
HOUSE BILL 1009

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Haugen, Wilson, Zellinsky, Wood, Pruitt, Winsley, Van Luven, Brough, Mitchell, Wynne and Rayburn.

Read first time January 14, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to community councils in unincorporated areas;
2 adding a new chapter to Title 36 RCW; creating a new section; and
3 repealing RCW 36.32.500 and 36.32.505.

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

5 NEW SECTION. **Sec. 1.** PURPOSE. Voters of the unincorporated
6 areas of the state are authorized to establish community councils as
7 provided in this chapter.

8 It is the purpose of this chapter to provide voters of
9 unincorporated areas with direct input on the planning and zoning of
10 their community by establishing a governmental mechanism to adopt
11 community comprehensive plans and community zoning ordinances that are
12 consistent with components or portions of the county comprehensive plan
13 that the county legislative authority designates as having area-wide
14 applicability and importance. Community comprehensive plans shall
15 replace components or portions of the county comprehensive plan that

1 are not designated as having area-wide applicability and importance,
2 and the subarea plan that the county legislative authority may have
3 adopted for the community. In addition, it is the purpose of this
4 chapter to have community councils serve as forums for the discussion
5 of local issues.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
7 requires otherwise, the definitions in this section apply throughout
8 this chapter.

9 (1) "Community" means a portion of the unincorporated area of a
10 county for which a community council has been established.

11 (2) "Community comprehensive plan" means a comprehensive plan
12 adopted by a community council.

13 (3) "Community council" means the governing body established under
14 this chapter to adopt community comprehensive plans and community
15 zoning ordinances for a community.

16 (4) "Community zoning ordinances" means the zoning ordinances
17 adopted by a community council to implement a community comprehensive
18 plan.

19 NEW SECTION. **Sec. 3.** MINIMUM REQUIREMENTS FOR A COMMUNITY
20 COUNCIL. A community for which a community council is created may
21 include only unincorporated territory located in a single county and
22 not included within a city or town. A community council must have at
23 least one thousand persons residing within the community when the
24 community council is created or, where the community only includes an
25 entire island, at least three hundred persons must reside on the island
26 when the community council is created. Any portion of such a community
27 that is annexed by a city or town, or is incorporated as a city or

1 town, shall be removed from the community upon the effective date of
2 the annexation or the official date of the incorporation.

3 NEW SECTION. **Sec. 4.** CREATION. (1) The process to create a
4 community council shall be initiated by the filing of petitions with
5 the county auditor of the county in which the community is located
6 which: (a) Call for the creation of a community council; (b) set forth
7 the boundaries for the community; (c) indicate the number of community
8 councilmembers, which shall be five, seven, nine, or eleven; and (d)
9 contain signatures of voters residing within the community equal in
10 number to at least ten percent of the voters residing in the community
11 who voted at the last state general election. The county auditor shall
12 determine if the petitions contain a sufficient number of valid
13 signatures and certify the sufficiency of the petitions within fifteen
14 days of when the petitions were filed. If the petitions are certified
15 as having sufficient valid signatures, the county auditor shall
16 transmit the petitions and certificate to the county legislative
17 authority.

18 (2) The county legislative authority shall hold a public hearing
19 within the community on the creation of the proposed community council
20 no later than sixty days after the petitions and certificate of
21 sufficiency were transmitted to the county legislative authority.
22 Notice of the public hearing shall be published in a newspaper of
23 general circulation in the community for at least once a week for two
24 consecutive weeks, with the last date of publication no more than ten
25 days prior to the date of the public hearing. At least ten days before
26 the public hearing, additional notice shall be posted conspicuously in
27 at least five places within the proposed community in a manner designed
28 to attract public attention.

1 (3) After receiving testimony on the creation of the proposed
2 community council, the county legislative authority may alter the
3 boundaries of the community, but the boundaries may not be altered to
4 reduce the number of persons living within the community by more than
5 ten percent or below the minimum number of residents who must reside
6 within the community at the time of the creation of the community
7 council. If territory is added to the community, another public
8 hearing on the proposal shall be held.

9 (4) The county legislative authority shall call a special election
10 within the community to determine whether the proposed community
11 council shall be created, and to elect the initial community
12 councilmembers, at the next state general election occurring seventy-
13 five or more days after the initial public hearing on the creation of
14 the proposed community council. The community council shall be created
15 if the ballot proposition authorizing the creation of the community is
16 approved by a simple majority vote of the voters voting on the
17 proposition.

