

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1224

Chapter 147, Laws of 2014

63rd Legislature
2014 Regular Session

GROWTH MANAGEMENT ACT--PLANNING OBLIGATIONS

EFFECTIVE DATE: 06/12/14

Passed by the House March 12, 2014
Yeas 84 Nays 12

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 6, 2014
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 31, 2014, 2:36 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1224** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 31, 2014

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1224

AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

State of Washington **63rd Legislature** **2014 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; amending RCW 36.70A.040, 36.70A.060, and 36.70A.280;
4 and providing an expiration date.

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

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

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

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

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

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

25 (b)(i) Until December 31, 2015, the legislative authority of a
26 county may adopt a resolution removing the county and the cities
27 located within the county from the requirements to plan under this
28 section if:

29 (A) The county has a population, as estimated by the office of
30 financial management, of twenty thousand or fewer inhabitants at any
31 time between April 1, 2010, and April 1, 2015;

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

34 (C) At least sixty days prior to adopting a resolution for partial
35 planning, the county provides written notification to the legislative
36 body of each city within the county of its intent to consider adopting
37 the resolution; and

1 (D) The legislative bodies of at least sixty percent of those
2 cities having an aggregate population of at least seventy-five percent
3 of the incorporated county population have not: Adopted resolutions
4 opposing the action by the county; and provided written notification of
5 the resolutions to the county.

6 (ii) Upon adoption of a resolution for partial planning under
7 (b)(i) of this subsection:

8 (A) The county and the cities within the county are, except as
9 provided otherwise, no longer obligated to plan under this section; and

10 (B) The county may not, for a minimum of ten years from the date of
11 adoption of the resolution, adopt another resolution indicating its
12 intention to have subsection (1) of this section apply to the county.

13 (c) The adoption of a resolution for partial planning under (b)(i)
14 of this subsection does not nullify or otherwise modify the
15 requirements for counties and cities established in RCW 36.70A.060,
16 36.70A.070(5) and associated development regulations, 36.70A.170, and
17 36.70A.172.

18 (3) Any county or city that is initially required to conform with
19 all of the requirements of this chapter under subsection (1) of this
20 section shall take actions under this chapter as follows: (a) The
21 county legislative authority shall adopt a countywide planning policy
22 under RCW 36.70A.210; (b) the county and each city located within the
23 county shall designate critical areas, agricultural lands, forest
24 lands, and mineral resource lands, and adopt development regulations
25 conserving these designated agricultural lands, forest lands, and
26 mineral resource lands and protecting these designated critical areas,
27 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
28 take other actions related to urban growth areas under RCW 36.70A.110;
29 (d) if the county has a population of fifty thousand or more, the
30 county and each city located within the county shall adopt a
31 comprehensive plan under this chapter and development regulations that
32 are consistent with and implement the comprehensive plan on or before
33 July 1, 1994, and if the county has a population of less than fifty
34 thousand, the county and each city located within the county shall
35 adopt a comprehensive plan under this chapter and development
36 regulations that are consistent with and implement the comprehensive
37 plan by January 1, 1995, but if the governor makes written findings
38 that a county with a population of less than fifty thousand or a city

1 located within such a county is not making reasonable progress toward
2 adopting a comprehensive plan and development regulations the governor
3 may reduce this deadline for such actions to be taken by no more than
4 one hundred eighty days. Any county or city subject to this subsection
5 may obtain an additional six months before it is required to have
6 adopted its development regulations by submitting a letter notifying
7 the department (~~(of community, trade, and economic development)~~) of its
8 need prior to the deadline for adopting both a comprehensive plan and
9 development regulations.

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

31 (5) If the office of financial management certifies that the
32 population of a county that previously had not been required to plan
33 under subsection (1) or (2) of this section has changed sufficiently to
34 meet either of the sets of criteria specified under subsection (1) of
35 this section, and where applicable, the county legislative authority
36 has not adopted a resolution removing the county from these
37 requirements as provided in subsection (1) of this section, the county
38 and each city within such county shall take actions under this chapter

1 as follows: (a) The county legislative authority shall adopt a
2 countywide planning policy under RCW 36.70A.210; (b) the county and
3 each city located within the county shall adopt development regulations
4 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
5 mineral resource lands it designated within one year of the
6 certification by the office of financial management; (c) the county
7 shall designate and take other actions related to urban growth areas
8 under RCW 36.70A.110; and (d) the county and each city located within
9 the county shall adopt a comprehensive land use plan and development
10 regulations that are consistent with and implement the comprehensive
11 plan within four years of the certification by the office of financial
12 management, but a county or city may obtain an additional six months
13 before it is required to have adopted its development regulations by
14 submitting a letter notifying the department (~~(of community, trade, and~~
15 ~~economic development)) of its need prior to the deadline for adopting
16 both a comprehensive plan and development regulations.~~

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

19 (7) Cities and counties planning under this chapter must amend the
20 transportation element of the comprehensive plan to be in compliance
21 with this chapter and chapter 47.80 RCW no later than December 31,
22 2000.

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

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

1 for the production of food, agricultural products, or timber, or for
2 the extraction of minerals.

3 (b) Counties and cities shall require that all plats, short plats,
4 development permits, and building permits issued for development
5 activities on, or within five hundred feet of, lands designated as
6 agricultural lands, forest lands, or mineral resource lands, contain a
7 notice that the subject property is within or near designated
8 agricultural lands, forest lands, or mineral resource lands on which a
9 variety of commercial activities may occur that are not compatible with
10 residential development for certain periods of limited duration. The
11 notice for mineral resource lands shall also inform that an application
12 might be made for mining-related activities, including mining,
13 extraction, washing, crushing, stockpiling, blasting, transporting, and
14 recycling of minerals.

