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**ENGROSSED SENATE BILL 5758**

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**State of Washington                      55th Legislature                      1997 Regular Session**

**By** Senators McCaslin, Haugen, Hale, Swecker and Patterson; by request of Governor Locke

Read first time 02/11/97.      Referred to Committee on Government Operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (b) That foster traditional rural lifestyles and rural-based  
24 economies;

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

27 (d) That reduce the inappropriate conversion of undeveloped land  
28 into sprawling, low-density development;

29 (e) That generally do not require the extension of urban  
30 governmental services; and

31 (f) That are consistent with the protection of natural surface  
32 water flows and ground water and surface water recharge and discharge  
33 areas.

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 at levels that  
38 are consistent with the preservation of rural character and the  
39 requirements of the rural element.

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

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

21        ~~((15))~~ (18) "Urban growth areas" means those areas designated by  
22 a county pursuant to RCW 36.70A.110.

23        ~~((16))~~ (19) "Urban governmental services" or "urban services"  
24 include those ~~((governmental))~~ public services and public facilities at  
25 an intensity historically and typically ~~((delivered by))~~ provided in  
26 cities, ~~((and include))~~ specifically including storm and sanitary sewer  
27 systems, domestic water systems, street cleaning services, fire and  
28 police protection services, public transit services, and other public  
29 utilities associated with urban areas and normally not associated with  
30 ~~((nonurban))~~ rural areas.

31        ~~((17))~~ (20) "Wetland" or "wetlands" means areas that are  
32 inundated or saturated by surface water or ground water at a frequency  
33 and duration sufficient to support, and that under normal circumstances  
34 do support, a prevalence of vegetation typically adapted for life in  
35 saturated soil conditions. Wetlands generally include swamps, marshes,  
36 bogs, and similar areas. Wetlands do not include those artificial  
37 wetlands intentionally created from nonwetland sites, including, but  
38 not limited to, irrigation and drainage ditches, grass-lined swales,  
39 canals, detention facilities, wastewater treatment facilities, farm

1 ponds, and landscape amenities, or those wetlands created after July 1,  
2 1990, that were unintentionally created as a result of the construction  
3 of a road, street, or highway. Wetlands may include those artificial  
4 wetlands intentionally created from nonwetland areas created to  
5 mitigate conversion of wetlands.

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

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

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

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

30 (2) A housing element ensuring the vitality and character of  
31 established residential neighborhoods that: (a) Includes an inventory  
32 and analysis of existing and projected housing needs; (b) includes a  
33 statement of goals, policies, objectives, and mandatory provisions for  
34 the preservation, improvement, and development of housing, including  
35 single-family residences; (c) identifies sufficient land for housing,  
36 including, but not limited to, government-assisted housing, housing for  
37 low-income families, manufactured housing, multifamily housing, and  
38 group homes and foster care facilities; and (d) makes adequate

1 provisions for existing and projected needs of all economic segments of  
2 the community.

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

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

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

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

29 (b) Rural development. The rural element shall permit  
30 ~~((appropriate land uses that are compatible with the rural character of~~  
31 ~~such lands)) rural development and provide for a variety of rural  
32 densities ~~((and)),~~ uses ~~((and may also provide)),~~ essential public  
33 facilities, and rural governmental services needed to serve the  
34 permitted densities and uses. Except as otherwise specifically  
35 provided in this chapter, residential and nonresidential uses shall not  
36 require urban services and nonresidential uses. In order to achieve a  
37 variety of rural densities and uses, counties may provide for  
38 clustering, density transfer, design guidelines, conservation  
39 easements, and other innovative techniques that will accommodate~~

1 appropriate rural densities and uses that are not characterized by  
2 urban growth and that are consistent with rural character.

3 (c) Limited areas of more intensive rural development. Subject to  
4 the requirements of this subsection and except as otherwise  
5 specifically provided in this subsection (5)(d), the rural element may  
6 allow for limited areas of more intensive rural development, including  
7 necessary public facilities and public services to serve the limited  
8 area as follows:

9 (i) Rural development consisting of the infill, development, or  
10 redevelopment of existing commercial, industrial, residential, or  
11 mixed-use areas, whether characterized as shoreline development,  
12 villages, hamlets, rural activity centers, or crossroads developments.  
13 A commercial, industrial, residential, shoreline, or mixed-use area  
14 shall have been in existence before July 1, 1990, and shall be subject  
15 to the requirements of (d)(iv) of this subsection, but shall not be  
16 subject to the requirements of (c)(ii) and (iii) of this subsection;

17 (ii) The intensification of development on lots containing, or new  
18 development of, small-scale recreational or tourist uses, including  
19 commercial facilities to serve those recreational or tourist uses, that  
20 rely on a rural location and setting, but that do not include  
21 residential development. Public services and public facilities shall  
22 be limited to those necessary to serve the recreation or tourist use  
23 and shall be provided in a manner that does not permit low-density  
24 sprawl;

