

2 SHB 1275 - S AMD TO GO COMM AMD (1275-S AMS GO-cc)

3 By Senators McCaslin and Madsen

4 ADOPTED 4/19/91

5 On page 32, after line 13 of the amendment, insert the following:

6 NEW SECTION. Sec. 29. PURPOSE. Voters of the unincorporated
7 areas of the state are authorized to establish community councils as
8 provided in this chapter.

9 It is the purpose of this chapter to provide voters of
10 unincorporated areas with direct input on the planning and zoning of
11 their community by establishing a governmental mechanism to adopt
12 community comprehensive plans and community zoning ordinances that are
13 consistent with components or portions of the county comprehensive plan
14 that the county legislative authority designates as having area-wide
15 applicability and importance. Community comprehensive plans shall
16 replace components or portions of the county comprehensive plan that
17 are not designated as having area-wide applicability and importance,
18 and the subarea plan that the county legislative authority may have
19 adopted for the community. In addition, it is the purpose of this
20 chapter to have community councils serve as forums for the discussion
21 of local issues."

22 NEW SECTION. Sec. 30. DEFINITIONS. Unless the context clearly
23 requires otherwise, the definitions in this section apply throughout
24 this chapter.

1 (1) "Community" means a portion of the unincorporated area of a
2 county for which a community council has been established.

3 (2) "Community comprehensive plan" means a comprehensive plan
4 adopted by a community council.

5 (3) "Community council" means the governing body established under
6 this chapter to adopt community comprehensive plans and community
7 zoning ordinances for a community.

8 (4) "Community zoning ordinances" means the zoning ordinances
9 adopted by a community council to implement a community comprehensive
10 plan."

11 "NEW SECTION. Sec. 31. MINIMUM REQUIREMENTS FOR A COMMUNITY
12 COUNCIL. A community for which a community council is created may
13 include only unincorporated territory located in a single county and
14 not included within a city or town. A community council must have at
15 least one thousand persons residing within the community when the
16 community council is created or, where the community only includes an
17 entire island, at least three hundred persons must reside on the island
18 when the community council is created. Any portion of such a community
19 that is annexed by a city or town, or is incorporated as a city or
20 town, shall be removed from the community upon the effective date of
21 the annexation or the official date of the incorporation."

22 "NEW SECTION. Sec. 32. CREATION. (1) The process to create a
23 community council shall be initiated by the filing of petitions with
24 the county auditor of the county in which the community is located
25 which: (a) Call for the creation of a community council; (b) set forth
26 the boundaries for the community; (c) indicate the number of community
27 councilmembers, which shall be five, seven, nine, or eleven; and (d)
28 contain signatures of voters residing within the community equal in

1 number to at least ten percent of the voters residing in the community
2 who voted at the last state general election. The county auditor shall
3 determine if the petitions contain a sufficient number of valid
4 signatures and certify the sufficiency of the petitions within fifteen
5 days of when the petitions were filed. If the petitions are certified
6 as having sufficient valid signatures, the county auditor shall
7 transmit the petitions and certificate to the county legislative
8 authority.

9 (2) The county legislative authority shall hold a public hearing
10 within the community on the creation of the proposed community council
11 no later than sixty days after the petitions and certificate of
12 sufficiency were transmitted to the county legislative authority.
13 Notice of the public hearing shall be published in a newspaper of
14 general circulation in the community for at least once a week for two
15 consecutive weeks, with the last date of publication no more than ten
16 days prior to the date of the public hearing. At least ten days before
17 the public hearing, additional notice shall be posted conspicuously in
18 at least five places within the proposed community in a manner designed
19 to attract public attention.

20 (3) After receiving testimony on the creation of the proposed
21 community council, the county legislative authority may alter the
22 boundaries of the community, but the boundaries may not be altered to
23 reduce the number of persons living within the community by more than
24 ten percent or below the minimum number of residents who must reside
25 within the community at the time of the creation of the community
26 council. If territory is added to the community, another public
27 hearing on the proposal shall be held.

28 (4) The county legislative authority shall call a special election
29 within the community to determine whether the proposed community
30 council shall be created, and to elect the initial community

1 councilmembers, at the next state general election occurring seventy-
2 five or more days after the initial public hearing on the creation of
3 the proposed community council. The community council shall be created
4 if the ballot proposition authorizing the creation of the community is
5 approved by a simple majority vote of the voters voting on the
6 proposition."

