

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2542

55th Legislature
1998 Regular Session

Passed by the House March 10, 1998
Yeas 70 Nays 28

**Speaker of the
House of Representatives**

Passed by the Senate March 6, 1998
Yeas 30 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2542** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2542

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By Representatives Mulliken, Thompson, Cairnes, DeBolt, McMorris, Sherstad, Koster, Mielke, Sump, Bush, Johnson, D. Sommers and Schoesler

Read first time 01/15/98. Referred to Committee on House Government Reform & Land Use.

1 AN ACT Relating to allowing rural counties to remove themselves and
2 their cities from the planning requirements of the growth management
3 act; amending RCW 36.70A.040; adding a new section to chapter 36.70A
4 RCW; and declaring an emergency.

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

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

8 (1) Each county that has:

9 (a) Both a population of fifty thousand or more and, until May 16,
10 1995, has had its population increase by more than ten percent in the
11 previous ten years or, ((on or after)) beginning May 16, 1995, through
12 June 30, 1998, has had its population increase by more than seventeen
13 percent in the previous ten years((7)); or

14 (b) On or after July 1, 1998, has both a population of sixty
15 thousand or more and has had its population increase by more than
16 seventeen percent in the previous ten years, and the cities located
17 within such county, and any other county regardless of its population
18 that has had its population increase by more than twenty percent in the
19 previous ten years, and the cities located within such county, shall

1 (~~conform with all of the requirements of this chapter~~) plan under
2 this section. However, the county legislative authority of such a
3 county with a population of less than fifty thousand population may
4 adopt a resolution removing the county, and the cities located within
5 the county, from the requirements (~~of adopting comprehensive land use~~
6 ~~plans and development regulations under this chapter~~) to plan under
7 this section if this resolution is adopted and filed with the
8 department by December 31, 1990, for counties initially meeting this
9 set of criteria, or within sixty days of the date the office of
10 financial management certifies that a county meets this set of criteria
11 under subsection (5) of this section.

12 Once a county meets either of these sets of criteria, the
13 requirement to (~~conform with all of the requirements of this chapter~~)
14 plan under this section remains in effect, even if the county no longer
15 meets one of these sets of criteria.

16 (2) The county legislative authority of any county that does not
17 meet either of the sets of criteria established under subsection (1) of
18 this section may adopt a resolution indicating its intention (~~to have~~
19 ~~subsection (1) of this section apply to~~) that the county plan under
20 this section. Each city, located in a county that (~~chooses to plan~~)
21 adopts a resolution under this subsection, shall (~~conform with all of~~
22 ~~the requirements of this chapter~~) plan under this section. Once such
23 a resolution has been adopted, the county and the cities located within
24 the county remain subject to all of the requirements of this
25 (~~chapter~~) section, unless the county removes itself, and the cities
26 located within the county, from the requirement to plan under this
27 section under the procedures in subsection (7) of this section.

28 (3) Any county or city that is initially required to (~~conform with~~
29 ~~all of the requirements of this chapter~~) plan under (~~subsection (1)~~
30 ~~of~~) this section shall take actions under this chapter as follows:
31 (a) The county legislative authority shall adopt a county-wide planning
32 policy under RCW 36.70A.210; (b) the county and each city located
33 within the county shall designate critical areas, agricultural lands,
34 forest lands, and mineral resource lands, and adopt development
35 regulations conserving these designated agricultural lands, forest
36 lands, and mineral resource lands and protecting these designated
37 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
38 shall designate and take other actions related to urban growth areas
39 under RCW 36.70A.110; (d) if the county has a population of fifty

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

20 (4) Any county or city that is required to (~~conform with all the~~
21 ~~requirements of this chapter~~) plan under this section, as a result of
22 the county legislative authority adopting its resolution of intention
23 under subsection (2) of this section, and the county has not removed
24 itself, and the cities located within the county, from the requirement
25 to plan under this section under the procedures in subsection (7) of
26 this section, shall take actions under this chapter as follows: (a)
27 The county legislative authority shall adopt a county-wide planning
28 policy under RCW 36.70A.210; (b) the county and each city that is
29 located within the county shall adopt development regulations
30 conserving agricultural lands, forest lands, and mineral resource lands
31 it designated under RCW 36.70A.060 within one year of the date the
32 county legislative authority adopts its resolution of intention; (c)
33 the county shall designate and take other actions related to urban
34 growth areas under RCW 36.70A.110; and (d) the county and each city
35 that is located within the county shall adopt a comprehensive plan and
36 development regulations that are consistent with and implement the
37 comprehensive plan not later than four years from the date the county
38 legislative authority adopts its resolution of intention, but a county
39 or city may obtain an additional six months before it is required to

1 have adopted its development regulations by submitting a letter
2 notifying the department of community, trade, and economic development
3 of its need prior to the deadline for adopting both a comprehensive
4 plan and development regulations.

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

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

31 (7) The county legislative authority of any county with a
32 population of less than fifty thousand that is required to plan by
33 reason of adopting a resolution under subsection (2) of this section,
34 and any county with a population of less than fifty thousand that at
35 any time has had the authority to remove itself from the requirements
36 of this chapter by adoption of a resolution under subsection (1) of
37 this section, may remove the county and the cities located within the
38 county from the requirement to plan under this section under the
39 procedures in this subsection.

1 (a) By December 31, 1998, the county legislative authority, by
2 majority vote, may adopt a resolution stating its intent to remove the
3 county, and the cities located within the county, from the requirement
4 to plan under this section and submit the resolution to the cities
5 located within the county.

6 (b) If the county has two or more cities, the county and the cities
7 located within the county are no longer subject to the requirement to
8 plan:

9 (i) If within sixty days of submission of the resolution of intent,
10 a majority of the cities adopt resolutions concurring in the resolution
11 of the county; or

12 (ii) If the cities do not concur within sixty days under (b)(i) of
13 this subsection, if a resolution removing the county and the cities
14 located within the county from the requirement to plan under this
15 section is submitted to and approved by a majority of the registered
16 voters in the county at the next general election.

17 (c) If the county has one city, the county and the city located
18 within the county are no longer subject to the requirement to plan:

19 (i) If within sixty days of submission of the resolution of intent,
20 the city adopts a resolution concurring in the resolution of the
21 county; or

22 (ii) If the city does not concur within sixty days under (c)(i) of
23 this subsection, if a resolution removing the county and the city
24 located within the county from the requirement to plan under this
25 section is submitted to and approved by a majority of the registered
26 voters in the county at the next general election.

27 (d) A county, and the cities located within the county, that are no
28 longer required to plan under this section remain subject to the
29 requirements for the designation and protection of critical areas and
30 the designation of natural resource lands under RCW 36.70A.060(2),
31 36.70A.170, and 36.70A.172.

32 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
33 to read as follows:

34 If a resolution is adopted or approved under RCW 36.70A.040(7)
35 removing the county and the cities located within the county from the
36 requirement to plan under this chapter, any claim pending before a
37 board or court that relates to the requirement to plan under this
38 chapter is moot and the claim shall be dismissed.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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