is fairly uniform and has two connecting points to the MPD development to the west and south. The MPD neighborhood to the west will be MPD-Low, while the neighborhood to the south will be MPD-Medium. We suggest following the same type of framework for the 160 acres with R-4 zoning in the northern half and R-6 zoning in the southern portion bordering Black Diamond Lake.

Attached please find a combination topography and preliminary wetland map upon which we've designated areas as suggested above. For this zoning effort, we've attempted to accommodate discrete neighborhoods to be compatible with development on the adjacent MPD properties.

Very Truly Yours,



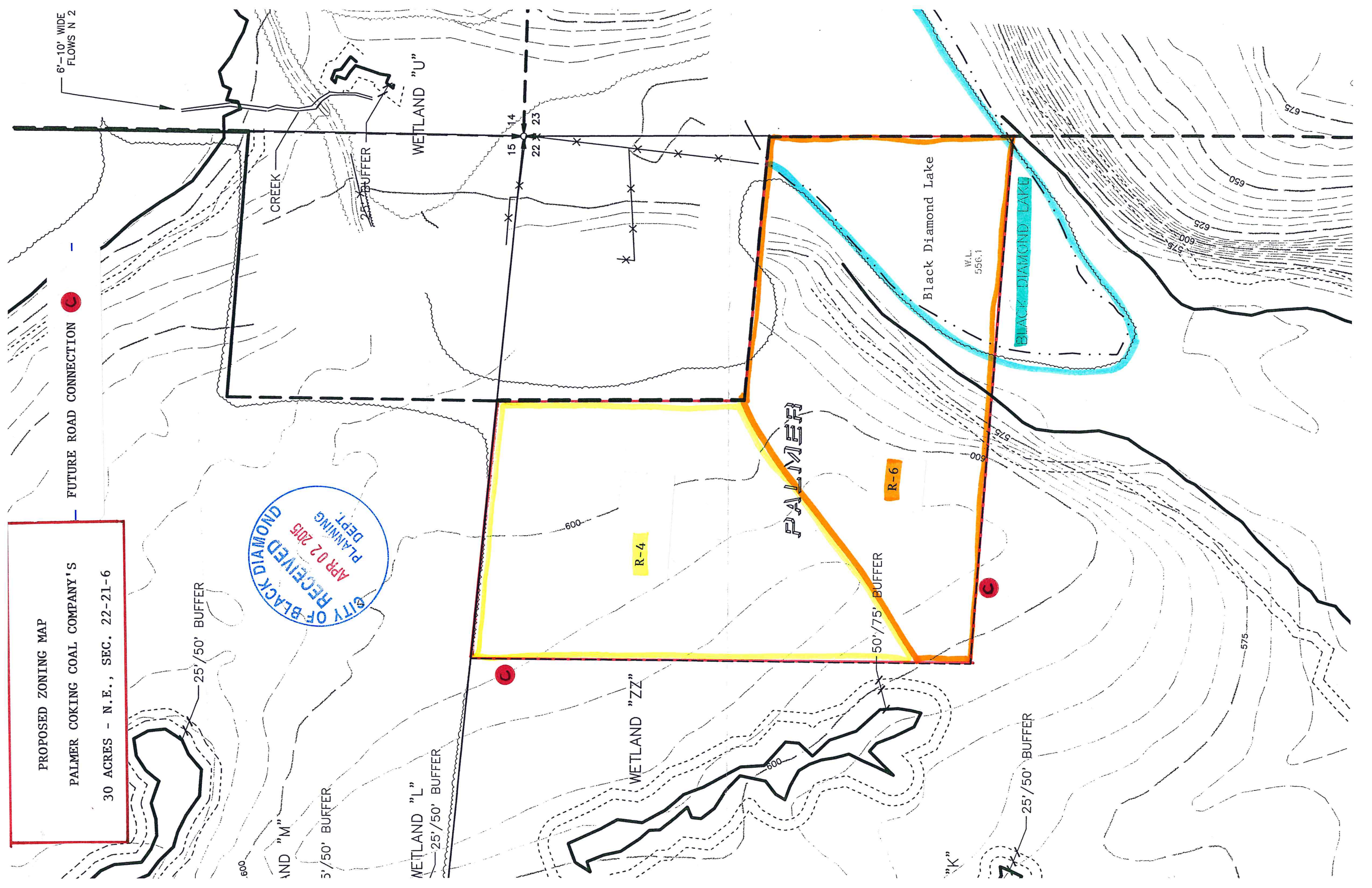
William Kombol, Manager
Palmer Coking Coal Company

Enclosure: Two maps

PROPOSED ZONING MAP
PALMER COKING COAL COMPANY'S
30 ACRES - N.E., SEC. 22-21-6

FUTURE ROAD CONNECTION

6-10" WIDE
FLOWS N 2



COORDINATION AND INTEGRATION WITH ADJACENT LAND USES

The proposal is subject to and will comply with the MPD Design Guidelines. The MPD Guidelines, Page 9, Interface with Adjoining Development requires that lot sizes adjacent to the boundary of the MPD must be no smaller than 75% of the size of the existing lot or 7200 square feet, whichever is less. This ensures that development within the MPD is similar in density and intensity to adjacent development. In addition, landscape buffers are required along the boundary where there are non-residential and/or multi-family uses, and between the entrance and main access routes and adjacent development. Besides land uses, Chapter 4 (Circulation) provides for connectivity and integration with adjacent streets and the larger circulation systems.

TRANSFER OF DEVELOPMENT RIGHTS

Base density on The Villages MPD varies throughout the site. The base density and dwelling units allowed on a particular parcel without transfer of development rights (TDRs) is determined based on the City's comprehensive plan and various existing agreements, including Ordinances 515 and 517 and the Black Diamond Open Space Agreement. Table 3.6 shows the base density for each parcel within The Villages based on these documents, the number of dwelling units allowed as of right, the number that will be transferred within the site, and the number of development rights that need to be purchased and transferred to the site. Because these numbers are preliminary, actual numbers will need to be verified at preliminary plat or final plat stage and monitored throughout the buildout of the project.

