
SENATE BILL 5961

State of Washington

54th Legislature

1995 Regular Session

By Senator Sutherland

Read first time 02/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to telecommuting; amending RCW 36.70.020,
2 35.63.010, and 35A.63.010; reenacting and amending RCW 36.70A.030;
3 adding a new section to chapter 36.70A RCW; adding a new section to
4 chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a
5 new section to chapter 35A.63 RCW; creating new sections; and making an
6 appropriation.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that
9 telecommunications technologies and services can be used cost-
10 effectively to substitute for travel in many business applications.
11 The use of telecommunications can reduce the cost of building or
12 renting office space, help reduce highway congestion, reduce energy
13 use, improve air quality, and allow information intensive jobs to be
14 located outside urban areas.

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

17 No county or city that is required or chooses to plan under this
18 chapter may enact or maintain an ordinance, development regulation,

1 zoning regulation, or official control, policy, or administrative
2 practice that prohibits a telecommuting work center in areas zoned for
3 commercial use or areas zoned for a combination of commercial and
4 residential uses.

5 **Sec. 3.** RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are
6 each reenacted and amended to read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Adopt a comprehensive land use plan" means to enact a new
10 comprehensive land use plan or to update an existing comprehensive land
11 use plan.

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

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

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

24 (5) "Critical areas" include the following areas and ecosystems:
25 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
26 used for potable water; (c) fish and wildlife habitat conservation
27 areas; (d) frequently flooded areas; and (e) geologically hazardous
28 areas.

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

31 (7) For purposes of RCW 36.70A.065 and 36.70A.440, "development
32 permit application" means any application for a development proposal
33 for a use that could be permitted under a plan adopted pursuant to this
34 chapter and is consistent with the underlying land use and zoning,
35 including but not limited to building permits, subdivisions, binding
36 site plans, planned unit developments, conditional uses or other
37 applications pertaining to land uses, but shall not include rezones,

1 proposed amendments to comprehensive plans or the adoption or amendment
2 of development regulations.

3 (8) "Development regulations" means any controls placed on
4 development or land use activities by a county or city, including, but
5 not limited to, zoning ordinances, official controls, planned unit
6 development ordinances, subdivision ordinances, and binding site plan
7 ordinances.

8 (9) "Forest land" means land primarily devoted to growing trees for
9 long-term commercial timber production on land that can be economically
10 and practically managed for such production, including Christmas trees
11 subject to the excise tax imposed under RCW 84.33.100 through
12 84.33.140, and that has long-term commercial significance. In
13 determining whether forest land is primarily devoted to growing trees
14 for long-term commercial timber production on land that can be
15 economically and practically managed for such production, the following
16 factors shall be considered: (a) The proximity of the land to urban,
17 suburban, and rural settlements; (b) surrounding parcel size and the
18 compatibility and intensity of adjacent and nearby land uses; (c) long-
19 term local economic conditions that affect the ability to manage for
20 timber production; and (d) the availability of public facilities and
21 services conducive to conversion of forest land to other uses.

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

27 (11) "Long-term commercial significance" includes the growing
28 capacity, productivity, and soil composition of the land for long-term
29 commercial production, in consideration with the land's proximity to
30 population areas, and the possibility of more intense uses of the land.

31 (12) "Minerals" include gravel, sand, and valuable metallic
32 substances.

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

37 (14) "Public services" include fire protection and suppression, law
38 enforcement, public health, education, recreation, environmental
39 protection, and other governmental services.

1 (15) "Telecommuting" means the use of telecommunications services
2 and technologies to allow a worker to perform regular work tasks at a
3 location other than his or her usual worksite.

4 (16) "Telecommuting work center" means a facility equipped to allow
5 a number of workers to telecommute. The workers may be from different
6 organizations.

7 (17) "Urban growth" refers to growth that makes intensive use of
8 land for the location of buildings, structures, and impermeable
9 surfaces to such a degree as to be incompatible with the primary use of
10 such land for the production of food, other agricultural products, or
11 fiber, or the extraction of mineral resources. When allowed to spread
12 over wide areas, urban growth typically requires urban governmental
13 services. "Characterized by urban growth" refers to land having urban
14 growth located on it, or to land located in relationship to an area
15 with urban growth on it as to be appropriate for urban growth.

16 (~~(16)~~) (18) "Urban growth areas" means those areas designated by
17 a county pursuant to RCW 36.70A.110.

18 (~~(17)~~) (19) "Urban governmental services" include those
19 governmental services historically and typically delivered by cities,
20 and include storm and sanitary sewer systems, domestic water systems,
21 street cleaning services, fire and police protection services, public
22 transit services, and other public utilities associated with urban
23 areas and normally not associated with nonurban areas.

