
HOUSE BILL 1869

State of Washington

55th Legislature

1997 Regular Session

By Representatives Reams, Romero, Cairnes, Mulliken, Fisher, Gardner, Lantz, Dunshee, Linville, Chopp, Regala, Cody, Blalock, Conway, Costa, Mason, Kenney, Anderson and Kessler; by request of Governor Locke

Read first time 02/11/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to implementing the recommendations of the land use
2 study commission; amending RCW 36.70A.030, 36.70A.070, 36.70A.160,
3 36.70A.190, 36.70A.130, 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.305,
4 36.70A.320, 36.70A.330, 36.70A.500, 84.34.020, 84.40.030, 90.60.030,
5 35.13.130, 35A.14.295, 35.13.174, 36.93.170, and 84.14.010; adding new
6 sections to chapter 36.70A RCW; adding a new section to chapter 35.13
7 RCW; and creating new sections.

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

9 NEW SECTION. **Sec. 1.** In enacting the section 4(5), chapter . . . ,
10 Laws of 1997 (section 4(5) of this act) amendments to RCW
11 36.70A.070(5), the legislature finds that chapter 36.70A RCW is
12 intended to recognize the importance of rural lands and rural character
13 to Washington's economy, its people, and its environment, while
14 respecting regional differences. Rural lands and rural-based economies
15 enhance the economic desirability of the state, help to preserve
16 traditional economic activities, and contribute to the state's overall
17 quality of life. The legislature also finds that in developing its
18 rural element under RCW 36.70A.070(5), a county should foster land use
19 patterns and develop a local vision of rural character that: Will help

1 preserve rural-based economies and traditional rural lifestyles; will
2 foster opportunities for small-scale, rural-based employment and
3 self-employment; will permit the operation of rural-based commercial,
4 recreational, and tourist businesses that are consistent with existing
5 and planned land use patterns; be compatible with the use of the land
6 by wildlife and for fish and wildlife habitat; will foster the private
7 stewardship of the land and preservation of open space; and will
8 enhance the rural sense of community and quality of life.

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

11 In amending RCW 36.70A.320(3) by section 16(3), chapter . . ., Laws
12 of 1997 (section 16(3) of this act), the legislature intends that the
13 boards apply a more deferential standard of review to actions of
14 counties and cities than the preponderance of the evidence standard
15 provided for under existing law. In recognition of the broad range of
16 discretion that may be exercised by counties and cities consistent with
17 the requirements of this chapter, the legislature intends for the
18 boards to grant deference to counties and cities in how they plan for
19 growth, consistent with the requirements and goals of this chapter.
20 Local comprehensive plans and development regulations require counties
21 and cities to balance priorities and options for action in full
22 consideration of local circumstances. The legislature finds that while
23 this chapter requires local planning to take place within a framework
24 of state goals and requirements, the ultimate burden and responsibility
25 for planning and implementing a county's or city's future rests with
26 that community.

27 **Sec. 3.** RCW 36.70A.030 and 1995 c 382 s 9 are each amended to read
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

31 (1) "Adopt a comprehensive land use plan" means to enact a new
32 comprehensive land use plan or to update an existing comprehensive land
33 use plan.

34 (2) "Agricultural land" means land primarily devoted to the
35 commercial production of horticultural, viticultural, floricultural,
36 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
37 straw, turf, seed, Christmas trees not subject to the excise tax

1 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
2 hatcheries, or livestock, and that has long-term commercial
3 significance for agricultural production.

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

5 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
6 means a generalized coordinated land use policy statement of the
7 governing body of a county or city that is adopted pursuant to this
8 chapter.

9 (5) "Critical areas" include the following areas and ecosystems:
10 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
11 used for potable water; (c) fish and wildlife habitat conservation
12 areas; (d) frequently flooded areas; and (e) geologically hazardous
13 areas.

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

16 (7) "Development regulations" or "regulation" means the controls
17 placed on development or land use activities by a county or city,
18 including, but not limited to, zoning ordinances, critical areas
19 ordinances, shoreline master programs, official controls, planned unit
20 development ordinances, subdivision ordinances, and binding site plan
21 ordinances together with any amendments thereto. A development
22 regulation does not include a decision to approve a project permit
23 application, as defined in RCW 36.70B.020, even though the decision may
24 be expressed in a resolution or ordinance of the legislative body of
25 the county or city.

26 (8) "Forest land" means land primarily devoted to growing trees for
27 long-term commercial timber production on land that can be economically
28 and practically managed for such production, including Christmas trees
29 subject to the excise tax imposed under RCW 84.33.100 through
30 84.33.140, and that has long-term commercial significance. In
31 determining whether forest land is primarily devoted to growing trees
32 for long-term commercial timber production on land that can be
33 economically and practically managed for such production, the following
34 factors shall be considered: (a) The proximity of the land to urban,
35 suburban, and rural settlements; (b) surrounding parcel size and the
36 compatibility and intensity of adjacent and nearby land uses; (c) long-
37 term local economic conditions that affect the ability to manage for
38 timber production; and (d) the availability of public facilities and
39 services conducive to conversion of forest land to other uses.

1 (9) "Geologically hazardous areas" means areas that because of
2 their susceptibility to erosion, sliding, earthquake, or other
3 geological events, are not suited to the siting of commercial,
4 residential, or industrial development consistent with public health or
5 safety concerns.

6 (10) "Long-term commercial significance" includes the growing
7 capacity, productivity, and soil composition of the land for long-term
8 commercial production, in consideration with the land's proximity to
9 population areas, and the possibility of more intense uses of the land.

10 (11) "Minerals" include gravel, sand, and valuable metallic
11 substances.

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

16 (13) "Public services" include fire protection and suppression, law
17 enforcement, public health, education, recreation, environmental
18 protection, and other governmental services.

19 (14) "Rural character" refers to the patterns of land use and
20 development established by a county:

21 (a) In which open space, the natural landscape, and vegetation
22 predominate over the built environment;

23 (b) That foster traditional rural lifestyles and rural-based
24 economies, including small-scale raising of livestock, production of
25 food for local consumption, cottage industries, and handcrafts;

26 (c) That provide visual landscapes that are traditionally found in
27 rural areas and communities;

28 (d) That are compatible with the use of the land by wildlife and
29 for fish and wildlife habitat;

30 (e) That reduce the inappropriate conversion of undeveloped land
31 into sprawling, low-density development;

32 (f) That generally do not require the extension of urban
33 governmental services; and

34 (g) That are consistent with the protection of natural surface
35 water flows and ground water and surface water recharge and discharge
36 areas.

37 (15) "Rural development" refers to development outside the urban
38 growth area and outside agricultural, forest, and mineral resource
39 lands designated pursuant to RCW 36.70A.170. Rural development can

1 consist of a variety of uses and residential densities at levels that
2 are consistent with the preservation of rural character and the
3 requirements of the rural element.

4 (16) "Rural governmental services" or "rural services" include
5 those public services and public facilities historically and typically
6 delivered at an intensity usually found in rural areas, and may include
7 domestic water systems, fire and police protection services,
8 transportation and public transit services, and other public utilities
9 associated with rural development and normally not associated with
10 urban areas. Rural services do not include storm or sanitary sewers,
11 except as otherwise authorized by RCW 36.70A.110(4).

12 (17) "Urban growth" refers to growth that makes intensive use of
13 land for the location of buildings, structures, and impermeable
14 surfaces to such a degree as to be incompatible with the primary use of
15 ((such)) land for the production of food, other agricultural products,
16 or fiber, or the extraction of mineral resources, rural uses, rural
17 development, and natural resource lands designated pursuant to RCW
18 36.70A.170. A pattern of more intensive rural development, as provided
19 in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread
20 over wide areas, urban growth typically requires urban governmental
21 services. "Characterized by urban growth" refers to land having urban
22 growth located on it, or to land located in relationship to an area
23 with urban growth on it as to be appropriate for urban growth.

24 ((+15+)) (18) "Urban growth areas" means those areas designated by
25 a county pursuant to RCW 36.70A.110.

26 ((+16+)) (19) "Urban governmental services" or "urban services"
27 include those ((governmental)) public services and public facilities at
28 an intensity historically and typically ((delivered by)) provided in
29 cities, ((and include)) specifically including storm and sanitary sewer
30 systems, domestic water systems, street cleaning services, fire and
31 police protection services, public transit services, and other public
32 utilities associated with urban areas and normally not associated with
33 ((nonurban)) rural areas.

34 ((+17+)) (20) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or ground water at a frequency
36 and duration sufficient to support, and that under normal circumstances
37 do support, a prevalence of vegetation typically adapted for life in
38 saturated soil conditions. Wetlands generally include swamps, marshes,
39 bogs, and similar areas. Wetlands do not include those artificial

1 wetlands intentionally created from nonwetland sites, including, but
2 not limited to, irrigation and drainage ditches, grass-lined swales,
3 canals, detention facilities, wastewater treatment facilities, farm
4 ponds, and landscape amenities, or those wetlands created after July 1,
5 1990, that were unintentionally created as a result of the construction
6 of a road, street, or highway. Wetlands may include those artificial
7 wetlands intentionally created from nonwetland areas created to
8 mitigate conversion of wetlands.

9 **Sec. 4.** RCW 36.70A.070 and 1996 c 239 s 1 are each amended to read
10 as follows:

11 The comprehensive plan of a county or city that is required or
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
13 and descriptive text covering objectives, principles, and standards
14 used to develop the comprehensive plan. The plan shall be an
15 internally consistent document and all elements shall be consistent
16 with the future land use map. A comprehensive plan shall be adopted
17 and amended with public participation as provided in RCW 36.70A.140.

