
HOUSE BILL 1209

State of Washington

55th Legislature

1997 Regular Session

By Representatives Koster, Smith, Boldt, Mulliken, McMorris, Sherstad, Dunn, Thompson, Johnson, Mielke, Zellinsky, DeBolt, Pennington and Mastin

Read first time 01/17/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to counties engaging in growth management planning;
2 amending RCW 36.70A.040; creating a new section; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 36.70A.040 and 1995 c 400 s 1 are each amended to read
6 as follows:

7 (1)(a) 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,~~) Once a county
16 meets either of these sets of criteria, the requirement to conform with
17 all of the requirements of this chapter remains in effect, even if the
18 county no longer meets one of these sets of criteria, unless the county
19 removes itself under (b) of this subsection.

1 ~~(b) The county legislative authority of ((such a)) any county~~
2 ~~((with a population of less than fifty thousand population)) may adopt~~
3 ~~a resolution at any time removing the county, and the cities located~~
4 ~~within the county, from the requirements of adopting comprehensive land~~
5 ~~use plans and development regulations under this chapter ((if this~~
6 ~~resolution is adopted and)). In the alternative to such resolution,~~
7 ~~the county legislative authority may submit a ballot proposition to~~
8 ~~county voters at a state general election, removing the county, and the~~
9 ~~cities located within the county, from the requirement of adopting~~
10 ~~comprehensive land use plans and development regulations under this~~
11 ~~chapter. The removal shall take effect when the resolution or notice~~
12 ~~of passage of a ballot resolution is filed with the department ((by~~
13 ~~December 31, 1990, for counties initially meeting this set of criteria,~~
14 ~~or within sixty days of the date the office of financial management~~
15 ~~certifies that a county meets this set of criteria under subsection (5)~~
16 ~~of this section.~~

17 ~~Once a county meets either of these sets of criteria, the~~
18 ~~requirement to conform with all of the requirements of this chapter~~
19 ~~remains in effect, even if the county no longer meets one of these sets~~
20 ~~of criteria)).~~

21 (2) The county legislative authority of any county that does not
22 meet either of the sets of criteria established under subsection (1) of
23 this section may adopt a resolution indicating its intention to have
24 subsection (1) of this section apply to the county. Each city, located
25 in a county that chooses to plan under this subsection, shall conform
26 with all of the requirements of this chapter. Once such a resolution
27 has been adopted, the county and the cities located within the county
28 remain subject to all of the requirements of this chapter unless the
29 county removes itself under subsection (1) of this section.

30 (3) Any county or city that is initially required to conform with
31 all of the requirements of this chapter under subsection (1) of this
32 section shall take actions under this chapter as follows: (a) The
33 county legislative authority shall adopt a county-wide planning policy
34 under RCW 36.70A.210; (b) the county and each city located within the
35 county shall designate critical areas, agricultural lands, forest
36 lands, and mineral resource lands, and adopt development regulations
37 conserving these designated agricultural lands, forest lands, and
38 mineral resource lands and protecting these designated critical areas,
39 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and

1 take other actions related to urban growth areas under RCW 36.70A.110;
2 (d) if the county has a population of fifty thousand or more, the
3 county and each city located within the county shall adopt a
4 comprehensive plan under this chapter and development regulations that
5 are consistent with and implement the comprehensive plan on or before
6 July 1, 1994, and if the county has a population of less than fifty
7 thousand, the county and each city located within the county shall
8 adopt a comprehensive plan under this chapter and development
9 regulations that are consistent with and implement the comprehensive
10 plan by January 1, 1995, but if the governor makes written findings
11 that a county with a population of less than fifty thousand or a city
12 located within such a county is not making reasonable progress toward
13 adopting a comprehensive plan and development regulations the governor
14 may reduce this deadline for such actions to be taken by no more than
15 one hundred eighty days. Any county or city subject to this subsection
16 may obtain an additional six months before it is required to have
17 adopted its development regulations by submitting a letter notifying
18 the department of community, trade, and economic development of its
19 need prior to the deadline for adopting both a comprehensive plan and
20 development regulations.

21 (4) Any county or city that is required to conform with all the
22 requirements of this chapter, as a result of the county legislative
23 authority adopting its resolution of intention under subsection (2) of
24 this section, shall take actions under this chapter as follows: (a)
25 The county legislative authority shall adopt a county-wide planning
26 policy under RCW 36.70A.210; (b) the county and each city that is
27 located within the county shall adopt development regulations
28 conserving agricultural lands, forest lands, and mineral resource lands
29 it designated under RCW 36.70A.060 within one year of the date the
30 county legislative authority adopts its resolution of intention; (c)
31 the county shall designate and take other actions related to urban
32 growth areas under RCW 36.70A.110; and (d) the county and each city
33 that is located within the county shall adopt a comprehensive plan and
34 development regulations that are consistent with and implement the
35 comprehensive plan not later than four years from the date the county
36 legislative authority adopts its resolution of intention, but a county
37 or city may obtain an additional six months before it is required to
38 have adopted its development regulations by submitting a letter
39 notifying the department of community, trade, and economic development

1 of its need prior to the deadline for adopting both a comprehensive
2 plan and development regulations.

3 (5) If the office of financial management certifies that the
4 population of a county that previously had not been required to plan
5 under subsection (1) or (2) of this section has changed sufficiently to
6 meet either of the sets of criteria specified under subsection (1) of
7 this section, and where applicable, the county legislative authority
8 has not adopted a resolution removing the county from these
9 requirements as provided in subsection (1) of this section, the county
10 and each city within such county shall take actions under this chapter
11 as follows: (a) The county legislative authority shall adopt a county-
12 wide planning policy under RCW 36.70A.210; (b) the county and each city
13 located within the county shall adopt development regulations under RCW
14 36.70A.060 conserving agricultural lands, forest lands, and mineral
15 resource lands it designated within one year of the certification by
16 the office of financial management; (c) the county shall designate and
17 take other actions related to urban growth areas under RCW 36.70A.110;
18 and (d) the county and each city located within the county shall adopt
19 a comprehensive land use plan and development regulations that are
20 consistent with and implement the comprehensive plan within four years
21 of the certification by the office of financial management, but a
22 county or city may obtain an additional six months before it is
23 required to have adopted its development regulations by submitting a
24 letter notifying the department of community, trade, and economic
25 development of its need prior to the deadline for adopting both a
26 comprehensive plan and development regulations.

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

29 NEW SECTION. **Sec. 2.** This act shall not be construed as affecting
30 any existing right acquired or liability or obligation incurred under
31 the section amended in this act or under any rule or order adopted
32 under that section, nor as affecting any proceeding instituted under
33 that section.

34 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

--- END ---