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**SUBSTITUTE HOUSE BILL 2244**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams, Mulliken, Bush and Thompson)

Read first time 03/05/97.

1 AN ACT Relating to revising the recommendations of the land use  
2 study commission; amending RCW 36.70A.030, 36.70A.070, 36.70A.160,  
3 36.70A.130, 36.70A.270, 36.70A.290, 36.70A.300, 36.70A.305, 36.70A.320,  
4 36.70A.330, 36.70A.140, 36.70A.500, 84.34.020, 84.34.060, 84.34.065;  
5 84.40.030, 90.60.030, 35.13.130, 35A.14.295, 35.13.174, 36.93.170,  
6 84.14.010, 90.61.040, and 90.61.020; adding new sections to chapter  
7 36.70A RCW; adding a new section to chapter 35.13 RCW; creating new  
8 sections; repealing RCW 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280,  
9 36.70A.290, 36.70A.300, 36.70A.305, 36.70A.310, 36.70A.320, 36.70A.330,  
10 36.70A.340, and 36.70A.345; and providing expiration dates.

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

12 NEW SECTION. **Sec. 1.** In enacting the section 4(5), chapter . . . ,  
13 Laws of 1997 (section 4(5) of this act) amendments to RCW  
14 36.70A.070(5), the legislature finds that chapter 36.70A RCW is  
15 intended to recognize the importance of rural lands and rural character  
16 to Washington's economy, its people, and its environment, while  
17 respecting regional differences and protecting the property rights of  
18 landowners from arbitrary and discriminatory actions. Rural lands and  
19 rural-based economies enhance the economic desirability of the state,

1 help to preserve traditional economic activities, and contribute to the  
2 state's overall quality of life. The legislature also finds that in  
3 developing its rural element under RCW 36.70A.070(5), a county should  
4 foster land use patterns and develop a local vision of rural character  
5 that: Will help preserve rural-based economies and traditional rural  
6 lifestyles; will foster opportunities for small-scale, rural-based  
7 employment and self-employment; will permit the operation of rural-  
8 based commercial, recreational, and tourist businesses that are  
9 consistent with existing and planned land use patterns; be compatible  
10 with the use of the land by wildlife and for fish and wildlife habitat;  
11 will foster the private stewardship of the land and preservation of  
12 open space; and will enhance the rural sense of community and quality  
13 of life.

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

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

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

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

1 (1) "Adopt a comprehensive land use plan" means to enact a new  
2 comprehensive land use plan or to update an existing comprehensive land  
3 use plan.

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

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

12 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"  
13 means a generalized coordinated land use policy statement of the  
14 governing body of a county or city that is adopted pursuant to this  
15 chapter.

16 (5) "Critical areas" include the following areas and ecosystems:  
17 (a) Documented wetlands; (b) areas with a critical recharging effect  
18 ~~((on))~~ that is necessary for the health of aquifers used for potable  
19 water; (c) fish and wildlife habitat conservation areas; (d) frequently  
20 flooded areas; and (e) geologically hazardous areas.

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

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

33 (8) "Forest land" means land primarily devoted to growing trees for  
34 long-term commercial timber production on land that can be economically  
35 and practically managed for such production, including Christmas trees  
36 subject to the excise tax imposed under RCW 84.33.100 through  
37 84.33.140, and that has long-term commercial significance. In  
38 determining whether forest land is primarily devoted to growing trees  
39 for long-term commercial timber production on land that can be

1 economically and practically managed for such production, the following  
2 factors shall be considered: (a) The proximity of the land to urban,  
3 suburban, and rural settlements; (b) surrounding parcel size and the  
4 compatibility and intensity of adjacent and nearby land uses; (c) long-  
5 term local economic conditions that affect the ability to manage for  
6 timber production; and (d) the availability of public facilities and  
7 services conducive to conversion of forest land to other uses.

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

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

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

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

23 (13) "Public services" include fire protection and suppression, law  
24 enforcement, public health, education, recreation, environmental  
25 protection, and other governmental services.

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

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

30 (b) That foster traditional rural lifestyles and rural-based  
31 economies; and

32 (c) That generally do not require the extension of urban  
33 governmental services.

34 (15) "Rural development" refers to development outside the urban  
35 growth area and outside agricultural, forest, and mineral resource  
36 lands designated pursuant to RCW 36.70A.170. Rural development can  
37 consist of a variety of uses and residential densities, including  
38 clustered residential development, at levels that are consistent with

1 the preservation of rural character and the requirements of the rural  
2 element.

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

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

23 ((+15+)) (18) "Urban growth areas" means those areas designated by  
24 a county pursuant to RCW 36.70A.110.

25 ((+16+)) (19) "Urban governmental services" or "urban services"  
26 include those ((governmental)) public services and public facilities at  
27 an intensity historically and typically ((delivered by)) provided in  
28 cities, ((and include)) specifically including storm and sanitary sewer  
29 systems, domestic water systems, street cleaning services, fire and  
30 police protection services, public transit services, and other public  
31 utilities associated with urban areas and normally not associated with  
32 ((nonurban)) rural areas.

33 ((+17+)) (20) "Wetland" or "wetlands" means areas that are  
34 inundated or saturated by surface water or ground water at a frequency  
35 and duration sufficient to support, and that under normal circumstances  
36 do support, a prevalence of vegetation typically adapted for life in  
37 saturated soil conditions. Wetlands generally include swamps, marshes,  
38 bogs, and similar areas. Wetlands do not include those artificial  
39 wetlands intentionally created from nonwetland sites, including, but

1 not limited to, irrigation and drainage ditches, grass-lined swales,  
2 canals, detention facilities, wastewater treatment facilities, farm  
3 ponds, and landscape amenities, or those wetlands (~~created after July~~  
4 ~~1, 1990, that were~~) unintentionally created as a result of the  
5 construction of a road, street, or highway. Wetlands may include those  
6 artificial wetlands intentionally created from nonwetland areas created  
7 to mitigate conversion of wetlands. Wetlands must measurably and  
8 demonstrably perform a wetland function. Any land farmed, developed,  
9 or otherwise employed in a nonwetland use prior to 1987 shall not be  
10 considered or designated a wetland.

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

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

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

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

35 (2) A housing element ensuring the vitality and character of  
36 established residential neighborhoods that: (a) Includes an inventory  
37 and analysis of existing and projected housing needs; (b) includes a  
38 statement of goals, policies, objectives, and mandatory provisions for

1 the preservation, improvement, and development of housing, including  
2 single-family residences; (c) identifies sufficient land for housing,  
3 including, but not limited to, government-assisted housing, housing for  
4 low-income families, manufactured housing, multifamily housing, and  
5 group homes and foster care facilities; and (d) makes adequate  
6 provisions for existing and projected needs of all economic segments of  
7 the community except that counties and cities shall not require  
8 projects to include low-income housing as a condition of issuing a  
9 permit or granting a land-use approval.

