
SENATE BILL 5143

State of Washington

54th Legislature

1995 Regular Session

By Senators McCaslin, Hochstatter and Palmer

Read first time 01/12/95. Referred to Committee on Government Operations.

1 AN ACT Relating to growth management; and amending RCW 36.70A.040.

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

3 **Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to
4 read as follows:

5 (1) Each county that has both a population of fifty thousand or
6 more and has had its population increase by more than ten percent in
7 the previous ten years, and the cities located within such county, and
8 any other county regardless of its population that has had its
9 population increase by more than twenty percent in the previous ten
10 years, and the cities located within such county, shall conform with
11 all of the requirements of this chapter. However, the county
12 legislative authority of such a county with a population of less than
13 fifty thousand population may adopt a resolution removing the county,
14 and the cities located within the county, from the requirements of
15 adopting comprehensive land use plans and development regulations under
16 this chapter if this resolution is adopted and filed with the
17 department by December 31, 1990, for counties initially meeting this
18 set of criteria, or within sixty days of the date the office of

1 financial management certifies that a county meets this set of criteria
2 under subsection (5) of this section.

3 Once a county meets either of these sets of criteria, the
4 requirement to conform with all of the requirements of this chapter
5 remains in effect, even if the county no longer meets one of these sets
6 of criteria.

7 (2) The county legislative authority of any county that does not
8 meet either of the sets of criteria established under subsection (1) of
9 this section may adopt a resolution indicating its intention to have
10 subsection (1) of this section apply to the county. Each city, located
11 in a county that chooses to plan under this subsection, shall conform
12 with all of the requirements of this chapter. (~~Once such a resolution
13 has been adopted, the county and the cities located within the county
14 remain subject to all of the requirements of this chapter.~~)

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

1 may obtain an additional six months before it is required to have
2 adopted its development regulations by submitting a letter notifying
3 the department of community, trade, and economic development of its
4 need prior to the deadline for adopting both a comprehensive plan and
5 development regulations.

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

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

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

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

14 (7) Any county east of the crest of the Cascade mountains that is
15 required to plan under subsection (1) of this section or chooses to
16 plan under subsection (2) of this section may terminate such
17 requirements and exempt itself from the provisions of this chapter that
18 are not of general application, if the county legislative authority
19 causes to be placed on the ballot at the next general election, in the
20 form of a referendum, the question of whether the county should exempt
21 itself from the requirements of this chapter and the referendum is
22 approved by a majority of the votes cast on the question.

23 (8) If the voters of a county approve a ballot measure to terminate
24 participation under this chapter pursuant to subsection (7) of this
25 section, the authority to collect any fees or taxes that are predicated
26 on participation under this chapter shall terminate at the end of the
27 calendar year in which the election results on the ballot measure are
28 certified, and any unexpended funds received through such fees and
29 taxes and any unexpended funds received from the state for the purpose
30 of planning under this chapter shall be placed in the county general
31 fund without restriction.

--- END ---