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

33 (iv) A county shall adopt measures to minimize and contain the  
34 existing areas or uses of more intensive rural development, as  
35 appropriate, authorized under this subsection. Lands included in such  
36 existing areas or uses shall not extend beyond the logical outer  
37 boundary of the existing area or use, thereby allowing a new pattern of  
38 low-density sprawl. Existing areas are those that, as of July 1, 1990,  
39 are clearly identifiable and contained and where there is a logical



1 boundary delineated predominately by the built environment, but that  
2 may also include undeveloped lands if limited as provided in this  
3 subsection. The county shall establish the logical outer boundary of  
4 an area of more intensive rural development. In establishing the  
5 logical outer boundary the county shall address (A) the need to  
6 preserve the character of existing natural neighborhoods and  
7 communities, (B) physical boundaries such as bodies of water, streets  
8 and highways, and land forms and contours, (C) the prevention of  
9 abnormally irregular boundaries, and (D) the ability to provide public  
10 facilities and public services in a manner that does not permit low-  
11 density sprawl.

12 (d) Exception. This subsection shall not be interpreted to permit  
13 in the rural area a major industrial development or a master planned  
14 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
15 36.70A.365.

16 (6) A transportation element that implements, and is consistent  
17 with, the land use element. The transportation element shall include  
18 the following subelements:

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

20 (b) Facilities and services needs, including:

21 (i) An inventory of air, water, and ground transportation  
22 facilities and services, including transit alignments and general  
23 aviation airport facilities, to define existing capital facilities and  
24 travel levels as a basis for future planning;

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

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

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

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

36 (c) Finance, including:

37 (i) An analysis of funding capability to judge needs against  
38 probable funding resources;

1 (ii) A multiyear financing plan based on the needs identified in  
2 the comprehensive plan, the appropriate parts of which shall serve as  
3 the basis for the six-year street, road, or transit program required by  
4 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
5 35.58.2795 for public transportation systems;

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

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

13 (e) Demand-management strategies.

14 After adoption of the comprehensive plan by jurisdictions required  
15 to plan or who choose to plan under RCW 36.70A.040, local jurisdictions  
16 must adopt and enforce ordinances which prohibit development approval  
17 if the development causes the level of service on a transportation  
18 facility to decline below the standards adopted in the transportation  
19 element of the comprehensive plan, unless transportation improvements  
20 or strategies to accommodate the impacts of development are made  
21 concurrent with the development. These strategies may include  
22 increased public transportation service, ride sharing programs, demand  
23 management, and other transportation systems management strategies.  
24 For the purposes of this subsection (6) "concurrent with the  
25 development" shall mean that improvements or strategies are in place at  
26 the time of development, or that a financial commitment is in place to  
27 complete the improvements or strategies within six years.

28 The transportation element described in this subsection, and the  
29 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
30 counties, and RCW 35.58.2795 for public transportation systems, must be  
31 consistent.

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

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

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

7       (a) The county or city acquires sufficient interest to prevent  
8 development of the lands or to control the resource development of the  
9 lands; or

10       (b) A private or public nonprofit organization acquires sufficient  
11 interest to prevent development of the lands or to control the resource  
12 development of the lands.

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

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

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

24       (1) The department shall establish a program of technical and  
25 financial assistance and incentives to counties and cities to encourage  
26 and facilitate the adoption, evaluation, refinement, and implementation  
27 of comprehensive plans and development regulations throughout the  
28 state. The department may provide technical assistance to neighborhood  
29 and community organizations to encourage and facilitate the adoption  
30 and implementation of comprehensive plans and development regulations.

31       (2) The department shall develop a priority list and establish  
32 funding levels for planning and technical assistance grants both for  
33 counties and cities that plan under RCW 36.70A.040. Priority for  
34 assistance shall be based on a county's or city's population growth  
35 rates, commercial and industrial development rates, the existence and  
36 quality of a comprehensive plan and development regulations, and other  
37 relevant factors.

1 (3) The department shall develop and administer a grant program to  
2 provide direct financial assistance to counties and cities for the  
3 preparation of comprehensive plans under this chapter. The department  
4 may establish provisions for county and city matching funds to conduct  
5 activities under this subsection. Grants may be expended for any  
6 purpose directly related to the preparation of a county or city  
7 comprehensive plan as the county or city and the department may agree,  
8 including, without limitation, the conducting of surveys, inventories  
9 and other data gathering and management activities, the retention of  
10 planning consultants, contracts with regional councils for planning and  
11 related services, and other related purposes.

12 (4) The department shall establish a program of technical  
13 assistance:

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

20 (b) Adopting by rule procedural criteria to assist counties and  
21 cities in adopting comprehensive plans and development regulations that  
22 meet the goals and requirements of this chapter. These criteria shall  
23 reflect regional and local variations and the diversity that exists  
24 among different counties and cities that plan under this chapter.