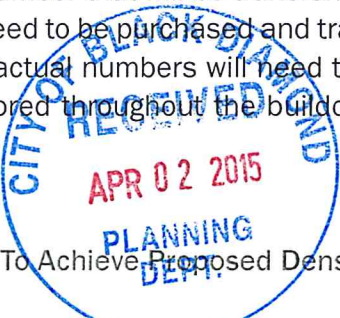


Table 3.6
Calculation of Base Density And TDRs Needed To Achieve Proposed Density

Area	Parcel Acreage	Base	Dwelling Units Allowed Per Base Density	Dwelling Units Proposed	Dwelling Units Transferable On-Site	TDRs needed
Parcel B	81.53	N/A	150	150	0	0
Parcel C	54.62	2	109	256	0	147
Parcel D	225.99	2	452	1557	0	1105
Guidetti	20.38	N/A	74	0	74	0
Parcel E	151.15	1	151	597	0	446
Parcel F (PAA)	227.5	2	455	612	0	157
Parcel F (In City)	31.4	4	126	100	26	0
Parcel G	8.06	2	16	48	0	32
BDA	395.74	1	396	1480	0	1084
Total	1,196.4		1,929	4,800	100	2,871

To achieve the proposed densities on the site, approximately 2,871 TDRs will be purchased and transferred to the site. The phasing of the purchase and transfer of TDRs to the site will be consistent with the process and requirements found in the City’s TDR and MPD Ordinances. Pursuant to the MPD ordinance, subsection 18.98.040.A.18, the phasing plan for the acquisition of TDRS must demonstrate that for each residential phase, no more than sixty percent of the proposed density is based upon the land area included in that phase. Table 3.7 demonstrates that the proposed phasing of development rights meets the requirements of 18.98.040.A.18, since the ratio of base density to planned density for the land within each phase is less than 60%. The proposed density in each phase could only be partially platted if the TDRs needed were not fully acquired and applied for at final plat stage. This phasing plan table will be updated as necessary and submitted with subsequent development applications.

Table 3.7
TDR Phasing Plan by Phase

	Planned Density	Base Density used ¹	TDRs needed	Percent of proposed density based upon land area within that phase
Phase 1A	850	452	398	53%
Phase 1B	200	120	80	60%
Phase 2	1350	364	986	23%
Phase 3	2400	993	1,407	41%
	4800	1929	2871	

Note ¹
Ph 1A Base density from Parcel D
Ph 1B Base density from Parcel C and Parcel B, 139 dwelling units of base density transfered to Phase 2
Ph 2 Base density from Parcel E and Guidetti plus 139 base density from Phase 1B
Ph 3 Base density from BDA, Parcel F, and Parcel G

GLOSSARY

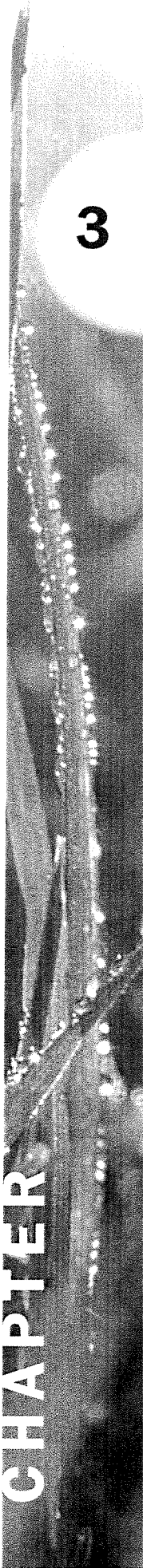
Project Site - The entire area contained within The Villages MPD boundaries.

Development parcel – A subdivided portion of the project site shown as an individual parcel on the MPD land use plan, Figure 3-1.

Site Area – Area of land (expressed in square feet or acres) contained within the boundary lines of a development parcel or project site.

Density – Number of dwelling units proposed on a development parcel divided by its site area.

Expansion Area Parcels – Outside of The Villages MPD and shown on Figure 3-3, some or all of which may be approved for development consistent with the approved Villages MPD.



LAND USE

The Villages MPD is organized around the mixed-use Town Center located south of Auburn-Black Diamond Road. The Town Center is proposed to be a pedestrian-oriented central gathering place with retail shops, residential, small offices, cafés and higher density residential around a central plaza. Commercial/office/retail areas are proposed adjacent to the Town Center, north of SE Auburn-Black Diamond Road, to provide a critical mass of retail and employees to support the Town Center.

Residential neighborhoods of varying densities are linked to the Town Center by the Community Connector and an extensive open space and trail system. Two higher density residential neighborhoods located on the southwest and southeast portions of the site are surrounded by low density residential neighborhoods. These higher density neighborhoods serve several functions: they create a central focus for the surrounding low density neighborhoods; the overall density is spread throughout the site rather than concentrated; and these areas create variation in the development pattern.

RESIDENTIAL

Each residential land use category intentionally allows a mix of housing types. This mix is an important component of the organic urbanism concept. It will prevent the cookie-cutter appearance common in many suburban subdivisions and allows for a mix of lot sizes as discussed in “Rural By Design”. Common design elements and guidelines will be the thread linking the neighborhoods within the MPD, while the mix of housing types and uses will allow each neighborhood to develop its own individual character. Schools and similar institutional uses are allowed within these categories, provided that a high school located within these categories will require a City of Black Diamond conditional use permit. Live/work units in these areas would be considered home occupations subject to City of Black Diamond Municipal Code.

Low Density (MPD-L). The low density residential category provides for predominantly single-family detached housing types. Attached housing in the form of duplexes, triplexes and quadplexes are allowed within the category provided they are designed to fit into the predominantly single-family character of the neighborhood. The density range for this category is 1-8 dwellings per acre.

Medium Density (MPD-M). The medium density residential category provides for single-family detached dwellings on small lots, cottages, duplexes, and townhouses. The density range for this category is 7-12 dwelling units per acre.

High Density (MPD-H). The high density residential category provides a mix of housing types including cottages, attached townhouses and stacked flats. The density range for this category is 13-30 dwelling units per acre. Most of the high density residential parcels are located around the Town Center to encourage pedestrian activity and to place households closest to areas likely to be served by transit. Three other high density

nodes form the basis for several smaller isolated neighborhood centers throughout the MPD. Densities in the range from 18-30 dwelling units per acre will be allowed, subject to the criteria for such densities contained in the City's Master Planned Development ordinance. Approximately 35 acres of the site could be developed in the 18-30 dwelling unit per acre range. Potential areas are shown on Figure 3-1.

