
SENATE BILL 5242

State of Washington

66th Legislature

2019 Regular Session

By Senators Short and Wilson, L.

Read first time 01/16/19. Referred to Committee on Local Government.

1 AN ACT Relating to the economic development of rural counties;
2 amending RCW 36.70A.040; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the growth
5 management act was designed to manage growth in the fastest growing
6 cities and counties in Washington state. The office of financial
7 management shows that there are several counties in Washington state
8 that opted in to the growth management act planning that are
9 experiencing minimal growth. Planning is an expensive process and in
10 order for counties to be able to devote more funds to equal access to
11 governmental services for citizens, it is important that the counties
12 who were allowed to opt in to the growth management act be given the
13 opportunity to opt out upon review if that opportunity is supported
14 by metrics which indicate the county is struggling to meet
15 projections for economic viability, affordable housing, and economic
16 growth.

17 **Sec. 2.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to
18 read as follows:

19 (1) Each county that has both a population of fifty thousand or
20 more and, until May 16, 1995, has had its population increase by more

1 than ten percent in the previous ten years or, on or after May 16,
2 1995, has had its population increase by more than seventeen percent
3 in the previous ten years, and the cities located within such county,
4 and any other county regardless of its population that has had its
5 population increase by more than twenty percent in the previous ten
6 years, and the cities located within such county, shall conform with
7 all of the requirements of this chapter. However, the county
8 legislative authority of such a county with a population of less than
9 fifty thousand population may adopt a resolution removing the county,
10 and the cities located within the county, from the requirements of
11 adopting comprehensive land use plans and development regulations
12 under this chapter if this resolution is adopted and filed with the
13 department by December 31, 1990, for counties initially meeting this
14 set of criteria, or within sixty days of the date the office of
15 financial management certifies that a county meets this set of
16 criteria under subsection (5) of this section. For the purposes of
17 this subsection, a county not currently planning under this chapter
18 is not required to include in its population count those persons
19 confined in a correctional facility under the jurisdiction of the
20 department of corrections that is located in the county.

21 Once a county meets either of these sets of criteria, the
22 requirement to conform with all of the requirements of this chapter
23 remains in effect, even if the county no longer meets one of these
24 sets of criteria.

25 (2)(a) The county legislative authority of any county that does
26 not meet either of the sets of criteria established under subsection
27 (1) of this section may adopt a resolution indicating its intention
28 to have subsection (1) of this section apply to the county. Each
29 city, located in a county that chooses to plan under this subsection,
30 shall conform with all of the requirements of this chapter. Once such
31 a resolution has been adopted, the county and the cities located
32 within the county remain subject to all of the requirements of this
33 chapter, unless the county subsequently adopts a withdrawal
34 resolution for partial planning pursuant to (b)(i) of this
35 subsection.

36 (b)(i) (~~Until December 31, 2015,~~) The legislative authority of
37 a county may adopt a resolution removing the county and the cities
38 located within the county from the requirements to plan under this
39 section if:

1 (A) The county (~~has a population, as estimated by the office of~~
2 ~~financial management, of twenty thousand or fewer inhabitants at any~~
3 ~~time between April 1, 2010, and April 1, 2015~~)):

4 (I) Meets the definition of "rural county" under RCW 82.14.370 at
5 the time of periodic review;

6 (II) Is a county that has an unemployment rate at least twenty
7 percent above the state average for the immediately previous three
8 years; or

9 (III) Is a county that has a median household income that is less
10 than seventy-five percent of the state median household income for
11 the previous three years;

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

14 (C) At least sixty days prior to adopting a resolution for
15 partial planning, the county provides written notification to the
16 legislative body of each city within the county of its intent to
17 consider adopting the resolution; (~~and~~) or

18 (D) The legislative bodies of at least sixty percent of those
19 cities having an aggregate population of at least seventy-five
20 percent of the incorporated county population have not: Adopted
21 resolutions opposing the action by the county; and provided written
22 notification of the resolutions to the county.

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

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

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

32 (c) The adoption of a resolution for partial planning under
33 (b)(i) of this subsection does not nullify or otherwise modify the
34 requirements for counties and cities established in RCW 36.70A.060,
35 36.70A.070(5) and associated development regulations, 36.70A.170, and
36 36.70A.172.

37 (3) Any county or city that is initially required to conform with
38 all of the requirements of this chapter under subsection (1) of this
39 section shall take actions under this chapter as follows: (a) The
40 county legislative authority shall adopt a countywide planning policy

1 under RCW 36.70A.210; (b) the county and each city located within the
2 county shall designate critical areas, agricultural lands,
3 forestlands, and mineral resource lands, and adopt development
4 regulations conserving these designated agricultural lands,
5 forestlands, and mineral resource lands and protecting these
6 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)
7 the county shall designate and take other actions related to urban
8 growth areas under RCW 36.70A.110; (~~and~~) and (d) if the county
9 has a population of fifty thousand or more, the county and each city
10 located within the county shall adopt a comprehensive plan under this
11 chapter and development regulations that are consistent with and
12 implement the comprehensive plan on or before July 1, 1994, and if
13 the county has a population of less than fifty thousand, the county
14 and each city located within the county shall adopt a comprehensive
15 plan under this chapter and development regulations that are
16 consistent with and implement the comprehensive plan by January 1,
17 1995, but if the governor makes written findings that a county with a
18 population of less than fifty thousand or a city located within such
19 a county is not making reasonable progress toward adopting a
20 comprehensive plan and development regulations the governor may
21 reduce this deadline for such actions to be taken by no more than one
22 hundred eighty days. Any county or city subject to this subsection
23 may obtain an additional six months before it is required to have
24 adopted its development regulations by submitting a letter notifying
25 the department of its need prior to the deadline for adopting both a
26 comprehensive plan and development regulations.

27 (4) Any county or city that is required to conform with all the
28 requirements of this chapter, as a result of the county legislative
29 authority adopting its resolution of intention under subsection (2)
30 of this section, shall take actions under this chapter as follows:

31 (a) The county legislative authority shall adopt a county-wide
32 planning policy under RCW 36.70A.210; (b) the county and each city
33 that is located within the county shall adopt development regulations
34 conserving agricultural lands, forestlands, and mineral resource
35 lands it designated under RCW 36.70A.060 within one year of the date
36 the county legislative authority adopts its resolution of intention;
37 (c) the county shall designate and take other actions related to
38 urban growth areas under RCW 36.70A.110; and (d) the county and each
39 city that is located within the county shall adopt a comprehensive
40 plan and development regulations that are consistent with and

1 implement the comprehensive plan not later than four years from the
2 date the county legislative authority adopts its resolution of
3 intention, but a county or city may obtain an additional six months
4 before it is required to have adopted its development regulations by
5 submitting a letter notifying the department of its need prior to the
6 deadline for adopting both a comprehensive plan and development
7 regulations.

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

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

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

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