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HOUSE BILL 2244

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Reams, Mulliken, Bush and Thompson

Read first time 03/04/97. Referred to Committee on Government Reform & Land Use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 provisions for existing and projected needs of all economic segments of  
2 the community except that counties and cities shall not require  
3 projects to include low-income housing as a condition of issuing a  
4 permit or granting a land-use approval.

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

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

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

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

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

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

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

10 (i) Containing or otherwise controlling rural development;

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

13 (iii) Protecting against conflicts with the use of agricultural,  
14 forest, and mineral resource lands designated under RCW 36.70A.170.

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

21 (i) Rural development consisting of the infill, development, or  
22 redevelopment of existing commercial, industrial, residential, or  
23 mixed-use areas, whether characterized as shoreline development,  
24 villages, hamlets, rural activity centers, or crossroads developments;

25 (ii) The intensification of development on lots containing, or new  
26 development of, small-scale recreational or tourist uses, including  
27 commercial facilities to serve those recreational or tourist uses, that  
28 rely on a rural location and setting, but that do not include  
29 residential development. Public services and public facilities shall  
30 be limited to those necessary to serve the recreation or tourist use  
31 and shall be provided in a manner that does not permit low-density  
32 sprawl;

33 (iii) The intensification of development on lots containing  
34 isolated nonresidential uses that are not principally designed to serve  
35 the existing and projected rural population and nonresidential uses and  
36 that were in existence before the date by which the county was required  
37 to have adopted a comprehensive plan under RCW 36.70A.040. Public  
38 services and public facilities shall be limited to those necessary to



1 serve the isolated nonresidential use and shall be provided in a manner  
2 that does not permit low-density sprawl;

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

20 (f) Exception. This subsection shall not be interpreted to permit  
21 in the rural area a major industrial development or a master planned  
22 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
23 36.70A.365.

24 (6) A transportation element that implements, and is consistent  
25 with, the land use element. The transportation element shall include  
26 the following subelements:

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

28 (b) Facilities and services needs, including:

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

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

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

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

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

6 (c) Finance, including:

7 (i) An analysis of funding capability to judge needs against  
8 probable funding resources;

9 (ii) A multiyear financing plan based on the needs identified in  
10 the comprehensive plan, the appropriate parts of which shall serve as  
11 the basis for the six-year street, road, or transit program required by  
12 RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
13 35.58.2795 for public transportation systems;

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

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

21 (e) Demand-management strategies.

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

36 The transportation element described in this subsection, and the  
37 six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for  
38 counties, and RCW 35.58.2795 for public transportation systems, must be  
39 consistent.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 36.70A RCW  
2 to read as follows:

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

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

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

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

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

17        (e) Publishing notice in agency newsletters or sending notice to  
18 agency mailing lists, including general lists or lists for specific  
19 proposals or subject areas.

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

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

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

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

35        (iii) The proposed change only corrects typographical errors,  
36 corrects cross-references, makes address or name changes, or clarifies  
37 language of a proposed ordinance or resolution without changing its  
38 effect;

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

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

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

8 **Sec. 6.** RCW 36.70A.130 and 1995 c 347 s 106 are each amended to  
9 read as follows:

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

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

16 (2)(a) Each county and city shall establish and broadly disseminate  
17 to the public a public participation program identifying procedures  
18 whereby proposed amendments or revisions of the comprehensive plan are  
19 considered by the governing body of the county or city no more  
20 frequently than once every year except that amendments may be  
21 considered more frequently under the following circumstances:

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

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

25 (iii) The amendment of the capital facilities element of a  
26 comprehensive plan that occurs concurrently with the adoption or  
27 amendment of a county or city budget.

28 (b) Except as otherwise provided in (a) of this subsection, all  
29 proposals shall be considered by the governing body concurrently so the  
30 cumulative effect of the various proposals can be ascertained.  
31 However, after appropriate public participation a county or city may  
32 adopt amendments or revisions to its comprehensive plan that conform  
33 with this chapter whenever an emergency exists or to resolve an appeal  
34 of a comprehensive plan filed with a growth management hearings board  
35 or with the court.

36 (3) Each county that designates urban growth areas under RCW  
37 36.70A.110 shall review, at least every ten years, its designated urban  
38 growth area or areas, and the densities permitted within both the

1 incorporated and unincorporated portions of each urban growth area. In  
2 conjunction with this review by the county, each city located within an  
3 urban growth area shall review the densities permitted within its  
4 boundaries, and the extent to which the urban growth occurring within  
5 the county has located within each city and the unincorporated portions  
6 of the urban growth areas. The county comprehensive plan designating  
7 urban growth areas, and the densities permitted in the urban growth  
8 areas by the comprehensive plans of the county and each city located  
9 within the urban growth areas, shall be revised to accommodate the  
10 urban growth projected to occur in the county for the succeeding  
11 twenty-year period.