18 Each comprehensive plan shall include a plan, scheme, or design for
19 each of the following:

20 (1) A land use element designating the proposed general
21 distribution and general location and extent of the uses of land, where
22 appropriate, for agriculture, timber production, housing, commerce,
23 industry, recreation, open spaces, general aviation airports, public
24 utilities, public facilities, and other land uses. The land use
25 element shall include population densities, building intensities, and
26 estimates of future population growth. The land use element shall
27 provide for protection of the quality and quantity of ground water used
28 for public water supplies. Where applicable, the land use element
29 shall review drainage, flooding, and storm water run-off in the area
30 and nearby jurisdictions and provide guidance for corrective actions to
31 mitigate or cleanse those discharges that pollute waters of the state,
32 including Puget Sound or waters entering Puget Sound.

33 (2) A housing element ensuring the vitality and character of
34 established residential neighborhoods that: (a) Includes an inventory
35 and analysis of existing and projected housing needs; (b) includes a
36 statement of goals, policies, objectives, and mandatory provisions for
37 the preservation, improvement, and development of housing, including
38 single-family residences; (c) identifies sufficient land for housing,

1 including, but not limited to, government-assisted housing, housing for
2 low-income families, manufactured housing, multifamily housing, and
3 group homes and foster care facilities; and (d) makes adequate
4 provisions for existing and projected needs of all economic segments of
5 the community.

6 (3) A capital facilities plan element consisting of: (a) An
7 inventory of existing capital facilities owned by public entities,
8 showing the locations and capacities of the capital facilities; (b) a
9 forecast of the future needs for such capital facilities; (c) the
10 proposed locations and capacities of expanded or new capital
11 facilities; (d) at least a six-year plan that will finance such capital
12 facilities within projected funding capacities and clearly identifies
13 sources of public money for such purposes; and (e) a requirement to
14 reassess the land use element if probable funding falls short of
15 meeting existing needs and to ensure that the land use element, capital
16 facilities plan element, and financing plan within the capital
17 facilities plan element are coordinated and consistent.

18 (4) A utilities element consisting of the general location,
19 proposed location, and capacity of all existing and proposed utilities,
20 including, but not limited to, electrical lines, telecommunication
21 lines, and natural gas lines.

22 (5) Rural development. Counties shall include a rural element
23 including lands that are not designated for urban growth, agriculture,
24 forest, or mineral resources. The following provisions shall apply to
25 the rural element:

26 (a) Growth management act goals and local circumstances. Because
27 circumstances vary from county to county, in establishing patterns of
28 rural densities and uses, a county may consider local circumstances,
29 but shall develop a written record explaining how the rural element
30 harmonizes the planning goals in RCW 36.70A.020 and meets the
31 requirements of this chapter.

32 (b) Rural development. The rural element shall permit
33 ((appropriate land uses that are compatible with the rural character of
34 such lands)) rural development and provide for a variety of rural
35 densities ((and)), uses ((and may also provide)), essential public
36 facilities, and rural governmental services needed to serve the
37 permitted densities and uses. Except as otherwise specifically
38 provided in this chapter, residential and nonresidential uses shall not
39 require urban services and nonresidential uses shall be principally

1 designed to serve the existing and projected rural population and
2 existing nonresidential uses. In order to achieve a variety of rural
3 densities and uses, counties may provide for clustering, density
4 transfer, design guidelines, conservation easements, and other
5 innovative techniques that will accommodate appropriate rural densities
6 and uses that are not characterized by urban growth and that are
7 consistent with rural character.

8 (c) Measures governing rural development. The rural element shall
9 include measures that apply to rural development and protect the rural
10 character of the area, as established by the county, by:

11 (i) Containing or otherwise controlling rural development;

12 (ii) Assuring visual compatibility of rural development with the
13 surrounding rural area;

14 (iii) Reducing the inappropriate conversion of undeveloped land
15 into sprawling, low-density development in the rural area;

16 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
17 surface water and ground water resources; and

18 (v) Protecting against conflicts with the use of agricultural,
19 forest, and mineral resource lands designated under RCW 36.70A.170.

20 (d) Limited areas of more intensive rural development. Subject to
21 the requirements of this subsection and except as otherwise
22 specifically provided in this subsection (5)(d), the rural element may
23 allow for limited areas of more intensive rural development, including
24 necessary public facilities and public services to serve the limited
25 area as follows:

26 (i) Rural development consisting of the infill, development, or
27 redevelopment of existing commercial, industrial, residential, or
28 mixed-use areas, whether characterized as shoreline development,
29 villages, hamlets, rural activity centers, or crossroads developments.
30 A commercial, industrial, residential, shoreline, or mixed-use area
31 shall have been in existence before July 1, 1990, and shall be subject
32 to the requirements of (d)(iv) of this subsection, but shall not be
33 subject to the requirements of (c)(ii) and (iii) of this subsection;

34 (ii) The intensification of development on lots containing, or new
35 development of, small-scale recreational or tourist uses, including
36 commercial facilities to serve those recreational or tourist uses, that
37 rely on a rural location and setting, but that do not include
38 residential development. Public services and public facilities shall
39 be limited to those necessary to serve the recreation or tourist use

1 and shall be provided in a manner that does not permit low-density
2 sprawl;

3 (iii) The intensification of development on lots containing
4 isolated nonresidential uses that are not principally designed to serve
5 the existing and projected rural population and nonresidential uses and
6 that were in existence before the date by which the county was required
7 to have adopted a comprehensive plan under RCW 36.70A.040. Public
8 services and public facilities shall be limited to those necessary to
9 serve the isolated nonresidential use and shall be provided in a manner
10 that does not permit low-density sprawl;

11 (iv) A county shall adopt measures to minimize and contain the
12 existing areas or uses of more intensive rural development, as
13 appropriate, authorized under this subsection. Lands included in such
14 existing areas or uses shall not extend beyond the logical outer
15 boundary of the existing area or use, thereby allowing a new pattern of
16 low-density sprawl. Existing areas are those that, as of July 1, 1990,
17 are clearly identifiable and contained and where there is a logical
18 boundary delineated predominately by the built environment, but that
19 may also include undeveloped lands if limited as provided in this
20 subsection. The county shall establish the logical outer boundary of
21 an area of more intensive rural development. In establishing the
22 logical outer boundary the county shall address (A) the need to
23 preserve the character of existing natural neighborhoods and
24 communities, (B) physical boundaries such as bodies of water, streets
25 and highways, and land forms and contours, (C) the prevention of
26 abnormally irregular boundaries, and (D) the ability to provide public
27 facilities and public services in a manner that does not permit low-
28 density sprawl.

29 (f) Exception. This subsection shall not be interpreted to permit
30 in the rural area a major industrial development or a master planned
31 resort unless otherwise specifically permitted under RCW 36.70A.360 and
32 36.70A.365.

33 (6) A transportation element that implements, and is consistent
34 with, the land use element. The transportation element shall include
35 the following subelements:

36 (a) Land use assumptions used in estimating travel;

37 (b) Facilities and services needs, including:

38 (i) An inventory of air, water, and ground transportation
39 facilities and services, including transit alignments and general

1 aviation airport facilities, to define existing capital facilities and
2 travel levels as a basis for future planning;

3 (ii) Level of service standards for all arterials and transit
4 routes to serve as a gauge to judge performance of the system. These
5 standards should be regionally coordinated;

6 (iii) Specific actions and requirements for bringing into
7 compliance any facilities or services that are below an established
8 level of service standard;

9 (iv) Forecasts of traffic for at least ten years based on the
10 adopted land use plan to provide information on the location, timing,
11 and capacity needs of future growth;

12 (v) Identification of system expansion needs and transportation
13 system management needs to meet current and future demands;

14 (c) Finance, including:

15 (i) An analysis of funding capability to judge needs against
16 probable funding resources;

17 (ii) A multiyear financing plan based on the needs identified in
18 the comprehensive plan, the appropriate parts of which shall serve as
19 the basis for the six-year street, road, or transit program required by
20 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
21 35.58.2795 for public transportation systems;

22 (iii) If probable funding falls short of meeting identified needs,
23 a discussion of how additional funding will be raised, or how land use
24 assumptions will be reassessed to ensure that level of service
25 standards will be met;

26 (d) Intergovernmental coordination efforts, including an assessment
27 of the impacts of the transportation plan and land use assumptions on
28 the transportation systems of adjacent jurisdictions;

29 (e) Demand-management strategies.

30 After adoption of the comprehensive plan by jurisdictions required
31 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions
32 must adopt and enforce ordinances which prohibit development approval
33 if the development causes the level of service on a transportation
34 facility to decline below the standards adopted in the transportation
35 element of the comprehensive plan, unless transportation improvements
36 or strategies to accommodate the impacts of development are made
37 concurrent with the development. These strategies may include
38 increased public transportation service, ride sharing programs, demand
39 management, and other transportation systems management strategies.

1 For the purposes of this subsection (6) "concurrent with the
2 development" shall mean that improvements or strategies are in place at
3 the time of development, or that a financial commitment is in place to
4 complete the improvements or strategies within six years.

5 The transportation element described in this subsection, and the
6 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for
7 counties, and RCW 35.58.2795 for public transportation systems, must be
8 consistent.