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

22 (4) A utilities element consisting of the general location,  
23 proposed location, and capacity of all existing and proposed utilities,  
24 including, but not limited to, electrical lines, telecommunication  
25 lines, and natural gas lines.

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

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

36 (b) Rural development. The rural element shall permit  
37 ~~((appropriate land uses that are compatible with the rural character of~~  
38 ~~such lands)) rural development and provide for a variety of rural  
39 densities ~~((and)),~~ uses ~~((and may also provide)),~~ essential public~~

1 facilities, and rural governmental services needed to serve the  
2 permitted densities and uses. Except as otherwise specifically  
3 provided in this chapter, residential and nonresidential uses shall not  
4 require urban services and nonresidential uses shall be principally  
5 designed to serve the existing and projected rural population and  
6 existing nonresidential uses. In order to achieve a variety of rural  
7 densities and uses, counties may provide for clustering, density  
8 transfer, design guidelines, conservation easements, and other  
9 innovative techniques that will accommodate appropriate rural densities  
10 and uses that are not characterized by urban growth and that are  
11 consistent with rural character.

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

15 (i) Containing or otherwise controlling rural development;

16 (ii) Reducing the inappropriate conversion of undeveloped land into  
17 sprawling, low-density development in the rural area; and

18 (iii) 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 An industrial area is not required to be principally designed to serve  
31 the existing and projected rural population as required by (b) of this  
32 subsection;

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

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

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

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

36 (b) Facilities and services needs, including:

37 (i) An inventory of air, water, and ground transportation  
38 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 ((Identification of a corridor under this section by a county or city  
17 shall not restrict the use or management of lands within the corridor  
18 for agricultural or forest purposes.—Restrictions on the use or  
19 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 the county or city acquires  
22 sufficient interest to prevent development of the lands or to control  
23 the resource development of the lands.))

24 (2) Counties and cities that identify open space corridors must use  
25 and manage those corridors in cooperation with adjacent property owners  
26 and shall respect private property rights. A map indicating any  
27 corridors shall designate such corridors as "private land closed to  
28 trespass and public use."

29 (3) Land use restrictions apply to open space corridors only under  
30 the following circumstances:

31 (a) The property owner and the county or city have agreed to  
32 restrictions; or

33 (b) The county or city acquires sufficient interest to prevent  
34 development of the lands.

35 (4) The requirement for acquisition of sufficient interest does not  
36 include those corridors regulated by the interstate commerce  
37 commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec.  
38 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be

1 interpreted to alter the authority of the state, or a county or city,  
2 to regulate land use activities.

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

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW  
7 to read as follows:

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

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

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

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

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

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

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

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

34 (i) An environmental impact statement has been prepared under  
35 chapter 43.21C RCW for the pending resolution or ordinance and the  
36 proposed change is within the range of alternatives considered in the  
37 environmental impact statement;

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

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

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

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

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

14 **Sec. 7.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to  
15 read as follows:

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

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

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

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

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

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

34 (b) Except as otherwise provided in (a) of this subsection, all  
35 proposals shall be considered by the governing body concurrently so the  
36 cumulative effect of the various proposals can be ascertained.  
37 However, after appropriate public participation a county or city may  
38 adopt amendments or revisions to its comprehensive plan that conform

1 with this chapter whenever an emergency exists or to resolve an appeal  
2 of a comprehensive plan filed with a growth management hearings board  
3 or with the court.

4 (3) Each county that designates urban growth areas under RCW  
5 36.70A.110 shall review, at least every ten years, its designated urban  
6 growth area or areas, and the densities permitted within both the  
7 incorporated and unincorporated portions of each urban growth area. In  
8 conjunction with this review by the county, each city located within an  
9 urban growth area shall review the densities permitted within its  
10 boundaries, and the extent to which the urban growth occurring within  
11 the county has located within each city and the unincorporated portions  
12 of the urban growth areas. The county comprehensive plan designating  
13 urban growth areas, and the densities permitted in the urban growth  
14 areas by the comprehensive plans of the county and each city located  
15 within the urban growth areas, shall be revised to accommodate the  
16 urban growth projected to occur in the county for the succeeding  
17 twenty-year period.

18 **Sec. 8.** RCW 36.70A.270 and 1996 c 325 s 1 are each amended to read  
19 as follows:

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

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

30 (2) Each board member shall receive reimbursement for travel  
31 expenses incurred in the discharge of his or her duties in accordance  
32 with RCW 43.03.050 and 43.03.060. If it is determined that the review  
33 boards shall operate on a full-time basis, each member shall receive an  
34 annual salary to be determined by the governor pursuant to RCW  
35 43.03.040. If it is determined that a review board shall operate on a  
36 part-time basis, each member shall receive compensation pursuant to RCW  
37 43.03.250, provided such amount shall not exceed the amount that would  
38 be set if they were a full-time board member. The principal office of

1 each board shall be located by the governor within the jurisdictional  
2 boundaries of each board. The boards shall operate on either a part-  
3 time or full-time basis, as determined by the governor.

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

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

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

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

38 (7) All proceedings before the board, any of its members, or a  
39 hearing examiner appointed by the board shall be conducted in

1 accordance with such administrative rules of practice and procedure as  
2 the boards jointly prescribe. All three boards shall jointly meet to  
3 develop and adopt joint rules of practice and procedure, including  
4 rules regarding expeditious and summary disposition of appeals. The  
5 boards shall publish such rules and decisions they render and arrange  
6 for the reasonable distribution of the rules and decisions. Except as  
7 it conflicts with specific provisions of this chapter, the  
8 administrative procedure act, chapter 34.05 RCW, and specifically  
9 including the provisions of RCW 34.05.455 governing ex parte  
10 communications, shall govern the practice and procedure of the boards.

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

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

20 **Sec. 9.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to  
21 read as follows:

22 (1) All requests for review to a growth management hearings board  
23 shall be initiated by filing a petition that includes a detailed  
24 statement of issues presented for resolution by the board. The board  
25 shall render written decisions articulating the basis for its holdings.  
26 The board shall not issue advisory opinions on issues not presented to  
27 the board in the statement of issues, as modified by any prehearing  
28 order.

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

34 (a) Except as provided in (c) of this subsection, the date of  
35 publication for a city shall be the date the city publishes the  
36 ordinance, or summary of the ordinance, adopting the comprehensive plan  
37 or development regulations, or amendment thereto, as is required to be  
38 published.