UNIT COUNTS BY LAND USE CATEGORY

Table 3.2 provides a general estimate of the number of units by designation. Since there are many development parcels within each category and the density may vary on each, this table is not intended to replace the total cap of 4,800 dwelling units proposed. It is intended to show that the typical densities of most development will result in the approximate number of total dwelling units proposed.

Table 3.2
Residential Densities and Projected
Unit Count by Land Use Category

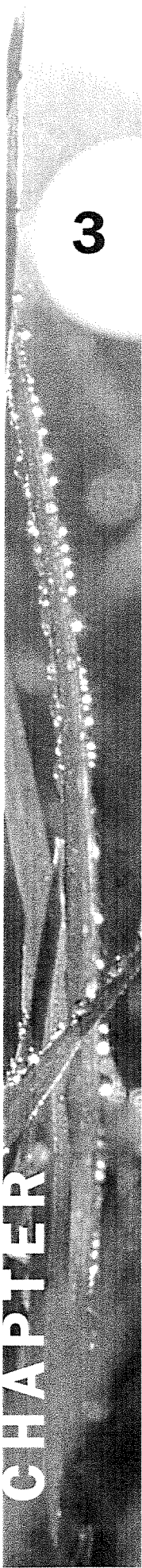
Land Use Designation	Density Range (du/acre) Min-Max	Target Density (du/acre)	Approximate Acres	Projected Units
MPD-L	1-8	6	285	1710
MPD-M	7-12	10	178	1780
MPD-H	13-30	16	72	1152
MPD Mixed Use	Above retail	Above retail	Above retail	158

Note: Total area may shift with final planning and implementation approvals.

COMMERCIAL/OFFICE/RETAIL

This category includes uses providing services or sale of goods or merchandise to the public. Uses include, but are not limited to: banks, travel agencies, hotel/motels, eating and drinking establishments, clothing stores, drug stores, gift shops, video rental, bookstore, grocery stores, variety stores, paint stores, craft stores, specialty stores, theaters, wholesale clubs, and gas stations. Schools and similar institutional uses are also allowed within these categories, provided that a high school located within this category will require a City of Black Diamond conditional use permit.

Office uses include general office, research and development, technology, biotechnology and medical equipment, light manufacturing, wholesaling, mini-storage, distillery, brewery, winery, religious and educational uses, civic, continuing care, institutional uses and business support services.



Commercial/office/retail uses will be provided in the proposed MPD on both the Main Property and Parcel B. These uses will positively contribute to the City’s ability to achieve a net fiscal benefit for the community, as required by the City’s MPD standards (BDMC 18.98.120). A wide variety of commercial/retail, office, and civic uses are allowed within this category. These may include educational opportunities and churches as well as a wide range of private or private enterprise recreation such as bowling alley, skating rink, miniature golf, etc.

MIXED USE – TOWN CENTER

The Mixed Use category is comprised of commercial/office/retail and housing and is proposed in the northern portion of the Main Property, at the intersection of SE Auburn-Black Diamond Road and Main Street. The Town Center is intended to become a focal point for community gathering and pedestrian-oriented development, so the allowed uses are those that promote these activities. Live entertainment is permitted. Higher density housing in and around the center will provide the population needed to support the center and to generate activity.

SCHOOL

The School category is intended for uses such as schools and other facilities that serve the community and are often provided by a public entity or non-profit organization. In the event that a parcel is not needed for a school, it shall revert to the MPD-M category. There are several school sites proposed throughout the MPD. Parcels V21, V50 and V58 are proposed as Elementary School Sites; Parcel V57 is proposed for a middle school. Walking distances are shown on Figure 3-2. Civic uses are also anticipated to locate in the commercial/office/retail designation, and sufficient land is zoned to accommodate these uses.

PARKS, OPEN SPACE AND TRAILS

The open space category is intended for protection of certain critical areas, passive and active recreation, and utilities as a secondary use. The Villages MPD includes a coordinated network of open space, parks, and trail corridors. It also provides relief from the built environment by providing physical and visual buffers. The open space provides connectivity to existing and planned open space, trail corridors, and wildlife corridors on and adjacent to the site. A coordinated trail system is proposed to provide links between parks and all uses within the proposed MPD.

Per the MPD standards (BDMC 18.98.120 (G), 18.98.140(F) and 18.98.140 (G)) The Villages MPD must provide the open space required by prior agreements. Portions, but not all, of the property are subject to the BDUGGA and Black Diamond Area Open Space Protection Agreement. Additionally, to cluster development or increase densities, the MPD must provide either the open space required per previous agreements or 50% open space where there are no prior open space agreements. According to the City’s MPD standards, the BDUGGA, and Ordinances 515 and 517, The Villages MPD must provide 145 acres of open space. To use the MPD provisions that allow increases in density, flexible lot sizes

OVERVIEW

The street system of any town or city directly impacts its character, both visually and functionally. In The Villages MPD, narrower street sections are proposed to calm traffic and provide a pleasant and safe pedestrian atmosphere consistent with the goals of the MPD Ordinance. Streets and their associated landscaping will create neighborhood identity and a sense of place. Street trees and landscape parkways will soften the hardscape, calm traffic, act as a unifying design element. A connected neighborhood street system and a separate non-motorized trail system will increase pedestrian activity and decrease reliance on the automobile.

NON-MOTORIZED COMPONENTS

The Villages encourages alternate modes of transportation including walking and cycling through an integrated system of pedestrian friendly streets, on-street cycling lanes, multi-purpose trails, sidewalks and forest paths. The trail system is described in detail in the Parks, Open Space and Trails section of the MPD.