7 "NEW SECTION. Sec. 33. ELECTION OF INITIAL COMMUNITY
8 COUNCILMEMBERS. The initial members of the community council shall be
9 elected at the same election as the ballot proposition is submitted
10 authorizing the creation of the community council. However, the
11 election of the initial community councilmembers shall be null and void
12 if the ballot proposition authorizing the creation of the community
13 council is not approved.

14 No primary election shall be held to nominate candidates for
15 initial council positions. The initial community council shall consist
16 of the candidate for each council position who receives the greatest
17 number of votes for that council position. Staggering of terms of
18 office shall be accomplished by having the majority of the winning
19 candidates who receive the greatest number of votes being elected to
20 four-year terms of office, and the remaining winning candidates being
21 elected to two-year terms of office, if the election was held in an
22 even-numbered year, or the majority of the winning candidates who
23 receive the greatest number of votes being elected to three-year terms
24 of office, and the remaining winning candidates being elected to one-
25 year terms of office, if the election was held in an odd-numbered year,
26 with the term computed from the first day of January in the year
27 following the election. Initial councilmembers shall take office
28 immediately when qualified in accordance with RCW 29.01.135.

1 However, where the county operates under a charter providing for
2 the election of members of the county legislative authority in odd-
3 numbered years, the terms of office of the initial councilmembers shall
4 be four years and two years, if the election of the initial
5 councilmembers was held on an odd-numbered year, or three years and one
6 year, if the election of the initial councilmembers was held on an
7 even-numbered year."

8 "NEW SECTION. **Sec. 34.** COMMUNITY COUNCILMEMBERS. Community
9 councilmembers shall be elected to staggered four-year terms until
10 their successors are elected and qualified. Each council position
11 shall be numbered separately. Candidates shall run for specific
12 council positions. The number of council positions shall be five,
13 seven, nine, or eleven, as specified in the petition calling for the
14 creation of the community council.

15 Community councilmembers shall be nominated and elected at
16 nonpartisan elections pursuant to general election laws, except the
17 elections shall be held in even-numbered years, unless the county
18 operates under a charter and members of the county legislative
19 authority are elected in odd-numbered years, in which case, community
20 councilmembers shall be elected in odd-numbered years.

21 The provisions of this section apply to the election and terms of
22 office of the initial community councilmembers, except as provided in
23 section 33 of this act.

24 A councilmember shall lose his or her council position if his or
25 her primary residence no longer is located within the community.
26 Vacancies on a community council shall be filled by action of the
27 remaining councilmembers."

1 "NEW SECTION. Sec. 35. RESPONSIBILITY OF COUNTY LEGISLATIVE

2 AUTHORITY. (1) Within ninety days of the election at which a community
3 council is created, the county legislative authority shall adopt an
4 ordinance designating those portions or components of the county
5 comprehensive plan having area-wide applicability and importance
6 throughout the unincorporated area of the county that shall serve as an
7 overall guide for the development of community comprehensive plans and
8 community zoning ordinances.

9 (2) Community comprehensive plans and community zoning ordinances
10 that are adopted by a community council shall be submitted to the
11 county legislative authority for its review of the consistency of these
12 plans and ordinances with the portions or components of the county
13 comprehensive plan designated as having area-wide applicability and
14 importance under subsection (1) of this section. The county
15 legislative authority shall either approve the plans and ordinances as
16 adopted, or refer the plans and ordinances back to the community
17 council with written findings of noncompliance specifying the reasons
18 for noncompliance, within ninety days after they are submitted. The
19 county comprehensive plan, or subarea plan and comprehensive plan, and
20 zoning ordinances shall remain in effect in the community until the
21 community comprehensive plans and community zoning ordinances have been
22 approved.

23 (3) Each amendment to community comprehensive plans or community
24 zoning ordinances that is adopted by a community council shall be
25 submitted to the county legislative authority for its review of the
26 consistency of the amendment with the portions or components of the
27 county comprehensive plan designated as having area-wide applicability
28 and importance under subsection (1) of this section. The county
29 legislative authority shall either approve the amendment as adopted or
30 refer the amendment back to the community council with written findings

1 of noncompliance specifying the reasons for noncompliance within ninety
2 days after it is submitted. The unamended community comprehensive
3 plans and unamended community zoning ordinances shall remain in effect
4 in the community until the amendment has been approved.

