

SSB 5659 - S AMD 336

By Senators Mulliken, Winsley, Morton, T. Sheldon

4/10/03 ADOPTED

1 On page 2, after line 11, insert the following:

2 "Sec. 3. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read
3 as follows:

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

26 (b) Once a county meets either of these sets of criteria and the
27 county has not removed itself from the requirement to plan under this
28 section pursuant to subsection (3) of this section, the requirement to
29 conform with all of the requirements of this chapter remains in effect,
30 even if the county no longer meets one of these sets of criteria.

31 (2) The county legislative authority of any county that does not
32 meet either of the sets of criteria established under subsection (1) of

1 this section may adopt a resolution indicating its intention to have
2 subsection (1) of this section apply to the county. Each city, located
3 in a county that chooses to plan under this subsection, shall conform
4 with all of the requirements of this chapter. Once such a resolution
5 has been adopted, the county and the cities located within the county
6 remain subject to all of the requirements of this chapter unless the
7 county removes itself from the requirement to plan under this section
8 pursuant to subsection (3) of this section.

9 (3) A county that is east of the Cascade crest and north of
10 Interstate 90, with a population of less than ten thousand and a
11 taxable land base of fifteen percent or less may adopt a resolution
12 removing the county, and the cities located within the county, from the
13 requirement to plan under this section if the resolution is adopted and
14 filed with the department. Removal shall occur on the date the
15 resolution is filed with the department.

16 (4) 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 and has not removed itself under subsection (3) of this section
19 shall take actions under this chapter as follows: (a) The county
20 legislative authority shall adopt a county-wide planning policy under
21 RCW 36.70A.210; (b) the county and each city located within the county
22 shall designate critical areas, agricultural lands, forest lands, and
23 mineral resource lands, and adopt development regulations conserving
24 these designated agricultural lands, forest lands, and mineral resource
25 lands and protecting these designated critical areas, under RCW
26 36.70A.170 and 36.70A.060; (c) the county shall designate and take
27 other actions related to urban growth areas under RCW 36.70A.110; (d)
28 if the county has a population of fifty thousand or more, the county
29 and each city located within the county shall adopt a comprehensive
30 plan under this chapter and development regulations that are consistent
31 with and implement the comprehensive plan on or before July 1, 1994,
32 and if the county has a population of less than fifty thousand, the
33 county and each city located within the county shall adopt a
34 comprehensive plan under this chapter and development regulations that
35 are consistent with and implement the comprehensive plan by January 1,
36 1995, but if the governor makes written findings that a county with a
37 population of less than fifty thousand or a city located within such a
38 county is not making reasonable progress toward adopting a
39 comprehensive plan and development regulations the governor may reduce

1 this deadline for such actions to be taken by no more than one hundred
2 eighty days. Any county or city subject to this subsection may obtain
3 an additional six months before it is required to have adopted its
4 development regulations by submitting a letter notifying the department
5 of community, trade, and economic development of its need prior to the
6 deadline for adopting both a comprehensive plan and development
7 regulations.

8 ~~((+4))~~ (5) Any county or city that is required to conform with all
9 the requirements of this chapter, as a result of the county legislative
10 authority adopting its resolution of intention under subsection (2) of
11 this section and the county has not removed itself pursuant to
12 subsection (3) of this section, shall take actions under this chapter
13 as follows: (a) The county legislative authority shall adopt a county-
14 wide planning policy under RCW 36.70A.210; (b) the county and each city
15 that is located within the county shall adopt development regulations
16 conserving agricultural lands, forest lands, and mineral resource lands
17 it designated under RCW 36.70A.060 within one year of the date the
18 county legislative authority adopts its resolution of intention; (c)
19 the county shall designate and take other actions related to urban
20 growth areas under RCW 36.70A.110; and (d) the county and each city
21 that is located within the county shall adopt a comprehensive plan and
22 development regulations that are consistent with and implement the
23 comprehensive plan not later than four years from the date the county
24 legislative authority adopts its resolution of intention, but a county
25 or city may obtain an additional six months before it is required to
26 have adopted its development regulations by submitting a letter
27 notifying the department of community, trade, and economic development
28 of its need prior to the deadline for adopting both a comprehensive
29 plan and development regulations.

30 ~~((+5))~~ (6) If the office of financial management certifies that
31 the population of a county that previously had not been required to
32 plan under subsection (1) or (2) of this section has changed
33 sufficiently to meet either of the sets of criteria specified under
34 subsection (1) of this section, and where applicable, the county
35 legislative authority has not adopted a resolution removing the county
36 from these requirements as provided in subsection (1) of this section,
37 the county and each city within such county shall take actions under
38 this chapter as follows: (a) The county legislative authority shall
39 adopt a county-wide planning policy under RCW 36.70A.210; (b) the

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

15 ((+6+)) (7) A copy of each document that is required under this
16 section shall be submitted to the department at the time of its
17 adoption.

18 ((+7+)) (8) Cities and counties planning under this chapter must
19 amend the transportation element of the comprehensive plan to be in
20 compliance with this chapter and chapter 47.80 RCW no later than
21 December 31, 2000."

22 Renumber the sections consecutively and correct any internal
23 references accordingly.

24 **SSB 5659** - S AMD
25 By Senator Mulliken

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27 On page 1, on line 2 of the title, after "84.52.043", insert "and
28 36.70A.040"

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EFFECT: Allows Ferry county to opt out of GMA planning