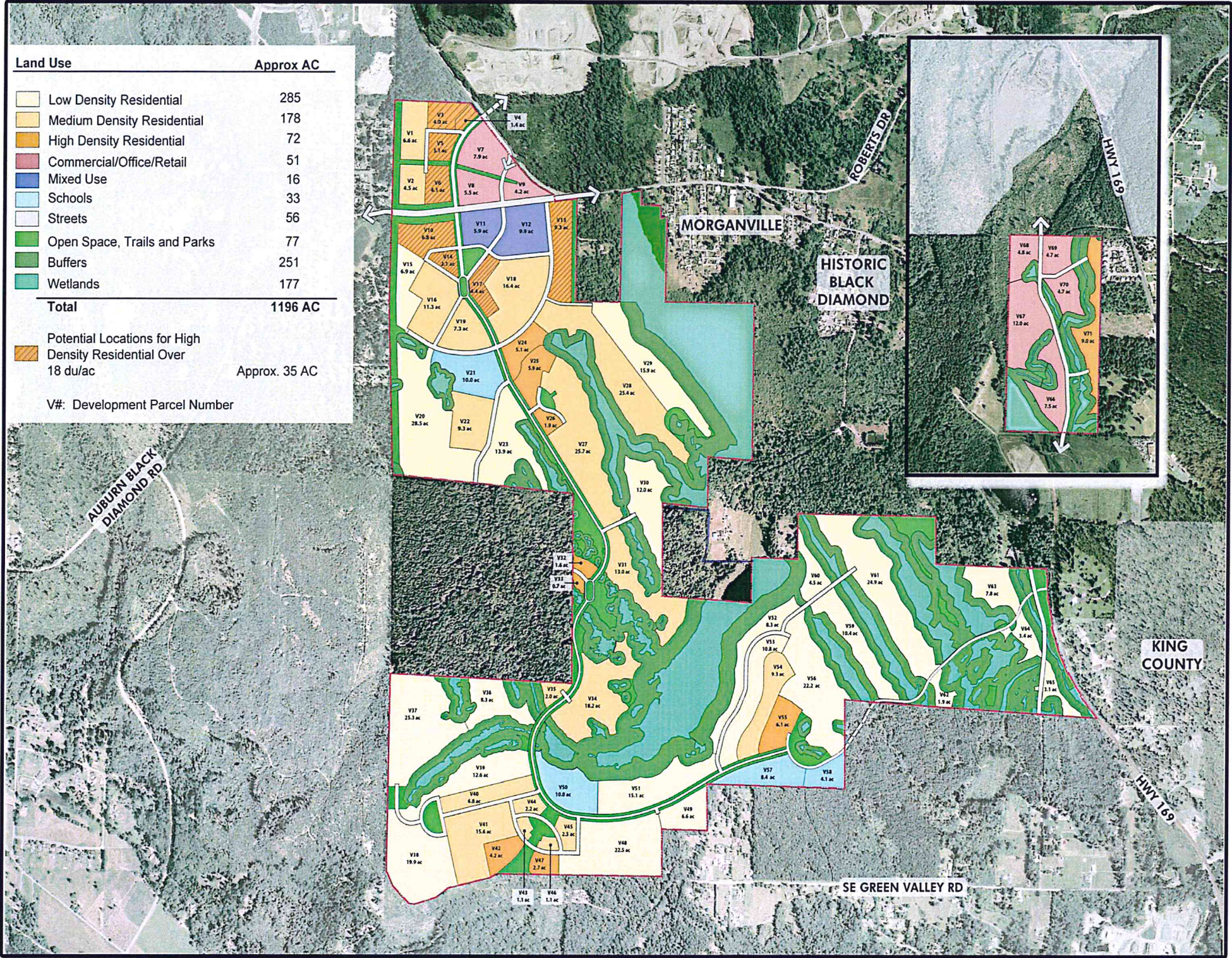
LOW IMPACT DEVELOPMENT

Low Impact Development (LID) includes concepts such as narrower pavement widths to reduce run off and heat island effect, on site, stormwater infiltration and water conservation. The Villages MPD will limit the amount of mowed turf in roadside parkways, which is a high maintenance and high water use landscape material. Instead, native and drought tolerant plant material will be utilized. These plants have a texture and character that supports the overall vision of the community. Rain gardens and other landscape elements will be used where appropriate in parkway strips and medians to provide biofiltration and infiltration, thus lessening the maintenance burden of stormwater facilities.

STREET NETWORK CONNECTIVITY

All levels of the street network are proposed as an inter-connected grid pattern to disperse traffic. At the city level, the phasing plan shows off-site improvements that are proposed to increase connectivity city-wide. At the community level, the circulation plan shows approximate locations of connections on-site and to adjacent properties. At the development parcel level, neighborhood streets within development parcels will be stubbed to, or connected to, adjacent development parcels and off-site properties where necessary to provide access or increase overall connectivity.

