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**SUBSTITUTE HOUSE BILL 2343**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Fitzgibbon, Frame, Macri, Doglio, Tharinger, and Pollet)

1 AN ACT Relating to urban housing supply; amending RCW 36.70A.600,  
2 43.21C.495, 36.70A.620, and 43.21C.500; reenacting and amending RCW  
3 36.70A.030; and creating a new section.

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

5 **Sec. 1.** RCW 36.70A.600 and 2019 c 348 s 1 are each amended to  
6 read as follows:

7 (1) A city planning pursuant to RCW 36.70A.040 is encouraged to  
8 take the following actions in order to increase its residential  
9 building capacity:

10 (a) Authorize development in one or more areas of not fewer than  
11 five hundred acres that include at least one train station served by  
12 commuter rail or light rail with an average of at least fifty  
13 residential units per acre that require no more than an average of  
14 one on-site parking space per two bedrooms in the portions of  
15 multifamily zones that are located within the areas;

16 (b) Authorize development in one or more areas of not fewer than  
17 ~~((five))~~ two hundred acres in cities with a population greater than  
18 forty thousand or not fewer than ~~((two))~~ one hundred ~~((fifty))~~ acres  
19 in cities with a population less than forty thousand that include at  
20 least one bus stop served by scheduled bus service of at least four  
21 times per hour for twelve or more hours per day with an average of at

1 least twenty-five residential units per acre that require no more  
2 than an average of one on-site parking space per two bedrooms in  
3 portions of the multifamily zones that are located within the areas;

4 (c) Authorize at least one duplex, triplex, or courtyard  
5 apartment on each parcel in one or more zoning districts that permit  
6 single-family residences unless a city documents a specific  
7 infrastructure of physical constraint that would make this  
8 requirement unfeasible for a particular parcel;

9 (d) Authorize a duplex, triplex, or courtyard apartment on one or  
10 more parcels for which they are not currently authorized;

11 (e) Authorize cluster zoning or lot size averaging in all zoning  
12 districts that permit single-family residences;

13 ~~((e) Authorize attached accessory dwelling units on all parcels  
14 containing single-family homes where the lot is at least three  
15 thousand two hundred square feet in size, and permit both attached  
16 and detached accessory dwelling units on all parcels containing  
17 single-family homes, provided lots are at least four thousand three  
18 hundred fifty-six square feet in size. Qualifying city ordinances or  
19 regulations may not provide for on-site parking requirements, owner  
20 occupancy requirements, or square footage limitations below one  
21 thousand square feet for the accessory dwelling unit, and must not  
22 prohibit the separate rental or sale of accessory dwelling units and  
23 the primary residence. Cities must set applicable impact fees at no  
24 more than the projected impact of the accessory dwelling unit. To  
25 allow local flexibility, other than these factors, accessory dwelling  
26 units may be subject to such regulations, conditions, procedures, and  
27 limitations as determined by the local legislative authority, and  
28 must follow all applicable state and federal laws and local  
29 ordinances;))~~

30 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

31 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),  
32 except that an environmental impact statement pursuant to RCW  
33 43.21C.030 is not required for such an action;

34 (h) Adopt increases in categorical exemptions pursuant to RCW  
35 43.21C.229 for residential or mixed-use development;

36 (i) Adopt a form-based code in one or more zoning districts that  
37 permit residential uses. "Form-based code" means a land development  
38 regulation that uses physical form, rather than separation of use, as  
39 the organizing principle for the code;

1 (j) Authorize a duplex on each corner lot within all zoning  
2 districts that permit single-family residences;

3 (k) Allow for the division or redivision of land into the maximum  
4 number of lots through the short subdivision process provided in  
5 chapter 58.17 RCW; (~~and~~)

6 (l) Authorize a minimum net density of six dwelling units per  
7 acre in all residential zones, where the residential development  
8 capacity will increase within the city. For purposes of this  
9 subsection, the calculation of net density does not include the  
10 square footage of areas that are otherwise prohibited from  
11 development, such as critical areas, the area of buffers around  
12 critical areas, and the area of roads and similar features;

13 (m) Create one or more zoning districts of medium density in  
14 which individual lots may be no larger than three thousand five  
15 hundred square feet and single-family residences may be no larger  
16 than one thousand two hundred square feet;

17 (n) Authorize accessory dwelling units in one or more zoning  
18 districts in which they are currently prohibited;

19 (o) Remove minimum residential parking requirements related to  
20 accessory dwelling units;

21 (p) Remove owner occupancy requirements related to accessory  
22 dwelling units; and

23 (q) Adopt new square footage requirements related to accessory  
24 dwelling units that are less restrictive than existing square footage  
25 requirements related to accessory dwelling units.