12 **Sec. 7.** RCW 36.70A.270 and 1996 c 325 s 1 are each amended to read  
13 as follows:

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

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

24 (2) Each board member shall receive reimbursement for travel  
25 expenses incurred in the discharge of his or her duties in accordance  
26 with RCW 43.03.050 and 43.03.060. If it is determined that the review  
27 boards shall operate on a full-time basis, each member shall receive an  
28 annual salary to be determined by the governor pursuant to RCW  
29 43.03.040. If it is determined that a review board shall operate on a  
30 part-time basis, each member shall receive compensation pursuant to RCW  
31 43.03.250, provided such amount shall not exceed the amount that would  
32 be set if they were a full-time board member. The principal office of  
33 each board shall be located by the governor within the jurisdictional  
34 boundaries of each board. The boards shall operate on either a part-  
35 time or full-time basis, as determined by the governor.

36 (3) Each board member shall not: (a) Be a candidate for or hold  
37 any other public office or trust; (b) engage in any occupation or  
38 business interfering with or inconsistent with his or her duty as a

1 board member; and (c) for a period of one year after the termination of  
2 his or her board membership, act in a representative capacity before  
3 the board on any matter.

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

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

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

32 (7) All proceedings before the board, any of its members, or a  
33 hearing examiner appointed by the board shall be conducted in  
34 accordance with such administrative rules of practice and procedure as  
35 the boards jointly prescribe. All three boards shall jointly meet to  
36 develop and adopt joint rules of practice and procedure, including  
37 rules regarding expeditious and summary disposition of appeals. The  
38 boards shall publish such rules and decisions they render and arrange  
39 for the reasonable distribution of the rules and decisions. Except as

1 it conflicts with specific provisions of this chapter, the  
2 administrative procedure act, chapter 34.05 RCW, and specifically  
3 including the provisions of RCW 34.05.455 governing ex parte  
4 communications, shall govern the practice and procedure of the boards.

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

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

14 **Sec. 8.** RCW 36.70A.290 and 1995 c 347 s 109 are each amended to  
15 read as follows:

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

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

28 (a) Except as provided in (c) of this subsection, the date of  
29 publication for a city shall be the date the city publishes the  
30 ordinance, or summary of the ordinance, adopting the comprehensive plan  
31 or development regulations, or amendment thereto, as is required to be  
32 published.

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

36 Except as provided in (c) of this subsection, for purposes of this  
37 section the date of publication for a county shall be the date the

1 county publishes the notice that it has adopted the comprehensive plan  
2 or development regulations, or amendment thereto.

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

13 (3) Unless the board dismisses the petition as frivolous or finds  
14 that the person filing the petition lacks standing, or a party has  
15 filed in superior court as provided in section 9 of this act, the board  
16 shall, within ten days of receipt of the petition, set a time for  
17 hearing the matter.

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

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

26 NEW SECTION. Sec. 9. A new section is added to chapter 36.70A RCW  
27 to read as follows:

28 A petition filed by an affected property owner under RCW 36.70A.290  
29 shall be directly reviewed by the superior court. The provisions of  
30 RCW 36.70A.280 through 36.70A.340 as they relate to review of actions  
31 by a state agency or a county or city under this chapter apply to the  
32 review conducted by the superior court.

33 **Sec. 10.** RCW 36.70A.300 and 1995 c 347 s 110 are each amended to  
34 read as follows:

35 (1) The board shall issue a final order (~~within one hundred eighty~~  
36 ~~days of receipt of the petition for review, or, when multiple petitions~~  
37 ~~are filed, within one hundred eighty days of receipt of the last~~



1 ~~petition that is consolidated. Such a final order)) that shall be~~  
2 based exclusively on whether or not a state agency, county, or city is  
3 in compliance with the requirements of this chapter, chapter 90.58 RCW  
4 as it relates to adoption or amendment of shoreline master programs, or  
5 chapter 43.21C RCW as it relates to adoption of plans, development  
6 regulations, and amendments thereto, ((adopted)) under RCW 36.70A.040  
7 or chapter 90.58 RCW.