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

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

8 (c) For local governments planning under RCW 36.70A.040, promptly  
9 after approval or disapproval of a local government s shoreline master  
10 program or amendment thereto by the department of ecology as provided  
11 in RCW 90.58.090, the local government shall publish a notice that the  
12 shoreline master program or amendment thereto has been approved or  
13 disapproved by the department of ecology. For purposes of this  
14 section, the date of publication for the adoption or amendment of a  
15 shoreline master program is the date the local government publishes  
16 notice that the shoreline master program or amendment thereto has been  
17 approved or disapproved by the department of ecology.

18 (3) Unless the board dismisses the petition as frivolous or finds  
19 that the person filing the petition lacks standing, the board shall,  
20 within ten days of receipt of the petition, set a time for hearing the  
21 matter.

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

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

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

32 (1) In lieu of filing a petition to the growth management hearings  
33 board, a petition may be filed directly in superior court. A party  
34 against whom a petition is filed may also demand transfer of the matter  
35 to superior court within ten days after the date the petition is filed.  
36 A transfer shall be accomplished as provided in the joint rules of  
37 practice and procedure.

1 (2) Except as otherwise provided in (b) and (c) of this subsection,  
2 the provisions of RCW 36.70A.280 through 36.70A.330 apply to the review  
3 by the superior court.

4 (3) The superior court:

5 (a) Shall not have jurisdiction to directly review or modify an  
6 office of financial management population projection; and

7 (b) Except as otherwise provided in RCW 36.70A.330(2)(b), shall  
8 render its decision on the petition within one hundred eighty days of  
9 the filing of the petition.

10 (4) Unless otherwise specifically provided in this section, the  
11 superior court civil rules shall apply.

12 (5) Review of a final judgment of the superior court shall be  
13 secured in the manner provided by law for review of superior court  
14 decisions in other civil cases.

15 **Sec. 11.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to  
16 read as follows:

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

27 (2)(a) Except as provided in (b) of this subsection, the final  
28 order shall be issued within one hundred eighty days of receipt of the  
29 petition for review, or, if multiple petitions are filed, within one  
30 hundred eighty days of receipt of the last petition that is  
31 consolidated.

32 (b) The board may extend the period of time for issuing a decision  
33 to enable the parties to settle the dispute if additional time is  
34 necessary to achieve a settlement, and (i) an extension is requested by  
35 all parties, or (ii) an extension is requested by the petitioner and  
36 respondent and the board determines that a negotiated settlement  
37 between the remaining parties could resolve significant issues in  
38 dispute. The request must be filed with the board not later than seven

1 days before the date scheduled for the hearing on the merits of the  
2 petition. The board may authorize one or more extensions for up to  
3 ninety days each, subject to the requirements of this section.

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

5 (a) Find that the state agency, county, or city is in compliance  
6 with the requirements of this chapter ~~((or))~~, chapter 90.58 RCW as it  
7 relates to the adoption or amendment of shoreline master programs, or  
8 chapter 43.21C RCW as it relates to adoption of plans, development  
9 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
10 90.58 RCW; or

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

24 ~~((2))~~ (4) A finding of noncompliance and an order of remand shall  
25 not affect the validity of comprehensive plans and development  
26 regulations during the period of remand~~(, unless the board's final~~  
27 ~~order also:~~

28 ~~(a) Includes a determination, supported by findings of fact and~~  
29 ~~conclusions of law, that the continued validity of the plan or~~  
30 ~~regulation would substantially interfere with the fulfillment of the~~  
31 ~~goals of this chapter; and~~

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

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

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

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

6       ~~(4) If the ordinance that adopts a plan or development regulation~~  
7 ~~under this chapter includes a savings clause intended to revive prior~~  
8 ~~policies or regulations in the event the new plan or regulations are~~  
9 ~~determined to be invalid, the board shall determine under subsection~~  
10 ~~(2) of this section whether the prior policies or regulations are valid~~  
11 ~~during the period of remand)).~~

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

15       **Sec. 12.** RCW 36.70A.305 and 1996 c 325 s 4 are each amended to  
16 read as follows:

17       The court shall provide expedited review of ~~((a determination of~~  
18 ~~invalidity or))~~ an order ~~((effectuating a determination of invalidity~~  
19 ~~made or))~~ issued under RCW 36.70A.300. The matter must be set for  
20 hearing within sixty days of the date set for submitting the board's  
21 record, absent a showing of good cause for a different date or a  
22 stipulation of the parties.

23       **Sec. 13.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to  
24 read as follows:

25       (1) Except as provided in subsection ~~((2))~~ (4) of this section,  
26 comprehensive plans and development regulations, and amendments  
27 thereto, adopted under this chapter are presumed valid upon adoption.

28       (2) The burden is on the petitioner to demonstrate that any action  
29 taken by a state agency, county, or city under this chapter is not in  
30 compliance with the requirements of this chapter.

31       (3) In any petition under this chapter, the board, after full  
32 consideration of the petition, shall determine whether there is  
33 compliance with the requirements of this chapter. In making its  
34 determination, the board shall consider the criteria adopted by the  
35 department under RCW 36.70A.190(4). The board shall find compliance  
36 unless it ~~((finds by a preponderance of the evidence that the state~~  
37 ~~agency, county, or city erroneously interpreted or applied this~~

1 ~~chapter))~~ determines that the action by the state agency, county, or  
2 city is clearly erroneous in view of the entire record before the board  
3 and in light of the goals and requirements of this chapter.

4 ~~((2))~~ (4) The shoreline element of a comprehensive plan and the  
5 applicable development regulations adopted by a county or city shall  
6 take effect as provided in chapter 90.58 RCW.

7 **Sec. 14.** RCW 36.70A.330 and 1995 c 347 s 112 are each amended to  
8 read as follows:

9 (1) After the time set for complying with the requirements of this  
10 chapter under RCW ~~((36.70A.300(1)(b)))~~ 36.70A.300(3)(b) has expired ~~((7~~  
11 ~~or at an earlier time upon the motion of a county or city subject to a~~  
12 ~~determination of invalidity under RCW 36.70A.300,))~~ the board shall set  
13 a hearing for the purpose of determining whether the state agency,  
14 county, or city is in compliance with the requirements of this chapter.

15 (2) The board shall conduct a hearing and issue a finding of  
16 compliance or noncompliance with the requirements of this chapter. A  
17 person with standing to challenge the legislation enacted in response  
18 to the board's final order may participate in the hearing along with  
19 the petitioner and the state agency, ~~((city, or))~~ county, or city. A  
20 hearing under this subsection shall be given the highest priority of  
21 business to be conducted by the board, and a finding shall be issued  
22 within forty-five days of the filing of the motion under subsection (1)  
23 of this section with the board. The board shall issue any order  
24 necessary to make adjustments to the compliance schedule and set  
25 additional hearings as provided in subsection (4) of this section.