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

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

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

32 (1) The public participation requirements of this chapter shall  
33 include notice procedures that are reasonably calculated to provide  
34 notice to property owners and other affected and interested  
35 individuals, tribes, government agencies, businesses, and organizations  
36 of proposed amendments to comprehensive plans and development  
37 regulation. Examples of reasonable notice provisions include:

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

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

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

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

8 (e) Publishing notice in agency newsletters or sending notice to  
9 agency mailing lists, including general lists or lists for specific  
10 proposals or subject areas.

11 (2)(a) Except as otherwise provided in (b) of this subsection, if  
12 the legislative body for a county or city chooses to consider a change  
13 to an amendment to a comprehensive plan or development regulation, and  
14 the change is proposed after the opportunity for review and comment has  
15 passed under the county's or city's procedures, an opportunity for  
16 review and comment on the proposed change shall be provided before the  
17 local legislative body votes on the proposed change.

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

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

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

26 (iii) The proposed change only corrects typographical errors,  
27 corrects cross-references, makes address or name changes, or clarifies  
28 language of a proposed ordinance or resolution without changing its  
29 effect;

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

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

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

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

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

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

7 (2)(a) Each county and city shall establish and broadly disseminate  
8 to the public a public participation program identifying procedures  
9 whereby proposed amendments or revisions of the comprehensive plan are  
10 considered by the governing body of the county or city no more  
11 frequently than once every year except that amendments may be  
12 considered more frequently under the following circumstances:

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

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

16 (iii) The amendment of the capital facilities element of a  
17 comprehensive plan that occurs concurrently with the adoption or  
18 amendment of a county or city budget.

19 (b) Except as otherwise provided in (a) of this subsection, all  
20 proposals shall be considered by the governing body concurrently so the  
21 cumulative effect of the various proposals can be ascertained.  
22 However, after appropriate public participation a county or city may  
23 adopt amendments or revisions to its comprehensive plan that conform  
24 with this chapter whenever an emergency exists or to resolve an appeal  
25 of a comprehensive plan filed with a growth management hearings board  
26 or with the court.

27 (3) Each county that designates urban growth areas under RCW  
28 36.70A.110 shall review, at least every ten years, its designated urban  
29 growth area or areas, and the densities permitted within both the  
30 incorporated and unincorporated portions of each urban growth area. In  
31 conjunction with this review by the county, each city located within an  
32 urban growth area shall review the densities permitted within its  
33 boundaries, and the extent to which the urban growth occurring within  
34 the county has located within each city and the unincorporated portions  
35 of the urban growth areas. The county comprehensive plan designating  
36 urban growth areas, and the densities permitted in the urban growth  
37 areas by the comprehensive plans of the county and each city located  
38 within the urban growth areas, shall be revised to accommodate the

1 urban growth projected to occur in the county for the succeeding  
2 twenty-year period.

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

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

7 (1) Any board member may be removed for inefficiency, malfeasance,  
8 and misfeasance in office, under specific written charges filed by the  
9 governor. The governor shall transmit such written charges to the  
10 member accused and the chief justice of the supreme court. The chief  
11 justice shall thereupon designate a tribunal composed of three judges  
12 of the superior court to hear and adjudicate the charges. Removal of  
13 any member of a board by the tribunal shall disqualify such member for  
14 reappointment.

15 (2) Each board member shall receive reimbursement for travel  
16 expenses incurred in the discharge of his or her duties in accordance  
17 with RCW 43.03.050 and 43.03.060. If it is determined that the review  
18 boards shall operate on a full-time basis, each member shall receive an  
19 annual salary to be determined by the governor pursuant to RCW  
20 43.03.040. If it is determined that a review board shall operate on a  
21 part-time basis, each member shall receive compensation pursuant to RCW  
22 43.03.250, provided such amount shall not exceed the amount that would  
23 be set if they were a full-time board member. The principal office of  
24 each board shall be located by the governor within the jurisdictional  
25 boundaries of each board. The boards shall operate on either a part-  
26 time or full-time basis, as determined by the governor.

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

33 (4) A majority of each board shall constitute a quorum for making  
34 orders or decisions, adopting rules necessary for the conduct of its  
35 powers and duties, or transacting other official business, and may act  
36 even though one position of the board is vacant. One or more members  
37 may hold hearings and take testimony to be reported for action by the  
38 board when authorized by rule or order of the board. The board shall

1 perform all the powers and duties specified in this chapter or as  
2 otherwise provided by law.