8 (2)(a) Except as provided in (b) of this subsection, the final  
9 order shall be issued within one hundred eighty days of receipt of the  
10 petition for review, or, if multiple petitions are filed, within one  
11 hundred eighty days of receipt of the last petition that is  
12 consolidated.

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

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

24 (a) Find that the state agency, county, or city is in compliance  
25 with the requirements of this chapter ((or)), chapter 90.58 RCW as it  
26 relates to the adoption or amendment of shoreline master programs, or  
27 chapter 43.21C RCW as it relates to adoption of plans, development  
28 regulations, and amendments thereto, under RCW 36.70A.040 or chapter  
29 90.58 RCW; or

30 (b) Find that the state agency, county, or city is not in  
31 compliance with the requirements of this chapter ((or)), chapter 90.58  
32 RCW as it relates to the adoption or amendment of shoreline master  
33 programs, or chapter 43.21C RCW as it relates to adoption of plans,  
34 development regulations, and amendments thereto, under RCW 36.70A.040  
35 or chapter 90.58 RCW, in which case the board shall remand the matter  
36 to the affected state agency, county, or city ((and)). The board shall  
37 specify a reasonable time not in excess of one hundred eighty days, or  
38 such longer period as determined by the board in cases of unusual scope  
39 or complexity, within which the state agency, county, or city shall

1 comply with the requirements of this chapter. The board may require  
2 periodic reports to the board on the progress the jurisdiction is  
3 making towards compliance.

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

8 ~~(a) Includes a determination, supported by findings of fact and~~  
9 ~~conclusions of law, that the continued validity of the plan or~~  
10 ~~regulation would substantially interfere with the fulfillment of the~~  
11 ~~goals of this chapter; and~~

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

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

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

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

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

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

33 **Sec. 11.** RCW 36.70A.305 and 1996 c 325 s 4 are each amended to  
34 read as follows:

35 The court shall provide expedited review of ~~((a determination of~~  
36 ~~invalidity or))~~ an order ~~((effectuating a determination of invalidity~~  
37 ~~made or))~~ issued under RCW 36.70A.300. The matter must be set for  
38 hearing within sixty days of the date set for submitting the board's

1 record, absent a showing of good cause for a different date or a  
2 stipulation of the parties.

3 **Sec. 12.** RCW 36.70A.320 and 1995 c 347 s 111 are each amended to  
4 read as follows:

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

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

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

21 ~~((2))~~ (4) The shoreline element of a comprehensive plan and the  
22 applicable development regulations adopted by a county or city shall  
23 take effect as provided in chapter 90.58 RCW.

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

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

32 (2) The board shall conduct a hearing and issue a finding of  
33 compliance or noncompliance with the requirements of this chapter. A  
34 person with standing to challenge the legislation enacted in response  
35 to the board's final order may participate in the hearing along with  
36 the petitioner and the state agency, ~~((city, or))~~ county, or city. A  
37 hearing under this subsection shall be given the highest priority of

1 business to be conducted by the board, and a finding shall be issued  
2 within forty-five days of the filing of the motion under subsection (1)  
3 of this section with the board. The board shall issue any order  
4 necessary to make adjustments to the compliance schedule and set  
5 additional hearings as provided in subsection (4) of this section.

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

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

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

17 ~~(b) If no determination of invalidity has been made, whether one~~  
18 ~~now should be made under the standards in RCW 36.70A.300(2).)) The~~  
19 board shall schedule additional hearings as appropriate pursuant to  
20 subsections (1) and (2) of this section.

21 **Sec. 14.** RCW 36.70A.140 and 1995 c 347 s 107 are each amended to  
22 read as follows:

23 Each county and city that is required or chooses to plan under RCW  
24 36.70A.040 shall establish and broadly disseminate to the public a  
25 public participation program identifying procedures providing for early  
26 and continuous public participation in the development and amendment of  
27 comprehensive land use plans and development regulations implementing  
28 such plans. The procedures shall provide for broad dissemination of  
29 proposals and alternatives, opportunity for written comments, public  
30 meetings after effective notice, provision for open discussion,  
31 communication programs, information services, and consideration of and  
32 response to public comments. ~~((In enacting legislation in response to~~  
33 ~~the board's decision pursuant to RCW 36.70A.300 declaring part or all~~  
34 ~~of a comprehensive plan or development regulation invalid, the county~~  
35 ~~or city shall provide for public participation that is appropriate and~~  
36 ~~effective under the circumstances presented by the board's order.))~~  
37 Errors in exact compliance with the established program and procedures  
38 shall not render the comprehensive land use plan or development

1 regulations invalid if the spirit of the program and procedures is  
2 observed.

