

2 **SHB 1464 - H AMD 000142 WITHDRAWN 03-13-93**

3 By Representatives Valle, Van Luven, Heavey, Locke, Cole G., Fisher
4 G., Cooke, Forner
5

6 On page 64, after line 7, insert the following:

7 "Sec. 75. RCW 36.105.010 and 1991 c 363 s 99 are each amended to
8 read as follows:

9 Voters of the unincorporated areas of the state are authorized to
10 establish ~~((community))~~ unincorporated area councils as provided in
11 this chapter.

12 It is the purpose of this chapter to enable the voters in
13 unincorporated areas to establish local representative bodies which can
14 articulate a community identity, build community spirit, and provide
15 the community with greater political voice.

16 In addition, it is the purpose of this chapter to provide voters of
17 unincorporated areas ~~((in counties with a population of over thirty~~
18 thousand that are made up entirely of islands)) with direct input on
19 the planning and zoning of their community by establishing a
20 governmental mechanism to adopt ~~((proposed community comprehensive~~
21 plans and)) a proposed community zoning ordinance((s)) for a community
22 that ~~((are))~~ is consistent with the county's comprehensive plan and an
23 ~~((overall guide and framework)) ordinance~~ adopted by the county
24 legislative authority establishing a guide and framework for community
25 zoning ordinances. In addition, it is the purpose of this chapter to
26 have ~~((community))~~ unincorporated area councils serve as forums for the
27 discussion of local issues.

28 NEW SECTION. Sec. 76. A new section is added to chapter 36.105
29 RCW to read as follows:

30 Unincorporated area councils may be established only in the
31 following counties:

32 (1) A county composed entirely of islands and with a population of
33 over thirty thousand; or

34 (2) A county with a population of one million or more.

1 **Sec. 77.** RCW 36.105.020 and 1991 c 363 s 100 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Community" means a portion of the unincorporated area for
6 which ~~((a community))~~ an unincorporated area council has been
7 established ~~((and which is located in a county with a population of
8 over thirty thousand that is made up entirely of islands))~~.

9 (2) ~~(("Community comprehensive plan" means a comprehensive plan
10 adopted by a community council.~~

11 ~~((3) "Community council" means the governing body established under
12 this chapter to adopt community comprehensive plans and community
13 zoning ordinances for a community.~~

14 ~~((4))~~ "Community zoning ordinance~~((s))~~" means the zoning
15 ordinance~~((s))~~ adopted by ~~((a community))~~ an unincorporated area
16 council to implement ~~((a community))~~ and be consistent with the
17 county's comprehensive plan.

18 (3) "Unincorporated area council" means the governing body
19 established under this chapter to adopt a proposed community zoning
20 ordinance for a community.

21 **Sec. 78.** RCW 36.105.030 and 1991 c 363 s 101 are each amended to
22 read as follows:

23 A community for which ~~((a community))~~ an unincorporated area
24 council is created ~~((may include only unincorporated territory located
25 in a single county with a population of over thirty thousand that is
26 made up entirely of islands and not included within a city or town. A
27 community council))~~ must have at least one thousand ~~((persons residing
28 within the community when the community))~~ residences when the
29 unincorporated area council is created or, where the community only
30 includes an entire island, at least three hundred ~~((persons must reside
31 on the island))~~ residences when the ~~((community))~~ unincorporated area
32 council is created. Any portion of such a community that is annexed by
33 a city or town, or is incorporated as a city or town, shall be removed
34 from the community upon the effective date of the annexation or the
35 official date of the incorporation. Except for a community that is
36 composed of an entire island, a community may not include territory
37 located both inside and outside of an urban growth area designated
38 under RCW 36.70A.110.