9 **Sec. 5.** RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read
10 as follows:

11 (1) Each county and city that is required or chooses to prepare a
12 comprehensive land use plan under RCW 36.70A.040 shall identify open
13 space corridors within and between urban growth areas. They shall
14 include lands useful for recreation, wildlife habitat, trails, and
15 connection of critical areas as defined in RCW 36.70A.030.

16 (2) Identification of a corridor under this section by a county or
17 city shall not restrict the use or management of lands within the
18 corridor for agricultural or forest purposes. Restrictions on the use
19 or management of such lands for agricultural or forest purposes imposed
20 after identification solely to maintain or enhance the value of such
21 lands as a corridor may occur only if:

22 (a) The county or city acquires sufficient interest to prevent
23 development of the lands or to control the resource development of the
24 lands; or

25 (b) A private or public nonprofit organization acquires sufficient
26 interest to prevent development of the lands or to control the resource
27 development of the lands.

28 (3) The requirement for acquisition of sufficient interest does not
29 include those corridors regulated by the interstate commerce
30 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.
31 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be
32 interpreted to alter the authority of the state, or a county or city,
33 to regulate land use activities.

34 (4) The city or county may acquire by donation or purchase the fee
35 simple or lesser interests in these open space corridors using funds
36 authorized by RCW 84.34.230 or other sources.

1 **Sec. 6.** RCW 36.70A.190 and 1991 sp.s. c 32 s 3 are each amended to
2 read as follows:

3 (1) The department shall establish a program of technical and
4 financial assistance and incentives to counties and cities to encourage
5 and facilitate the adoption, evaluation, refinement, and implementation
6 of comprehensive plans and development regulations throughout the
7 state. The department may provide technical assistance to neighborhood
8 and community organizations to encourage and facilitate the adoption
9 and implementation of comprehensive plans and development regulations.

10 (2) The department shall develop a priority list and establish
11 funding levels for planning and technical assistance grants both for
12 counties and cities that plan under RCW 36.70A.040. Priority for
13 assistance shall be based on a county's or city's population growth
14 rates, commercial and industrial development rates, the existence and
15 quality of a comprehensive plan and development regulations, and other
16 relevant factors.

17 (3) The department shall develop and administer a grant program to
18 provide direct financial assistance to counties and cities for the
19 preparation of comprehensive plans under this chapter. The department
20 may establish provisions for county and city matching funds to conduct
21 activities under this subsection. Grants may be expended for any
22 purpose directly related to the preparation of a county or city
23 comprehensive plan as the county or city and the department may agree,
24 including, without limitation, the conducting of surveys, inventories
25 and other data gathering and management activities, the retention of
26 planning consultants, contracts with regional councils for planning and
27 related services, and other related purposes.

28 (4) The department shall establish a program of technical
29 assistance:

30 (a) Utilizing department staff, the staff of other state agencies,
31 and the technical resources of counties and cities to help in the
32 development of comprehensive plans required under this chapter. The
33 technical assistance may include, but not be limited to, model land use
34 ordinances, regional education and training programs, and information
35 for local and regional inventories; and

36 (b) Adopting by rule procedural criteria to assist counties and
37 cities in adopting comprehensive plans and development regulations that
38 meet the goals and requirements of this chapter. These criteria shall

1 reflect regional and local variations and the diversity that exists
2 among different counties and cities that plan under this chapter.

3 (5) The department shall provide mediation services to resolve
4 disputes between counties and cities regarding, among other things,
5 coordination of regional issues and designation of urban growth areas.

6 (6) The department shall provide planning grants to enhance citizen
7 participation under RCW 36.70A.140.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW
9 to read as follows:

10 (1) The public participation requirements of this chapter shall
11 include notice procedures that are reasonably calculated to provide
12 notice to property owners and other affected and interested
13 individuals, tribes, government agencies, businesses, and organizations
14 of proposed amendments to comprehensive plans and development
15 regulation. Examples of reasonable notice provisions include:

16 (a) Posting the property for site-specific proposals;

17 (b) Publishing notice in a newspaper of general circulation in the
18 county, city, or general area where the proposal is located or that
19 will be affected by the proposal;

20 (c) Notifying public or private groups with known interest in a
21 certain proposal or in the type of proposal being considered;

22 (d) Placing notices in appropriate regional, neighborhood, ethnic,
23 or trade journals; and

24 (e) Publishing notice in agency newsletters or sending notice to
25 agency mailing lists, including general lists or lists for specific
26 proposals or subject areas.

27 (2)(a) Except as otherwise provided in (b) of this subsection, if
28 the legislative body for a county or city chooses to consider a change
29 to an amendment to a comprehensive plan or development regulation, and
30 the change is proposed after the opportunity for review and comment has
31 passed under the county's or city's procedures, an opportunity for
32 review and comment on the proposed change shall be provided before the
33 local legislative body votes on the proposed change.

34 (b) An additional opportunity for public review and comment is not
35 required under (a) of this subsection if:

36 (i) An environmental impact statement has been prepared under
37 chapter 43.21C RCW for the pending resolution or ordinance and the

1 proposed change is within the range of alternatives considered in the
2 environmental impact statement;

3 (ii) The proposed change is within the scope of the alternatives
4 available for public comment;

5 (iii) The proposed change only corrects typographical errors,
6 corrects cross-references, makes address or name changes, or clarifies
7 language of a proposed ordinance or resolution without changing its
8 effect;

9 (iv) The proposed change is to a resolution or ordinance making a
10 capital budget decision as provided in RCW 36.70A.120; or

11 (v) The proposed change is to a resolution or ordinance enacting a
12 moratorium or interim control adopted under RCW 36.70A.390.

13 (3) This section is prospective in effect and does not apply to a
14 comprehensive plan, development regulation, or amendment adopted before
15 the effective date of this section.

16 **Sec. 8.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to
17 read as follows:

18 (1) Each comprehensive land use plan and development regulations
19 shall be subject to continuing evaluation and review by the county or
20 city that adopted them.

21 Any amendment or revision to a comprehensive land use plan shall
22 conform to this chapter, and any change to development regulations
23 shall be consistent with and implement the comprehensive plan.

24 (2)(a) Each county and city shall establish and broadly disseminate
25 to the public a public participation program identifying procedures
26 whereby proposed amendments or revisions of the comprehensive plan are
27 considered by the governing body of the county or city no more
28 frequently than once every year except that amendments may be
29 considered more frequently under the following circumstances:

30 (i) The initial adoption of a subarea plan; ~~((and))~~

31 (ii) The adoption or amendment of a shoreline master program under
32 the procedures set forth in chapter 90.58 RCW; and

33 (iii) The amendment of the capital facilities element of a
34 comprehensive plan that occurs concurrently with the adoption or
35 amendment of a county or city budget.

36 (b) Except as otherwise provided in (a) of this subsection, all
37 proposals shall be considered by the governing body concurrently so the
38 cumulative effect of the various proposals can be ascertained.

1 However, after appropriate public participation a county or city may
2 adopt amendments or revisions to its comprehensive plan that conform
3 with this chapter whenever an emergency exists or to resolve an appeal
4 of a comprehensive plan filed with a growth management hearings board
5 or with the court.

6 (3) Each county that designates urban growth areas under RCW
7 36.70A.110 shall review, at least every ten years, its designated urban
8 growth area or areas, and the densities permitted within both the
9 incorporated and unincorporated portions of each urban growth area. In
10 conjunction with this review by the county, each city located within an
11 urban growth area shall review the densities permitted within its
12 boundaries, and the extent to which the urban growth occurring within
13 the county has located within each city and the unincorporated portions
14 of the urban growth areas. The county comprehensive plan designating
15 urban growth areas, and the densities permitted in the urban growth
16 areas by the comprehensive plans of the county and each city located
17 within the urban growth areas, shall be revised to accommodate the
18 urban growth projected to occur in the county for the succeeding
19 twenty-year period.

20 **Sec. 9.** RCW 36.70A.270 and 1996 c 325 s 1 are each amended to read
21 as follows:

22 Each growth management hearings board shall be governed by the
23 following rules on conduct and procedure:

24 (1) Any board member may be removed for inefficiency, malfeasance,
25 and misfeasance in office, under specific written charges filed by the
26 governor. The governor shall transmit such written charges to the
27 member accused and the chief justice of the supreme court. The chief
28 justice shall thereupon designate a tribunal composed of three judges
29 of the superior court to hear and adjudicate the charges. Removal of
30 any member of a board by the tribunal shall disqualify such member for
31 reappointment.

32 (2) Each board member shall receive reimbursement for travel
33 expenses incurred in the discharge of his or her duties in accordance
34 with RCW 43.03.050 and 43.03.060. If it is determined that the review
35 boards shall operate on a full-time basis, each member shall receive an
36 annual salary to be determined by the governor pursuant to RCW
37 43.03.040. If it is determined that a review board shall operate on a
38 part-time basis, each member shall receive compensation pursuant to RCW

1 43.03.250, provided such amount shall not exceed the amount that would
2 be set if they were a full-time board member. The principal office of
3 each board shall be located by the governor within the jurisdictional
4 boundaries of each board. The boards shall operate on either a part-
5 time or full-time basis, as determined by the governor.

6 (3) Each board member shall not: (a) Be a candidate for or hold
7 any other public office or trust; (b) engage in any occupation or
8 business interfering with or inconsistent with his or her duty as a
9 board member; and (c) for a period of one year after the termination of
10 his or her board membership, act in a representative capacity before
11 the board on any matter.