26 (2) A city planning pursuant to RCW 36.70A.040 may adopt a  
27 housing action plan as described in this subsection. The goal of any  
28 such housing plan must be to encourage construction of additional  
29 affordable and market rate housing in a greater variety of housing  
30 types and at prices that are accessible to a greater variety of  
31 incomes, including strategies aimed at the for-profit single-family  
32 home market. A housing action plan may utilize data compiled pursuant  
33 to RCW 36.70A.610. The housing action plan should:

34 (a) Quantify existing and projected housing needs for all income  
35 levels, including extremely low-income households, with documentation  
36 of housing and household characteristics, and cost-burdened  
37 households;

38 (b) Develop strategies to increase the supply of housing, and  
39 variety of housing types, needed to serve the housing needs  
40 identified in (a) of this subsection;

1 (c) Analyze population and employment trends, with documentation  
2 of projections;

3 (d) Consider strategies to minimize displacement of low-income  
4 residents resulting from redevelopment;

5 (e) Review and evaluate the current housing element adopted  
6 pursuant to RCW 36.70A.070, including an evaluation of success in  
7 attaining planned housing types and units, achievement of goals and  
8 policies, and implementation of the schedule of programs and actions;

9 (f) Provide for participation and input from community members,  
10 community groups, local builders, local realtors, nonprofit housing  
11 advocates, and local religious groups; and

12 (g) Include a schedule of programs and actions to implement the  
13 recommendations of the housing action plan.

14 (3) If adopted by April 1, ((2021)) 2023, ordinances, amendments  
15 to development regulations, and other nonproject actions taken by a  
16 city to implement the actions specified in subsection (1) of this  
17 section, with the exception of the action specified in subsection  
18 (1)(f) of this section, are not subject to administrative or judicial  
19 appeal under chapter 43.21C RCW.

20 (4) Any action taken by a city prior to April 1, ((2021)) 2023,  
21 to amend their comprehensive plan, or adopt or amend ordinances or  
22 development regulations, solely to enact provisions under subsection  
23 (1) of this section is not subject to legal challenge under this  
24 chapter.

25 (5) In taking action under subsection (1) of this section, cities  
26 are encouraged to utilize strategies that increase residential  
27 building capacity in areas with frequent transit service and with the  
28 transportation and utility infrastructure that supports the  
29 additional residential building capacity.

30 (6) A city ((with a population over twenty thousand)) that is  
31 planning to take at least two actions under subsection (1) of this  
32 section, and that action will occur between July 28, 2019, and April  
33 1, 2021, is eligible to apply to the department for planning grant  
34 assistance of up to one hundred thousand dollars, subject to the  
35 availability of funds appropriated for that purpose. The department  
36 shall develop grant criteria to ensure that grant funds awarded are  
37 proportionate to the level of effort proposed by a city, and the  
38 potential increase in housing supply or regulatory streamlining that  
39 could be achieved. Funding may be provided in advance of, and to  
40 support, adoption of policies or ordinances consistent with this

1 section. A city can request, and the department may award, more than  
2 one hundred thousand dollars for applications that demonstrate  
3 extraordinary potential to increase housing supply or regulatory  
4 streamlining.

5 (7) A city seeking to develop a housing action plan under  
6 subsection (2) of this section is eligible to apply to the department  
7 for up to one hundred thousand dollars.

8 (8) The department shall establish grant award amounts under  
9 subsections (6) and (7) of this section based on the expected number  
10 of cities that will seek grant assistance, to ensure that all cities  
11 can receive some level of grant support. If funding capacity allows,  
12 the department may consider accepting and funding applications from  
13 cities with a population of less than twenty thousand if the actions  
14 proposed in the application will create a significant amount of  
15 housing capacity or regulatory streamlining and are consistent with  
16 the actions in this section.

17 (9) In implementing chapter 348, Laws of 2019, cities are  
18 encouraged to prioritize the creation of affordable, inclusive  
19 neighborhoods and to consider the risk of residential displacement,  
20 particularly in neighborhoods with communities at high risk of  
21 displacement.