1 **Sec. 79.** RCW 36.105.040 and 1991 c 363 s 102 are each amended to
2 read as follows:

3 (1) The process to create (~~(a community)~~) an unincorporated area
4 council shall be initiated by the filing of petitions with the county
5 auditor of the county in which the community is located which: (a)
6 Call for the creation of (~~(a community)~~) an unincorporated council; (b)
7 set forth the boundaries for the community; (c) indicate the number of
8 (~~(community councilmembers)~~) members on the unincorporated area
9 council, which shall be five, seven, nine, (~~(or)~~) eleven, thirteen, or
10 fifteen; and (d) contain signatures of voters residing within the
11 community equal in number to at least ten percent of the voters
12 residing in the community who voted at the last state general election.
13 The county auditor shall determine if the petitions contain a
14 sufficient number of valid signatures and certify the sufficiency of
15 the petitions within fifteen days of when the petitions were filed. If
16 the petitions are certified as having sufficient valid signatures, the
17 county auditor shall transmit the petitions and certificate to the
18 county legislative authority.

19 (2) The county legislative authority shall hold a public hearing
20 within the community on the creation of the proposed (~~(community)~~)
21 unincorporated area council no later than sixty days after the
22 petitions and certificate of sufficiency were transmitted to the county
23 legislative authority. Notice of the public hearing shall be published
24 in a newspaper of general circulation in the community for at least
25 once a week for two consecutive weeks, with the last date of
26 publication no more than ten days prior to the date of the public
27 hearing. At least ten days before the public hearing, additional
28 notice shall be posted conspicuously in at least five places within the
29 (~~(proposed)~~) community in a manner designed to attract public
30 attention.

31 (3) After receiving testimony on the creation of the proposed
32 (~~(community)~~) unincorporated area council, the county legislative
33 authority may alter the boundaries of the community, but the boundaries
34 may not be altered to reduce the number of persons living within the
35 community by more than ten percent or below the minimum number of
36 residents who must reside within the community at the time of the
37 creation of the (~~(community)~~) unincorporated area council. If
38 territory is added to the community, another public hearing on the
39 proposal shall be held.

1 (4) The county legislative authority shall call a special election
2 within the community to determine whether the proposed ~~((community))~~
3 unincorporated area council shall be created, and to elect the initial
4 ~~((community))~~ unincorporated area councilmembers, at the next state
5 general election occurring seventy-five or more days after the initial
6 public hearing on the creation of the proposed ~~((community))~~
7 unincorporated area council. The ~~((community))~~ unincorporated area
8 council shall be created if the ballot proposition authorizing the
9 creation of the ~~((community))~~ unincorporated area council is approved
10 by a simple majority vote of the voters of the community voting on the
11 proposition.

12 **Sec. 80.** RCW 36.105.050 and 1991 c 363 s 103 are each amended to
13 read as follows:

14 The initial members of ~~((the community))~~ an unincorporated area
15 council shall be elected at the same election as the ballot proposition
16 is submitted authorizing the creation of the ~~((community))~~
17 unincorporated area council. However, the election of the initial
18 ~~((community))~~ councilmembers shall be null and void if the ballot
19 proposition authorizing the creation of the ~~((community))~~
20 unincorporated area council is not approved by a simple majority vote
21 of the voters of the community voting on the proposition.

22 No primary election shall be held to nominate candidates for
23 initial council positions. ~~((The initial community council shall~~
24 ~~consist of the candidate for each council position who receives the~~
25 ~~greatest number of votes for that council position.))~~ Candidates shall
26 run for specific council positions. The person receiving the greatest
27 number of votes for each council position is elected as a
28 councilmember. Staggering of terms of office shall be accomplished by
29 having the simple majority of the ~~((winning candidates who receive))~~
30 persons who are elected receiving the greatest number of votes being
31 elected to four-year terms of office, and the remaining ~~((winning~~
32 ~~candidates))~~ persons who are elected being elected to two-year terms of
33 office, if the election was held in ~~((an even-numbered))~~ the same year
34 as the year in which members of the county legislative authority
35 normally are elected, or the simple majority of the ~~((winning~~
36 ~~candidates who receive))~~ persons who are elected receiving the greatest
37 number of votes being elected to three-year terms of office, and the
38 remaining ~~((winning candidates))~~ persons who are elected being elected

1 to one-year terms of office, if the election was held in (~~an odd-~~
2 ~~numbered~~) a year in which members of the county legislative authority
3 normally are not elected, with the terms of office being computed from
4 the first day of January in the year following the election. Initial
5 councilmembers shall take office immediately when qualified in
6 accordance with RCW 29.01.135.