12 (4) A majority of each board shall constitute a quorum for making
13 orders or decisions, adopting rules necessary for the conduct of its
14 powers and duties, or transacting other official business, and may act
15 even though one position of the board is vacant. One or more members
16 may hold hearings and take testimony to be reported for action by the
17 board when authorized by rule or order of the board. The board shall
18 perform all the powers and duties specified in this chapter or as
19 otherwise provided by law.

20 (5) The board may appoint one or more hearing examiners to assist
21 the board in its hearing function, to make conclusions of law and
22 findings of fact and, if requested by the board, to make
23 recommendations to the board for decisions in cases before the board.
24 Such hearing examiners must have demonstrated knowledge of land use
25 planning and law. The boards shall specify in their joint rules of
26 practice and procedure, as required by subsection (7) of this section,
27 the procedure and criteria to be employed for designating hearing
28 examiners as a presiding officer. Hearing examiners selected by a
29 board shall meet the requirements of subsection (3) of this section.
30 The findings and conclusions of the hearing examiner shall not become
31 final until they have been formally approved by the board. This
32 authorization to use hearing examiners does not waive the requirement
33 of RCW 36.70A.300 that final orders be issued within one hundred eighty
34 days of board receipt of a petition.

35 (6) Each board shall make findings of fact and prepare a written
36 decision in each case decided by it, and such findings and decision
37 shall be effective upon being signed by two or more members of the
38 board and upon being filed at the board's principal office, and shall
39 be open for public inspection at all reasonable times.

1 (7) All proceedings before the board, any of its members, or a
2 hearing examiner appointed by the board shall be conducted in
3 accordance with such administrative rules of practice and procedure as
4 the boards jointly prescribe. All three boards shall jointly meet to
5 develop and adopt joint rules of practice and procedure, including
6 rules regarding expeditious and summary disposition of appeals. The
7 boards shall publish such rules and decisions they render and arrange
8 for the reasonable distribution of the rules and decisions. Except as
9 it conflicts with specific provisions of this chapter, the
10 administrative procedure act, chapter 34.05 RCW, and specifically
11 including the provisions of RCW 34.05.455 governing ex parte
12 communications, shall govern the practice and procedure of the boards.

13 (8) A board member or hearing examiner is subject to
14 disqualification under chapter 34.05 RCW. The joint rules of practice
15 of the boards shall establish procedures by which a party to a hearing
16 conducted before the board may file with the board a motion to
17 disqualify, with supporting affidavit, against a board member or
18 hearing examiner assigned to preside at the hearing.

19 (9) The members of the boards shall meet jointly on at least an
20 annual basis with the objective of sharing information that promotes
21 the goals and purposes of this chapter.

22 NEW SECTION. Sec. 10. A new section is added to chapter 36.70A
23 RCW to read as follows:

24 (1) A growth management hearings board may only take official
25 notice of:

26 (a) Any judicially cognizable facts, including adopted resolutions
27 or ordinances of a county or city;

28 (b) Technical or scientific facts within the board's specialized
29 knowledge; and

30 (c) Codes or standards that have been adopted by an agency of the
31 United States, of this state or of another state, or by a nationally
32 recognized organization or association.

33 (2) Parties shall be notified either before or during the hearing,
34 or by reference in preliminary reports or otherwise, of the material so
35 noticed and the sources thereof, including any staff memoranda and
36 data, and they shall be afforded an opportunity to contest the facts
37 and material so noticed. A party proposing that official notice be
38 taken may be required to produce a copy of the material to be noticed.

1 **Sec. 11.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to
2 read as follows:

3 (1) All requests for review to a growth management hearings board
4 shall be initiated by filing a petition that includes a detailed
5 statement of issues presented for resolution by the board. The board
6 shall render written decisions articulating the basis for its holdings.
7 The board shall not issue advisory opinions on issues not presented to
8 the board in the statement of issues, as modified by any prehearing
9 order.

10 (2) All petitions relating to whether or not an adopted
11 comprehensive plan, development regulation, or permanent amendment
12 thereto, is in compliance with the goals and requirements of this
13 chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days
14 after publication by the legislative bodies of the county or city.

15 (a) Except as provided in (c) of this subsection, the date of
16 publication for a city shall be the date the city publishes the
17 ordinance, or summary of the ordinance, adopting the comprehensive plan
18 or development regulations, or amendment thereto, as is required to be
19 published.

20 (b) Promptly after adoption, a county shall publish a notice that
21 it has adopted the comprehensive plan or development regulations, or
22 amendment thereto.

23 Except as provided in (c) of this subsection, for purposes of this
24 section the date of publication for a county shall be the date the
25 county publishes the notice that it has adopted the comprehensive plan
26 or development regulations, or amendment thereto.

27 (c) For local governments planning under RCW 36.70A.040, promptly
28 after approval or disapproval of a local government s shoreline master
29 program or amendment thereto by the department of ecology as provided
30 in RCW 90.58.090, the local government shall publish a notice that the
31 shoreline master program or amendment thereto has been approved or
32 disapproved by the department of ecology. For purposes of this
33 section, the date of publication for the adoption or amendment of a
34 shoreline master program is the date the local government publishes
35 notice that the shoreline master program or amendment thereto has been
36 approved or disapproved by the department of ecology.

37 (3) Unless the board dismisses the petition as frivolous or finds
38 that the person filing the petition lacks standing, or the parties have
39 filed an agreement to have the case heard in superior court as provided

1 in section 12 of this act, the board shall, within ten days of receipt
2 of the petition, set a time for hearing the matter.

3 (4) The board shall base its decision on the record developed by
4 the city, county, or the state and supplemented with additional
5 evidence if the board determines that such additional evidence would be
6 necessary or of substantial assistance to the board in reaching its
7 decision.

8 (5) The board, shall consolidate, when appropriate, all petitions
9 involving the review of the same comprehensive plan or the same
10 development regulation or regulations.

11 NEW SECTION. **Sec. 12.** A new section is added to chapter 36.70A
12 RCW to read as follows:

13 A petition filed under RCW 36.70A.290 may be directly reviewed by
14 the superior court upon certification by the growth management hearings
15 board that all the parties to the proceeding before the board have
16 agreed in writing to have the petition directly reviewed by the
17 superior court. The agreement shall be filed with the board within ten
18 days after the petition has been filed, or if multiple petitions have
19 been filed and the board has consolidated the appeals under RCW
20 36.70A.300, within ten days after the date the last petition is filed.
21 The provisions of RCW 36.70A.280 through 36.70A.340 as they relate to
22 review of actions by a state agency or a county or city under this
23 chapter apply to the review conducted by the superior court.

24 **Sec. 13.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to
25 read as follows:

26 (1) The board shall issue a final order (~~((within one hundred eighty~~
27 ~~days of receipt of the petition for review, or, when multiple petitions~~
28 ~~are filed, within one hundred eighty days of receipt of the last~~
29 ~~petition that is consolidated. Such a final order))~~ that shall be
30 based exclusively on whether or not a state agency, county, or city is
31 in compliance with the requirements of this chapter, chapter 90.58 RCW
32 as it relates to adoption or amendment of shoreline master programs, or
33 chapter 43.21C RCW as it relates to adoption of plans, development
34 regulations, and amendments thereto, (~~(adopted)~~) under RCW 36.70A.040
35 or chapter 90.58 RCW.

36 (2)(a) Except as provided in (b) of this subsection, the final
37 order shall be issued within one hundred eighty days of receipt of the

1 petition for review, or, if multiple petitions are filed, within one
2 hundred eighty days of receipt of the last petition that is
3 consolidated.

4 (b) The board may extend the period of time for issuing a decision
5 to enable the parties to settle the dispute if additional time is
6 necessary to achieve a settlement, and (i) an extension is requested by
7 all parties, or (ii) an extension is requested by the petitioner and
8 respondent and the board determines that a negotiated settlement
9 between the remaining parties could resolve significant issues in
10 dispute. The request must be filed with the board not later than seven
11 days before the date scheduled for the hearing on the merits of the
12 petition. The board may authorize one or more extensions for up to
13 ninety days each, subject to the requirements of this section.

14 (3) In the final order, the board shall either:

15 (a) Find that the state agency, county, or city is in compliance
16 with the requirements of this chapter ((~~or~~)), chapter 90.58 RCW as it
17 relates to the adoption or amendment of shoreline master programs, or
18 chapter 43.21C RCW as it relates to adoption of plans, development
19 regulations, and amendments thereto, under RCW 36.70A.040 or chapter
20 90.58 RCW; or

21 (b) Find that the state agency, county, or city is not in
22 compliance with the requirements of this chapter ((~~or~~)), chapter 90.58
23 RCW as it relates to the adoption or amendment of shoreline master
24 programs, or chapter 43.21C RCW as it relates to adoption of plans,
25 development regulations, and amendments thereto, under RCW 36.70A.040
26 or chapter 90.58 RCW, in which case the board shall remand the matter
27 to the affected state agency, county, or city ((~~and~~)). The board shall
28 specify a reasonable time not in excess of one hundred eighty days, or
29 such longer period as determined by the board in cases of unusual scope
30 or complexity, within which the state agency, county, or city shall
31 comply with the requirements of this chapter. The board may require
32 periodic reports to the board on the progress the jurisdiction is
33 making towards compliance.

