
HOUSE BILL 1436

State of Washington 58th Legislature 2003 Regular Session

By Representatives Armstrong, Sump, Hinkle, Condotta, Clements,
Newhouse, Carrell, Pearson, Holmquist and McMahan

Read first time 01/27/2003. Referred to Committee on Local
Government.

1 AN ACT Relating to allowing rural counties to remove themselves
2 from the requirements to plan under chapter 36.70A RCW; amending RCW
3 36.70A.040; and adding a new section to chapter 36.70A RCW.

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

5 **Sec. 1.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read
6 as follows:

7 (1) Each county that has (~~both~~) a population density of (~~fifty~~
8 ~~thousand or more and, until May 16, 1995, has had its population~~
9 ~~increase by more than ten percent in the previous ten years or, on or~~
10 ~~after May 16, 1995, has had its population increase by more than~~
11 ~~seventeen percent in the previous ten years, and the cities located~~
12 ~~within such county, and any other county regardless of its population~~
13 ~~that has had its population increase by more than twenty percent in the~~
14 ~~previous ten years)) one hundred persons or more per square mile, and
15 the cities located within such county, shall (~~conform with all of the~~
16 ~~requirements of~~) plan under this chapter. (~~However, the county~~
17 ~~legislative authority of such a county with a population of less than~~
18 ~~fifty thousand population may adopt a resolution removing the county,~~
19 ~~and the cities located within the county, from the requirements of~~~~

1 ~~adopting comprehensive land use plans and development regulations under~~
2 ~~this chapter if this resolution is adopted and filed with the~~
3 ~~department by December 31, 1990, for counties initially meeting this~~
4 ~~set of criteria, or within sixty days of the date the office of~~
5 ~~financial management certifies that a county meets this set of criteria~~
6 ~~under subsection (5) of this section. For the purposes of this~~
7 ~~subsection, a county not currently planning under this chapter is not~~
8 ~~required to include in its population count those persons confined in~~
9 ~~a correctional facility under the jurisdiction of the department of~~
10 ~~corrections that is located in the county.~~

11 ~~Once a county meets either of these sets of criteria, the~~
12 ~~requirement to conform with all of the requirements of this chapter~~
13 ~~remains in effect, even if the county no longer meets one of these sets~~
14 ~~of criteria.))~~

15 (2) The county legislative authority of any county that does not
16 meet ~~((either of))~~ the ~~((sets of))~~ criteria established under
17 subsection (1) of this section may adopt a resolution indicating its
18 intention to ~~((have subsection (1) of this section apply to the~~
19 ~~county))~~ plan under this chapter. Each city, located in a county that
20 chooses to plan under this subsection, shall conform with all of the
21 requirements of this chapter. ~~((Once such a resolution has been~~
22 ~~adopted, the county and the cities located within the county remain~~
23 ~~subject to all of the requirements of this chapter.))~~

24 (3) Any county or city that is ~~((initially))~~ required to ~~((conform~~
25 ~~with all of the requirements of))~~ plan under this chapter under
26 subsection (1) of this section shall take actions under this chapter as
27 follows: (a) The county legislative authority shall adopt a county-
28 wide planning policy under RCW 36.70A.210; (b) the county and each city
29 located within the county shall designate critical areas, agricultural
30 lands, forest lands, and mineral resource lands, and adopt development
31 regulations conserving these designated agricultural lands, forest
32 lands, and mineral resource lands and protecting these designated
33 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
34 shall designate and take other actions related to urban growth areas
35 under RCW 36.70A.110; (d) ~~((if the county has a population of fifty~~
36 ~~thousand or more,))~~ the county and each city located within the county
37 shall adopt a comprehensive plan under this chapter and development
38 regulations that are consistent with and implement the comprehensive