24 (~~(18)~~) (20) "Wetland" or "wetlands" means areas that are
25 inundated or saturated by surface water or ground water at a frequency
26 and duration sufficient to support, and that under normal circumstances
27 do support, a prevalence of vegetation typically adapted for life in
28 saturated soil conditions. Wetlands generally include swamps, marshes,
29 bogs, and similar areas. Wetlands do not include those artificial
30 wetlands intentionally created from nonwetland sites, including, but
31 not limited to, irrigation and drainage ditches, grass-lined swales,
32 canals, detention facilities, wastewater treatment facilities, farm
33 ponds, and landscape amenities. However, wetlands may include those
34 artificial wetlands intentionally created from nonwetland areas created
35 to mitigate conversion of wetlands, if permitted by the county or city.

36 NEW SECTION. Sec. 4. A new section is added to chapter 36.70 RCW
37 to read as follows:

1 No local government that is planning under this chapter may enact
2 or maintain an ordinance, development regulation, zoning regulation, or
3 official control, policy, or administrative practice that prohibits a
4 telecommuting work center in areas zoned for commercial use or areas
5 zoned for a combination of commercial and residential uses.

6 **Sec. 5.** RCW 36.70.020 and 1963 c 4 s 36.70.020 are each amended to
7 read as follows:

8 The following words or terms as used in this chapter shall have the
9 following meaning unless a different meaning is clearly indicated by
10 the context:

11 (1) "Approval by motion" is a means by which a board, through other
12 than by ordinance, approves and records recognition of a comprehensive
13 plan or amendments thereto.

14 (2) "Board" means the board of county commissioners.

15 (3) "Certification" means the affixing on any map or by adding to
16 any document comprising all or any portion of a comprehensive plan a
17 record of the dates of action thereon by the commission and by the
18 board, together with the signatures of the officer or officers
19 authorized by ordinance to so sign.

20 (4) "Commission" means a county or regional planning commission.

21 (5) "Commissioners" means members of a county or regional planning
22 commission.

23 (6) "Comprehensive plan" means the policies and proposals approved
24 and recommended by the planning agency or initiated by the board and
25 approved by motion by the board (a) as a beginning step in planning for
26 the physical development of the county; (b) as the means for
27 coordinating county programs and services; (c) as a source of reference
28 to aid in developing, correlating, and coordinating official
29 regulations and controls; and (d) as a means for promoting the general
30 welfare. Such plan shall consist of the required elements set forth in
31 RCW 36.70.330 and may also include the optional elements set forth in
32 RCW 36.70.350 which shall serve as a policy guide for the subsequent
33 public and private development and official controls so as to present
34 all proposed developments in a balanced and orderly relationship to
35 existing physical features and governmental functions.

36 (7) "Conditional use" means a use listed among those classified in
37 any given zone but permitted to locate only after review by the board
38 of adjustment, or zoning adjustor if there be such, and the granting of

1 a conditional use permit imposing such performance standards as will
2 make the use compatible with other permitted uses in the same vicinity
3 and zone and assure against imposing excessive demands upon public
4 utilities, provided the county ordinances specify the standards and
5 criteria that shall be applied.

6 (8) "Department" means a planning department organized and
7 functioning as any other department in any county.

8 (9) "Element" means one of the various categories of subjects, each
9 of which constitutes a component part of the comprehensive plan.

10 (10) "Ex officio member" means a member of the commission who
11 serves by virtue of his official position as head of a department
12 specified in the ordinance creating the commission.

13 (11) "Official controls" means legislatively defined and enacted
14 policies, standards, precise detailed maps and other criteria, all of
15 which control the physical development of a county or any part thereof
16 or any detail thereof, and are the means of translating into
17 regulations and ordinances all or any part of the general objectives of
18 the comprehensive plan. Such official controls may include, but are
19 not limited to, ordinances establishing zoning, subdivision control,
20 platting, and adoption of detailed maps.

21 (12) "Ordinance" means a legislative enactment by a board; in this
22 chapter the word, "ordinance", is synonymous with the term
23 "resolution", as representing a legislative enactment by a board of
24 county commissioners.

25 (13) "Planning agency" means (a) a planning commission, together
26 with its staff members, employees and consultants, or (b) a department
27 organized and functioning as any other department in any county
28 government together with its planning commission.

29 (14) "Telecommuting" means the use of telecommunications services
30 and technologies to allow a worker to perform regular work tasks at a
31 location other than his or her usual worksite.

32 (15) "Telecommuting work center" means a facility equipped to allow
33 a number of workers to telecommute. The workers may be from different
34 organizations.