34 ((~~+2~~)) (4) Unless the board makes a determination of invalidity as
35 provided in section 14 of this act, a finding of noncompliance and an
36 order of remand shall not affect the validity of comprehensive plans
37 and development regulations during the period of remand((~~, unless the~~
38 board's final order also:

1 ~~(a) Includes a determination, supported by findings of fact and~~
2 ~~conclusions of law, that the continued validity of the plan or~~
3 ~~regulation would substantially interfere with the fulfillment of the~~
4 ~~goals of this chapter; and~~

5 ~~(b) Specifies the particular part or parts of the plan or~~
6 ~~regulation that are determined to be invalid, and the reasons for their~~
7 ~~invalidity.~~

8 ~~(3) A determination of invalidity shall:~~

9 ~~(a) Be prospective in effect and shall not extinguish rights that~~
10 ~~vested under state or local law before the date of the board's order;~~
11 ~~and~~

12 ~~(b) Subject any development application that would otherwise vest~~
13 ~~after the date of the board's order to the local ordinance or~~
14 ~~resolution that both is enacted in response to the order of remand and~~
15 ~~determined by the board pursuant to RCW 36.70A.330 to comply with the~~
16 ~~requirements of this chapter.~~

17 ~~(4) If the ordinance that adopts a plan or development regulation~~
18 ~~under this chapter includes a savings clause intended to revive prior~~
19 ~~policies or regulations in the event the new plan or regulations are~~
20 ~~determined to be invalid, the board shall determine under subsection~~
21 ~~(2) of this section whether the prior policies or regulations are valid~~
22 ~~during the period of remand)).~~

23 (5) Any party aggrieved by a final decision of the hearings board
24 may appeal the decision to superior court as provided in RCW 34.05.514
25 or 36.01.050 within thirty days of the final order of the board.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70A
27 RCW to read as follows:

28 (1) A board may determine that part or all of a comprehensive plan
29 or development regulations are invalid if the board:

30 (a) Makes a finding of noncompliance and issues an order of remand
31 under RCW 36.70A.300;

32 (b) Includes in the final order a determination, supported by
33 findings of fact and conclusions of law, that the continued validity of
34 part or parts of the plan or regulation would substantially interfere
35 with the fulfillment of the goals of this chapter; and

36 (c) Specifies in the final order the particular part or parts of
37 the plan or regulation that are determined to be invalid, and the
38 reasons for their invalidity.

1 (2) A determination of invalidity is prospective in effect and does
2 not extinguish rights that vested under state or local law before
3 receipt by the city or county. The determination of invalidity does
4 not apply to a completed development permit application and related
5 construction permits for a project that vested under state or local law
6 on or before the date of the board's order.

7 (3)(a) Except as otherwise provided in (b) of this subsection, a
8 completed development permit application not vested under state or
9 local law on or before the date of the board's determination of
10 invalidity vests to the local ordinance or resolution that is
11 determined by the board not to substantially interfere with the
12 fulfillment of the goals of this chapter.

13 (b) Even though it is not vested under state or local law before
14 receipt by the county or city of the board's order, a determination of
15 invalidity does not apply to a completed development permit application
16 for:

17 (i) A permit for construction by any owner, lessee, or contract
18 purchaser of a single-family residence for his or her own use or for
19 the use of his or her family on a lot existing before receipt by the
20 county or city of the board's order, except as otherwise specifically
21 provided in the board's order to protect the public health and safety;

22 (ii) A building permit and related construction permits for
23 remodeling or expansion of an existing structure on a lot existing
24 before receipt by the county or city; and

25 (iii) A boundary line adjustment or a division of land that does
26 not increase the number of buildable lots existing before receipt by
27 the county or city.

28 (4) If the ordinance that adopts a plan or development regulation
29 under this chapter includes a savings clause intended to revive prior
30 policies or regulations in the event the new plan or regulations are
31 determined to be invalid, the board shall determine under subsection
32 (1) of this section whether the prior policies or regulations are valid
33 during the period of remand.

34 (5) A county or city subject to a determination of invalidity may
35 adopt interim controls and other measures to be in effect until it
36 adopts a comprehensive plan and development regulations that comply
37 with the requirements of this chapter. A development permit
38 application may vest under an interim control or measure upon
39 determination by the board that the interim controls and other measures

1 do not substantially interfere with the fulfillment of the goals of
2 this chapter.

3 (6) A county or city subject to a determination of invalidity may
4 file a motion requesting that the board clarify, modify, or rescind the
5 order. The board shall expeditiously schedule a hearing on the motion.
6 At the hearing on the motion, the parties may present information to
7 the board to clarify the part or parts of the comprehensive plan or
8 development regulations to which the final order applies. The board
9 shall issue any supplemental order based on the information provided at
10 the hearing not later than thirty days after the date of the hearing.

11 (7)(a) If a determination of invalidity has been made and the
12 county or city has enacted an ordinance or resolution amending the
13 invalidated part or parts of the plan or regulation or establishing
14 interim controls on development affected by the order of invalidity,
15 after a compliance hearing, the board shall modify or rescind the
16 determination of invalidity if it determines under the standard in
17 subsection (1) of this section that the plan or regulation, as amended
18 or made subject to such interim controls, will no longer substantially
19 interfere with the fulfillment of the goals of this chapter.

20 (b) If the board determines that part or parts of the plan or
21 regulation are no longer invalid as provided in this subsection, but
22 does not find that the plan or regulation is in compliance with all of
23 the requirements of this chapter, the board, in its order, may require
24 periodic reports to the board on the progress the jurisdiction is
25 making towards compliance.

26 **Sec. 15.** RCW 36.70A.305 and 1996 c 325 s 4 are each amended to
27 read as follows:

28 The court shall provide expedited review of ~~((a determination of~~
29 ~~invalidity or))~~ an order ~~((effectuating))~~ that includes a determination
30 of invalidity made or issued under RCW 36.70A.300 and section 14 of
31 this act. The matter must be set for hearing within sixty days of the
32 date set for submitting the board's record, absent a showing of good
33 cause for a different date or a stipulation of the parties.

34 **Sec. 16.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to
35 read as follows:

1 (1) Except as provided in subsection ~~((2))~~ (5) of this section,
2 comprehensive plans and development regulations, and amendments
3 thereto, adopted under this chapter are presumed valid upon adoption.

4 (2) Except as otherwise provided in subsection (4) of this section,
5 the burden is on the petitioner to demonstrate that any action taken by
6 a state agency, county, or city under this chapter is not in compliance
7 with the requirements of this chapter.

8 (3) In any petition under this chapter, the board, after full
9 consideration of the petition, shall determine whether there is
10 compliance with the requirements of this chapter. In making its
11 determination, the board shall consider the criteria adopted by the
12 department under RCW 36.70A.190(4). The board shall find compliance
13 unless it ~~((finds by a preponderance of the evidence that the state~~
14 ~~agency, county, or city erroneously interpreted or applied this~~
15 ~~chapter))~~ determines that the action by the state agency, county, or
16 city is clearly erroneous in view of the entire record before the board
17 and in light of the goals and requirements of this chapter.

18 ~~((2))~~ (4) A county or city subject to a determination of
19 invalidity made under RCW 36.70A.300 or section 14 of this act has the
20 burden of demonstrating that the ordinance or resolution it has enacted
21 in response to the determination of invalidity will no longer
22 substantially interfere with the fulfillment of the goals of chapter
23 . . . , Laws of 1997 (this act) under the standard in section 14(1) of
24 this act.

25 (5) The shoreline element of a comprehensive plan and the
26 applicable development regulations adopted by a county or city shall
27 take effect as provided in chapter 90.58 RCW.

28 **Sec. 17.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to
29 read as follows:

30 (1) After the time set for complying with the requirements of this
31 chapter under RCW ~~((36.70A.300(1)(b)))~~ 36.70A.300(3)(b) has expired, or
32 at an earlier time upon the motion of a county or city subject to a
33 determination of invalidity under RCW 36.70A.300, the board shall set
34 a hearing for the purpose of determining whether the state agency,
35 county, or city is in compliance with the requirements of this chapter.

36 (2) The board shall conduct a hearing and issue a finding of
37 compliance or noncompliance with the requirements of this chapter and
38 with any compliance schedule established by the board in its final

1 order. A person with standing to challenge the legislation enacted in
2 response to the board's final order may participate in the hearing
3 along with the petitioner and the state agency, ~~((city, or))~~ county, or
4 city. A hearing under this subsection shall be given the highest
5 priority of business to be conducted by the board, and a finding shall
6 be issued within forty-five days of the filing of the motion under
7 subsection (1) of this section with the board. The board shall issue
8 any order necessary to make adjustments to the compliance schedule and
9 set additional hearings as provided in subsection (5) of this section.

10 (3) If the board after a compliance hearing finds that the state
11 agency, county, or city is not in compliance, the board shall transmit
12 its finding to the governor. The board may recommend to the governor
13 that the sanctions authorized by this chapter be imposed. The board
14 shall take into consideration the county's or city's efforts to meet
15 its compliance schedule in making the decision to recommend sanctions
16 to the governor.

17 (4) In a compliance hearing upon petition of a party, the board
18 shall also reconsider its final order and decide~~((+~~

19 ~~(a) If a determination of invalidity has been made, whether such a~~
20 ~~determination should be rescinded or modified under the standards in~~
21 ~~RCW 36.70A.300(2); or~~

22 ~~(b))~~, if no determination of invalidity has been made, whether one
23 now should be made ~~((under the standards in RCW 36.70A.300(2)))~~ under
24 section 14 of this act.

