
SENATE BILL 5546

State of Washington

59th Legislature

2005 Regular Session

By Senators Roach, Mulliken, Swecker, Johnson, Pflug, Finkbeiner, Stevens, Carrell, Schoesler and Benson

Read first time 01/27/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to critical area regulations; adding a new section
2 to chapter 36.70A RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
5 to read as follows:

6 (1) The legislative body of a county or city planning under this
7 chapter, before adopting or amending a development regulation that
8 designates or protects a critical area with an area of greater than one
9 hundred acres, shall publish notice of the development regulation at
10 least once a week for two weeks in one or more newspapers of general
11 circulation within the county or city.

12 (2) Following adoption of a critical area development regulation
13 with an area of greater than one hundred acres, the legislative body
14 shall cause notice of the proposed effective date of the development
15 regulation, together with a description of the critical area and the
16 effect of the development regulation, to be published at least once
17 each week for two weeks subsequent to passage of the development
18 regulation, in one or more newspapers of general circulation within the
19 county or city. Any development regulation adopted under this section

1 shall take effect upon the date fixed in the development regulation,
2 which date may not be fewer than forty-five days after adoption of the
3 development regulation.

4 (3) The critical area development regulation provided for in this
5 section is subject to referendum for forty-five days after passage.
6 Upon the filing of a timely and sufficient referendum petition with the
7 legislative body of the county or city that adopted the development
8 regulation, signed by registered voters in number equal to not less
9 than fifteen percent of the votes cast in the last general state
10 election in the county or city, the question of adoption of the
11 critical area development regulation shall be submitted to the voters
12 of the area in a general election if one is to be held within ninety
13 days or at a special election called for that purpose not less than
14 forty-five days nor more than ninety days after the filing of the
15 referendum petition. Notice of the election shall be given and the
16 election shall be conducted as provided in the general election law.
17 The development regulation shall be deemed approved by the voters
18 unless a majority of the votes cast on the proposition are in
19 opposition thereto.

20 After the expiration of the forty-fifth day from but excluding the
21 date of passage of the development regulation, if no timely and
22 sufficient referendum petition has been filed, the development
23 regulation shall take effect upon the date fixed in the development
24 regulation.

25 (4) Costs for an election required under subsection (3) of this
26 section shall be borne by the county or city adopting the development
27 regulation.

28 NEW SECTION. **Sec. 2.** Section 1 of this act applies to critical
29 area development regulations adopted or amended on or after January 1,
30 2000, involving critical areas of greater than one hundred acres.

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