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**SENATE BILL 5961**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By Senator Sutherland**

Read first time 02/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to telecommuting; amending RCW 36.70.020,  
2 35.63.010, and 35A.63.010; reenacting and amending RCW 36.70A.030;  
3 adding a new section to chapter 36.70A RCW; adding a new section to  
4 chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a  
5 new section to chapter 35A.63 RCW; creating new sections; and making an  
6 appropriation.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that  
9 telecommunications technologies and services can be used cost-  
10 effectively to substitute for travel in many business applications.  
11 The use of telecommunications can reduce the cost of building or  
12 renting office space, help reduce highway congestion, reduce energy  
13 use, improve air quality, and allow information intensive jobs to be  
14 located outside urban areas.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW  
16 to read as follows:

17 No county or city that is required or chooses to plan under this  
18 chapter may enact or maintain an ordinance, development regulation,

1 zoning regulation, or official control, policy, or administrative  
2 practice that prohibits a telecommuting work center in areas zoned for  
3 commercial use or areas zoned for a combination of commercial and  
4 residential uses.

5 **Sec. 3.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are  
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Adopt a comprehensive land use plan" means to enact a new  
10 comprehensive land use plan or to update an existing comprehensive land  
11 use plan.

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

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

20 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
21 means a generalized coordinated land use policy statement of the  
22 governing body of a county or city that is adopted pursuant to this  
23 chapter.

24 (5) "Critical areas" include the following areas and ecosystems:  
25 (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
26 used for potable water; (c) fish and wildlife habitat conservation  
27 areas; (d) frequently flooded areas; and (e) geologically hazardous  
28 areas.

29 (6) "Department" means the department of community, trade, and  
30 economic development.

31 (7) For purposes of RCW 36.70A.065 and 36.70A.440, "development  
32 permit application" means any application for a development proposal  
33 for a use that could be permitted under a plan adopted pursuant to this  
34 chapter and is consistent with the underlying land use and zoning,  
35 including but not limited to building permits, subdivisions, binding  
36 site plans, planned unit developments, conditional uses or other  
37 applications pertaining to land uses, but shall not include rezones,

1 proposed amendments to comprehensive plans or the adoption or amendment  
2 of development regulations.

3 (8) "Development regulations" means any controls placed on  
4 development or land use activities by a county or city, including, but  
5 not limited to, zoning ordinances, official controls, planned unit  
6 development ordinances, subdivision ordinances, and binding site plan  
7 ordinances.

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

22 (10) "Geologically hazardous areas" means areas that because of  
23 their susceptibility to erosion, sliding, earthquake, or other  
24 geological events, are not suited to the siting of commercial,  
25 residential, or industrial development consistent with public health or  
26 safety concerns.

27 (11) "Long-term commercial significance" includes the growing  
28 capacity, productivity, and soil composition of the land for long-term  
29 commercial production, in consideration with the land's proximity to  
30 population areas, and the possibility of more intense uses of the land.

31 (12) "Minerals" include gravel, sand, and valuable metallic  
32 substances.

33 (13) "Public facilities" include streets, roads, highways,  
34 sidewalks, street and road lighting systems, traffic signals, domestic  
35 water systems, storm and sanitary sewer systems, parks and recreational  
36 facilities, and schools.

37 (14) "Public services" include fire protection and suppression, law  
38 enforcement, public health, education, recreation, environmental  
39 protection, and other governmental services.

1       (15) "Telecommuting" means the use of telecommunications services  
2 and technologies to allow a worker to perform regular work tasks at a  
3 location other than his or her usual worksite.

4       (16) "Telecommuting work center" means a facility equipped to allow  
5 a number of workers to telecommute. The workers may be from different  
6 organizations.

7       (17) "Urban growth" refers to growth that makes intensive use of  
8 land for the location of buildings, structures, and impermeable  
9 surfaces to such a degree as to be incompatible with the primary use of  
10 such land for the production of food, other agricultural products, or  
11 fiber, or the extraction of mineral resources. When allowed to spread  
12 over wide areas, urban growth typically requires urban governmental  
13 services. "Characterized by urban growth" refers to land having urban  
14 growth located on it, or to land located in relationship to an area  
15 with urban growth on it as to be appropriate for urban growth.

16       (~~(16)~~) (18) "Urban growth areas" means those areas designated by  
17 a county pursuant to RCW 36.70A.110.

18       (~~(17)~~) (19) "Urban governmental services" include those  
19 governmental services historically and typically delivered by cities,  
20 and include storm and sanitary sewer systems, domestic water systems,  
21 street cleaning services, fire and police protection services, public  
22 transit services, and other public utilities associated with urban  
23 areas and normally not associated with nonurban areas.

