

---

**SENATE BILL 6094**

---

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

**By Senators McCaslin and Haugen; by request of Governor Locke**

Read first time 04/04/97.

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

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

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

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

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

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

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

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

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

33 (2) "Agricultural land" means land primarily devoted to the  
34 commercial production of horticultural, viticultural, floricultural,  
35 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
36 straw, turf, seed, Christmas trees not subject to the excise tax  
37 imposed by RCW 84.33.100 through 84.33.140, finfish in upland

1 hatcheries, or livestock, and that has long-term commercial  
2 significance for agricultural production.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (i) Containing or otherwise controlling rural development;

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

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

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

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

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

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

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



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

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

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

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

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

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

37 (b) Facilities and services needs, including:

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

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

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

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

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

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

14 (c) Finance, including:

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

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

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

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

29 (e) Demand-management strategies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6        NEW SECTION.    **Sec. 33.**    If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

--- END ---