FIGURE 3-1 LAND USE PLAN



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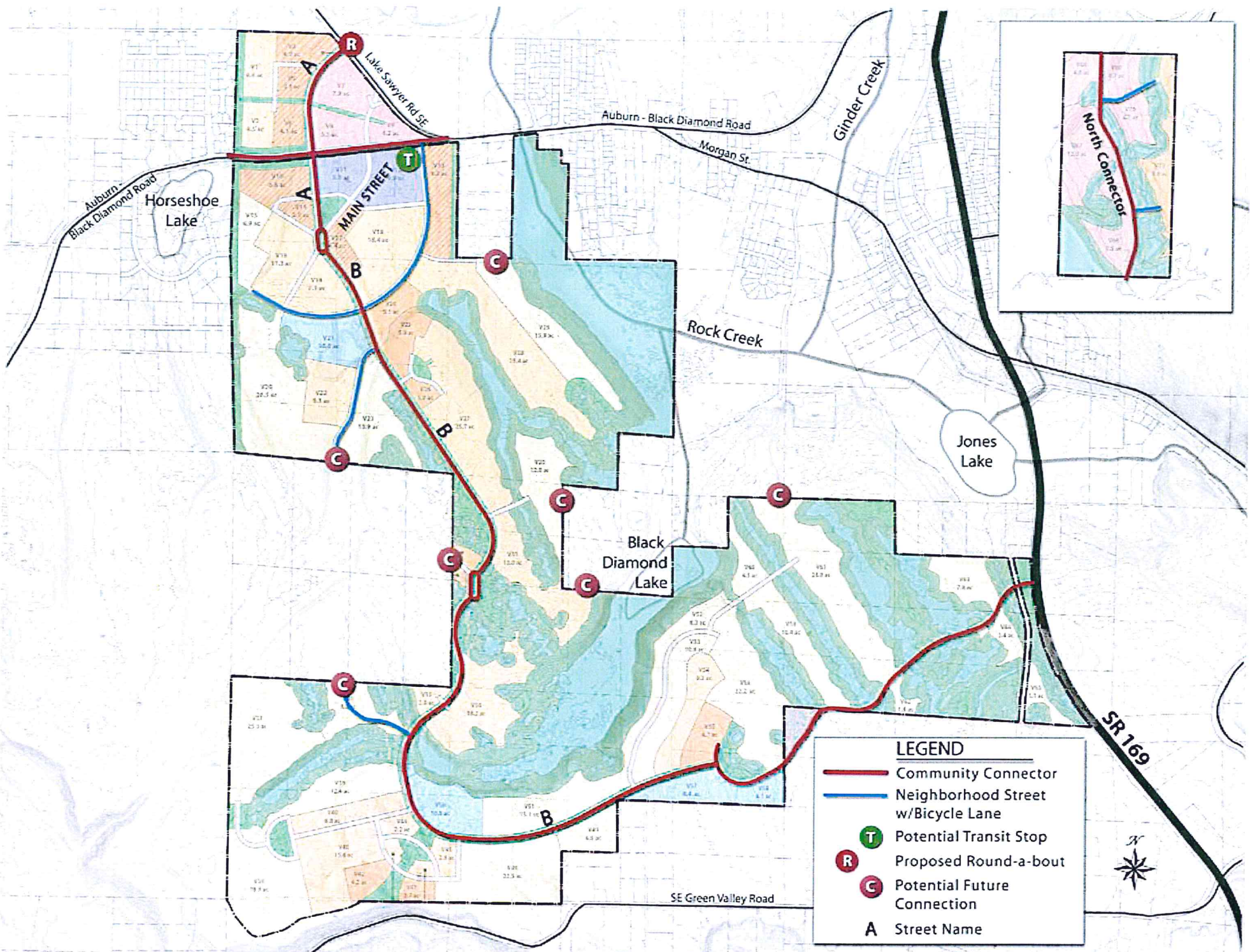
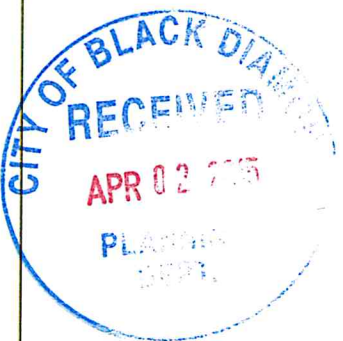


Figure 4-1 Circulation Plan



Transportation Benefit Districts (RCW 36.73)

What is a Transportation Benefit District (TBD)?

A TBD is a quasi-municipal corporation and independent taxing district created for the sole purpose of acquiring, constructing, improving, providing, and funding transportation improvements within the district. A TBD is an independent taxing district that can impose specific taxes or fees, either through a vote of the people or through district board action. TBDs are flexible - they allow cities and counties to work independently or cooperatively to address both local and regional transportation challenges.

Who may create a TBD?

The legislative authority of a county or city may create a TBD. The county or city proposing to create a TBD may include other counties, cities, port districts, or transit districts through interlocal agreements.

Who governs the TBD?

The members of the legislative authority (county or city) proposing to establish a TBD serve as the governing body of the TBD. The legislative authority is acting ex officio and independently as the TBD governing body. If a TBD includes additional jurisdictions through interlocal agreements, then the governing body must have at least five members, including at least one elected official from each of the participating jurisdictions.

Why create a TBD if the county or city legislative authority is the governing board?

TBDs have more flexibility to solve specific transportation issues. For example, more than one type of jurisdiction can be part of a TBD and the boundaries can be less than countywide or citywide.

What transportation improvements can be funded by a TBD?

The definition of transportation improvements is fairly broad. This can include maintenance and improvements to city streets, county roads, state highways, public transportation, transportation demand management, and other transportation projects identified in a local, regional or state plan.

What revenue options do TBDs have?

TBDs have several revenue options subject to voter approval:

- Property taxes - a 1-year excess levy or an excess levy for capital purposes;
- Up to 0.2% sales and use tax;
- Up to \$100 annual vehicle fee per vehicle registered in the district; and
- Vehicle tolls.

TBDs have two revenue options that do not require voter approval, but are subject to additional conditions. To impose either fee, the TBD's boundaries must be countywide or citywide, or if applicable, in the unincorporated county. Foregoing a vote is an option. A county or city still has the option of placing either fee to the vote of the people as an advisory vote or an actual requirement of imposition. The two options are:

1. **Annual vehicle fee up to \$20.** This fee is collected at the time of vehicle renewal and cannot be used to fund passenger-only ferry service improvements. (HB 1485 increases this option up to \$40.)
2. **Transportation impact fees on commercial and industrial buildings.** Residential buildings are excluded. In addition, a county or city must provide a credit for a commercial or industrial transportation impact if the respective county or city has already imposed a transportation impact fee.

Jurisdiction	Vehicle License Fee	Sales Tax
Transportation Benefit Districts passed in 2012		
Bainbridge Island	\$20 (passed 01/09/2012)	
Castle Rock		\$0.002 sales tax (passed, election 11/6/2012)
Eatonville	\$20 (effective 03/01/2013)	
Kelso	\$20 (passed 12/04/2012)	
Kenmore - Has not passed funding provision		
Maple Valley	\$20 (passed 12/10/2012)	
Kittitas	\$20 (effective 12/01/2012)	
Lynden		\$0.002 sales tax (passed, election 11/6/2012)
Royal City	\$20 (effective 11/01/2012)	
Stanwood		\$0.002 sales tax (passed, election 2/12/2013)
Tacoma	\$20	
Toppenish	\$20 (effective 12/01/2012)	
Waitsburg		\$0.002 sales tax (passed, election 4/17/2012)
Wapato	\$20 (effective 04/01/2013)	
Yakima - Has not passed funding provision		
Transportation Benefit Districts passed in 2011		
Auburn - Has not passed funding provision		
Ferndale		\$0.002 sales tax (passed, election 2/14/2012)
Grandview	\$20 (02/01/2012)	
Mabton	\$20 (12/01/2011)	
Mountlake Terrace	\$20 (effective 08/01/2012)	
North Bend		\$0.002 sales tax (passed, election 11/8/2011)
Orting	\$20 (effective 02/01/2013 - 01/31/2015)	
Snohomish County		\$0.002 sales tax (passed 8/16/2011)