15 (c) Each county that adopts a resolution of partial planning under
16 RCW 36.70A.040(2)(b), and each city within such county, shall adopt
17 development regulations within one year after the adoption of the
18 resolution of partial planning to assure the conservation of
19 agricultural, forest, and mineral resource lands designated under RCW
20 36.70A.170. Regulations adopted under this subsection (1)(c) must
21 comply with the requirements governing regulations adopted under (a) of
22 this subsection.

23 (d)(i) A county that adopts a resolution of partial planning under
24 RCW 36.70A.040(2)(b) and that is not in compliance with the planning
25 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),
26 36.70A.170, and 36.70A.172 at the time the resolution is adopted must,
27 by January 30, 2017, apply for a determination of compliance from the
28 department finding that the county's development regulations, including
29 development regulations adopted to protect critical areas, and
30 comprehensive plans are in compliance with the requirements of this
31 section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172.
32 The department must approve or deny the application for a determination
33 of compliance within one hundred twenty days of its receipt or by June
34 30, 2017, whichever date is earlier.

35 (ii) If the department denies an application under (d)(i) of this
36 subsection, the county and each city within is obligated to comply with
37 all requirements of this chapter and the resolution for partial
38 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

1 (iii) A petition for review of a determination of compliance under
2 (d)(i) of this subsection may only be appealed to the growth management
3 hearings board within sixty days of the issuance of the decision by the
4 department.

5 (iv) In the event of a filing of a petition in accordance with
6 (d)(iii) of this subsection, the county and the department must equally
7 share the costs incurred by the department for defending an approval of
8 determination of compliance that is before the growth management
9 hearings board.

10 (v) The department may implement this subsection (d) by adopting
11 rules related to determinations of compliance. The rules may address,
12 but are not limited to: The requirements for applications for a
13 determination of compliance; charging of costs under (d)(iv) of this
14 subsection; procedures for processing applications; criteria for the
15 evaluation of applications; issuance and notice of department
16 decisions; and applicable timelines.

17 (2) Each county and city shall adopt development regulations that
18 protect critical areas that are required to be designated under RCW
19 36.70A.170. For counties and cities that are required or choose to
20 plan under RCW 36.70A.040, such development regulations shall be
21 adopted on or before September 1, 1991. For the remainder of the
22 counties and cities, such development regulations shall be adopted on
23 or before March 1, 1992.

24 (3) Such counties and cities shall review these designations and
25 development regulations when adopting their comprehensive plans under
26 RCW 36.70A.040 and implementing development regulations under RCW
27 36.70A.120 and may alter such designations and development regulations
28 to insure consistency.

29 (4) Forest land and agricultural land located within urban growth
30 areas shall not be designated by a county or city as forest land or
31 agricultural land of long-term commercial significance under RCW
32 36.70A.170 unless the city or county has enacted a program authorizing
33 transfer or purchase of development rights.

34 **Sec. 3.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to
35 read as follows:

36 (1) The growth management hearings board shall hear and determine
37 only those petitions alleging either:

1 (a) That, except as provided otherwise by this subsection, a state
2 agency, county, or city planning under this chapter is not in
3 compliance with the requirements of this chapter, chapter 90.58 RCW as
4 it relates to the adoption of shoreline master programs or amendments
5 thereto, or chapter 43.21C RCW as it relates to plans, development
6 regulations, or amendments, adopted under RCW 36.70A.040 or chapter
7 90.58 RCW. Nothing in this subsection authorizes the board to hear
8 petitions alleging noncompliance with RCW 36.70A.5801;

9 (b) That the twenty-year growth management planning population
10 projections adopted by the office of financial management pursuant to
11 RCW 43.62.035 should be adjusted;

12 (c) That the approval of a work plan adopted under RCW
13 36.70A.735(1)(a) is not in compliance with the requirements of the
14 program established under RCW 36.70A.710;

15 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not
16 regionally applicable and cannot be adopted, wholly or partially, by
17 another jurisdiction; (~~(e)~~)

18 (e) That a department certification under RCW 36.70A.735(1)(c) is
19 erroneous; or

20 (f) That a department determination under RCW 36.70A.060(1)(d) is
21 erroneous.

22 (2) A petition may be filed only by: (a) The state, or a county or
23 city that plans under this chapter; (b) a person who has participated
24 orally or in writing before the county or city regarding the matter on
25 which a review is being requested; (c) a person who is certified by the
26 governor within sixty days of filing the request with the board; or (d)
27 a person qualified pursuant to RCW 34.05.530.

28 (3) For purposes of this section "person" means any individual,
29 partnership, corporation, association, state agency, governmental
30 subdivision or unit thereof, or public or private organization or
31 entity of any character.

32 (4) To establish participation standing under subsection (2)(b) of
33 this section, a person must show that his or her participation before
34 the county or city was reasonably related to the person's issue as
35 presented to the board.

36 (5) When considering a possible adjustment to a growth management
37 planning population projection prepared by the office of financial

1 management, the board shall consider the implications of any such
2 adjustment to the population forecast for the entire state.

3 The rationale for any adjustment that is adopted by the board must
4 be documented and filed with the office of financial management within
5 ten working days after adoption.

6 If adjusted by the board, a county growth management planning
7 population projection shall only be used for the planning purposes set
8 forth in this chapter and shall be known as the "board adjusted
9 population projection." None of these changes shall affect the
10 official state and county population forecasts prepared by the office
11 of financial management, which shall continue to be used for state
12 budget and planning purposes.

13 NEW SECTION. **Sec. 4.** Section 3 of this act expires December 31,
14 2020.

Passed by the House March 12, 2014.

Passed by the Senate March 6, 2014.

Approved by the Governor March 31, 2014.

Filed in Office of Secretary of State March 31, 2014.