24       (~~(18)~~) (20) "Wetland" or "wetlands" means areas that are  
25 inundated or saturated by surface water or ground water at a frequency  
26 and duration sufficient to support, and that under normal circumstances  
27 do support, a prevalence of vegetation typically adapted for life in  
28 saturated soil conditions. Wetlands generally include swamps, marshes,  
29 bogs, and similar areas. Wetlands do not include those artificial  
30 wetlands intentionally created from nonwetland sites, including, but  
31 not limited to, irrigation and drainage ditches, grass-lined swales,  
32 canals, detention facilities, wastewater treatment facilities, farm  
33 ponds, and landscape amenities. However, wetlands may include those  
34 artificial wetlands intentionally created from nonwetland areas created  
35 to mitigate conversion of wetlands, if permitted by the county or city.

36       NEW SECTION. Sec. 4. A new section is added to chapter 36.70 RCW  
37 to read as follows:

1 No local government that is planning under this chapter may enact  
2 or maintain an ordinance, development regulation, zoning regulation, or  
3 official control, policy, or administrative practice that prohibits a  
4 telecommuting work center in areas zoned for commercial use or areas  
5 zoned for a combination of commercial and residential uses.

6 **Sec. 5.** RCW 36.70.020 and 1963 c 4 s 36.70.020 are each amended to  
7 read as follows:

8 The following words or terms as used in this chapter shall have the  
9 following meaning unless a different meaning is clearly indicated by  
10 the context:

11 (1) "Approval by motion" is a means by which a board, through other  
12 than by ordinance, approves and records recognition of a comprehensive  
13 plan or amendments thereto.

14 (2) "Board" means the board of county commissioners.

15 (3) "Certification" means the affixing on any map or by adding to  
16 any document comprising all or any portion of a comprehensive plan a  
17 record of the dates of action thereon by the commission and by the  
18 board, together with the signatures of the officer or officers  
19 authorized by ordinance to so sign.

20 (4) "Commission" means a county or regional planning commission.

21 (5) "Commissioners" means members of a county or regional planning  
22 commission.

23 (6) "Comprehensive plan" means the policies and proposals approved  
24 and recommended by the planning agency or initiated by the board and  
25 approved by motion by the board (a) as a beginning step in planning for  
26 the physical development of the county; (b) as the means for  
27 coordinating county programs and services; (c) as a source of reference  
28 to aid in developing, correlating, and coordinating official  
29 regulations and controls; and (d) as a means for promoting the general  
30 welfare. Such plan shall consist of the required elements set forth in  
31 RCW 36.70.330 and may also include the optional elements set forth in  
32 RCW 36.70.350 which shall serve as a policy guide for the subsequent  
33 public and private development and official controls so as to present  
34 all proposed developments in a balanced and orderly relationship to  
35 existing physical features and governmental functions.

36 (7) "Conditional use" means a use listed among those classified in  
37 any given zone but permitted to locate only after review by the board  
38 of adjustment, or zoning adjustor if there be such, and the granting of

1 a conditional use permit imposing such performance standards as will  
2 make the use compatible with other permitted uses in the same vicinity  
3 and zone and assure against imposing excessive demands upon public  
4 utilities, provided the county ordinances specify the standards and  
5 criteria that shall be applied.

6 (8) "Department" means a planning department organized and  
7 functioning as any other department in any county.

8 (9) "Element" means one of the various categories of subjects, each  
9 of which constitutes a component part of the comprehensive plan.

10 (10) "Ex officio member" means a member of the commission who  
11 serves by virtue of his official position as head of a department  
12 specified in the ordinance creating the commission.

13 (11) "Official controls" means legislatively defined and enacted  
14 policies, standards, precise detailed maps and other criteria, all of  
15 which control the physical development of a county or any part thereof  
16 or any detail thereof, and are the means of translating into  
17 regulations and ordinances all or any part of the general objectives of  
18 the comprehensive plan. Such official controls may include, but are  
19 not limited to, ordinances establishing zoning, subdivision control,  
20 platting, and adoption of detailed maps.

21 (12) "Ordinance" means a legislative enactment by a board; in this  
22 chapter the word, "ordinance", is synonymous with the term  
23 "resolution", as representing a legislative enactment by a board of  
24 county commissioners.

25 (13) "Planning agency" means (a) a planning commission, together  
26 with its staff members, employees and consultants, or (b) a department  
27 organized and functioning as any other department in any county  
28 government together with its planning commission.

29 (14) "Telecommuting" means the use of telecommunications services  
30 and technologies to allow a worker to perform regular work tasks at a  
31 location other than his or her usual worksite.

32 (15) "Telecommuting work center" means a facility equipped to allow  
33 a number of workers to telecommute. The workers may be from different  
34 organizations.