35 (16) "Variance." A variance is the means by which an adjustment is
36 made in the application of the specific regulations of a zoning
37 ordinance to a particular piece of property, which property, because of
38 special circumstances applicable to it, is deprived of privileges

1 commonly enjoyed by other properties in the same vicinity and zone and
2 which adjustment remedies disparity in privileges.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.63 RCW
4 to read as follows:

5 No municipality that is planning under this chapter may enact or
6 maintain an ordinance, development regulation, zoning regulation, or
7 official control, policy, or administrative practice that prohibits a
8 telecommuting work center in areas zoned for commercial use or areas
9 zoned for a combination of commercial and residential uses.

10 **Sec. 7.** RCW 35.63.010 and 1965 c 7 s 35.63.010 are each amended to
11 read as follows:

12 As used in this chapter the following terms shall have the meaning
13 herein given them:

14 "Appointive members" means all members of a commission other than
15 ex officio members;

16 "Board" means the board of county commissioners;

17 "City" includes every incorporated city and town;

18 "Commission" means a city or county planning commission;

19 "Council" means the chief legislative body of a city;

20 "Ex officio members" means the members of a commission chosen from
21 among city or county officials;

22 "Highways" include streets, roads, boulevards, lanes, alleys,
23 viaducts and other traveled ways;

24 "Mayor" means the chief executive of a city;

25 "Municipality" includes every county and city.

26 "Telecommuting" means the use of telecommunications services and
27 technologies to allow a worker to perform regular work tasks at a
28 location other than his or her usual worksite.

29 "Telecommuting work center" means a facility equipped to allow a
30 number of workers to telecommute. The workers may be from different
31 organizations.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.63 RCW
33 to read as follows:

34 No municipality that is planning under this chapter may enact or
35 maintain an ordinance, development regulation, zoning regulation, or
36 official control, policy, or administrative practice that prohibits a

1 telecommuting work center in areas zoned for commercial use or areas
2 zoned for a combination of commercial and residential uses.

3 **Sec. 9.** RCW 35A.63.010 and 1967 ex.s. c 119 s 35A.63.010 are each
4 amended to read as follows:

5 The following words or terms as used in this chapter shall have the
6 meanings set forth below unless different meanings are clearly
7 indicated by the context:

8 (1) "Chief administrative officer" means the mayor in code cities
9 operating under the mayor-council and commission forms, the city
10 manager in code cities operating under the council-manager forms, or
11 such other officer as the charter of a charter code city designates as
12 the chief administrative officer.

13 (2) "City" means an incorporated city or town.

14 (3) "Code city" is used where the application of this chapter is
15 limited to a code city; where joint, regional, or cooperative action is
16 intended, a code city may be included in the unrestricted terms "city"
17 or "municipality".

18 (4) "Comprehensive plan" means the policies and proposals approved
19 by the legislative body as set forth in RCW 35A.63.060 through
20 35A.63.072 of this chapter and containing, at least, the elements set
21 forth in RCW 35A.63.061.

22 (5) "Legislative body" means a code city council, a code city
23 commission, and, in cases involving regional or cooperative planning or
24 action, the governing body of a municipality.

25 (6) "Municipality" includes any code city and, in cases of regional
26 or cooperative planning or action, any city, town, township, county, or
27 special district.

28 (7) "Ordinance" means a legislative enactment by the legislative
29 body of a municipality; in this chapter "ordinance" is synonymous with
30 the term "resolution" when "resolution" is used as representing a
31 legislative enactment.

32 (8) "Planning agency" means any person, body, or organization
33 designated by the legislative body to perform a planning function or
34 portion thereof for a municipality, and includes, without limitation,
35 any commission, committee, department, or board together with its staff
36 members, employees, agents, and consultants.

37 (9) "Special district" means that portion of the state, county, or
38 other political subdivision created under general law for rendering of

1 one or more local public services or for administrative, educational,
2 judicial, or political purposes.

3 (10) "Telecommuting" means the use of telecommunications services
4 and technologies to allow a worker to perform regular work tasks at a
5 location other than his or her usual worksite.

6 (11) "Telecommuting work center" means a facility equipped to allow
7 a number of workers to telecommute. The workers may be from different
8 organizations.

9 NEW SECTION. Sec. 10. The department of transportation shall
10 contract for the development and implementation of a telecommuting work
11 center demonstration project located in a county that plans under
12 chapter 36.70A RCW and borders another state.

13 NEW SECTION. Sec. 11. The sum of one hundred fifty thousand
14 dollars, or as much thereof as may be necessary, is appropriated for
15 the biennium ending June 30, 1997, from the air pollution control
16 account in the general fund to the department of transportation for the
17 purposes of carrying out section 10 of this act.

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