3 (5) The board may appoint one or more hearing examiners to assist  
4 the board in its hearing function, to make conclusions of law and  
5 findings of fact and, if requested by the board, to make  
6 recommendations to the board for decisions in cases before the board.  
7 Such hearing examiners must have demonstrated knowledge of land use  
8 planning and law. The boards shall specify in their joint rules of  
9 practice and procedure, as required by subsection (7) of this section,  
10 the procedure and criteria to be employed for designating hearing  
11 examiners as a presiding officer. Hearing examiners selected by a  
12 board shall meet the requirements of subsection (3) of this section.  
13 The findings and conclusions of the hearing examiner shall not become  
14 final until they have been formally approved by the board. This  
15 authorization to use hearing examiners does not waive the requirement  
16 of RCW 36.70A.300 that final orders be issued within one hundred eighty  
17 days of board receipt of a petition.

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

23 (7) All proceedings before the board, any of its members, or a  
24 hearing examiner appointed by the board shall be conducted in  
25 accordance with such administrative rules of practice and procedure as  
26 the boards jointly prescribe. All three boards shall jointly meet to  
27 develop and adopt joint rules of practice and procedure, including  
28 rules regarding expeditious and summary disposition of appeals. The  
29 boards shall publish such rules and decisions they render and arrange  
30 for the reasonable distribution of the rules and decisions. Except as  
31 it conflicts with specific provisions of this chapter, the  
32 administrative procedure act, chapter 34.05 RCW, and specifically  
33 including the provisions of RCW 34.05.455 governing ex parte  
34 communications, shall govern the practice and procedure of the boards.

35 (8) A board member or hearing examiner is subject to  
36 disqualification under chapter 34.05 RCW. The joint rules of practice  
37 of the boards shall establish procedures by which a party to a hearing  
38 conducted before the board may file with the board a motion to



1 disqualify, with supporting affidavit, against a board member or  
2 hearing examiner assigned to preside at the hearing.

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

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

8 (1) A growth management hearings board may only take official  
9 notice of:

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

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

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

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

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

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

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

1 (a) Except as provided in (c) of this subsection, the date of  
2 publication for a city shall be the date the city publishes the  
3 ordinance, or summary of the ordinance, adopting the comprehensive plan  
4 or development regulations, or amendment thereto, as is required to be  
5 published.

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

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

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

23 (3) Unless the board dismisses the petition as frivolous or finds  
24 that the person filing the petition lacks standing, or the parties have  
25 filed an agreement to have the case heard in superior court as provided  
26 in section 12 of this act, the board shall, within ten days of receipt  
27 of the petition, set a time for hearing the matter.

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

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

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

1 A petition filed under RCW 36.70A.290 may be directly reviewed by  
2 the superior court upon certification by the growth management hearings  
3 board that all the parties to the proceeding before the board have  
4 agreed in writing to have the petition directly reviewed by the  
5 superior court. The agreement shall be filed with the board within ten  
6 days after the petition has been filed, or if multiple petitions have  
7 been filed and the board has consolidated the appeals under RCW  
8 36.70A.300, within ten days after the date the last petition is filed.  
9 The provisions of RCW 36.70A.280 through 36.70A.340 as they relate to  
10 review of actions by a state agency or a county or city under this  
11 chapter apply to the review conducted by the superior court.

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

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

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

29 (b) The board may extend the period of time for issuing a decision  
30 to enable the parties to settle the dispute if additional time is  
31 necessary to achieve a settlement, and (i) an extension is requested by  
32 all parties, or (ii) an extension is requested by the petitioner and  
33 respondent and the board determines that a negotiated settlement  
34 between the remaining parties could resolve significant issues in  
35 dispute. The request must be filed with the board not later than seven  
36 days before the date scheduled for the hearing on the merits of the  
37 petition. The board may authorize one or more extensions for up to  
38 ninety days each, subject to the requirements of this section.

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

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

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

21       ~~((+2))~~ (4) Unless the board makes a determination of invalidity as  
22 provided in section 14 of this act, a finding of noncompliance and an  
23 order of remand shall not affect the validity of comprehensive plans  
24 and development regulations during the period of remand~~((, unless the~~  
25 ~~board's final order also:~~

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

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

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

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

37       ~~(b) Subject any development application that would otherwise vest~~  
38 ~~after the date of the board's order to the local ordinance or~~  
39 ~~resolution that both is enacted in response to the order of remand and~~

1 determined by the board pursuant to RCW 36.70A.330 to comply with the  
2 requirements of this chapter.

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

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

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

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

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

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

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

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

31 (3)(a) Except as otherwise provided in (b) of this subsection, a  
32 completed development permit application not vested under state or  
33 local law before receipt by the county or city of the board's  
34 determination of invalidity vests to the local ordinance or resolution  
35 that is determined by the board not to substantially interfere with the  
36 fulfillment of the goals of this chapter.