1 plan (~~on or before July 1, 1994, and if the county has a population of~~
2 ~~less than fifty thousand, the county and each city located within the~~
3 ~~county shall adopt a comprehensive plan under this chapter and~~
4 ~~development regulations that are consistent with and implement the~~
5 ~~comprehensive plan by January 1, 1995, but if the governor makes~~
6 ~~written findings that a county with a population of less than fifty~~
7 ~~thousand or a city located within such a county is not making~~
8 ~~reasonable progress toward adopting a comprehensive plan and~~
9 ~~development regulations the governor may reduce this deadline for such~~
10 ~~actions to be taken by no more than one hundred eighty days. Any~~
11 ~~county or city subject to this subsection may obtain an additional six~~
12 ~~months before it is required to have adopted its development~~
13 ~~regulations by submitting a letter notifying the department of~~
14 ~~community, trade, and economic development of its need prior to the~~
15 ~~deadline for adopting both a comprehensive plan and development~~
16 ~~regulations)).~~

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

1 (5) If the office of financial management certifies that the
2 population of a county that previously had not been required to plan
3 under subsection (1) or (2) of this section has changed sufficiently to
4 meet ~~((either of))~~ the ~~((sets of))~~ criteria specified under subsection
5 (1) of this section, ~~((and where applicable, the county legislative
6 authority has not adopted a resolution removing the county from these
7 requirements as provided in subsection (1) of this section,))~~ the
8 county and each city within such county shall take actions under this
9 chapter as follows: (a) The county legislative authority shall adopt
10 a county-wide planning policy under RCW 36.70A.210; (b) the county and
11 each city located within the county shall adopt development regulations
12 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
13 mineral resource lands it designated within one year of the
14 certification by the office of financial management; (c) the county
15 shall designate and take other actions related to urban growth areas
16 under RCW 36.70A.110; and (d) the county and each city located within
17 the county shall adopt a comprehensive land use plan and development
18 regulations that are consistent with and implement the comprehensive
19 plan within four years of the certification by the office of financial
20 management, but a county or city may obtain an additional six months
21 before it is required to have adopted its development regulations by
22 submitting a letter notifying the department of community, trade, and
23 economic development of its need prior to the deadline for adopting
24 both a comprehensive plan and development regulations.

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

27 (7) Cities and counties planning under this chapter must amend the
28 transportation element of the comprehensive plan to be in compliance
29 with this chapter and chapter 47.80 RCW no later than December 31,
30 2000.

31 (8) The county legislative authority of any county with a
32 population density of less than one hundred persons per square mile
33 which currently plans under this chapter may remove the county and the
34 cities located within the county from the requirement to plan under
35 this section under the procedures in this subsection.

36 (a) The county legislative authority, by majority vote, may adopt
37 a resolution stating its intent to remove the county, and the cities

1 located within the county, from the requirement to plan under this
2 section and submit the resolution to the cities located within the
3 county.

4 (b) If the county has two or more cities, the county and the cities
5 located within the county are no longer subject to the requirement to
6 plan under this section:

7 (i) If within sixty days of submission of the resolution of intent,
8 a majority of the cities adopt resolutions concurring in the resolution
9 of the county; or

10 (ii) If the cities do not concur within sixty days under (b)(i) of
11 this subsection, if a resolution removing the county and the cities
12 located within the county from the requirement to plan under this
13 section is submitted to and approved by a majority of the registered
14 voters in the county at the next general election.

15 (c) If the county has one city, the county and the city located
16 within the county are no longer subject to the requirement to plan
17 under this section:

18 (i) If within sixty days of submission of the resolution of intent,
19 the city adopts a resolution concurring in the resolution of the
20 county; or

21 (ii) If the city does not concur within sixty days under (c)(i) of
22 this subsection, if a resolution removing the county and the city
23 located within the county from the requirement to plan under this
24 section is submitted to and approved by a majority of the registered
25 voters in the county at the next general election.

26 (d) A county, and the cities located within the county, that are no
27 longer required to plan under this section remain subject to the
28 requirements for the designation and protection of critical areas and
29 the designation of natural resource lands under RCW 36.70A.060(2),
30 36.70A.170, and 36.70A.172.

31 NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW
32 to read as follows:

33 If a resolution is adopted or approved under RCW 36.70A.040(8)
34 removing the county and the cities located within the county from the
35 requirement to plan under this chapter, any claim pending before a
36 board or court that relates to the requirement to plan under this
37 chapter is moot and the claim shall be dismissed.

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