25 (5) The board shall schedule additional hearings as appropriate
26 pursuant to subsections (1) and (2) of this section.

27 NEW SECTION. Sec. 18. A new section is added to chapter 36.70A
28 RCW to read as follows:

29 A county or city subject to an order of invalidity issued before
30 the effective date of section 13 of this act, by motion may request the
31 board to review the order of invalidity in light of the section 13,
32 chapter . . ., Laws of 1997 (section 13 of this act) amendments to RCW
33 36.70A.300, the section 17, chapter . . ., Laws of 1997 (section 17 of
34 this act) amendments to RCW 36.70A.330, and section 14 of this act. If
35 a request is made, the board shall rescind or modify the order of
36 invalidity as necessary to make it consistent with the section 13,
37 chapter . . ., Laws of 1997 (section 13 of this act) amendments to RCW
38 36.70A.300, and to the section 17, chapter . . ., Laws of 1997 (section

1 17 of this act) amendments to RCW 36.70A.330, and section 14 of this
2 act.

3 NEW SECTION. **Sec. 19.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 (1) A county or a city may use a variety of innovative zoning
6 techniques in areas designated as agricultural lands of long-term
7 commercial significance under RCW 36.70A.170. The innovative zoning
8 techniques should be designed to conserve agricultural lands and
9 encourage the agricultural economy. A county or city should encourage
10 nonagricultural uses to be limited to lands with poor soils or
11 otherwise not suitable for agricultural purposes.

12 (2) Innovative zoning techniques a county or city may consider
13 include, but are not limited to:

14 (a) Agricultural zoning, which limits the density of development
15 and restricts or prohibits nonfarm uses of agricultural land;

16 (b) Cluster zoning, which allows new development on one portion of
17 the land, leaving the remainder in agricultural or open space uses;

18 (c) Large lot zoning, which establishes as a minimum lot size the
19 amount of land necessary to achieve a successful farming practice;

20 (d) Quarter/quarter zoning, which permits one residential dwelling
21 on a one-acre minimum lot for each one-sixteenth of a section of land;
22 and

23 (e) Sliding scale zoning, which allows the number of lots for
24 single-family residential purposes with a minimum lot size of one acre
25 to increase inversely as the size of the total acreage increases.

26 NEW SECTION. **Sec. 20.** A new section is added to chapter 36.70A
27 RCW to read as follows:

28 (1) A county and its cities, as provided in subsection (7) of this
29 section, shall establish a monitoring and evaluation program to
30 determine their progress towards meeting the goals of this chapter.

31 (2) The monitoring program shall encompass land use and resources
32 both within and outside of urban growth areas. The county and its
33 cities shall use the county-wide planning policy process to work
34 cooperatively among themselves and with state agencies, neighboring
35 counties, regional planning organizations, tribes, and special purpose
36 districts to develop and implement the monitoring required by this
37 section.

1 (3) The evaluation component of the program required by subsection
2 (1) of this section requires an evaluation of at least the land use
3 elements, critical area protections, and capital facilities elements of
4 the county-wide planning policies and county and city comprehensive
5 plans in meeting the goals of this chapter and the policies established
6 in the county-wide planning policy process, specifically including an
7 analysis of the success of the county-wide planning policies and
8 comprehensive plan towards meeting residential densities and uses. The
9 evaluation shall be conducted every five years, with the first
10 evaluation occurring within five years after the later of the date the
11 county adopted its comprehensive plan or the last periodic review
12 required by this chapter.

13 (4) If the evaluation required by subsection (3) of this section
14 shows that the county or one or more of its cities are not making
15 satisfactory progress towards meeting the goals of this chapter, the
16 county and the cities shall consider and implement measures that will
17 be effective in making progress towards meeting the goals of this
18 chapter and the policies established in the county-wide planning
19 policies. The county and its cities shall annually monitor the
20 measures that have been adopted to determine whether they are
21 successful.

22 (5)(a) If, after three years of the annual monitoring required by
23 subsection (3) of this section, the county and its cities demonstrate
24 that the measures have not been effective in making progress towards
25 meeting the goals of this chapter and the county-wide planning policy
26 goals, the county may make adjustments to one or more urban growth
27 areas that the county and its cities demonstrate are necessary to make
28 progress towards the goals of this chapter and the county-wide planning
29 policies.

30 (b) If, after the evaluation required by subsection (3) of this
31 section, the county and its cities demonstrate that they have explored
32 available measures and that those measures would not be effective in
33 making progress towards meeting the goals of this chapter and the
34 county-wide planning policies, the county may make adjustments to one
35 or more urban growth areas that the county and its cities demonstrate
36 are necessary to make satisfactory progress towards the goals of this
37 chapter and the county-wide planning policies.

38 (6) From funds appropriated by the legislature for this purpose,
39 the department shall provide grants to counties, cities, and regional

1 planning organizations to conduct the monitoring and perform the
2 evaluation required by this section.

3 (7) This section applies to the counties, and the cities within
4 those counties, of Snohomish, King, Pierce, Kitsap, Thurston, and
5 Clark.

6 NEW SECTION. Sec. 21. If funds for the purposes of section 20 of
7 this act are not provided in the 1997-99 biennial budget by June 30,
8 1997, referencing this act by bill or chapter number, section number,
9 and subject matter, section 20 of this act is null and void.

10 **Sec. 22.** RCW 36.70A.500 and 1995 c 347 s 116 are each amended to
11 read as follows:

12 (1) The department of community, trade, and economic development
13 shall provide management services for the fund created by RCW
14 36.70A.490. The department (~~by rule~~) shall establish procedures for
15 fund management. The department shall encourage participation in the
16 grant program by other public agencies. The department shall develop
17 the grant criteria, monitor the grant program, and select grant
18 recipients in consultation with state agencies participating in the
19 grant program through the provision of grant funds or technical
20 assistance.

21 (2) A grant may be awarded to a county or city that is required to
22 or has chosen to plan under RCW 36.70A.040 and that is qualified
23 pursuant to this section. The grant shall be provided to assist a
24 county or city in paying for the cost of preparing (~~a detailed~~
25 ~~environmental impact statement~~) an environmental analysis under
26 chapter 43.21C RCW, that is integrated with a comprehensive plan
27 ((or)), subarea plan ((and)), plan element, county-wide planning
28 policy, development regulation((s)), monitoring program, or other
29 planning activity; adopted under or implementing this chapter that:

30 (a) Improves the process for project permit review while
31 maintaining environmental quality; or

32 (b) Encourages use of plans and information developed for purposes
33 of complying with this chapter to satisfy requirements of other state
34 programs.

35 (3) In order to qualify for a grant, a county or city shall:

36 (a) Demonstrate that it will prepare an environmental analysis
37 pursuant to chapter 43.21C RCW and subsection (2) of this section that

1 is integrated with a comprehensive plan or subarea plan and development
2 regulations;

3 (b) Address environmental impacts and consequences, alternatives,
4 and mitigation measures in sufficient detail to allow the analysis to
5 be adopted in whole or in part by (~~subsequent~~) applicants for
6 development permits within the geographic area analyzed in the plan;

7 (c) Demonstrate that procedures for review of development permit
8 applications will be based on the integrated plans and environmental
9 analysis;

10 (d) Include mechanisms (~~in the plan~~) to monitor the consequences
11 of growth as it occurs in the plan area and (~~provide ongoing~~) to use
12 the resulting data to update the plan, policy, or implementing
13 mechanisms and associated environmental analysis;

14 (~~(d) Be making~~) (e) Demonstrate substantial progress towards
15 compliance with the requirements of this chapter. A county or city
16 that is more than six months out of compliance with a requirement of
17 this chapter is deemed not to be making substantial progress towards
18 compliance; and

19 (~~(e)~~) (f) Provide local funding, which may include financial
20 participation by the private sector.

21 (4) In awarding grants, the department shall give preference to
22 proposals that include one or more of the following elements:

23 (a) Financial participation by the private sector, or a public/
24 private partnering approach;

25 (b) (~~Comprehensive and subarea plan proposals that are designed to~~
26 ~~identify and monitor~~) Identification and monitoring of system
27 capacities for elements of the built environment, and to the extent
28 appropriate, of the natural environment;

29 (c) Coordination with state, federal, and tribal governments in
30 project review;

31 (d) Furtherance of important state objectives related to economic
32 development, protection of areas of state-wide significance, and siting
33 of essential public facilities;

34 (e) Programs to improve the efficiency and effectiveness of the
35 permitting process by greater reliance on integrated plans and
36 prospective environmental analysis;

37 (~~(d)~~) (f) Programs for effective citizen and neighborhood
38 involvement that contribute to greater (~~certainty~~) likelihood that

1 planning decisions (~~(will)~~) can be implemented with community support;
2 and

3 (~~((e) Plans that)~~) (g) Programs to identify environmental impacts
4 and establish mitigation measures that provide effective means to
5 satisfy concurrency requirements and establish project consistency with
6 the plans.

7 (5) If the local funding includes funding provided by other state
8 functional planning programs, including open space planning and
9 watershed or basin planning, the functional plan shall be integrated
10 into and be consistent with the comprehensive plan.

11 (6) State agencies shall work with grant recipients to facilitate
12 state and local project review processes that will implement the
13 projects receiving grants under this section.