37 (b) Even though the application is not vested under state or local  
38 law before receipt by the county or city of the board's order, a

1 determination of invalidity does not apply to a completed development  
2 permit application for:

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

8 (ii) A building permit and related construction permits for  
9 remodeling or expansion of an existing structure on a lot existing  
10 before receipt of the board's order by the county or city; and

11 (iii) A boundary line adjustment or a division of land that does  
12 not increase the number of buildable lots existing before receipt of  
13 the board's order by the county or city.

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

20 (5) A county or city subject to a determination of invalidity may  
21 adopt interim controls and other measures to be in effect until it  
22 adopts a comprehensive plan and development regulations that comply  
23 with the requirements of this chapter. A development permit  
24 application may vest under an interim control or measure upon  
25 determination by the board that the interim controls and other measures  
26 do not substantially interfere with the fulfillment of the goals of  
27 this chapter.

28 (6) A county or city subject to a determination of invalidity may  
29 file a motion requesting that the board clarify, modify, or rescind the  
30 order. The board shall expeditiously schedule a hearing on the motion.  
31 At the hearing on the motion, the parties may present information to  
32 the board to clarify the part or parts of the comprehensive plan or  
33 development regulations to which the final order applies. The board  
34 shall issue any supplemental order based on the information provided at  
35 the hearing not later than thirty days after the date of the hearing.

36 (7)(a) If a determination of invalidity has been made and the  
37 county or city has enacted an ordinance or resolution amending the  
38 invalidated part or parts of the plan or regulation or establishing  
39 interim controls on development affected by the order of invalidity,

1 after a compliance hearing, the board shall modify or rescind the  
2 determination of invalidity if it determines under the standard in  
3 subsection (1) of this section that the plan or regulation, as amended  
4 or made subject to such interim controls, will no longer substantially  
5 interfere with the fulfillment of the goals of this chapter.

6 (b) If the board determines that part or parts of the plan or  
7 regulation are no longer invalid as provided in this subsection, but  
8 does not find that the plan or regulation is in compliance with all of  
9 the requirements of this chapter, the board, in its order, may require  
10 periodic reports to the board on the progress the jurisdiction is  
11 making towards compliance.

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

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

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

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

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

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

1 city is clearly erroneous in view of the entire record before the board  
2 and in light of the goals and requirements of this chapter.

3 ~~((2))~~ (4) A county or city subject to a determination of  
4 invalidity made under RCW 36.70A.300 or section 14 of this act has the  
5 burden of demonstrating that the ordinance or resolution it has enacted  
6 in response to the determination of invalidity will no longer  
7 substantially interfere with the fulfillment of the goals of chapter  
8 . . . , Laws of 1997 (this act) under the standard in section 14(1) of  
9 this act.

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

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

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

21 (2) The board shall conduct a hearing and issue a finding of  
22 compliance or noncompliance with the requirements of this chapter and  
23 with any compliance schedule established by the board in its final  
24 order. A person with standing to challenge the legislation enacted in  
25 response to the board's final order may participate in the hearing  
26 along with the petitioner and the state agency, ~~((city, or))~~ county, or  
27 city. A hearing under this subsection shall be given the highest  
28 priority of business to be conducted by the board, and a finding shall  
29 be issued within forty-five days of the filing of the motion under  
30 subsection (1) of this section with the board. The board shall issue  
31 any order necessary to make adjustments to the compliance schedule and  
32 set additional hearings as provided in subsection (5) of this section.

33 (3) If the board after a compliance hearing finds that the state  
34 agency, county, or city is not in compliance, the board shall transmit  
35 its finding to the governor. The board may recommend to the governor  
36 that the sanctions authorized by this chapter be imposed. The board  
37 shall take into consideration the county's or city's efforts to meet



1 its compliance schedule in making the decision to recommend sanctions  
2 to the governor.

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

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

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

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

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

15 A county or city subject to an order of invalidity issued before  
16 the effective date of section 13 of this act, by motion may request the  
17 board to review the order of invalidity in light of the section 13,  
18 chapter . . . , Laws of 1997 (section 13 of this act) amendments to RCW  
19 36.70A.300, the section 17, chapter . . . , Laws of 1997 (section 17 of  
20 this act) amendments to RCW 36.70A.330, and section 14 of this act. If  
21 a request is made, the board shall rescind or modify the order of  
22 invalidity as necessary to make it consistent with the section 13,  
23 chapter . . . , Laws of 1997 (section 13 of this act) amendments to RCW  
24 36.70A.300, and to the section 17, chapter . . . , Laws of 1997 (section  
25 17 of this act) amendments to RCW 36.70A.330, and section 14 of this  
26 act.

27 NEW SECTION. Sec. 19. A new section is added to chapter 36.70A  
28 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

37 (4) If the evaluation required by subsection (3) of this section  
38 shows that the county or one or more of its cities are not making

1 satisfactory progress towards meeting the goals of this chapter, the  
2 county and the cities shall consider and implement measures that will  
3 be effective in making progress towards meeting the goals of this  
4 chapter and the policies established in the county-wide planning  
5 policies. The county and its cities shall annually monitor the  
6 measures that have been adopted to determine whether they are  
7 successful.