26 (3) If the board after a compliance hearing finds that the state  
27 agency, county, or city is not in compliance, the board shall transmit  
28 its finding to the governor. The board may recommend to the governor  
29 that the sanctions authorized by this chapter be imposed. The board  
30 shall take into consideration the county's or city's efforts to meet  
31 its compliance schedule in making the decision to recommend sanctions  
32 to the governor.

33 (4) ~~((The board shall also reconsider its final order and decide:~~

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

37 ~~(b) If no determination of invalidity has been made, whether one~~  
38 ~~now should be made under the standards in RCW 36.70A.300(2).))~~ The

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

3 **Sec. 15.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to  
4 read as follows:

5 Each county and city that is required or chooses to plan under RCW  
6 36.70A.040 shall establish and broadly disseminate to the public a  
7 public participation program identifying procedures providing for early  
8 and continuous public participation in the development and amendment of  
9 comprehensive land use plans and development regulations implementing  
10 such plans. The procedures shall provide for broad dissemination of  
11 proposals and alternatives, opportunity for written comments, public  
12 meetings after effective notice, provision for open discussion,  
13 communication programs, information services, and consideration of and  
14 response to public comments. ~~((In enacting legislation in response to  
15 the board's decision pursuant to RCW 36.70A.300 declaring part or all  
16 of a comprehensive plan or development regulation invalid, the county  
17 or city shall provide for public participation that is appropriate and  
18 effective under the circumstances presented by the board's order.  
19 Errors in exact compliance with the established program and procedures  
20 shall not render the comprehensive land use plan or development  
21 regulations invalid if the spirit of the program and procedures is  
22 observed.))~~

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

25 (1) A county or a city may use a variety of innovative zoning  
26 techniques in areas designated as agricultural lands of long-term  
27 commercial significance under RCW 36.70A.170. The innovative zoning  
28 techniques should be designed to conserve agricultural lands and  
29 encourage the agricultural economy. A county or city should encourage  
30 nonagricultural uses to be limited to lands with poor soils or  
31 otherwise not suitable for agricultural purposes.

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

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

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

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

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

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

9 NEW SECTION. **Sec. 17.** A new section is added to chapter 36.70A  
10 RCW to read as follows:

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

14 (2) The monitoring program shall encompass land use and resources  
15 both within and outside of urban growth areas. The county and its  
16 cities shall use the county-wide planning policy process to work  
17 cooperatively among themselves and with state agencies, neighboring  
18 counties, regional planning organizations, tribes, and special purpose  
19 districts to develop and implement the monitoring required by this  
20 section.

21 (3) The evaluation component of the program required by subsection  
22 (1) of this section requires an evaluation of at least the land use  
23 elements, critical area protections, and capital facilities elements of  
24 the county-wide planning policies and county and city comprehensive  
25 plans in meeting the goals of this chapter and the policies established  
26 in the county-wide planning policy process, specifically including an  
27 analysis of the success of the county-wide planning policies and  
28 comprehensive plan towards meeting residential densities and uses. The  
29 evaluation shall be conducted every five years, with the first  
30 evaluation occurring within five years after the later of the date the  
31 county adopted its comprehensive plan or the last periodic review  
32 required by this chapter.

33 (4) If the evaluation required by subsection (3) of this section  
34 shows that the county or one or more of its cities are not making  
35 satisfactory progress towards meeting the goals of this chapter, the  
36 county and the cities shall consider and implement measures that will  
37 be effective in making progress towards meeting the goals of this  
38 chapter and the policies established in the county-wide planning

1 policies. The county and its cities shall annually monitor the  
2 measures that have been adopted to determine whether they are  
3 successful.

4 (5) If, after three years of the annual monitoring required by  
5 subsection (3) of this section, the county and its cities demonstrate  
6 that the measures have not been effective in making progress towards  
7 meeting the goals of this chapter and the county-wide planning policy  
8 goals, the county may make adjustments to one or more urban growth  
9 areas that the county and its cities demonstrate are necessary to make  
10 progress towards the goals of this chapter and the county-wide planning  
11 policies.

12 (6) From funds appropriated by the legislature for this purpose,  
13 the department shall provide grants to counties, cities, and regional  
14 planning organizations to conduct the monitoring and perform the  
15 evaluation required by this section.

16 (7) This section applies to the counties, and the cities within  
17 those counties, of Snohomish, King, Pierce, Kitsap, Thurston, and  
18 Clark.

19 NEW SECTION. **Sec. 18.** If funds for the purposes of section 17 of  
20 this act are not provided in the 1997-99 biennial budget by June 30,  
21 1997, referencing this act by bill or chapter number, section number,  
22 and subject matter, section 17 of this act is null and void.

23 **Sec. 19.** RCW 36.70A.500 and 1995 c 347 s 116 are each amended to  
24 read as follows:

25 (1) The department of community, trade, and economic development  
26 shall provide management services for the fund created by RCW  
27 36.70A.490. The department (~~by rule~~) shall establish procedures for  
28 fund management. The department shall encourage participation in the  
29 grant program by other public agencies. The department shall develop  
30 the grant criteria, monitor the grant program, and select grant  
31 recipients in consultation with state agencies participating in the  
32 grant program through the provision of grant funds or technical  
33 assistance.

34 (2) A grant may be awarded to a county or city that is required to  
35 or has chosen to plan under RCW 36.70A.040 and that is qualified  
36 pursuant to this section. The grant shall be provided to assist a  
37 county or city in paying for the cost of preparing (~~a detailed~~



1 ~~environmental impact statement~~) an environmental analysis under  
2 chapter 43.21C RCW, that is integrated with a comprehensive plan  
3 ((or)), subarea plan ((and)), plan element, county-wide planning  
4 policy, development regulation((s)), monitoring program, or other  
5 planning activity adopted under or implementing this chapter that:

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

8 (b) Encourages use of plans and information developed for purposes  
9 of complying with this chapter to satisfy requirements of other state  
10 programs.

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

12 (a) Demonstrate that it will prepare an environmental analysis  
13 pursuant to chapter 43.21C RCW and subsection (2) of this section that  
14 is integrated with a comprehensive plan ((or subarea plan and  
15 development regulations)) plan element, county-wide planning policy,  
16 monitoring program, or other planning activity adopted under or  
17 implementing this chapter;

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

22 (c) Demonstrate that procedures for review of development permit  
23 applications will be based on the integrated plans and environmental  
24 analysis;

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

29 ~~((d) Be making))~~ (e) Demonstrate substantial progress towards  
30 compliance with the requirements of this chapter. A county or city  
31 that is more than six months out of compliance with a requirement of  
32 this chapter is deemed not to be making substantial progress towards  
33 compliance; and

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

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

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

1       (b) ~~((Comprehensive and subarea plan proposals that are designed to~~  
2 ~~identify and monitor))~~ Identification and monitoring of system  
3 capacities for elements of the built environment, and to the extent  
4 appropriate, of the natural environment;

5       (c) Coordination with state, federal, and tribal governments in  
6 project review;

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

10       (e) Programs to improve the efficiency and effectiveness of the  
11 permitting process by greater reliance on integrated plans and  
12 prospective environmental analysis;

13       ~~((d))~~ (f) Programs for effective citizen and neighborhood  
14 involvement that contribute to greater ((certainty)) likelihood that  
15 planning decisions ((will)) can be implemented with community support;  
16 and

17       ~~((e) Plans that))~~ (g) Programs to identify environmental impacts  
18 and establish mitigation measures that provide effective means to  
19 satisfy concurrency requirements and establish project consistency with  
20 the plans.

