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SENATE BILL 5057

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators McCaslin, Sellar, Deccio, Hale, Anderson, Zarelli and Roach

Read first time 01/13/97.      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 1995 c 400 s 1 are each amended to read  
4 as follows:

5            (1) Each county that has both a population of fifty thousand or  
6 more and, until May 16, 1995, has had its population increase by more  
7 than ten percent in the previous ten years or, on or after May 16,  
8 1995, has had its population increase by more than seventeen percent in  
9 the previous ten years, and the cities located within such county, and  
10 any other county regardless of its population that has had its  
11 population increase by more than twenty percent in the previous ten  
12 years, and the cities located within such county, shall conform with  
13 all of the requirements of this chapter.      However, the county  
14 legislative authority of such a county with a population of less than  
15 fifty thousand population may adopt a resolution removing the county,  
16 and the cities located within the county, from the requirements of  
17 adopting comprehensive land use plans and development regulations under  
18 this chapter if this resolution is adopted and filed with the  
19 department by December 31, 1990, for counties initially meeting this

1 set of criteria, or within sixty days of the date the office of  
2 financial management certifies that a county meets this set of criteria  
3 under subsection (5) of this section.

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

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

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

1 one hundred eighty days. Any county or city subject to this subsection  
2 may obtain an additional six months before it is required to have  
3 adopted its development regulations by submitting a letter notifying  
4 the department of community, trade, and economic development of its  
5 need prior to the deadline for adopting both a comprehensive plan and  
6 development regulations.

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

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

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

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

15 (7) Any county that is required to plan under subsection (1) of  
16 this section or chooses to plan under subsection (2) of this section  
17 may terminate such requirements and exempt itself from the provisions  
18 of this chapter that are not of general application to all counties, if  
19 the county legislative authority adopts a resolution exempting the  
20 county.

21 (8) If the county legislative authority adopts a resolution  
22 exempting the county, the authority to collect any fees or taxes that  
23 are predicated on participation under this chapter shall terminate at  
24 the end of the calendar year in which the resolution is adopted, and  
25 any unexpended funds received through such fees and taxes and any  
26 unexpended funds received from the state for the purpose of planning  
27 under this chapter shall be placed in the county general fund without  
28 restriction.

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