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

16 (b) If, after the evaluation required by subsection (3) of this  
17 section, the county and its cities demonstrate that they have explored  
18 available measures and that those measures would not be effective in  
19 making progress towards meeting the goals of this chapter and the  
20 county-wide planning policies, the county may make adjustments to one  
21 or more urban growth areas that the county and its cities demonstrate  
22 are necessary to make satisfactory progress towards the goals of this  
23 chapter and the county-wide planning policies.

24 (6) From funds appropriated by the legislature for this purpose,  
25 the department shall provide grants to counties, cities, and regional  
26 planning organizations to conduct the monitoring and perform the  
27 evaluation required by this section.

28 (7) This section applies to the counties, and the cities within  
29 those counties, of Snohomish, King, Pierce, Kitsap, Thurston, and  
30 Clark.

31 NEW SECTION. **Sec. 21.** If funds for the purposes of section 20 of  
32 this act are not provided in the 1997-99 biennial budget by June 30,  
33 1997, referencing this act by bill or chapter number, section number,  
34 and subject matter, section 20 of this act is null and void.

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

1 (1) The department of community, trade, and economic development  
2 shall provide management services for the fund created by RCW  
3 36.70A.490. The department (~~by rule~~) shall establish procedures for  
4 fund management. The department shall encourage participation in the  
5 grant program by other public agencies. The department shall develop  
6 the grant criteria, monitor the grant program, and select grant  
7 recipients in consultation with state agencies participating in the  
8 grant program through the provision of grant funds or technical  
9 assistance.

10 (2) A grant may be awarded to a county or city that is required to  
11 or has chosen to plan under RCW 36.70A.040 and that is qualified  
12 pursuant to this section. The grant shall be provided to assist a  
13 county or city in paying for the cost of preparing (~~a detailed~~  
14 ~~environmental impact statement~~) an environmental analysis under  
15 chapter 43.21C RCW, that is integrated with a comprehensive plan  
16 (~~or~~), subarea plan (~~and~~), plan element, county-wide planning  
17 policy, development regulation(~~s~~), monitoring program, or other  
18 planning activity adopted under or implementing this chapter that:

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

21 (b) Encourages use of plans and information developed for purposes  
22 of complying with this chapter to satisfy requirements of other state  
23 programs.

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

25 (a) Demonstrate that it will prepare an environmental analysis  
26 pursuant to chapter 43.21C RCW and subsection (2) of this section that  
27 is integrated with a comprehensive plan (~~or~~), subarea plan (~~and~~),  
28 plan element, county-wide planning policy, development regulations,  
29 monitoring program, or other planning activity adopted under or  
30 implementing this chapter;

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

35 (c) Demonstrate that procedures for review of development permit  
36 applications will be based on the integrated plans and environmental  
37 analysis;

38 (d) Include mechanisms (~~in the plan~~) to monitor the consequences  
39 of growth as it occurs in the plan area and (~~provide ongoing~~) to use

1 the resulting data to update the plan, policy, or implementing  
2 mechanisms and associated environmental analysis;

3 ~~((d) Be making))~~ (e) Demonstrate substantial progress towards  
4 compliance with the requirements of this chapter. A county or city  
5 that is more than six months out of compliance with a requirement of  
6 this chapter is deemed not to be making substantial progress towards  
7 compliance; and

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

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

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

14 (b) ~~((Comprehensive and subarea plan proposals that are designed to~~  
15 ~~identify and monitor))~~ Identification and monitoring of system  
16 capacities for elements of the built environment, and to the extent  
17 appropriate, of the natural environment;

18 (c) Coordination with state, federal, and tribal governments in  
19 project review;

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

23 (e) Programs to improve the efficiency and effectiveness of the  
24 permitting process by greater reliance on integrated plans and  
25 prospective environmental analysis;

26 ~~((d))~~ (f) Programs for effective citizen and neighborhood  
27 involvement that contribute to greater ~~((certainty))~~ likelihood that  
28 planning decisions ~~((will))~~ can be implemented with community support;  
29 and

30 ~~((e) Plans that))~~ (g) Programs to identify environmental impacts  
31 and establish mitigation measures that provide effective means to  
32 satisfy concurrency requirements and establish project consistency with  
33 the plans.