14 **Sec. 23.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read
15 as follows:

16 As used in this chapter, unless a different meaning is required by
17 the context:

18 (1) "Open space land" means (a) any land area so designated by an
19 official comprehensive land use plan adopted by any city or county and
20 zoned accordingly(~~(+,+)~~), or (b) any land area, the preservation of
21 which in its present use would (i) conserve and enhance natural or
22 scenic resources, or (ii) protect streams or water supply, or (iii)
23 promote conservation of soils, wetlands, beaches or tidal marshes, or
24 (iv) enhance the value to the public of abutting or neighboring parks,
25 forests, wildlife preserves, nature reservations or sanctuaries or
26 other open space, or (v) enhance recreation opportunities, or (vi)
27 preserve historic sites, or (vii) preserve visual quality along
28 highway, road, and street corridors or scenic vistas, or (viii) retain
29 in its natural state tracts of land not less than one acre situated in
30 an urban area and open to public use on such conditions as may be
31 reasonably required by the legislative body granting the open space
32 classification, or (c) any land meeting the definition of farm and
33 agricultural conservation land under subsection (8) of this section.
34 As a condition of granting open space classification, the legislative
35 body may not require public access on land classified under (b)(iii) of
36 this subsection for the purpose of promoting conservation of wetlands.

37 (2) "Farm and agricultural land" means (~~(either)~~):

1 (a) Any parcel of land that is twenty or more acres or multiple
2 parcels of land that are contiguous and total twenty or more acres:
3 (i) Devoted primarily to the production of livestock or
4 agricultural commodities for commercial purposes((~~7~~));
5 (ii) Enrolled in the federal conservation reserve program or its
6 successor administered by the United States department of
7 agriculture((~~7~~)); or
8 (iii) Other similar commercial activities as may be established by
9 rule ((~~following consultation with the advisory committee established~~
10 ~~in section 19 of this act~~));
11 (b) Any parcel of land that is five acres or more but less than
12 twenty acres devoted primarily to agricultural uses, which has produced
13 a gross income from agricultural uses equivalent to, as of January 1,
14 1993((~~7~~));
15 (i) One hundred dollars or more per acre per year for three of the
16 five calendar years preceding the date of application for
17 classification under this chapter for all parcels of land that are
18 classified under this subsection or all parcels of land for which an
19 application for classification under this subsection is made with the
20 granting authority prior to January 1, 1993((~~7~~)); and
21 (ii) On or after January 1, 1993, two hundred dollars or more per
22 acre per year for three of the five calendar years preceding the date
23 of application for classification under this chapter;
24 (c) Any parcel of land of less than five acres devoted primarily to
25 agricultural uses which has produced a gross income as of January 1,
26 1993, of:
27 (i) One thousand dollars or more per year for three of the five
28 calendar years preceding the date of application for classification
29 under this chapter for all parcels of land that are classified under
30 this subsection or all parcels of land for which an application for
31 classification under this subsection is made with the granting
32 authority prior to January 1, 1993((~~7~~)); and
33 (ii) On or after January 1, 1993, fifteen hundred dollars or more
34 per year for three of the five calendar years preceding the date of
35 application for classification under this chapter;
36 (d) Any parcel of land designated as agricultural land under RCW
37 36.70A.170; or

1 (e) Any parcel of land not within an urban growth area zoned as
2 agricultural land under a comprehensive plan adopted under chapter
3 36.70A RCW.

4 Parcels of land described in (b)(i) and (c)(i) of this subsection
5 shall, upon any transfer of the property excluding a transfer to a
6 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of
7 this subsection.

8 Agricultural lands shall also include such incidental uses as are
9 compatible with agricultural purposes, including wetlands preservation,
10 provided such incidental use does not exceed twenty percent of the
11 classified land and the land on which appurtenances necessary to the
12 production, preparation, or sale of the agricultural products exist in
13 conjunction with the lands producing such products. Agricultural lands
14 shall also include any parcel of land of one to five acres, which is
15 not contiguous, but which otherwise constitutes an integral part of
16 farming operations being conducted on land qualifying under this
17 section as "farm and agricultural lands"; or (d) the land on which
18 housing for employees and the principal place of residence of the farm
19 operator or owner of land classified pursuant to (a) of this subsection
20 is sited if: The housing or residence is on or contiguous to the
21 classified parcel; and the use of the housing or the residence is
22 integral to the use of the classified land for agricultural purposes.

23 (3) "Timber land" means any parcel of land that is five or more
24 acres or multiple parcels of land that are contiguous and total five or
25 more acres which is or are devoted primarily to the growth and harvest
26 of forest crops for commercial purposes. A timber management plan
27 shall be filed with the county legislative authority at the time (a) an
28 application is made for classification as timber land pursuant to this
29 chapter or (b) when a sale or transfer of timber land occurs and a
30 notice of classification continuance is signed. Timber land means the
31 land only.

32 (4) "Current" or "currently" means as of the date on which property
33 is to be listed and valued by the assessor.

34 (5) "Owner" means the party or parties having the fee interest in
35 land, except that where land is subject to real estate contract "owner"
36 shall mean the contract vendee.

37 (6) "Contiguous" means land adjoining and touching other property
38 held by the same ownership. Land divided by a public road, but

1 otherwise an integral part of a farming operation, shall be considered
2 contiguous.

3 (7) "Granting authority" means the appropriate agency or official
4 who acts on an application for classification of land pursuant to this
5 chapter.

6 (8) "Farm and agricultural conservation land" means either:

7 (a) Land that was previously classified under subsection (2) of
8 this section, that no longer meets the criteria of subsection (2) of
9 this section, and that is reclassified under subsection (1) of this
10 section; or

11 (b) Land that is traditional farmland that is not classified under
12 chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a
13 use inconsistent with agricultural uses, and that has a high potential
14 for returning to commercial agriculture.

15 **Sec. 24.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to
16 read as follows:

17 All property shall be valued at one hundred percent of its true and
18 fair value in money and assessed on the same basis unless specifically
19 provided otherwise by law.

20 Taxable leasehold estates shall be valued at such price as they
21 would bring at a fair, voluntary sale for cash without any deductions
22 for any indebtedness owed including rentals to be paid.

23 The true and fair value of real property for taxation purposes
24 (including property upon which there is a coal or other mine, or stone
25 or other quarry) shall be based upon the following criteria:

26 (1) Any sales of the property being appraised or similar properties
27 with respect to sales made within the past five years. The appraisal
28 shall be consistent with the comprehensive land use plan, development
29 regulations under chapter 36.70A RCW, zoning, and any other
30 governmental policies or practices in effect at the time of appraisal
31 that affect the use of property, as well as physical and environmental
32 influences. The appraisal shall also take into account: (a) In the
33 use of sales by real estate contract as similar sales, the extent, if
34 any, to which the stated selling price has been increased by reason of
35 the down payment, interest rate, or other financing terms; and (b) the
36 extent to which the sale of a similar property actually represents the
37 general effective market demand for property of such type, in the
38 geographical area in which such property is located. Sales involving

1 deed releases or similar seller-developer financing arrangements shall
2 not be used as sales of similar property.

3 (2) In addition to sales as defined in subsection (1),
4 consideration may be given to cost, cost less depreciation,
5 reconstruction cost less depreciation, or capitalization of income that
6 would be derived from prudent use of the property. In the case of
7 property of a complex nature, or being used under terms of a franchise
8 from a public agency, or operating as a public utility, or property not
9 having a record of sale within five years and not having a significant
10 number of sales of similar property in the general area, the provisions
11 of this subsection (2) shall be the dominant factors in valuation.
12 When provisions of this subsection (2) are relied upon for establishing
13 values the property owner shall be advised upon request of the factors
14 used in arriving at such value.

15 (3) In valuing any tract or parcel of real property, the value of
16 the land, exclusive of structures thereon shall be determined; also the
17 value of structures thereon, but the valuation shall not exceed the
18 value of the total property as it exists. In valuing agricultural
19 land, growing crops shall be excluded.

20 (4) In valuing any tract or parcel of real property designated and
21 zoned under a comprehensive plan adopted under chapter 36.70A RCW as
22 agricultural, forest, or open space land, the appraisal shall not be
23 based on similar sales of parcels that have been converted to
24 nonagricultural or nonopen-space uses within five years after the sale.

25 **Sec. 25.** RCW 90.60.030 and 1995 c 347 s 603 are each amended to
26 read as follows:

27 The permit assistance center is established within the department.
28 The center shall:

29 (1) Publish and keep current one or more handbooks containing lists
30 and explanations of all permit laws. ~~((The center shall coordinate~~
31 ~~with the business assistance center in providing and maintaining this~~
32 ~~information to applicants and others.)) To the extent possible, the
33 handbook shall include relevant federal and tribal laws. A state
34 agency or local government shall provide a reasonable number of copies
35 of application forms, statutes, ordinances, rules, handbooks, and other
36 informational material requested by the center and shall otherwise
37 fully cooperate with the center. The center shall seek the cooperation
38 of relevant federal agencies and tribal governments;~~

1 (2) Establish, and make known, a point of contact for distribution
2 of the handbook and advice to the public as to its interpretation in
3 any given case;

4 (3) Work closely and cooperatively with the business license center
5 (~~and the business assistance center~~) in providing efficient and
6 nonduplicative service to the public;

7 (4) Seek the assignment of employees from the permit agencies
8 listed under RCW 90.60.020(6)(a) to serve on a rotating basis in
9 staffing the center; (~~and~~)

10 (5) Collect and disseminate information to public and private
11 entities on federal, state, local, and tribal government programs that
12 rely on private professional expertise to assist governmental agencies
13 in project permit review; and

14 (6) Provide an annual report to the legislature on potential
15 conflicts and perceived inconsistencies among existing statutes. The
16 first report shall be submitted to the appropriate standing committees
17 of the house of representatives and senate by December 1, 1996.