Jurisdiction	Vehicle License Fee	Sales Tax
Transportation Benefit Districts passed in 2011 <i>(con't)</i>		
Spokane	\$20 (09/01/2011)	
Walla Walla		\$0.002 sales tax (passed, election 2/14/2012)
Wenatchee	\$20 (effective 08/01/2012)	
Zillah	\$20 (effective 7/12/2012)	
Transportation Benefit Districts passed in 2010		
Bellingham		\$0.002 sales tax (4/01/2011)
King County - No funding designated		
Leavenworth		\$0.002 sales tax (04/01/2011)
Lynnwood	\$20 (07/01/2011)	
Seattle	\$20 (05/01/2011)	
Snohomish		\$0.002 sales tax (01/01/2012)
Snoqualmie	\$20 (03/01/2011)	
Transportation Benefit Districts passed in 2009		
Bremerton	\$20 (12/07/2011 passed, effective 07/01/2012)	
Burien	\$10 (02/01/2010)	
Prosser	\$20 (11/01/2009)	
Shoreline	\$20 (02/01/2010)	
University Place - No funding designated		
Transportation Benefit Districts passed in 2008		
Des Moines	\$20 (09/01/2009)	
Edmonds	\$20 (09/01/2009)	
Lake Forest Park	\$20 (09/01/2009)	
Olympia	\$20 (10/01/2009)	
Ridgefield		Sales tax repealed effective 10/01/2012 - \$0.002 sales tax (04/01/2009)
Sequim		\$0.002 sales tax (04/01/2010)
Transportation Benefit Districts passed prior to 2008		
Liberty Lake (2002)		
Point Roberts, Whatcom County (1992)		Special gas tax \$0.01/gallon (1992)



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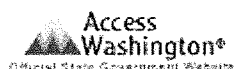
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[RCWs](#) > [Title 36](#) > [Chapter 36.73](#)

Chapter 36.73 RCW TRANSPORTATION BENEFIT DISTRICTS

[Chapter Listing](#)

RCW Sections

- [36.73.010](#) Intent.
- [36.73.015](#) Definitions.
- [36.73.020](#) Establishment of district by county or city -- Participation by other jurisdictions.
- [36.73.030](#) Establishment of district by city.
- [36.73.040](#) General powers of district.
- [36.73.050](#) Establishment of district -- Public hearing -- Ordinance.
- [36.73.060](#) Authority to levy property tax.
- [36.73.065](#) Taxes, fees, charges, tolls, rebate program.
- [36.73.067](#) Vehicle fee rebate program -- Low-income individuals -- Report to legislature.
- [36.73.070](#) Authority to issue general obligation bonds, revenue bonds.
- [36.73.080](#) Local improvement districts authorized -- Special assessments -- Bonds.
- [36.73.090](#) Printing of bonds.
- [36.73.100](#) Use of bond proceeds.
- [36.73.110](#) Acceptance and use of gifts and grants.
- [36.73.120](#) Imposition of fees on building construction or land development.
- [36.73.130](#) Power of eminent domain.
- [36.73.140](#) Authority to contract for street and highway improvements.
- [36.73.150](#) Department of transportation, counties, cities, and other jurisdictions may fund transportation improvements.
- [36.73.160](#) Transportation improvement projects -- Material change policy -- Annual report.
- [36.73.170](#) Completion of transportation improvement -- Termination of district operations -- Termination of taxes, fees, charges, and tolls -- Dissolution of district.
- [36.73.180](#) Supplemental transportation improvements.

36.73.900 Liberal construction.**Notes:**

Roads and bridges, service districts: Chapter 36.83 RCW.

36.73.010**Intent.**

The legislature finds that the citizens of the state can benefit by cooperation of the public and private sectors in addressing transportation needs. This cooperation can be fostered through enhanced capability for cities, towns, and counties to make and fund transportation improvements necessitated by economic development and to improve the performance of the transportation system.

It is the intent of the legislature to encourage joint efforts by the state, local governments, and the private sector to respond to the need for those transportation improvements on state highways, county roads, and city streets. This goal can be better achieved by allowing cities, towns, and counties to establish transportation benefit districts in order to respond to the special transportation needs and economic opportunities resulting from private sector development for the public good. The legislature also seeks to facilitate the equitable participation of private developers whose developments may generate the need for those improvements in the improvement costs.

[2005 c 336 § 2; 1987 c 327 § 1.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.015**Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means a city or town.

(2) "District" means a transportation benefit district created under this chapter.

(3) "Low-income" means household income that is at or below forty-five percent of the median household income, adjusted for household size, for the district in which the fees, taxes, or tolls were imposed.

(4) "Rebate program" means an optional program established by a transportation benefit district that includes a city with a population of five

hundred thousand persons or more for the purpose of providing rebates to low-income individuals for fees, taxes, and/or tolls imposed by such transportation benefit district for: (a) Vehicle fees imposed under RCW 36.73.040(3)(b); (b) sales and use taxes imposed under RCW 36.73.040(3)(a); and/or (c) tolls imposed under RCW 36.73.040(3)(d).

(5) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under RCW 36.73.180.

(6) "Transportation improvement" means a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

[2012 c 152 § 1. Prior: 2010 c 251 § 2; 2010 c 105 § 1; 2006 c 311 § 24; 2005 c 336 § 1.]

Notes:

Findings -- 2006 c 311: See note following RCW 36.120.020.

Effective date -- 2005 c 336: "This act takes effect August 1, 2005." [2005 c 336 § 26.]

36.73.020

Establishment of district by county or city — Participation by other jurisdictions.

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent

practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time;
- (i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in *RCW 47.06B.012; and
- (j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW, with the governing body being composed of (a) at least five members including at least one elected official from the legislative authority of each participating jurisdiction or (b) the governing body of the metropolitan planning organization serving the district, but only if the district boundaries are identical to the boundaries of the metropolitan planning organization serving the district.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

[2010 c 250 § 1; 2009 c 515 § 14; 2006 c 311 § 25; 2005 c 336 § 3; 1989 c 53 § 1; 1987 c 327 § 2.]

Notes:

***Reviser's note:** RCW 47.06B.012 was repealed by 2011 c 60 § 51.

Findings -- 2006 c 311: See note following RCW 36.120.020.

Effective date -- 2005 c 336: See note following RCW 36.73.015.

Severability -- 1989 c 53: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 53 § 5.]