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

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

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

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

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

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

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

30       (i) Devoted primarily to the production of livestock or  
31 agricultural commodities for commercial purposes(~~(-)~~);

32       (ii) Enrolled in the federal conservation reserve program or its  
33 successor administered by the United States department of  
34 agriculture(~~(-)~~); or

35       (iii) Other similar commercial activities as may be established by  
36 rule (~~following consultation with the advisory committee established~~  
37 in section 19 of this act);

1 (b) Any parcel of land that is five acres or more but less than  
2 twenty acres devoted primarily to agricultural uses, which has produced  
3 a gross income from agricultural uses equivalent to, as of January 1,  
4 1993((7)):

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

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

14 (c) Any parcel of land of less than five acres devoted primarily to  
15 agricultural uses which has produced a gross income as of January 1,  
16 1993, of:

17 (i) One thousand dollars or more per year for three of the five  
18 calendar years preceding the date of application for classification  
19 under this chapter for all parcels of land that are classified under  
20 this subsection or all parcels of land for which an application for  
21 classification under this subsection is made with the granting  
22 authority prior to January 1, 1993((7)); and

23 (ii) On or after January 1, 1993, fifteen hundred dollars or more  
24 per year for three of the five calendar years preceding the date of  
25 application for classification under this chapter;

26 (d) Any parcel of land designated as agricultural land under RCW  
27 36.70A.170; or

28 (e) Any parcel of land not within an urban growth area zoned as  
29 agricultural land under a comprehensive plan adopted under chapter  
30 36.70A RCW.

31 Parcels of land described in (b)(i) and (c)(i) of this subsection  
32 shall, upon any transfer of the property excluding a transfer to a  
33 surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of  
34 this subsection.

35 Agricultural lands shall also include such incidental uses as are  
36 compatible with agricultural purposes, including wetlands preservation,  
37 provided such incidental use does not exceed twenty percent of the  
38 classified land and the land on which appurtenances necessary to the  
39 production, preparation, or sale of the agricultural products exist in

1 conjunction with the lands producing such products. Agricultural lands  
2 shall also include any parcel of land of one to five acres, which is  
3 not contiguous, but which otherwise constitutes an integral part of  
4 farming operations being conducted on land qualifying under this  
5 section as "farm and agricultural lands"; or (d) the land on which  
6 housing for employees and the principal place of residence of the farm  
7 operator or owner of land classified pursuant to (a) of this subsection  
8 is sited if: The housing or residence is on or contiguous to the  
9 classified parcel; and the use of the housing or the residence is  
10 integral to the use of the classified land for agricultural purposes.

11 (3) "Timber land" means any parcel of land that is five or more  
12 acres or multiple parcels of land that are contiguous and total five or  
13 more acres which is or are devoted primarily to the growth and harvest  
14 of forest crops for commercial purposes. A timber management plan  
15 shall be filed with the county legislative authority at the time (a) an  
16 application is made for classification as timber land pursuant to this  
17 chapter or (b) when a sale or transfer of timber land occurs and a  
18 notice of classification continuance is signed. Timber land means the  
19 land only.

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

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

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

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

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

33 (a) Land that was previously classified under subsection (2) of  
34 this section, that no longer meets the criteria of subsection (2) of  
35 this section, and that is reclassified under subsection (1) of this  
36 section; or

37 (b) Land that is traditional farmland that is not classified under  
38 chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a



1 use inconsistent with agricultural uses, and that has a high potential  
2 for returning to commercial agriculture.

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

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

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

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

14 (1) Any sales of the property being appraised or similar properties  
15 with respect to sales made within the past five years. The appraisal  
16 shall be consistent with the comprehensive land use plan, development  
17 regulations under chapter 36.70A RCW, zoning, and any other  
18 governmental policies or practices in effect at the time of appraisal  
19 that affect the use of property, as well as physical and environmental  
20 influences. The appraisal shall also take into account: (a) In the  
21 use of sales by real estate contract as similar sales, the extent, if  
22 any, to which the stated selling price has been increased by reason of  
23 the down payment, interest rate, or other financing terms; and (b) the  
24 extent to which the sale of a similar property actually represents the  
25 general effective market demand for property of such type, in the  
26 geographical area in which such property is located. Sales involving  
27 deed releases or similar seller-developer financing arrangements shall  
28 not be used as sales of similar property.

29 (2) In addition to sales as defined in subsection (1),  
30 consideration may be given to cost, cost less depreciation,  
31 reconstruction cost less depreciation, or capitalization of income that  
32 would be derived from prudent use of the property. In the case of  
33 property of a complex nature, or being used under terms of a franchise  
34 from a public agency, or operating as a public utility, or property not  
35 having a record of sale within five years and not having a significant  
36 number of sales of similar property in the general area, the provisions  
37 of this subsection (2) shall be the dominant factors in valuation.  
38 When provisions of this subsection (2) are relied upon for establishing

1 values the property owner shall be advised upon request of the factors  
2 used in arriving at such value.