22 **Sec. 2.** RCW 43.21C.495 and 2019 c 348 s 4 are each amended to  
23 read as follows:

24 If adopted by April 1, (~~2021~~) 2023, amendments to development  
25 regulations and other nonproject actions taken by a city to implement  
26 RCW 36.70A.600 (1) or (4), with the exception of the action specified  
27 in RCW 36.70A.600(1)(f), are not subject to administrative or  
28 judicial appeals under this chapter.

29 **Sec. 3.** RCW 36.70A.620 and 2019 c 348 s 5 are each amended to  
30 read as follows:

31 In counties and cities planning under RCW 36.70A.040, minimum  
32 residential parking requirements mandated by municipal zoning  
33 ordinances for housing units constructed after July 1, 2019, are  
34 subject to the following requirements:

35 (1) For housing units that are affordable to very low-income or  
36 extremely low-income individuals and that are located within one-  
37 quarter mile of a transit stop that receives transit service at least  
38 (~~four~~) two times per hour for twelve or more hours per day, minimum

1 residential parking requirements may be no greater than one parking  
2 space per bedroom or .75 space per unit. A city may require a  
3 developer to record a covenant that prohibits the rental of a unit  
4 subject to this parking restriction for any purpose other than  
5 providing for housing for very low-income or extremely low-income  
6 individuals. The covenant must address price restrictions and  
7 household income limits and policies if the property is converted to  
8 a use other than for low-income housing. A city may establish a  
9 requirement for the provision of more than one parking space per  
10 bedroom or .75 space per unit if the jurisdiction has determined a  
11 particular housing unit to be in an area with a lack of access to  
12 street parking capacity, physical space impediments, or other reasons  
13 supported by evidence that would make on-street parking infeasible  
14 for the unit.

15 (2) For housing units that are specifically for seniors or people  
16 with disabilities, that are located within one-quarter mile of a  
17 transit stop that receives transit service at least four times per  
18 hour for twelve or more hours per day, a city may not impose minimum  
19 residential parking requirements for the residents of such housing  
20 units, subject to the exceptions provided in this subsection. A city  
21 may establish parking requirements for staff and visitors of such  
22 housing units. A city may establish a requirement for the provision  
23 of one or more parking space per bedroom if the jurisdiction has  
24 determined a particular housing unit to be in an area with a lack of  
25 access to street parking capacity, physical space impediments, or  
26 other reasons supported by evidence that would make on-street parking  
27 infeasible for the unit. A city may require a developer to record a  
28 covenant that prohibits the rental of a unit subject to this parking  
29 restriction for any purpose other than providing for housing for  
30 seniors or people with disabilities.

31 (3) For market rate multifamily housing units that are located  
32 within one-quarter mile of a transit stop that receives transit  
33 service from at least one route that provides service at least four  
34 times per hour for twelve or more hours per day, minimum residential  
35 parking requirements may be no greater than one parking space per  
36 bedroom or .75 space per unit. A city or county may establish a  
37 requirement for the provision of more than one parking space per  
38 bedroom or .75 space per unit if the jurisdiction has determined a  
39 particular housing unit to be in an area with a lack of access to  
40 street parking capacity, physical space impediments, or other reasons

1 supported by evidence that would make on-street parking infeasible  
2 for the unit.

3 **Sec. 4.** RCW 43.21C.500 and 2019 c 348 s 6 are each amended to  
4 read as follows:

5 Project actions described in this section that pertain to  
6 residential, multifamily, or mixed-use development evaluated under  
7 this chapter by a city or town planning under RCW 36.70A.040 are  
8 exempt from appeals under this chapter on the basis of the evaluation  
9 of or impacts to the following elements of the environment, provided  
10 that the appropriate requirements for a particular element of the  
11 environment, as set forth in subsections (1) and (2) of this section,  
12 are met.

13 (1) Transportation. A project action pertaining to residential,  
14 multifamily, or mixed-use development evaluated under this chapter by  
15 a city or town planning under RCW 36.70A.040 is exempt from appeals  
16 under this chapter on the basis of the evaluation of or impacts to  
17 transportation elements of the environment, so long as the project  
18 does not present significant adverse impacts to the state-owned  
19 transportation system as determined by the department of  
20 transportation and the project is:

21 (a) (i) Consistent with a locally adopted transportation plan; or

22 (ii) Consistent with the transportation element of a  
23 comprehensive plan; and

24 (b) (i) A project for which traffic or parking impact fees are  
25 imposed pursuant to RCW 82.02.050 through 82.02.090; or

26 (ii) A project for which traffic or parking impacts are expressly  
27 mitigated by an ordinance, or ordinances, of general application  
28 adopted by the city or town.