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

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

28       **Sec. 20.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read  
29 as follows:

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

32       (1) "Open space land" means (a) any land area so designated by an  
33 official comprehensive land use plan adopted by any city or county and  
34 zoned accordingly(~~{,}~~), or (b) any land area, the preservation of  
35 which in its present use would (i) conserve and enhance natural or  
36 scenic resources, or (ii) protect streams or water supply, or (iii)  
37 promote conservation of soils, wetlands, beaches or tidal marshes, or  
38 (iv) enhance the value to the public of abutting or neighboring parks,

1 forests, wildlife preserves, nature reservations or sanctuaries or  
2 other open space, or (v) enhance recreation opportunities, or (vi)  
3 preserve historic sites, or (vii) preserve visual quality along  
4 highway, road, and street corridors or scenic vistas, or (viii) retain  
5 in its natural state tracts of land not less than one acre situated in  
6 an urban area and open to public use on such conditions as may be  
7 reasonably required by the legislative body granting the open space  
8 classification, or (c) any land meeting the definition of farm and  
9 agricultural conservation land under subsection (8) of this section.  
10 As a condition of granting open space classification, the legislative  
11 body may not require public access on land classified under (b)(iii) of  
12 this subsection for the purpose of promoting conservation of wetlands.

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

14 (a) Any parcel of land that is twenty or more acres or multiple  
15 parcels of land that are contiguous and total twenty or more acres:

16 (i) Devoted primarily to the production of livestock or  
17 agricultural commodities for commercial purposes ~~((τ))~~ i

18 (ii) Enrolled in the federal conservation reserve program or its  
19 successor administered by the United States department of  
20 agriculture ~~((τ))~~ i or

21 (iii) Other similar commercial activities as may be established by  
22 rule ~~((following consultation with the advisory committee established  
23 in section 19 of this act))~~ i;

24 (b) Any parcel of land that is five acres or more but less than  
25 twenty acres devoted primarily to agricultural uses, which has produced  
26 a gross income from agricultural uses equivalent to, as of January 1,  
27 1993 ~~((τ))~~ :

28 (i) One hundred dollars or more per acre per year for three of the  
29 five calendar years preceding the date of application for  
30 classification under this chapter for all parcels of land that are  
31 classified under this subsection or all parcels of land for which an  
32 application for classification under this subsection is made with the  
33 granting authority prior to January 1, 1993 ~~((τ))~~ i and

34 (ii) On or after January 1, 1993, two hundred dollars or more per  
35 acre per year for three of the five calendar years preceding the date  
36 of application for classification under this chapter;

37 (c) Any parcel of land of less than five acres devoted primarily to  
38 agricultural uses which has produced a gross income as of January 1,  
39 1993, of :

1 (i) One thousand dollars or more per year for three of the five  
2 calendar years preceding the date of application for classification  
3 under this chapter for all parcels of land that are classified under  
4 this subsection or all parcels of land for which an application for  
5 classification under this subsection is made with the granting  
6 authority prior to January 1, 1993~~((7))~~; and

7 (ii) On or after January 1, 1993, fifteen hundred dollars or more  
8 per year for three of the five calendar years preceding the date of  
9 application for classification under this chapter.

10 Parcels of land described in (b)(i) and (c)(i) of this subsection  
11 shall, upon any transfer of the property excluding a transfer to a  
12 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of  
13 this subsection.

14 Agricultural lands shall also include such incidental uses as are  
15 compatible with agricultural purposes, including wetlands preservation,  
16 provided such incidental use does not exceed twenty percent of the  
17 classified land and the land on which appurtenances necessary to the  
18 production, preparation, or sale of the agricultural products exist in  
19 conjunction with the lands producing such products. Agricultural lands  
20 shall also include any parcel of land of one to five acres, which is  
21 not contiguous, but which otherwise constitutes an integral part of  
22 farming operations being conducted on land qualifying under this  
23 section as "farm and agricultural lands"; ~~((e))~~

24 (d) The land on which housing for employees and the principal place  
25 of residence of the farm operator or owner of land classified pursuant  
26 to (a) of this subsection is sited if: The housing or residence is on  
27 or contiguous to the classified parcel; and the use of the housing or  
28 the residence is integral to the use of the classified land for  
29 agricultural purposes;

30 (e) Any parcel of land designated as agricultural land under RCW  
31 36.70A.170; or

32 (f) Any parcel of land not within an urban growth area zoned as  
33 agricultural land under a comprehensive plan adopted under chapter  
34 36.70A RCW.

35 (3) "Timber land" means any parcel of land that is five or more  
36 acres or multiple parcels of land that are contiguous and total five or  
37 more acres which is or are devoted primarily to the growth and harvest  
38 of forest crops for commercial purposes. A timber management plan  
39 shall be filed with the county legislative authority at the time (a) an

1 application is made for classification as timber land pursuant to this  
2 chapter or (b) when a sale or transfer of timber land occurs and a  
3 notice of classification continuance is signed. Timber land means the  
4 land only.

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

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

10 (6) "Contiguous" means land adjoining and touching other property  
11 held by the same ownership. Land divided by a public road, but  
12 otherwise an integral part of a farming operation, shall be considered  
13 contiguous.

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

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

18 (a) Land that was previously classified under subsection (2) of  
19 this section, that no longer meets the criteria of subsection (2) of  
20 this section, and that is reclassified under subsection (1) of this  
21 section; or

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

26 **Sec. 21.** RCW 84.34.060 and 1992 c 69 s 8 are each amended to read  
27 as follows:

28 In determining the true and fair value of open space land and  
29 timber land, which has been classified as such under the provisions of  
30 this chapter, the assessor shall consider only the use to which such  
31 property and improvements is currently applied and shall not consider  
32 potential uses of such property. The assessed valuation of open space  
33 land shall not be less than the minimum value per acre of classified  
34 farm and agricultural land except that the assessed valuation of open  
35 space land may be valued based on the public benefit rating system  
36 adopted under RCW 84.34.055: PROVIDED FURTHER, That timber land shall  
37 be valued according to chapter 84.33 RCW. In valuing any tract or  
38 parcel of real property designated and zoned under a comprehensive plan

1 adopted under chapter 36.70A RCW as agricultural, forest, or open space  
2 land, the appraisal shall not be based on similar sales of parcels that  
3 have been converted to nonagricultural, nonforest, or nonopen-space  
4 uses within five years after the sale.