18 NEW SECTION. **Sec. 5.** ELECTION OF INITIAL COMMUNITY
19 COUNCILMEMBERS. The initial members of the community council shall be
20 elected at the same election as the ballot proposition is submitted
21 authorizing the creation of the community council. However, the
22 election of the initial community councilmembers shall be null and void
23 if the ballot proposition authorizing the creation of the community
24 council is not approved.

25 No primary election shall be held to nominate candidates for
26 initial council positions. The initial community council shall consist
27 of the candidate for each council position who receives the greatest
28 number of votes for that council position. Staggering of terms of
29 office shall be accomplished by having the majority of the winning

1 candidates who receive the greatest number of votes being elected to
2 four-year terms of office, and the remaining winning candidates being
3 elected to two-year terms of office, if the election was held in an
4 even-numbered year, or the majority of the winning candidates who
5 receive the greatest number of votes being elected to three-year terms
6 of office, and the remaining winning candidates being elected to one-
7 year terms of office, if the election was held in an odd-numbered year,
8 with the term computed from the first day of January in the year
9 following the election. Initial councilmembers shall take office
10 immediately when qualified in accordance with RCW 29.01.135.

11 However, where the county operates under a charter providing for
12 the election of members of the county legislative authority in odd-
13 numbered years, the terms of office of the initial councilmembers shall
14 be four years and two years, if the election of the initial
15 councilmembers was held on an odd-numbered year, or three years and one
16 year, if the election of the initial councilmembers was held on an
17 even-numbered year.

18 NEW SECTION. **Sec. 6.** COMMUNITY COUNCILMEMBERS. Community
19 councilmembers shall be elected to staggered four-year terms until
20 their successors are elected and qualified. Each council position
21 shall be numbered separately. Candidates shall run for specific
22 council positions. The number of council positions shall be five,
23 seven, nine, or eleven, as specified in the petition calling for the
24 creation of the community council.

25 Community councilmembers shall be nominated and elected at
26 nonpartisan elections pursuant to general election laws, except the
27 elections shall be held in even-numbered years, unless the county
28 operates under a charter and members of the county legislative

1 authority are elected in odd-numbered years, in which case, community
2 councilmembers shall be elected in odd-numbered years.

3 The provisions of this section apply to the election and terms of
4 office of the initial community councilmembers, except as provided in
5 section 5 of this act.

6 A councilmember shall lose his or her council position if his or
7 her primary residence no longer is located within the community.
8 Vacancies on a community council shall be filled by action of the
9 remaining councilmembers.

10 NEW SECTION. **Sec. 7.** RESPONSIBILITY OF COUNTY LEGISLATIVE
11 AUTHORITY. (1) Within ninety days of the election at which a community
12 council is created, the county legislative authority shall adopt an
13 ordinance designating those portions or components of the county
14 comprehensive plan having area-wide applicability and importance
15 throughout the unincorporated area of the county that shall serve as an
16 overall guide for the development of community comprehensive plans and
17 community zoning ordinances.

18 (2) Community comprehensive plans and community zoning ordinances
19 that are adopted by a community council shall be submitted to the
20 county legislative authority for its review of the consistency of these
21 plans and ordinances with the portions or components of the county
22 comprehensive plan designated as having area-wide applicability and
23 importance under subsection (1) of this section. The county
24 legislative authority shall either approve the plans and ordinances as
25 adopted, or refer the plans and ordinances back to the community
26 council with written findings of noncompliance specifying the reasons
27 for noncompliance, within ninety days after they are submitted. The
28 county comprehensive plan, or subarea plan and comprehensive plan, and
29 zoning ordinances shall remain in effect in the community until the

1 community comprehensive plans and community zoning ordinances have been
2 approved.

3 (3) Each amendment to community comprehensive plans or community
4 zoning ordinances that is adopted by a community council shall be
5 submitted to the county legislative authority for its review of the
6 consistency of the amendment with the portions or components of the
7 county comprehensive plan designated as having area-wide applicability
8 and importance under subsection (1) of this section. The county
9 legislative authority shall either approve the amendment as adopted or
10 refer the amendment back to the community council with written findings
11 of noncompliance specifying the reasons for noncompliance within ninety
12 days after it is submitted. The unamended community comprehensive
13 plans and unamended community zoning ordinances shall remain in effect
14 in the community until the amendment has been approved.