29 (2) Aesthetics. A project action pertaining to residential,  
30 multifamily, or mixed-use development evaluated under this chapter by  
31 a city or town planning under RCW 36.70A.040 is exempt from appeals  
32 under this chapter on the basis of the evaluation of or impacts to  
33 the aesthetics element of the environment, so long as the project is  
34 subject to design review pursuant to adopted design review  
35 requirements at the local government level. For purposes of this  
36 subsection, "design review" means a formally adopted local government  
37 process by which projects are reviewed for compliance with design  
38 standards for the type of use adopted through local ordinance.

1       (3) For purposes of this section, "impacts to transportation  
2 elements of the environment" include impacts to transportation  
3 systems; vehicular traffic; waterborne, rail, and air traffic;  
4 parking; movement or circulation of people or goods; and traffic  
5 hazards.

6       **Sec. 5.** RCW 36.70A.030 and 2019 c 348 s 2 are each reenacted and  
7 amended to read as follows:

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

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

13       (2) "Affordable housing" means, unless the context clearly  
14 indicates otherwise, residential housing whose monthly costs,  
15 including utilities other than telephone, do not exceed thirty  
16 percent of the monthly income of a household whose income is:

17       (a) For rental housing, sixty percent of the median household  
18 income adjusted for household size, for the county where the  
19 household is located, as reported by the United States department of  
20 housing and urban development; or

21       (b) For owner-occupied housing, eighty percent of the median  
22 household income adjusted for household size, for the county where  
23 the household is located, as reported by the United States department  
24 of housing and urban development.

25       (3) "Agricultural land" means land primarily devoted to the  
26 commercial production of horticultural, viticultural, floricultural,  
27 dairy, apiary, vegetable, or animal products or of berries, grain,  
28 hay, straw, turf, seed, Christmas trees not subject to the excise tax  
29 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
30 hatcheries, or livestock, and that has long-term commercial  
31 significance for agricultural production.

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

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

37       (6) "Critical areas" include the following areas and ecosystems:

38       (a) Wetlands; (b) areas with a critical recharging effect on aquifers  
39 used for potable water; (c) fish and wildlife habitat conservation



1 areas; (d) frequently flooded areas; and (e) geologically hazardous  
2 areas. "Fish and wildlife habitat conservation areas" does not  
3 include such artificial features or constructs as irrigation delivery  
4 systems, irrigation infrastructure, irrigation canals, or drainage  
5 ditches that lie within the boundaries of and are maintained by a  
6 port district or an irrigation district or company.

7 (7) "Department" means the department of commerce.

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

18 (9) "Extremely low-income household" means a single person,  
19 family, or unrelated persons living together whose adjusted income is  
20 at or below thirty percent of the median household income adjusted  
21 for household size, for the county where the household is located, as  
22 reported by the United States department of housing and urban  
23 development.

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

39 (11) "Freight rail dependent uses" means buildings and other  
40 infrastructure that are used in the fabrication, processing, storage,

1 and transport of goods where the use is dependent on and makes use of  
2 an adjacent short line railroad. Such facilities are both urban and  
3 rural development for purposes of this chapter. "Freight rail  
4 dependent uses" does not include buildings and other infrastructure  
5 that are used in the fabrication, processing, storage, and transport  
6 of coal, liquefied natural gas, or "crude oil" as defined in RCW  
7 90.56.010.

8 (12) "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  
12 or safety concerns.

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

18 (14) "Low-income household" means a single person, family, or  
19 unrelated persons living together whose adjusted income is at or  
20 below eighty percent of the median household income adjusted for  
21 household size, for the county where the household is located, as  
22 reported by the United States department of housing and urban  
23 development.

24 (15) "Minerals" include gravel, sand, and valuable metallic  
25 substances.