3 NEW SECTION. **Sec. 15.** 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. 16.** 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) 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 (6) From funds appropriated by the legislature for this purpose,  
31 the department shall provide grants to counties, cities, and regional  
32 planning organizations to conduct the monitoring and perform the  
33 evaluation required by this section.

34 (7) This section applies to the counties, and the cities within  
35 those counties, of Snohomish, King, Pierce, Kitsap, Thurston, and  
36 Clark.

37 NEW SECTION. **Sec. 17.** If funds for the purposes of section 16 of  
38 this act are not provided in the 1997-99 biennial budget by June 30,

1 1997, referencing this act by bill or chapter number, section number,  
2 and subject matter, section 16 of this act is null and void.

3 **Sec. 18.** RCW 36.70A.500 and 1995 c 347 s 116 are each amended to  
4 read as follows:

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

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

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

25 (b) Encourages use of plans and information developed for purposes  
26 of complying with this chapter to satisfy requirements of other state  
27 programs.

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

29 (a) Demonstrate that it will prepare an environmental analysis  
30 pursuant to chapter 43.21C RCW and subsection (2) of this section that  
31 is integrated with a comprehensive plan or subarea plan and development  
32 regulations;

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

1       (c) Demonstrate that procedures for review of development permit  
2 applications will be based on the integrated plans and environmental  
3 analysis;

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

8       ~~((d) Be making))~~ (e) Demonstrate substantial progress towards  
9 compliance with the requirements of this chapter. A county or city  
10 that is more than six months out of compliance with a requirement of  
11 this chapter is deemed not to be making substantial progress towards  
12 compliance; and

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

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

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

19       (b) ~~((Comprehensive and subarea plan proposals that are designed to~~  
20 ~~identify and monitor))~~ Identification and monitoring of system  
21 capacities for elements of the built environment, and to the extent  
22 appropriate, of the natural environment;

23       (c) Coordination with state, federal, and tribal governments in  
24 project review;

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

28       (e) Programs to improve the efficiency and effectiveness of the  
29 permitting process by greater reliance on integrated plans and  
30 prospective environmental analysis;

31       ~~((d))~~ (f) Programs for effective citizen and neighborhood  
32 involvement that contribute to greater ~~((certainty))~~ likelihood that  
33 planning decisions ~~((will))~~ can be implemented with community support;  
34 and

35       ~~((e) Plans that))~~ (g) Programs to identify environmental impacts  
36 and establish mitigation measures that provide effective means to  
37 satisfy concurrency requirements and establish project consistency with  
38 the plans.



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

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

8 **Sec. 19.** RCW 84.34.020 and 1992 c 69 s 4 are each amended to read  
9 as follows:

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

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

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

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

34 (i) Devoted primarily to the production of livestock or  
35 agricultural commodities for commercial purposes(~~(+)~~);

36 (ii) Enrolled in the federal conservation reserve program or its  
37 successor administered by the United States department of  
38 agriculture(~~(+)~~); or

1 (iii) Other similar commercial activities as may be established by  
2 rule ((following consultation with the advisory committee established  
3 in section 19 of this act));

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

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

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

17 (c) Any parcel of land of less than five acres devoted primarily to  
18 agricultural uses which has produced a gross income as of January 1,  
19 1993, of;

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

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

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

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

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

38 Agricultural lands shall also include such incidental uses as are  
39 compatible with agricultural purposes, including wetlands preservation,

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

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

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

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

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

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

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

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

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

5 **Sec. 20.** RCW 84.40.030 and 1994 c 124 s 20 are each amended to  
6 read as follows:

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

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

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

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

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

1 of this subsection (2) shall be the dominant factors in valuation.  
2 When provisions of this subsection (2) are relied upon for establishing  
3 values the property owner shall be advised upon request of the factors  
4 used in arriving at such value.

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

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

15 **Sec. 21.** RCW 90.60.030 and 1995 c 347 s 603 are each amended to  
16 read as follows:

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

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

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

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

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

1       (5) Collect and disseminate information to public and private  
2 entities on federal, state, local, and tribal government programs that  
3 rely on private professional expertise to assist governmental agencies  
4 in project permit review; and

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

9       **Sec. 22.** RCW 35.13.130 and 1990 c 33 s 566 are each amended to  
10 read as follows:

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

1 minute entry of such requirement or requirements shall be set forth in  
2 the petition.

