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HOUSE BILL 1224

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State of Washington                      63rd Legislature                      2013 Regular Session

By Representatives Kretz, Takko, and Short

Read first time 01/21/13. Referred to Committee on Local Government.

1            AN ACT Relating to providing a process for county legislative  
2 authorities to withdraw from voluntary planning under the growth  
3 management act; and amending RCW 36.70A.040 and 36.70A.060.

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

5            **Sec. 1.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read  
6 as follows:

7            (1) Each county that has both a population of fifty thousand or  
8 more and, until May 16, 1995, has had its population increase by more  
9 than ten percent in the previous ten years or, on or after May 16,  
10 1995, has had its population increase by more than seventeen percent in  
11 the previous ten years, and the cities located within such county, and  
12 any other county regardless of its population that has had its  
13 population increase by more than twenty percent in the previous ten  
14 years, and the cities located within such county, shall conform with  
15 all of the requirements of this chapter. However, the county  
16 legislative authority of such a county with a population of less than  
17 fifty thousand population may adopt a resolution removing the county,  
18 and the cities located within the county, from the requirements of  
19 adopting comprehensive land use plans and development regulations under

1 this chapter if this resolution is adopted and filed with the  
2 department by December 31, 1990, for counties initially meeting this  
3 set of criteria, or within sixty days of the date the office of  
4 financial management certifies that a county meets this set of criteria  
5 under subsection (5) of this section. For the purposes of this  
6 subsection, a county not currently planning under this chapter is not  
7 required to include in its population count those persons confined in  
8 a correctional facility under the jurisdiction of the department of  
9 corrections that is located in the county.

10 Once a county meets either of these sets of criteria, the  
11 requirement to conform with all of the requirements of this chapter  
12 remains in effect, even if the county no longer meets one of these sets  
13 of criteria.

14 (2)(a) The county legislative authority of any county that does not  
15 meet either of the sets of criteria established under subsection (1) of  
16 this section may adopt a resolution indicating its intention to have  
17 subsection (1) of this section apply to the county. Each city, located  
18 in a county that chooses to plan under this subsection, shall conform  
19 with all of the requirements of this chapter. Once such a resolution  
20 has been adopted, the county and the cities located within the county  
21 remain subject to all of the requirements of this chapter, unless the  
22 county subsequently adopts a removal resolution pursuant to (b)(i) of  
23 this subsection.

24 (b)(i) Until December 31, 2014, the legislative authority of a  
25 county may adopt a resolution removing the county, and the cities  
26 located within the county, from the requirements to plan under this  
27 section if:

28 (A) The county has a population of twenty thousand or fewer  
29 inhabitants at any time between January 1, 2010, and December 31, 2014;

30 (B) The county has previously adopted a resolution indicating its  
31 intention to have subsection (1) of this section apply to the county;

32 (C) At least sixty days prior to adopting the removal resolution,  
33 the county provides written notification to the legislative body of  
34 each city within the county of its intent to consider adopting a  
35 removal resolution; and

36 (D) The legislative bodies of at least sixty percent of those  
37 cities having an aggregate population of at least seventy-five percent

1 of the incorporated county population have not adopted resolutions  
2 opposing the removal action by the county and provided written  
3 notification of the resolutions to the county.

4 (ii) Upon adoption of a removal resolution under (b)(i) of this  
5 subsection, the county and the cities within the county are no longer  
6 obligated to plan under this section.

7 (iii) Upon adoption of a resolution under (b)(i) of this  
8 subsection, the county may not, for at least ten years from the date of  
9 adoption of the removal resolution, adopt another resolution indicating  
10 its intention to have subsection (1) of this section apply to the  
11 county.

12 (3) Any county or city that is initially required to conform with  
13 all of the requirements of this chapter under subsection (1) of this  
14 section shall take actions under this chapter as follows: (a) The  
15 county legislative authority shall adopt a countywide planning policy  
16 under RCW 36.70A.210; (b) the county and each city located within the  
17 county shall designate critical areas, agricultural lands, forest  
18 lands, and mineral resource lands, and adopt development regulations  
19 conserving these designated agricultural lands, forest lands, and  
20 mineral resource lands and protecting these designated critical areas,  
21 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and  
22 take other actions related to urban growth areas under RCW 36.70A.110;  
23 (d) if the county has a population of fifty thousand or more, the  
24 county and each city located within the county shall adopt a  
25 comprehensive plan under this chapter and development regulations that  
26 are consistent with and implement the comprehensive plan on or before  
27 July 1, 1994, and if the county has a population of less than fifty  
28 thousand, the county and each city located within the county shall  
29 adopt a comprehensive plan under this chapter and development  
30 regulations that are consistent with and implement the comprehensive  
31 plan by January 1, 1995, but if the governor makes written findings  
32 that a county with a population of less than fifty thousand or a city  
33 located within such a county is not making reasonable progress toward  
34 adopting a comprehensive plan and development regulations the governor  
35 may reduce this deadline for such actions to be taken by no more than  
36 one hundred eighty days. Any county or city subject to this subsection  
37 may obtain an additional six months before it is required to have  
38 adopted its development regulations by submitting a letter notifying

1 the department of (~~community, trade, and economic development~~)  
2 commerce of its need prior to the deadline for adopting both a  
3 comprehensive plan and development regulations.