5 **Sec. 22.** RCW 84.34.065 and 1992 c 69 s 9 are each amended to read  
6 as follows:

7 The true and fair value of farm and agricultural land shall be  
8 determined by consideration of the earning or productive capacity of  
9 comparable lands from crops grown most typically in the area averaged  
10 over not less than five years, capitalized at indicative rates. The  
11 earning or productive capacity of farm and agricultural lands shall be  
12 the "net cash rental", capitalized at a "rate of interest" charged on  
13 long term loans secured by a mortgage on farm or agricultural land plus  
14 a component for property taxes. The current use value of land under  
15 RCW 84.34.020(2)(d) shall be established as: The prior year's average  
16 value of open space farm and agricultural land used in the county plus  
17 the value of land improvements such as septic, water, and power used to  
18 serve the residence. This shall not be interpreted to require the  
19 assessor to list improvements to the land with the value of the land.

20 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, nonforest, or nonopen-space uses within five years  
25 after the sale.

26 For the purposes of the above computation:

27 (1) The term "net cash rental" shall mean the average rental paid  
28 on an annual basis, in cash, for the land being appraised and other  
29 farm and agricultural land of similar quality and similarly situated  
30 that is available for lease for a period of at least three years to any  
31 reliable person without unreasonable restrictions on its use for  
32 production of agricultural crops. There shall be allowed as a  
33 deduction from the rental received or computed any costs of crop  
34 production charged against the landlord if the costs are such as are  
35 customarily paid by a landlord. If "net cash rental" data is not  
36 available, the earning or productive capacity of farm and agricultural  
37 lands shall be determined by the cash value of typical or usual crops  
38 grown on land of similar quality and similarly situated averaged over

1 not less than five years. Standard costs of production shall be  
2 allowed as a deduction from the cash value of the crops.

3 The current "net cash rental" or "earning capacity" shall be  
4 determined by the assessor with the advice of the advisory committee as  
5 provided in RCW 84.34.145, and through a continuing internal study,  
6 assisted by studies of the department of revenue. This net cash rental  
7 figure as it applies to any farm and agricultural land may be  
8 challenged before the same boards or authorities as would be the case  
9 with regard to assessed values on general property.

10 (2) The term "rate of interest" shall mean the rate of interest  
11 charged by the farm credit administration and other large financial  
12 institutions regularly making loans secured by farm and agricultural  
13 lands through mortgages or similar legal instruments, averaged over the  
14 immediate past five years.

15 The "rate of interest" shall be determined annually by a rule  
16 adopted by the department of revenue and such rule shall be published  
17 in the state register not later than January 1 of each year for use in  
18 that assessment year. The department of revenue determination may be  
19 appealed to the state board of tax appeals within thirty days after the  
20 date of publication by any owner of farm or agricultural land or the  
21 assessor of any county containing farm and agricultural land.

22 (3) The "component for property taxes" shall be a figure obtained  
23 by dividing the assessed value of all property in the county into the  
24 property taxes levied within the county in the year preceding the  
25 assessment and multiplying the quotient obtained by one hundred.

26 **Sec. 23.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to  
27 read as follows:

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

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

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

37 (1) Any sales of the property being appraised or similar properties  
38 with respect to sales made within the past five years. The appraisal

1 shall be consistent with the comprehensive land use plan, development  
2 regulations under chapter 36.70A RCW, zoning, and any other  
3 governmental policies or practices in effect at the time of appraisal  
4 that affect the use of property, as well as physical and environmental  
5 influences. The appraisal shall also take into account: (a) In the  
6 use of sales by real estate contract as similar sales, the extent, if  
7 any, to which the stated selling price has been increased by reason of  
8 the down payment, interest rate, or other financing terms; and (b) the  
9 extent to which the sale of a similar property actually represents the  
10 general effective market demand for property of such type, in the  
11 geographical area in which such property is located. Sales involving  
12 deed releases or similar seller-developer financing arrangements shall  
13 not be used as sales of similar property.

14 (2) In addition to sales as defined in subsection (1),  
15 consideration may be given to cost, cost less depreciation,  
16 reconstruction cost less depreciation, or capitalization of income that  
17 would be derived from prudent use of the property. In the case of  
18 property of a complex nature, or being used under terms of a franchise  
19 from a public agency, or operating as a public utility, or property not  
20 having a record of sale within five years and not having a significant  
21 number of sales of similar property in the general area, the provisions  
22 of this subsection (2) shall be the dominant factors in valuation.  
23 When provisions of this subsection (2) are relied upon for establishing  
24 values the property owner shall be advised upon request of the factors  
25 used in arriving at such value.

26 (3) In valuing any tract or parcel of real property, the value of  
27 the land, exclusive of structures thereon shall be determined; also the  
28 value of structures thereon, but the valuation shall not exceed the  
29 value of the total property as it exists. In valuing agricultural  
30 land, growing crops shall be excluded.

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

37 **Sec. 24.** RCW 90.60.030 and 1995 c 347 s 603 are each amended to  
38 read as follows:



1 The permit assistance center is established within the department.

2 The center shall:

3 (1) Publish and keep current one or more handbooks containing lists  
4 and explanations of all permit laws. (~~The center shall coordinate~~  
5 ~~with the business assistance center in providing and maintaining this~~  
6 ~~information to applicants and others.~~) To the extent possible, the  
7 handbook shall include relevant federal and tribal laws. A state  
8 agency or local government shall provide a reasonable number of copies  
9 of application forms, statutes, ordinances, rules, handbooks, and other  
10 informational material requested by the center and shall otherwise  
11 fully cooperate with the center. The center shall seek the cooperation  
12 of relevant federal agencies and tribal governments;

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

16 (3) Work closely and cooperatively with the business license center  
17 (~~and the business assistance center~~) in providing efficient and  
18 nonduplicative service to the public;

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

22 (5) Collect and disseminate information to public and private  
23 entities on federal, state, local, and tribal government programs that  
24 rely on private professional expertise to assist governmental agencies  
25 in project permit review; and

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

30 **Sec. 25.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to  
31 read as follows:

32 A petition for annexation of an area contiguous to a city or town  
33 may be made in writing addressed to and filed with the legislative body  
34 of the municipality to which annexation is desired. Except where all  
35 the property sought to be annexed is property of a school district, and  
36 the school directors thereof file the petition for annexation as in RCW  
37 28A.335.110 authorized, and except where the property to be annexed is  
38 within an urban growth area designated under RCW 36.70A.110, the