26 (16) "Permanent supportive housing" is subsidized, leased housing  
27 with no limit on length of stay(~~(, paired with on-site or off-site~~  
28 ~~voluntary services designed to support a person living with a~~  
29 ~~disability to be a successful tenant in a housing arrangement,~~  
30 ~~improve the resident's health status, and connect residents of the~~  
31 ~~housing with community-based health care, treatment, and employment~~  
32 ~~services)) that prioritizes people who need comprehensive support  
33 services to retain tenancy and utilizes admissions practices designed  
34 to use lower barriers to entry than would be typical for other  
35 subsidized or unsubsidized rental housing, especially related to  
36 rental history, criminal history, and personal behaviors. Permanent  
37 supportive housing is paired with on-site or off-site voluntary  
38 services designed to support a person living with a complex and  
39 disabling behavioral health or physical health condition who was  
40 experiencing homelessness or was at imminent risk of homelessness~~

1 prior to moving into housing to retain their housing and be a  
2 successful tenant in a housing arrangement, improve the resident's  
3 health status, and connect the resident of the housing with  
4 community-based health care, treatment, or employment services.  
5 Permanent supportive housing is subject to all of the rights and  
6 responsibilities defined in chapter 59.18 RCW.

7 (17) "Public facilities" include streets, roads, highways,  
8 sidewalks, street and road lighting systems, traffic signals,  
9 domestic water systems, storm and sanitary sewer systems, parks and  
10 recreational facilities, and schools.

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

14 (19) "Recreational land" means land so designated under RCW  
15 36.70A.1701 and that, immediately prior to this designation, was  
16 designated as agricultural land of long-term commercial significance  
17 under RCW 36.70A.170. Recreational land must have playing fields and  
18 supporting facilities existing before July 1, 2004, for sports played  
19 on grass playing fields.

20 (20) "Rural character" refers to the patterns of land use and  
21 development established by a county in the rural element of its  
22 comprehensive plan:

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

25 (b) That foster traditional rural lifestyles, rural-based  
26 economies, and opportunities to both live and work in rural areas;

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

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

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

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

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

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

1 consist of a variety of uses and residential densities, including  
2 clustered residential development, at levels that are consistent with  
3 the preservation of rural character and the requirements of the rural  
4 element. Rural development does not refer to agriculture or forestry  
5 activities that may be conducted in rural areas.

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

14 (23) "Short line railroad" means those railroad lines designated  
15 class II or class III by the United States surface transportation  
16 board.

17 (24) "Urban governmental services" or "urban services" include  
18 those public services and public facilities at an intensity  
19 historically and typically provided in cities, specifically including  
20 storm and sanitary sewer systems, domestic water systems, street  
21 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 rural areas.

24 (25) "Urban growth" refers to growth that makes intensive use of  
25 land for the location of buildings, structures, and impermeable  
26 surfaces to such a degree as to be incompatible with the primary use  
27 of land for the production of food, other agricultural products, or  
28 fiber, or the extraction of mineral resources, rural uses, rural  
29 development, and natural resource lands designated pursuant to RCW  
30 36.70A.170. A pattern of more intensive rural development, as  
31 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed  
32 to spread over wide areas, urban growth typically requires urban  
33 governmental services. "Characterized by urban growth" refers to land  
34 having urban growth located on it, or to land located in relationship  
35 to an area with urban growth on it as to be appropriate for urban  
36 growth.

37 (26) "Urban growth areas" means those areas designated by a  
38 county pursuant to RCW 36.70A.110.

39 (27) "Very low-income household" means a single person, family,  
40 or unrelated persons living together whose adjusted income is at or

1 below fifty percent of the median household income adjusted for  
2 household size, for the county where the household is located, as  
3 reported by the United States department of housing and urban  
4 development.

5 (28) "Wetland" or "wetlands" means areas that are inundated or  
6 saturated by surface water or groundwater at a frequency and duration  
7 sufficient to support, and that under normal circumstances do  
8 support, a prevalence of vegetation typically adapted for life in  
9 saturated soil conditions. Wetlands generally include swamps,  
10 marshes, bogs, and similar areas. Wetlands do not include those  
11 artificial wetlands intentionally created from nonwetland sites,  
12 including, but not limited to, irrigation and drainage ditches,  
13 grass-lined swales, canals, detention facilities, wastewater  
14 treatment facilities, farm ponds, and landscape amenities, or those  
15 wetlands created after July 1, 1990, that were unintentionally  
16 created as a result of the construction of a road, street, or  
17 highway. Wetlands may include those artificial wetlands intentionally  
18 created from nonwetland areas created to mitigate conversion of  
19 wetlands.

20 NEW SECTION. **Sec. 6.** The department of ecology shall remove  
21 parking as an element of the environment within WAC 197-11-444 and as  
22 a component of the environmental checklist within WAC 197-11-960, as  
23 those sections existed on the effective date of this section, the  
24 next time that the department amends rules implementing this chapter  
25 after the effective date of this section.

--- END ---