4 (4) Any county or city that is required to conform with all the  
5 requirements of this chapter, as a result of the county legislative  
6 authority adopting its resolution of intention under subsection (2) of  
7 this section, shall take actions under this chapter as follows: (a)  
8 The county legislative authority shall adopt a county-wide planning  
9 policy under RCW 36.70A.210; (b) the county and each city that is  
10 located within the county shall adopt development regulations  
11 conserving agricultural lands, forest lands, and mineral resource lands  
12 it designated under RCW 36.70A.060 within one year of the date the  
13 county legislative authority adopts its resolution of intention; (c)  
14 the county shall designate and take other actions related to urban  
15 growth areas under RCW 36.70A.110; and (d) the county and each city  
16 that is located within the county shall adopt a comprehensive plan and  
17 development regulations that are consistent with and implement the  
18 comprehensive plan not later than four years from the date the county  
19 legislative authority adopts its resolution of intention, but a county  
20 or city may obtain an additional six months before it is required to  
21 have adopted its development regulations by submitting a letter  
22 notifying the department of (~~community, trade, and economic  
23 development~~) commerce of its need prior to the deadline for adopting  
24 both a comprehensive plan and development regulations.

25 (5) If the office of financial management certifies that the  
26 population of a county that previously had not been required to plan  
27 under subsection (1) or (2) of this section has changed sufficiently to  
28 meet either of the sets of criteria specified under subsection (1) of  
29 this section, and where applicable, the county legislative authority  
30 has not adopted a resolution removing the county from these  
31 requirements as provided in subsection (1) of this section, the county  
32 and each city within such county shall take actions under this chapter  
33 as follows: (a) The county legislative authority shall adopt a  
34 countywide planning policy under RCW 36.70A.210; (b) the county and  
35 each city located within the county shall adopt development regulations  
36 under RCW 36.70A.060 conserving agricultural lands, forest lands, and  
37 mineral resource lands it designated within one year of the  
38 certification by the office of financial management; (c) the county

1 shall designate and take other actions related to urban growth areas  
2 under RCW 36.70A.110; and (d) the county and each city located within  
3 the county shall adopt a comprehensive land use plan and development  
4 regulations that are consistent with and implement the comprehensive  
5 plan within four years of the certification by the office of financial  
6 management, but a county or city may obtain an additional six months  
7 before it is required to have adopted its development regulations by  
8 submitting a letter notifying the department of (~~community, trade, and~~  
9 ~~economic development~~) commerce of its need prior to the deadline for  
10 adopting both a comprehensive plan and development regulations.

11 (6) A copy of each document that is required under this section  
12 shall be submitted to the department at the time of its adoption.

13 (7) Cities and counties planning under this chapter must amend the  
14 transportation element of the comprehensive plan to be in compliance  
15 with this chapter and chapter 47.80 RCW no later than December 31,  
16 2000.

17 **Sec. 2.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read  
18 as follows:

19 (1)(a) (~~Except as provided in RCW 36.70A.1701,~~) Each county that  
20 is required or chooses to plan under RCW 36.70A.040, and each city  
21 within such county, shall adopt development regulations on or before  
22 September 1, 1991, to assure the conservation of agricultural, forest,  
23 and mineral resource lands designated under RCW 36.70A.170.  
24 Regulations adopted under this subsection may not prohibit uses legally  
25 existing on any parcel prior to their adoption and shall remain in  
26 effect until the county or city adopts development regulations pursuant  
27 to RCW 36.70A.040. Such regulations shall assure that the use of lands  
28 adjacent to agricultural, forest, or mineral resource lands shall not  
29 interfere with the continued use, in the accustomed manner and in  
30 accordance with best management practices, of these designated lands  
31 for the production of food, agricultural products, or timber, or for  
32 the extraction of minerals.

33 (b) Counties and cities shall require that all plats, short plats,  
34 development permits, and building permits issued for development  
35 activities on, or within five hundred feet of, lands designated as  
36 agricultural lands, forest lands, or mineral resource lands, contain a  
37 notice that the subject property is within or near designated

1 agricultural lands, forest lands, or mineral resource lands on which a  
2 variety of commercial activities may occur that are not compatible with  
3 residential development for certain periods of limited duration. The  
4 notice for mineral resource lands shall also inform that an application  
5 might be made for mining-related activities, including mining,  
6 extraction, washing, crushing, stockpiling, blasting, transporting, and  
7 recycling of minerals.

8 (c) Each county that adopts a resolution of removal under RCW  
9 36.70A.040(2)(b), and each city within such county, shall adopt  
10 development regulations within one year after the adoption of the  
11 removal resolution to assure the conservation of agricultural, forest,  
12 and mineral resource lands designated under RCW 36.70A.170.  
13 Regulations adopted under this subsection may not prohibit uses legally  
14 existing on any parcel prior to their adoption. Such regulations shall  
15 assure that the use of lands adjacent to the designated agricultural,  
16 forest, or mineral resource lands shall not interfere with the  
17 continued use, in the accustomed manner and in accordance with best  
18 management practices, of these designated lands for the production of  
19 food, agricultural products, or timber, or for the extraction of  
20 minerals.

21 (2) Each county and city shall adopt development regulations that  
22 protect critical areas that are required to be designated under RCW  
23 36.70A.170. For counties and cities that are required or choose to  
24 plan under RCW 36.70A.040, such development regulations shall be  
25 adopted on or before September 1, 1991. For the remainder of the  
26 counties and cities, such development regulations shall be adopted on  
27 or before March 1, 1992.

28 (3) Such counties and cities shall review these designations and  
29 development regulations when adopting their comprehensive plans under  
30 RCW 36.70A.040 and implementing development regulations under RCW  
31 36.70A.120 and may alter such designations and development regulations  
32 to insure consistency.

33 (4) Forest land and agricultural land located within urban growth  
34 areas shall not be designated by a county or city as forest land or  
35 agricultural land of long-term commercial significance under RCW  
36 36.70A.170 unless the city or county has enacted a program authorizing

1 transfer or purchase of development rights.

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