15 (4) A community council shall be given at least one hundred twenty
16 days to amend its community comprehensive plans and community zoning
17 ordinances after the county legislative authority amends the ordinance
18 it adopted under subsection (1) of this section designating those
19 portions or components of the county comprehensive plan having area-
20 wide applicability and importance throughout the unincorporated area of
21 the county that shall serve as an overall guide for the development of
22 community comprehensive plans and community zoning ordinances. The
23 county legislative authority may amend the community comprehensive
24 plans and community zoning ordinances to achieve consistency with this
25 amended ordinance if the community council fails to obtain approval of
26 the community comprehensive plans and community zoning ordinances
27 within this time period. Nothing in this subsection shall preclude a
28 community council from subsequently obtaining approval of its community
29 comprehensive plans and community zoning ordinances.

1 (5) Approved community comprehensive plans and community zoning
2 ordinances shall be enforced by the county as if they had been adopted
3 by the county legislative authority. All quasi-judicial actions and
4 permits relating to these plans and ordinances shall be made and
5 decided by the county legislative authority or otherwise as provided by
6 the county legislative authority.

7 (6) The county shall be responsible for financing the activities
8 of, and providing administrative and staff support for, each community
9 council within its boundaries.

10 NEW SECTION. **Sec. 8.** POWERS OF A COMMUNITY COUNCIL. A
11 community council shall adopt community comprehensive plans and
12 community zoning ordinances as provided in section 7 of this act.
13 Community councils shall not have the authority to take quasi-judicial
14 actions or to decide permit applications. In addition, a community
15 council shall serve as a forum for the discussion of local issues.

16 Community councils are subject to chapter 42.30 RCW, the open
17 public meetings act.

18 NEW SECTION. **Sec. 9.** ANNEXATION. A community council may
19 provide for the annexation of adjacent unincorporated areas to the
20 community that are not included within another community for which a
21 community council has been established. Annexations shall be initiated
22 by either resolution of the community council proposing the annexation
23 or petition of voters residing in the adjacent area, which petition:
24 (a) Requests the annexation; (b) sets forth the boundaries of the area
25 proposed to be annexed; and (c) contains signatures of voters residing
26 within the area that is proposed to be annexed equal in number to at
27 least ten percent of the voters residing in that area who voted at the
28 last state general election. Annexation petitions shall be filed with

1 the county auditor who shall determine if the petitions contain a
2 sufficient number of valid signatures, certify the sufficiency of the
3 petitions, and notify the community council of the sufficiency of the
4 petitions within fifteen days of when the petitions are submitted.

5 A ballot proposition authorizing the annexation shall be submitted
6 to the voters of the area that is proposed to be annexed at a primary
7 or general election in either an odd-numbered or even-numbered year, if
8 the community council initiated the annexation by resolution or if the
9 community council concurs in an annexation that was initiated by the
10 submission of annexation petitions containing sufficient valid
11 signatures. The annexation shall occur if the ballot proposition
12 authorizing the creation of the community is approved by a simple
13 majority vote of the voters voting on the proposition. The county's
14 comprehensive plan, and where applicable to the county's subarea plan,
15 and zoning ordinances shall continue in effect in the annexed area
16 until amendments to the community comprehensive plans and community
17 zoning ordinance have been approved that apply to the annexed area.

18 NEW SECTION. **Sec. 10.** DISSOLUTION. A community council shall
19 be dissolved if the population of the community is reduced to less than
20 five hundred persons, or less than two hundred persons if the community
21 only includes an entire island.

22 In addition, a community council shall be dissolved by voters of
23 the community approving a ballot proposition to dissolve the community
24 council that has been placed upon the ballot in a primary or general
25 election held in either an odd-numbered or even-numbered year as the
26 result of the community council adopting a resolution placing this
27 matter on the ballot or by petition calling for the dissolution of the
28 community council that has been certified by the county auditor as
29 having valid signatures of voters residing within the community equal

1 in number to at least ten percent of the voters residing in the
2 community who voted at the last state general election. Petitions
3 calling for the dissolution of a community council shall be filed with
4 the county auditor and their sufficiency certified by the county
5 auditor in the same manner as an annexation petition. The community
6 council shall be dissolved if the ballot proposition dissolving the
7 community council is approved by a simple majority vote of the voters
8 voting on the proposition.

9 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 36.32.500 and 1984 c 203 s 6; and

12 (2) RCW 36.32.505 and 1984 c 203 s 7.

13 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act shall
14 constitute a new chapter in Title 36 RCW.

15 NEW SECTION. **Sec. 13.** Section headings as used in this act do
16 not constitute any part of the law.