1 petition must be signed by the owners of not less than seventy-five  
2 percent in value according to the assessed valuation for general  
3 taxation of the property for which annexation is petitioned. When the  
4 property to be annexed is within an urban growth area designated under  
5 RCW 36.70A.110, the petition must be signed by the owners of not less  
6 than sixty percent in value according to the assessed valuation for  
7 general taxation of the property for which annexation is petitioned:  
8 PROVIDED, That in cities and towns with populations greater than one  
9 hundred sixty thousand located east of the Cascade mountains, the owner  
10 of tax exempt property may sign an annexation petition and have the tax  
11 exempt property annexed into the city or town, but the value of the tax  
12 exempt property shall not be used in calculating the sufficiency of the  
13 required property owner signatures unless only tax exempt property is  
14 proposed to be annexed into the city or town. The petition shall set  
15 forth a description of the property according to government legal  
16 subdivisions or legal plats which is in compliance with RCW 35.02.170,  
17 and shall be accompanied by a plat which outlines the boundaries of the  
18 property sought to be annexed. If the legislative body has required  
19 the assumption of all or of any portion of city or town indebtedness by  
20 the area annexed, and/or the adoption of a comprehensive plan for the  
21 area to be annexed, these facts, together with a quotation of the  
22 minute entry of such requirement or requirements shall be set forth in  
23 the petition.

24 **Sec. 26.** RCW 35A.14.295 and 1967 ex.s. c 119 s 35A.14.295 are each  
25 amended to read as follows:

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

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

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

1       (2) The resolution shall describe the boundaries of the area to be  
2 annexed, state the number of voters residing therein as nearly as may  
3 be, and set a date for a public hearing on such resolution for  
4 annexation. Notice of the hearing shall be given by publication of the  
5 resolution at least once a week for two weeks prior to the date of the  
6 hearing, in one or more newspapers of general circulation within the  
7 code city and one or more newspapers of general circulation within the  
8 area to be annexed.

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

13       NEW SECTION. Sec. 27. A new section is added to chapter 35.13 RCW  
14 to read as follows:

15       (1) The legislative body of a city or town planning under chapter  
16 36.70A RCW as of June 30, 1994, may resolve to annex territory to the  
17 city or town if there is, within the city or town, unincorporated  
18 territory containing residential property owners within the same county  
19 and within the same urban growth area designated under RCW 36.70A.110  
20 as the city or town:

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

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

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

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

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

3       Upon receipt by the board of county commissioners of a  
4 determination by a majority of the review board favoring annexation of  
5 the proposed area that has been initiated by resolution pursuant to RCW  
6 35.13.015 by the city or town legislative body, the board of county  
7 commissioners, or the city or town legislative body for any city or  
8 town within an urban growth area designated under RCW 36.70A.110, shall  
9 fix a date on which an annexation election shall be held, which date  
10 will be not less than thirty days nor more than sixty days thereafter.

11       **Sec. 29.** RCW 36.93.170 and 1989 c 84 s 5 are each amended to read  
12 as follows:

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

16       (1) Population and territory; population density; land area and  
17 land uses; comprehensive plans and zoning, as adopted under chapter  
18 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development  
19 regulations adopted under chapter 36.70A RCW; applicable service  
20 agreements entered into under chapter 36.115 or 39.34 RCW; applicable  
21 interlocal annexation agreements between a county and its cities; per  
22 capita assessed valuation; topography, natural boundaries and drainage  
23 basins, proximity to other populated areas; the existence and  
24 preservation of prime agricultural soils and productive agricultural  
25 uses; the likelihood of significant growth in the area and in adjacent  
26 incorporated and unincorporated areas during the next ten years;  
27 location and most desirable future location of community facilities;

28       (2) Municipal services; need for municipal services; effect of  
29 ordinances, governmental codes, regulations and resolutions on existing  
30 uses; present cost and adequacy of governmental services and controls  
31 in area; prospects of governmental services from other sources;  
32 probable future needs for such services and controls; probable effect  
33 of proposal or alternative on cost and adequacy of services and  
34 controls in area and adjacent area; the effect on the finances, debt  
35 structure, and contractual obligations and rights of all affected  
36 governmental units; and

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

4 The provisions of chapter 43.21C RCW, State Environmental Policy,  
5 shall not apply to incorporation proceedings covered by chapter 35.02  
6 RCW.

7 **Sec. 30.** RCW 84.14.010 and 1995 c 375 s 3 are each amended to read  
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "City" means either (a) a city or town with a population of at  
12 least one hundred ((fifty)) thousand or (b) the largest city or town,  
13 if there is no city or town with a population of at least one hundred  
14 thousand, located in a county planning under the growth management act.

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

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

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

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

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

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

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

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

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

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

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

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

15 **Sec. 31.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to  
16 read as follows:

17 The commission shall:

18 (1) Consider the effectiveness of state and local government  
19 efforts to consolidate and integrate the growth management act, the  
20 state environmental policy act, the shoreline management act, and other  
21 land use, planning, environmental, and permitting laws.

22 (2) Identify the revisions and modifications needed in state land  
23 use, planning, and environmental law and practice to adequately plan  
24 for growth and achieve economically and environmentally sustainable  
25 development, to adequately assess environmental impacts of  
26 comprehensive plans, development regulations, and growth, and to reduce  
27 the time and cost of obtaining project permits.

28 (3) Draft a consolidated land use procedure, following these  
29 guidelines:

30 (a) Conduct land use planning through the comprehensive planning  
31 process under chapter 36.70A RCW rather than through review of  
32 individual projects;

33 (b) Involve diverse sectors of the public in the planning process.  
34 Early and informal environmental analysis should be incorporated into  
35 planning and decision making;

36 (c) Recognize that different questions need to be answered and  
37 different levels of detail applied at each planning phase, from the

1 initial development of plan concepts or plan elements to implementation  
2 programs;

3 (d) Integrate and combine to the fullest extent possible the  
4 processes, analysis, and documents currently required under chapters  
5 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent  
6 implementation will incorporate measures to promote the environmental,  
7 economic, and other goals and to mitigate undesirable or unintended  
8 adverse impacts on a community's quality of life;

9 (e) Focus environmental review and the level of detail needed for  
10 different stages of plan and project decisions on the environmental  
11 considerations most relevant to that stage of the process;

12 (f) Avoid duplicating review that has occurred for plan decisions  
13 when specific projects are proposed;

14 (g) Use environmental review on projects to: (i) Review and  
15 document consistency with comprehensive plans and development  
16 regulations; (ii) provide prompt and coordinated review by agencies,  
17 tribes, and the public on compliance with applicable environmental laws  
18 and plans, including mitigation for site specific project impacts that  
19 have not been considered and addressed at the plan or development  
20 regulation level; and (iii) ensure accountability by local government  
21 to applicants and the public for requiring and implementing mitigation  
22 measures;

23 (h) Maintain or improve the quality of environmental analysis both  
24 for plan and for project decisions, while integrating these analyses  
25 with improved state and local planning and permitting processes;

26 (i) Examine existing land use and environmental permits for  
27 necessity and utility. To the extent possible, existing permits should  
28 be combined into fewer permits, assuring that the values and principles  
29 intended to be protected by those permits remain protected; and

30 (j) Consolidate local government appeal processes to allow a single  
31 appeal of permits at local government levels, a single state level  
32 administrative appeal, and a final judicial appeal.