Transportation benefit district tax authority: RCW 82.47.020.

36.73.030

Establishment of district by city.

See RCW 35.21.225.

36.73.040

General powers of district.

(1) A transportation benefit district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(2) A transportation benefit district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, to acquire, hold, and dispose of real and personal property, and to sue and be sued. Public works contract limits applicable to the jurisdiction that established the district apply to the district.

(3) To carry out the purposes of this chapter, and subject to the provisions of RCW 36.73.065, a district is authorized to impose the following taxes, fees, charges, and tolls:

(a) A sales and use tax in accordance with RCW 82.14.0455;

(b) A vehicle fee in accordance with RCW 82.80.140;

(c) A fee or charge in accordance with RCW 36.73.120. However, if a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district. Developments consisting of less than twenty residences are exempt from the fee or charge under RCW 36.73.120; and

(d) Vehicle tolls on state routes, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. However, consistent with RCW 47.56.820, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route. The department of transportation shall administer the collection of vehicle tolls authorized on state routes, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose the tolls in amounts sufficient to implement the district's transportation improvement plan. However, consistent with RCW 47.56.850, the vehicle toll, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in RCW 47.56.850 if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

[2008 c 122 § 17; 2005 c 336 § 4; 1989 c 53 § 3; 1987 c 327 § 4.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

Severability -- 1989 c 53: See note following RCW 36.73.020.

36.73.050

Establishment of district — Public hearing — Ordinance.

(1) The legislative authorities proposing to establish a district, or to modify the boundaries of an existing district, or to dissolve an existing district shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. Subject to the provisions of RCW 36.73.170, the legislative authorities shall make provision for a district to be automatically dissolved when all indebtedness of the district has been

retired and anticipated responsibilities have been satisfied. This notice shall be in addition to any other notice required by law to be published. The notice shall, where applicable, specify the functions or activities proposed to be provided or funded, or the additional functions or activities proposed to be provided or funded, by the district. Additional notice of the hearing may be given by mail, by posting within the proposed district, or in any manner the legislative authorities deem necessary to notify affected persons. All hearings shall be public and the legislative authorities shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the district.

(2)(a) Following the hearing held pursuant to subsection (1) of this section, the legislative authorities may establish a district, modify the boundaries or functions of an existing district, or dissolve an existing district, if the legislative authorities find the action to be in the public interest and adopt an ordinance providing for the action.

(b) The ordinance establishing a district shall specify the functions and transportation improvements described under RCW 36.73.015 to be exercised or funded and establish the boundaries of the district. Subject to the provisions of RCW 36.73.160, functions or transportation improvements proposed to be provided or funded by the district may not be expanded beyond those specified in the notice of hearing, unless additional notices are made, further hearings on the expansion are held, and further determinations are made that it is in the public interest to so expand the functions or transportation improvements proposed to be provided or funded.

[2007 c 329 § 3; 2005 c 336 § 5; 1987 c 327 § 5.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.060

Authority to levy property tax.

(1) A district may levy an ad valorem property tax in excess of the one percent limitation upon the property within the district for a one-year period whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

(2) A district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies in excess of the one percent limitation whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.

[2005 c 336 § 6; 1987 c 327 § 6.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.065**Taxes, fees, charges, tolls, rebate program.**

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, unless authorized by the district voters pursuant to RCW 36.73.160.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

(ii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to twenty dollars of the vehicle fee authorized in RCW 82.80.140.

[2012 c 152 § 3; 2007 c 329 § 1; 2005 c 336 § 17.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.067

Vehicle fee rebate program — Low-income individuals — Report to legislature.

(1) A district that: (a) Includes a city with a population of five hundred thousand persons or more; and (b) imposes a vehicle fee under RCW 36.73.040(3)(b), sales and use taxes under RCW 36.73.040(3)(a), or tolls under RCW 36.73.040(3)(d), may establish a rebate program for the purposes of providing rebates of up to forty percent of the actual fee, tax, or toll paid by a low-income individual.

(2) Funds collected from a vehicle fee under RCW 36.73.040(3)(b), sales and use tax under RCW 36.73.040(3)(a) or tolls under RCW 36.73.040(3)(d) may be used for a rebate program established under this section.

(3) A district that establishes a rebate program is responsible for the development and administration of the program and all functions and costs associated with the rebate program.

(4) A district that establishes a rebate program under this section must report back to the legislature two years after the program takes effect. The report must include, but is not limited to, a detailed description of the structure of the program, the average rebate, the total amount of rebates issued, and the number of people that received rebates.

[2012 c 152 § 2.]

36.73.070

Authority to issue general obligation bonds, revenue bonds.

(1) To carry out the purposes of this chapter and notwithstanding RCW 39.36.020(1), a district may issue general obligation bonds, not to exceed an amount, together with any other outstanding nonvoter-approved general obligation indebtedness, equal to one and one-half percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A district may additionally issue general obligation bonds for capital purposes only, together with any outstanding

general obligation indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the district pursuant to Article VIII, section 6 of the state Constitution, and may also provide for the retirement thereof by excess property tax levies as provided in RCW 36.73.060(2). The district may, if applicable, submit a single proposition to the voters that, if approved, authorizes both the issuance of the bonds and the bond retirement property tax levies.

(2) General obligation bonds with a maturity in excess of forty years shall not be issued. The governing body of the district shall by resolution determine for each general obligation bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. Refunding general obligation bonds may be issued in the same manner as general obligation bonds are issued.

(3) Whenever general obligation bonds are issued to fund specific projects or enterprises that generate revenues, charges, user fees, or special assessments, the district may specifically pledge all or a portion of the revenues, charges, user fees, or special assessments to refund the general obligation bonds. The district may also pledge any other revenues that may be available to the district.

(4) In addition to general obligation bonds, a district may issue revenue bonds to be issued and sold in accordance with chapter 39.46 RCW.

[2005 c 336 § 7; 1987 c 327 § 7.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.080

Local improvement districts authorized — Special assessments — Bonds.

(1) A district may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement

districts shall be created and administered, and assessments shall be made and collected, in the manner and to the extent provided by law to cities and towns pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW. However, the duties devolving upon the city or town treasurer under these chapters shall be imposed upon the district treasurer for the purposes of this section. A local improvement district may only be formed under this section pursuant to the petition method under RCW 35.43.120 and 35.43.125.