3 **Sec. 23.** RCW 35A.14.295 and 1967 ex.s. c 119 s 35A.14.295 are each  
4 amended to read as follows:

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

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

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

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

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

29 NEW SECTION. **Sec. 24.** A new section is added to chapter 35.13 RCW  
30 to read as follows:

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

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

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

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

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

19 **Sec. 25.** RCW 35.13.174 and 1973 1st ex.s. c 164 s 17 are each  
20 amended to read as follows:

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

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

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

34 (1) Population and territory; population density; land area and  
35 land uses; comprehensive plans and zoning, as adopted under chapter  
36 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development  
37 regulations adopted under chapter 36.70A RCW; applicable service



1 agreements entered into under chapter 36.115 or 39.34 RCW; applicable  
2 interlocal annexation agreements between a county and its cities; per  
3 capita assessed valuation; topography, natural boundaries and drainage  
4 basins, proximity to other populated areas; the existence and  
5 preservation of prime agricultural soils and productive agricultural  
6 uses; the likelihood of significant growth in the area and in adjacent  
7 incorporated and unincorporated areas during the next ten years;  
8 location and most desirable future location of community facilities;

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

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

21 The provisions of chapter 43.21C RCW, State Environmental Policy,  
22 shall not apply to incorporation proceedings covered by chapter 35.02  
23 RCW.

24 **Sec. 27.** RCW 84.14.010 and 1995 c 375 s 3 are each amended to read  
25 as follows:

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter.

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

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

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

36 (4) "Multiple-unit housing" means a building having four or more  
37 dwelling units not designed or used as transient accommodations and not  
38 including hotels and motels. Multifamily units may result from new

1 construction or rehabilitated or conversion of vacant, underutilized,  
2 or substandard buildings to multifamily housing.

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

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

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

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

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

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

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

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

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

31 **Sec. 28.** RCW 90.61.040 and 1995 c 347 s 804 are each amended to  
32 read as follows:

33 The commission shall:

34 (1) Consider the effectiveness of state and local government  
35 efforts to consolidate and integrate the growth management act, the  
36 state environmental policy act, the shoreline management act, and other  
37 land use, planning, environmental, and permitting laws.

1 (2) Identify the revisions and modifications needed in state land  
2 use, planning, and environmental law and practice to adequately plan  
3 for growth and achieve economically and environmentally sustainable  
4 development, to adequately assess environmental impacts of  
5 comprehensive plans, development regulations, and growth, and to reduce  
6 the time and cost of obtaining project permits.

7 (3) Draft a consolidated land use procedure, following these  
8 guidelines:

9 (a) Conduct land use planning through the comprehensive planning  
10 process under chapter 36.70A RCW rather than through review of  
11 individual projects;

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

15 (c) Recognize that different questions need to be answered and  
16 different levels of detail applied at each planning phase, from the  
17 initial development of plan concepts or plan elements to implementation  
18 programs;

19 (d) Integrate and combine to the fullest extent possible the  
20 processes, analysis, and documents currently required under chapters  
21 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent  
22 implementation will incorporate measures to promote the environmental,  
23 economic, and other goals and to mitigate undesirable or unintended  
24 adverse impacts on a community's quality of life;

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

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

30 (g) Use environmental review on projects to: (i) Review and  
31 document consistency with comprehensive plans and development  
32 regulations; (ii) provide prompt and coordinated review by agencies,  
33 tribes, and the public on compliance with applicable environmental laws  
34 and plans, including mitigation for site specific project impacts that  
35 have not been considered and addressed at the plan or development  
36 regulation level; and (iii) ensure accountability by local government  
37 to applicants and the public for requiring and implementing mitigation  
38 measures;

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

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

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

11 (4) Monitor instances state-wide of the vesting of project permit  
12 applications during the period that an appeal is pending before a  
13 growth management hearings board, as authorized under RCW 36.70A.300.  
14 The commission shall also review the extent to which such vesting  
15 results in the approval of projects that are inconsistent with a  
16 comprehensive plan or development regulation provision ultimately found  
17 to be in compliance with a board's order or remand. The commission  
18 shall analyze the impact of such approvals on ensuring the attainment  
19 of the goals and policies of chapter 36.70A RCW, and make  
20 recommendations to the governor and the legislature on statutory  
21 changes to address any adverse impacts from the provisions of RCW  
22 36.70A.300. The commission shall provide an initial report on its  
23 findings and recommendations by November 1, 1995, and submit its  
24 further findings and recommendations subsequently in the reports  
25 required under RCW 90.61.030.