18 **Sec. 26.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to
19 read as follows:

20 A petition for annexation of an area contiguous to a city or town
21 may be made in writing addressed to and filed with the legislative body
22 of the municipality to which annexation is desired. Except where all
23 the property sought to be annexed is property of a school district, and
24 the school directors thereof file the petition for annexation as in RCW
25 28A.335.110 authorized, and except where the property to be annexed is
26 within an urban growth area designated under RCW 36.70A.110, the
27 petition must be signed by the owners of not less than seventy-five
28 percent in value according to the assessed valuation for general
29 taxation of the property for which annexation is petitioned. When the
30 property to be annexed is within an urban growth area designated under
31 RCW 36.70A.110, the petition must be signed by the owners of not less
32 than sixty percent in value according to the assessed valuation for
33 general taxation of the property for which annexation is petitioned:
34 PROVIDED, That in cities and towns with populations greater than one
35 hundred sixty thousand located east of the Cascade mountains, the owner
36 of tax exempt property may sign an annexation petition and have the tax
37 exempt property annexed into the city or town, but the value of the tax
38 exempt property shall not be used in calculating the sufficiency of the

1 required property owner signatures unless only tax exempt property is
2 proposed to be annexed into the city or town. The petition shall set
3 forth a description of the property according to government legal
4 subdivisions or legal plats which is in compliance with RCW 35.02.170,
5 and shall be accompanied by a plat which outlines the boundaries of the
6 property sought to be annexed. If the legislative body has required
7 the assumption of all or of any portion of city or town indebtedness by
8 the area annexed, and/or the adoption of a comprehensive plan for the
9 area to be annexed, these facts, together with a quotation of the
10 minute entry of such requirement or requirements shall be set forth in
11 the petition.

12 **Sec. 27.** RCW 35A.14.295 and 1967 ex.s. c 119 s 35A.14.295 are each
13 amended to read as follows:

14 ~~((When there is, within))~~ (1) The legislative body of a code city
15 may resolve to annex territory containing residential property owners
16 to the city if there is within the city, unincorporated territory:

17 (a) Containing less than one hundred acres and having at least
18 eighty percent of the boundaries of such area contiguous to the code
19 city(~~(, the legislative body may resolve to annex such territory to the~~
20 code city)); or

21 (b) Of any size and having at least eighty percent of the
22 boundaries of such area contiguous to the city if such area existed
23 before June 30, 1994, and is within the same county and within the same
24 urban growth area designated under RCW 36.70A.110, and the city was
25 planning under chapter 36.70A RCW as of June 30, 1994.

26 (2) The resolution shall describe the boundaries of the area to be
27 annexed, state the number of voters residing therein as nearly as may
28 be, and set a date for a public hearing on such resolution for
29 annexation. Notice of the hearing shall be given by publication of the
30 resolution at least once a week for two weeks prior to the date of the
31 hearing, in one or more newspapers of general circulation within the
32 code city and one or more newspapers of general circulation within the
33 area to be annexed.

34 (3) For purposes of subsection (1)(b) of this section, territory
35 bounded by a river, lake, or other body of water is considered
36 contiguous to a city that is also bounded by the same river, lake, or
37 other body of water.

1 NEW SECTION. **Sec. 28.** A new section is added to chapter 35.13 RCW
2 to read as follows:

3 (1) The legislative body of a city or town planning under chapter
4 36.70A RCW as of June 30, 1994, may resolve to annex territory to the
5 city or town if there is, within the city or town, unincorporated
6 territory containing residential property owners within the same county
7 and within the same urban growth area designated under RCW 36.70A.110
8 as the city or town:

9 (a) Containing less than one hundred acres and having at least
10 eighty percent of the boundaries of such area contiguous to the city or
11 town if such area existed before June 30, 1994; or

12 (b) Of any size and having at least eighty percent of the
13 boundaries of the area contiguous to the city if the area existed
14 before June 30, 1994.

15 (2) The resolution shall describe the boundaries of the area to be
16 annexed, state the number of voters residing in the area as nearly as
17 may be, and set a date for a public hearing on the resolution for
18 annexation. Notice of the hearing shall be given by publication of the
19 resolution at least once a week for two weeks before the date of the
20 hearing in one or more newspapers of general circulation within the
21 city or town and one or more newspapers of general circulation within
22 the area to be annexed.

23 (3) For purposes of subsection (1)(b) of this section, territory
24 bounded by a river, lake, or other body of water is considered
25 contiguous to a city that is also bounded by the same river, lake, or
26 other body of water.

27 **Sec. 29.** RCW 35.13.174 and 1973 1st ex.s. c 164 s 17 are each
28 amended to read as follows:

29 Upon receipt by the board of county commissioners of a
30 determination by a majority of the review board favoring annexation of
31 the proposed area that has been initiated by resolution pursuant to RCW
32 35.13.015 by the city or town legislative body, the board of county
33 commissioners, or the city or town legislative body for any city or
34 town within an urban growth area designated under RCW 36.70A.110, shall
35 fix a date on which an annexation election shall be held, which date
36 will be not less than thirty days nor more than sixty days thereafter.

1 **Sec. 30.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read
2 as follows:

3 In reaching a decision on a proposal or an alternative, the board
4 shall consider the factors affecting such proposal, which shall
5 include, but not be limited to the following:

6 (1) Population and territory; population density; land area and
7 land uses; comprehensive plans and zoning, as adopted under chapter
8 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development
9 regulations adopted under chapter 36.70A RCW; applicable service
10 agreements entered into under chapter 36.115 or 39.34 RCW; applicable
11 interlocal annexation agreements between a county and its cities; per
12 capita assessed valuation; topography, natural boundaries and drainage
13 basins, proximity to other populated areas; the existence and
14 preservation of prime agricultural soils and productive agricultural
15 uses; the likelihood of significant growth in the area and in adjacent
16 incorporated and unincorporated areas during the next ten years;
17 location and most desirable future location of community facilities;

18 (2) Municipal services; need for municipal services; effect of
19 ordinances, governmental codes, regulations and resolutions on existing
20 uses; present cost and adequacy of governmental services and controls
21 in area; prospects of governmental services from other sources;
22 probable future needs for such services and controls; probable effect
23 of proposal or alternative on cost and adequacy of services and
24 controls in area and adjacent area; the effect on the finances, debt
25 structure, and contractual obligations and rights of all affected
26 governmental units; and

27 (3) The effect of the proposal or alternative on adjacent areas, on
28 mutual economic and social interests, and on the local governmental
29 structure of the county.

30 The provisions of chapter 43.21C RCW, State Environmental Policy,
31 shall not apply to incorporation proceedings covered by chapter 35.02
32 RCW.

33 **Sec. 31.** RCW 84.14.010 and 1995 c 375 s 3 are each amended to read
34 as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

37 (1) "City" means either (a) a city or town with a population of at
38 least one hundred ((fifty)) thousand or (b) the largest city or town,

1 if there is no city or town with a population of at least one hundred
2 thousand, located in a county planning under the growth management act.

3 (2) "Governing authority" means the local legislative authority of
4 a city having jurisdiction over the property for which an exemption may
5 be applied for under this chapter.

6 (3) "Growth management act" means chapter 36.70A RCW.

7 (4) "Multiple-unit housing" means a building having four or more
8 dwelling units not designed or used as transient accommodations and not
9 including hotels and motels. Multifamily units may result from new
10 construction or rehabilitated or conversion of vacant, underutilized,
11 or substandard buildings to multifamily housing.

12 (5) "Owner" means the property owner of record.

13 (6) "Permanent residential occupancy" means multiunit housing that
14 provides either rental or owner occupancy on a nontransient basis.
15 This includes owner-occupied or rental accommodation that is leased for
16 a period of at least one month. This excludes hotels and motels that
17 predominately offer rental accommodation on a daily or weekly basis.

18 (7) "Rehabilitation improvements" means modifications to existing
19 structures, that are vacant for twelve months or longer, that are made
20 to achieve a condition of substantial compliance with existing building
21 codes or modification to existing occupied structures which increase
22 the number of multifamily housing units.

23 (8) "Residential targeted area" means an area within an urban
24 center that has been designated by the governing authority as a
25 residential targeted area in accordance with this chapter.

26 (9) "Substantial compliance" means compliance with local building
27 or housing code requirements that are typically required for
28 rehabilitation as opposed to new construction.

29 (10) "Urban center" means a compact identifiable district where
30 urban residents may obtain a variety of products and services. An
31 urban center must contain:

32 (a) Several existing or previous, or both, business establishments
33 that may include but are not limited to shops, offices, banks,
34 restaurants, governmental agencies;

35 (b) Adequate public facilities including streets, sidewalks,
36 lighting, transit, domestic water, and sanitary sewer systems; and

37 (c) A mixture of uses and activities that may include housing,
38 recreation, and cultural activities in association with either
39 commercial or office, or both, use.

1 NEW SECTION. **Sec. 32.** Except as otherwise specifically provided
2 in section 18 of this act, sections 1 through 17, chapter . . . , Laws
3 of 1997 (sections 1 through 17 of this act) are prospective in effect
4 and shall not affect the validity of actions taken or decisions made
5 before the effective date of this section.

--- END ---