(2) The governing body of a district shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the district has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the district arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the district has created. The district issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection (2) shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by a district for real property or property right donations made pursuant to RCW 47.14.030.

(4) The governing body may establish, administer, and pay money into a local improvement guaranty fund, in the manner and to the extent provided by law to cities and towns under chapter 35.54 RCW, to guarantee special assessment bonds issued by the district.

[2005 c 336 § 8; 1987 c 327 § 8.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.090**Printing of bonds.**

Where physical bonds are issued pursuant to RCW 36.73.070 or 36.73.080, the bonds shall be printed, engraved, or lithographed on good bond paper and the manual or facsimile signatures of both the treasurer and chairperson of the governing body shall be included on each bond.

[1987 c 327 § 9.]

36.73.100**Use of bond proceeds.**

(1) The proceeds of any bond issued pursuant to RCW 36.73.070 or 36.73.080 may be used to pay costs incurred on a bond issue related to the sale and issuance of the bonds. These costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, and other similar activities.

(2) In addition, proceeds of bonds used to fund capital projects may be used to pay the necessary and related engineering, architectural, planning, and inspection costs.

[2005 c 336 § 9; 1987 c 327 § 10.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.110**Acceptance and use of gifts and grants.**

A district may accept and expend or use gifts, grants, and donations.

[2005 c 336 § 10; 1987 c 327 § 11.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.120**Imposition of fees on building construction or land development.**

(1) Subject to the provisions in RCW 36.73.065, a district may impose a fee or charge on the construction or reconstruction of commercial buildings, industrial buildings, or on any other commercial or industrial building or building space or appurtenance, or on the development, subdivision, classification, or reclassification of land for commercial purposes, only if done in accordance with chapter 39.92 RCW.

(2) Any fee or charge imposed under this section shall be used exclusively for transportation improvements as defined in RCW 36.73.015. The fees or charges imposed must be reasonably necessary as a result of the impact of development, construction, or classification or reclassification of land on identified transportation needs.

(3) If a county or city within the district area is levying a fee or charge for a transportation improvement, the fee or charge shall be credited against the amount of the fee or charge imposed by the district.

[2010 c 105 § 2; 2007 c 329 § 4; 2005 c 336 § 11; 1988 c 179 § 7; 1987 c 327 § 12.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

Severability -- Prospective application -- Section captions -- 1988 c 179: See RCW 39.92.900 and 39.92.901.

36.73.130

Power of eminent domain.

A district may exercise the power of eminent domain to obtain property for its authorized purposes in the same manner as authorized for the city or county legislative authority that established the district.

[2005 c 336 § 12; 1987 c 327 § 13.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.140

Authority to contract for street and highway improvements.

A district has the same powers as a county or city to contract for street, road, or state highway improvement projects and to enter into reimbursement contracts provided for in chapter 35.72 RCW.

[2005 c 336 § 13; 1987 c 327 § 14.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.150**Department of transportation, counties, cities, and other jurisdictions may fund transportation improvements.**

The department of transportation, counties, cities, and other jurisdictions may give funds to districts for the purposes of financing transportation improvements under this chapter.

[2005 c 336 § 14; 1987 c 327 § 15.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.160**Transportation improvement projects — Material change policy — Annual report.**

(1) The district governing body shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved.

(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

[2005 c 336 § 18.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.170**Completion of transportation improvement — Termination of district operations — Termination of taxes, fees, charges, and tolls — Dissolution of district.**

Within thirty days of the completion of the construction of the transportation improvement or series of improvements authorized by a district, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any and to carry out the requirements of RCW 36.73.160. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, charges, or tolls imposed by the district terminate when the financing or debt service on the transportation improvement or series of improvements constructed is completed and paid and notice is provided to the departments administering the taxes. Any excess revenues collected must be disbursed to the participating jurisdictions of the district in proportion to their population, using population estimates prepared by the office of financial management. The district shall dissolve itself and cease to exist thirty days after the financing or debt service on the transportation improvement, or series of improvements, constructed is completed and paid. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation improvement or series of improvements authorized by the district. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

[2005 c 336 § 19.]

Notes:

Effective date -- 2005 c 336: See note following RCW 36.73.015.

36.73.180**Supplemental transportation improvements.**

(1) In districts comprised of more than one member city, the legislative authorities of any member city that is located in a county having a population of more than one million five hundred thousand may petition the district to provide supplemental transportation improvements.

(2) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements that are to be fully funded by the petitioner city, including ongoing operating and maintenance costs, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

(b) Following the hearing, if a majority of the district's governing board determines that the proposed supplemental transportation improvements are in the public interest, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services. The supplemental transportation improvements must be in addition to existing services provided by the district. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(3) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements proposed to be partially or fully funded by the district, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

(b) Following the hearing, submit a proposition to the voters at the next special or general election for approval by a majority of the voters in the district. The proposition must specify the supplemental transportation improvements to be provided and must estimate the capital, maintenance, and operating costs to be funded by the district.

(4) If a proposition to incorporate supplemental transportation improvements is approved by the voters as provided under subsection (3) of this section, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services provided by the district. The supplemental improvements must be in addition to existing services. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(5) A supplemental transportation improvement must be consistent with the petitioner city's comprehensive plan under chapter 36.70A RCW.

(6) Unless otherwise agreed to by the petitioner city or by a majority of the district's governing board, upon adoption of an ordinance under subsection (2) or (4) of this section, the district shall maintain its existing public transportation service levels in locations where supplemental transportation improvements are provided.

[2010 c 251 § 3.]

36.73.900**Liberal construction.**

The rule of strict construction does not apply to this chapter, and this chapter shall be liberally construed to permit the accomplishment of its purposes.

[1987 c 327 § 16.]



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RCW 35.21.225

Transportation benefit districts.

The legislative authority of a city may establish a transportation benefit district subject to the provisions of chapter [36.73](#) RCW.

[2005 c 336 § 22; 1989 c 53 § 2; 1987 c 327 § 3.]

Notes:

Effective date -- 2005 c 336: See note following RCW [36.73.015](#).

Severability -- 1989 c 53: See note following RCW [36.73.020](#).

Transportation benefit districts: Chapter [36.73](#) RCW.