35 (16) "Variance." A variance is the means by which an adjustment is  
36 made in the application of the specific regulations of a zoning  
37 ordinance to a particular piece of property, which property, because of  
38 special circumstances applicable to it, is deprived of privileges

1 commonly enjoyed by other properties in the same vicinity and zone and  
2 which adjustment remedies disparity in privileges.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.63 RCW  
4 to read as follows:

5 No municipality that is planning under this chapter may enact or  
6 maintain an ordinance, development regulation, zoning regulation, or  
7 official control, policy, or administrative practice that prohibits a  
8 telecommuting work center in areas zoned for commercial use or areas  
9 zoned for a combination of commercial and residential uses.

10 **Sec. 7.** RCW 35.63.010 and 1965 c 7 s 35.63.010 are each amended to  
11 read as follows:

12 As used in this chapter the following terms shall have the meaning  
13 herein given them:

14 "Appointive members" means all members of a commission other than  
15 ex officio members;

16 "Board" means the board of county commissioners;

17 "City" includes every incorporated city and town;

18 "Commission" means a city or county planning commission;

19 "Council" means the chief legislative body of a city;

20 "Ex officio members" means the members of a commission chosen from  
21 among city or county officials;

22 "Highways" include streets, roads, boulevards, lanes, alleys,  
23 viaducts and other traveled ways;

24 "Mayor" means the chief executive of a city;

25 "Municipality" includes every county and city.

26 "Telecommuting" means the use of telecommunications services and  
27 technologies to allow a worker to perform regular work tasks at a  
28 location other than his or her usual worksite.

29 "Telecommuting work center" means a facility equipped to allow a  
30 number of workers to telecommute. The workers may be from different  
31 organizations.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.63 RCW  
33 to read as follows:

34 No municipality that is planning under this chapter may enact or  
35 maintain an ordinance, development regulation, zoning regulation, or  
36 official control, policy, or administrative practice that prohibits a

1 telecommuting work center in areas zoned for commercial use or areas  
2 zoned for a combination of commercial and residential uses.

3       **Sec. 9.** RCW 35A.63.010 and 1967 ex.s. c 119 s 35A.63.010 are each  
4 amended to read as follows:

5       The following words or terms as used in this chapter shall have the  
6 meanings set forth below unless different meanings are clearly  
7 indicated by the context:

8       (1) "Chief administrative officer" means the mayor in code cities  
9 operating under the mayor-council and commission forms, the city  
10 manager in code cities operating under the council-manager forms, or  
11 such other officer as the charter of a charter code city designates as  
12 the chief administrative officer.

13       (2) "City" means an incorporated city or town.

14       (3) "Code city" is used where the application of this chapter is  
15 limited to a code city; where joint, regional, or cooperative action is  
16 intended, a code city may be included in the unrestricted terms "city"  
17 or "municipality".

18       (4) "Comprehensive plan" means the policies and proposals approved  
19 by the legislative body as set forth in RCW 35A.63.060 through  
20 35A.63.072 of this chapter and containing, at least, the elements set  
21 forth in RCW 35A.63.061.

22       (5) "Legislative body" means a code city council, a code city  
23 commission, and, in cases involving regional or cooperative planning or  
24 action, the governing body of a municipality.

25       (6) "Municipality" includes any code city and, in cases of regional  
26 or cooperative planning or action, any city, town, township, county, or  
27 special district.

28       (7) "Ordinance" means a legislative enactment by the legislative  
29 body of a municipality; in this chapter "ordinance" is synonymous with  
30 the term "resolution" when "resolution" is used as representing a  
31 legislative enactment.

32       (8) "Planning agency" means any person, body, or organization  
33 designated by the legislative body to perform a planning function or  
34 portion thereof for a municipality, and includes, without limitation,  
35 any commission, committee, department, or board together with its staff  
36 members, employees, agents, and consultants.

37       (9) "Special district" means that portion of the state, county, or  
38 other political subdivision created under general law for rendering of

1 one or more local public services or for administrative, educational,  
2 judicial, or political purposes.

3 (10) "Telecommuting" means the use of telecommunications services  
4 and technologies to allow a worker to perform regular work tasks at a  
5 location other than his or her usual worksite.

6 (11) "Telecommuting work center" means a facility equipped to allow  
7 a number of workers to telecommute. The workers may be from different  
8 organizations.

9 NEW SECTION. Sec. 10. The department of transportation shall  
10 contract for the development and implementation of a telecommuting work  
11 center demonstration project located in a county that plans under  
12 chapter 36.70A RCW and borders another state.

13 NEW SECTION. Sec. 11. The sum of one hundred fifty thousand  
14 dollars, or as much thereof as may be necessary, is appropriated for  
15 the biennium ending June 30, 1997, from the air pollution control  
16 account in the general fund to the department of transportation for the  
17 purposes of carrying out section 10 of this act.

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