33 (4) Monitor instances state-wide of the vesting of project permit  
34 applications during the period that an appeal is pending before a  
35 growth management hearings board, as authorized under RCW 36.70A.300.  
36 The commission shall also review the extent to which such vesting  
37 results in the approval of projects that are inconsistent with a  
38 comprehensive plan or development regulation provision ultimately found  
39 to be in compliance with a board's order or remand. The commission

1 shall analyze the impact of such approvals on ensuring the attainment  
2 of the goals and policies of chapter 36.70A RCW, and make  
3 recommendations to the governor and the legislature on statutory  
4 changes to address any adverse impacts from the provisions of RCW  
5 36.70A.300. The commission shall provide an initial report on its  
6 findings and recommendations by November 1, 1995, and submit its  
7 further findings and recommendations subsequently in the reports  
8 required under RCW 90.61.030.

9 (5) Monitor local government consolidated permit procedures and the  
10 effectiveness of the timelines established by RCW 36.70B.090. The  
11 commission shall include in its report submitted to the governor and  
12 the legislature on November 1, 1997, its recommendation about what  
13 timelines, if any, should be imposed on the local government  
14 consolidated permit process required by chapter 36.70B RCW.

15 (6) Evaluate funding mechanisms that will enable local governments  
16 to pay for and recover the costs of conducting integrated planning and  
17 environmental analysis. The commission shall include its conclusions  
18 in its first report to the legislature on November 1, 1995, and include  
19 any recommended statutory changes.

20 (7) Study, in cooperation with the state board for registration of  
21 professional engineers and the state building code council, ways in  
22 which state agencies and local governments could authorize  
23 professionals with appropriate qualifications to certify a project's  
24 compliance with certain state and local land use and environmental  
25 requirements. The commission shall report to the legislature on  
26 measures necessary to implement such a system of professional  
27 certification.

28 (8) Review long-term approaches for resolving disputes that arise  
29 under the growth management act, chapter 36.70A RCW; the shoreline  
30 management act, chapter 90.58 RCW; and other environmental laws. In  
31 particular, in the commission's recommendations on a consolidated land  
32 use procedure and integration and consolidation of Washington's land  
33 use and environmental laws, identify needed changes to the structure of  
34 the boards that hear environmental appeals as well as the extent to  
35 which quasi-judicial bodies are needed to provide continued oversight  
36 of matters currently brought before the growth management hearings  
37 board and other boards that hear environmental appeals.

38 These guidelines are intended to guide the work of the commission,  
39 without limiting its charge to integrate and consolidate Washington's



1 land use and environmental laws into a single, manageable statutory  
2 framework.

3 This section expires June 30, 1998.

4 NEW SECTION. Sec. 32. This act is prospective in effect and shall  
5 not affect the validity of actions taken or decisions made before the  
6 effective date of this section.

7 NEW SECTION. Sec. 33. The following acts or parts of acts, as now  
8 existing or hereafter amended, are each repealed, effective December  
9 31, 1999:

10 (1) RCW 36.70A.250 and 1994 c 249 s 29 & 1991 sp.s. c 32 s 5;

11 (2) RCW 36.70A.260 and 1994 c 249 s 30 & 1991 sp.s. c 32 s 6;

12 (3) RCW 36.70A.270 and 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s.  
13 c 32 s 7;

14 (4) RCW 36.70A.280 and 1996 c 325 s 2, 1995 c 347 s 108, 1994 c 249  
15 s 31, & 1991 sp.s. c 32 s 9;

16 (5) RCW 36.70A.290 and 1995 c 347 s 109;

17 (6) RCW 36.70A.300 and 1995 c 347 s 110 & 1991 sp.s. c 32 s 11;

18 (7) RCW 36.70A.305 and 1996 c 325 s 4;

19 (8) RCW 36.70A.310 and 1994 c 249 s 32 & 1991 sp.s. c 32 s 12;

20 (9) RCW 36.70A.320 and 1995 c 347 s 111 & 1991 sp.s. c 32 s 13;

21 (10) RCW 36.70A.330 and 1995 c 347 s 112 & 1991 sp.s. c 32 s 14;

22 (11) RCW 36.70A.340 and 1991 sp.s. c 32 s 26; and

23 (12) RCW 36.70A.345 and 1994 c 249 s 33 & 1993 sp.s. c 6 s 5.

24 **Sec. 34.** RCW 90.61.020 and 1995 c 347 s 802 are each amended to  
25 read as follows:

26 The commission shall consist of not more than ~~((fourteen))~~ twenty-  
27 two members. ~~((Eleven))~~ Fifteen members of the commission shall be  
28 appointed by the governor. ~~((Membership))~~ The commission members  
29 appointed by the governor shall reflect the interests of business,  
30 ~~((agriculture))~~ small business operators, small property owners,  
31 livestock producers, irrigated agriculture, dryland farmers or major  
32 crop commodity producers, labor, the environment, neighborhood groups,  
33 other citizens, the legislature, cities, counties, and federally  
34 recognized Indian tribes. ~~((Members))~~ The commission members appointed  
35 by the governor shall have substantial experience in matters relating  
36 to land use and environmental planning and regulation, and shall have

1 the ability to work toward cooperative solutions among diverse  
2 interests. The director of the department of community, trade, and  
3 economic development, or the director s designee, shall be a member and  
4 shall serve as chair of the commission. The director of the department  
5 of ecology, or the director s designee, and the secretary of the  
6 department of transportation, or the secretary's designee, shall also  
7 be members of the commission. Two members of the commission shall be  
8 members of the senate, one from each caucus appointed by the president  
9 of the senate, and two members of the commission shall be members of  
10 the house of representatives, one from each caucus appointed by the  
11 speaker of the house of representatives. Staff for the commission  
12 shall be provided by the department of community, trade, and economic  
13 development, with additional staff to be provided by other state  
14 agencies and the legislature, as may be required. State agencies shall  
15 provide the commission with information and assistance as needed.

16 This section expires June 30, 1998.

17 NEW SECTION. **Sec. 35.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

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