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

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

37 (7) Study, in cooperation with the state board for registration of  
38 professional engineers and the state building code council, ways in  
39 which state agencies and local governments could authorize

1 professionals with appropriate qualifications to certify a project's  
2 compliance with certain state and local land use and environmental  
3 requirements. The commission shall report to the legislature on  
4 measures necessary to implement such a system of professional  
5 certification.

6 (8) Review long-term approaches for resolving disputes that arise  
7 under the growth management act, chapter 36.70A RCW; the shoreline  
8 management act, chapter 90.58 RCW; and other environmental laws. In  
9 particular, in the commission's recommendations on a consolidated land  
10 use procedure and integration and consolidation of Washington's land  
11 use and environmental laws, identify needed changes to the structure of  
12 the boards that hear environmental appeals as well as the extent to  
13 which quasi-judicial bodies are needed to provide continued oversight  
14 of matters currently brought before the growth management hearings  
15 board and other boards that hear environmental appeals.

16 These guidelines are intended to guide the work of the commission,  
17 without limiting its charge to integrate and consolidate Washington's  
18 land use and environmental laws into a single, manageable statutory  
19 framework.

20 This section expires June 30, 1998.

21 NEW SECTION. Sec. 29. This act is prospective in effect and shall  
22 not affect the validity of actions taken or decisions made before the  
23 effective date of this section.

24 NEW SECTION. Sec. 30. The following acts or parts of acts, as now  
25 existing or hereafter amended, are each repealed, effective December  
26 31, 1999:

- 27 (1) RCW 36.70A.250 and 1994 c 249 s 29 & 1991 sp.s. c 32 s 5;
- 28 (2) RCW 36.70A.260 and 1994 c 249 s 30 & 1991 sp.s. c 32 s 6;
- 29 (3) RCW 36.70A.270 and 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s.  
30 c 32 s 7;
- 31 (4) RCW 36.70A.280 and 1996 c 325 s 2, 1995 c 347 s 108, 1994 c 249  
32 s 31, & 1991 sp.s. c 32 s 9;
- 33 (5) RCW 36.70A.290 and 1995 c 347 s 109;
- 34 (6) RCW 36.70A.300 and 1995 c 347 s 110 & 1991 sp.s. c 32 s 11;
- 35 (7) RCW 36.70A.305 and 1996 c 325 s 4;
- 36 (8) RCW 36.70A.310 and 1994 c 249 s 32 & 1991 sp.s. c 32 s 12;
- 37 (9) RCW 36.70A.320 and 1995 c 347 s 111 & 1991 sp.s. c 32 s 13;

- 1 (10) RCW 36.70A.330 and 1995 c 347 s 112 & 1991 sp.s. c 32 s 14;  
2 (11) RCW 36.70A.340 and 1991 sp.s. c 32 s 26; and  
3 (12) RCW 36.70A.345 and 1994 c 249 s 33 & 1993 sp.s. c 6 s 5.

4 **Sec. 31.** RCW 90.61.020 and 1995 c 347 s 802 are each amended to  
5 read as follows:

6 The commission shall consist of not more than (~~fourteen~~) twenty  
7 members. (~~Eleven~~) Thirteen members of the commission shall be  
8 appointed by the governor. Membership shall reflect the interests of  
9 business, small business operators, small property owners, agriculture,  
10 labor, the environment, neighborhood groups, other citizens, the  
11 legislature, cities, counties, and federally recognized Indian tribes.  
12 Members shall have substantial experience in matters relating to land  
13 use and environmental planning and regulation, and shall have the  
14 ability to work toward cooperative solutions among diverse interests.  
15 The director of the department of community, trade, and economic  
16 development, or the director's designee, shall be a member and shall  
17 serve as chair of the commission. The director of the department of  
18 ecology, or the director's designee, and the secretary of the  
19 department of transportation, or the secretary's designee, shall also  
20 be members of the commission. Two members of the commission shall be  
21 members of the senate, one from each caucus appointed by the president  
22 of the senate, and two members of the commission shall be members of  
23 the house of representatives, one from each caucus appointed by the  
24 speaker of the house of representatives. Staff for the commission  
25 shall be provided by the department of community, trade, and economic  
26 development, with additional staff to be provided by other state  
27 agencies and the legislature, as may be required. State agencies shall  
28 provide the commission with information and assistance as needed.

29 This section expires June 30, 1998.

30 NEW SECTION. **Sec. 32.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

--- END ---