5 (4) A community council shall be given at least one hundred twenty
6 days to amend its community comprehensive plans and community zoning
7 ordinances after the county legislative authority amends the ordinance
8 it adopted under subsection (1) of this section designating those
9 portions or components of the county comprehensive plan having area-
10 wide applicability and importance throughout the unincorporated area of
11 the county that shall serve as an overall guide for the development of
12 community comprehensive plans and community zoning ordinances. The
13 county legislative authority may amend the community comprehensive
14 plans and community zoning ordinances to achieve consistency with this
15 amended ordinance if the community council fails to obtain approval of
16 the community comprehensive plans and community zoning ordinances
17 within this time period. Nothing in this subsection shall preclude a
18 community council from subsequently obtaining approval of its community
19 comprehensive plans and community zoning ordinances.

20 (5) Approved community comprehensive plans and community zoning
21 ordinances shall be enforced by the county as if they had been adopted
22 by the county legislative authority. All quasi-judicial actions and
23 permits relating to these plans and ordinances shall be made and
24 decided by the county legislative authority or otherwise as provided by
25 the county legislative authority.

26 (6) The county shall be responsible for financing the activities
27 of, and providing administrative and staff support for, each community
28 council within its boundaries."

1 "NEW SECTION. Sec. 36. POWERS OF A COMMUNITY COUNCIL. A
2 community council shall adopt community comprehensive plans and
3 community zoning ordinances as provided in section 35 of this act.
4 Community councils shall not have the authority to take quasi-judicial
5 actions or to decide permit applications. In addition, a community
6 council shall serve as a forum for the discussion of local issues.
7 Community councils are subject to chapter 42.30 RCW, the open
8 public meetings act."

9 "NEW SECTION. Sec. 37. ANNEXATION. A community council may
10 provide for the annexation of adjacent unincorporated areas to the
11 community that are not included within another community for which a
12 community council has been established. Annexations shall be initiated
13 by either resolution of the community council proposing the annexation
14 or petition of voters residing in the adjacent area, which petition:
15 (a) Requests the annexation; (b) sets forth the boundaries of the area
16 proposed to be annexed; and (c) contains signatures of voters residing
17 within the area that is proposed to be annexed equal in number to at
18 least ten percent of the voters residing in that area who voted at the
19 last state general election. Annexation petitions shall be filed with
20 the county auditor who shall determine if the petitions contain a
21 sufficient number of valid signatures, certify the sufficiency of the
22 petitions, and notify the community council of the sufficiency of the
23 petitions within fifteen days of when the petitions are submitted.

24 A ballot proposition authorizing the annexation shall be submitted
25 to the voters of the area that is proposed to be annexed at a primary
26 or general election in either an odd-numbered or even-numbered year, if
27 the community council initiated the annexation by resolution or if the
28 community council concurs in an annexation that was initiated by the
29 submission of annexation petitions containing sufficient valid

1 signatures. The annexation shall occur if the ballot proposition
2 authorizing the creation of the community is approved by a simple
3 majority vote of the voters voting on the proposition. The county's
4 comprehensive plan, and where applicable to the county's subarea plan,
5 and zoning ordinances shall continue in effect in the annexed area
6 until amendments to the community comprehensive plans and community
7 zoning ordinance have been approved that apply to the annexed area."

8 "NEW SECTION. Sec. 38. DISSOLUTION. A community council shall
9 be dissolved if the population of the community is reduced to less than
10 five hundred persons, or less than two hundred persons if the community
11 only includes an entire island.

12 In addition, a community council shall be dissolved by voters of
13 the community approving a ballot proposition to dissolve the community
14 council that has been placed upon the ballot in a primary or general
15 election held in either an odd-numbered or even-numbered year as the
16 result of the community council adopting a resolution placing this
17 matter on the ballot or by petition calling for the dissolution of the
18 community council that has been certified by the county auditor as
19 having valid signatures of voters residing within the community equal
20 in number to at least ten percent of the voters residing in the
21 community who voted at the last state general election. Petitions
22 calling for the dissolution of a community council shall be filed with
23 the county auditor and their sufficiency certified by the county
24 auditor in the same manner as an annexation petition. The community
25 council shall be dissolved if the ballot proposition dissolving the
26 community council is approved by a simple majority vote of the voters
27 voting on the proposition."