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

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

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

16 The permit assistance center is established within the department.  
17 The center shall:

18 (1) Publish and keep current one or more handbooks containing lists  
19 and explanations of all permit laws. ~~((The center shall coordinate~~  
20 ~~with the business assistance center in providing and maintaining this~~  
21 ~~information to applicants and others.))~~ To the extent possible, the  
22 handbook shall include relevant federal and tribal laws. A state  
23 agency or local government shall provide a reasonable number of copies  
24 of application forms, statutes, ordinances, rules, handbooks, and other  
25 informational material requested by the center and shall otherwise  
26 fully cooperate with the center. The center shall seek the cooperation  
27 of relevant federal agencies and tribal governments;

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

31 (3) Work closely and cooperatively with the business license center  
32 ~~((and the business assistance center))~~ in providing efficient and  
33 nonduplicative service to the public;

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

37 (5) Collect and disseminate information to public and private  
38 entities on federal, state, local, and tribal government programs that

1 rely on private professional expertise to assist governmental agencies  
2 in project permit review; and

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

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

9 A petition for annexation of an area contiguous to a city or town  
10 may be made in writing addressed to and filed with the legislative body  
11 of the municipality to which annexation is desired. Except where all  
12 the property sought to be annexed is property of a school district, and  
13 the school directors thereof file the petition for annexation as in RCW  
14 28A.335.110 authorized, and except where the property to be annexed is  
15 within an urban growth area designated under RCW 36.70A.110, the  
16 petition must be signed by the owners of not less than seventy-five  
17 percent in value according to the assessed valuation for general  
18 taxation of the property for which annexation is petitioned. When the  
19 property to be annexed is within an urban growth area designated under  
20 RCW 36.70A.110, the petition must be signed by the owners of not less  
21 than sixty percent in value according to the assessed valuation for  
22 general taxation of the property for which annexation is petitioned:  
23 PROVIDED, That in cities and towns with populations greater than one  
24 hundred sixty thousand located east of the Cascade mountains, the owner  
25 of tax exempt property may sign an annexation petition and have the tax  
26 exempt property annexed into the city or town, but the value of the tax  
27 exempt property shall not be used in calculating the sufficiency of the  
28 required property owner signatures unless only tax exempt property is  
29 proposed to be annexed into the city or town. The petition shall set  
30 forth a description of the property according to government legal  
31 subdivisions or legal plats which is in compliance with RCW 35.02.170,  
32 and shall be accompanied by a plat which outlines the boundaries of the  
33 property sought to be annexed. If the legislative body has required  
34 the assumption of all or of any portion of city or town indebtedness by  
35 the area annexed, and/or the adoption of a comprehensive plan for the  
36 area to be annexed, these facts, together with a quotation of the  
37 minute entry of such requirement or requirements shall be set forth in  
38 the petition.

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

3       (~~When there is, within~~) (1) The legislative body of a code city  
4 may resolve to annex territory to the city if there is within the city,  
5 unincorporated territory:

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

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

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

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

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

29       (1) The legislative body of a city or town planning under chapter  
30 36.70A RCW as of June 30, 1994, may resolve to annex territory to the  
31 city or town if there is, within the city or town, unincorporated  
32 territory within the same county and within the same urban growth area  
33 designated under RCW 36.70A.110 as the city or town:

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

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

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

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

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

18 Upon receipt by the board of county commissioners of a  
19 determination by a majority of the review board favoring annexation of  
20 the proposed area that has been initiated by resolution pursuant to RCW  
21 35.13.015 by the city or town legislative body, the board of county  
22 commissioners, or the city or town legislative body for any city or  
23 town within an urban growth area designated under RCW 36.70A.110, shall  
24 fix a date on which an annexation election shall be held, which date  
25 will be not less than thirty days nor more than sixty days thereafter.

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

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

31 (1) Population and territory; population density; land area and  
32 land uses; comprehensive plans and zoning, as adopted under chapter  
33 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development  
34 regulations adopted under chapter 36.70A RCW; applicable service  
35 agreements entered into under chapter 36.115 or 39.34 RCW; applicable  
36 interlocal annexation agreements between a county and its cities; per  
37 capita assessed valuation; topography, natural boundaries and drainage

1 basins, proximity to other populated areas; the existence and  
2 preservation of prime agricultural soils and productive agricultural  
3 uses; the likelihood of significant growth in the area and in adjacent  
4 incorporated and unincorporated areas during the next ten years;  
5 location and most desirable future location of community facilities;

6 (2) Municipal services; need for municipal services; effect of  
7 ordinances, governmental codes, regulations and resolutions on existing  
8 uses; present cost and adequacy of governmental services and controls  
9 in area; prospects of governmental services from other sources;  
10 probable future needs for such services and controls; probable effect  
11 of proposal or alternative on cost and adequacy of services and  
12 controls in area and adjacent area; the effect on the finances, debt  
13 structure, and contractual obligations and rights of all affected  
14 governmental units; and

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

18 The provisions of chapter 43.21C RCW, State Environmental Policy,  
19 shall not apply to incorporation proceedings covered by chapter 35.02  
20 RCW.

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

23 Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--- END ---