7 (~~However, where the county operates under a charter providing for~~
8 ~~the election of members of the county legislative authority in odd-~~
9 ~~numbered years, the terms of office of the initial councilmembers shall~~
10 ~~be four years and two years, if the election of the initial~~
11 ~~councilmembers was held on an odd-numbered year, or three years and one~~
12 ~~year, if the election of the initial councilmembers was held on an~~
13 ~~even-numbered year.~~)

14 **Sec. 81.** RCW 36.105.060 and 1991 c 363 s 104 are each amended to
15 read as follows:

16 (~~Community~~) Unincorporated area councilmembers shall be elected
17 to staggered four-year terms of office until their successors are
18 elected and qualified. Each council position shall be numbered
19 separately. Candidates shall run for specific council positions. The
20 number of council positions shall be five, seven, nine, or eleven, as
21 specified in the petition calling for the creation of the (~~community~~)
22 unincorporated area council. At every other general election when
23 councilmembers are elected, the number of councilmembers who are
24 normally elected shall vary by one.

25 (~~Community~~) Except as provided in this chapter, unincorporated
26 area councilmembers shall be nominated and elected at nonpartisan
27 elections pursuant to general election laws(~~(, except the elections~~
28 ~~shall be held in even-numbered years, unless the county operates under~~
29 ~~a charter and members of the county legislative authority are elected~~
30 ~~in odd-numbered years, in which case, community councilmembers shall be~~
31 ~~elected in odd-numbered years)~~). The county shall pay for the costs of
32 all elections associated with unincorporated area councils and the
33 election of councilmembers.

34 The county legislative authority shall increase the terms of office
35 of each councilmember by one year if the voters of the county approve
36 a county charter or an amendment to a county charter altering the year
37 in which members of the county legislative authority normally are
38 elected.

1 The provisions of this section apply to the election and terms of
2 office of the initial (~~(community)~~) unincorporated area councilmembers,
3 except as provided in RCW 36.105.050.

4 (~~(A councilmember shall lose his or her council position if his or~~
5 ~~her primary residence no longer is located within the community.)~~)
6 Vacancies on (~~(a community)~~) an unincorporated area council occur as
7 provided in RCW 42.12.010 and shall be filled by action of the
8 remaining councilmembers. If less than two councilmembers remain on
9 the council, the county legislative authority shall appoint one or two
10 qualified persons until the council has two members. A vacancy shall
11 be filled by action of the county legislative authority if the
12 remaining councilmembers fail to fill a vacancy within sixty days of
13 the occurrence of the vacancy. An appointee shall fill the vacancy
14 until a person is elected at the next general election at which
15 councilmembers normally would be elected that occurs twenty-eight or
16 more days after the occurrence of the vacancy. When time permits, and
17 more than two persons file to fill the vacancy, a primary shall be
18 held. If needed, a special filing period shall be authorized. The
19 person who is elected shall take office immediately and serve the
20 remainder of the unexpired term of office. However, if an election for
21 the vacant position would otherwise have been held at this election,
22 only one election may be held and the person who is elected shall be
23 elected to both the remainder of the unexpired term and the succeeding
24 term of office.

25 **Sec. 82.** RCW 36.105.070 and 1991 c 363 s 105 are each amended to
26 read as follows:

27 (1) Within (~~(ninety)~~) one hundred twenty days of the election at
28 which (~~(a community)~~) an unincorporated area council is created, the
29 county legislative authority shall adopt an ordinance establishing
30 policies and conditions (~~(and designating portions or components of the~~
31 ~~county comprehensive plan and zoning ordinances)~~) that serve as an
32 overall guide and framework for the development of proposed (~~(community~~
33 ~~comprehensive plans and proposed)~~) community zoning ordinances. (~~(The~~
34 ~~conditions and policies shall conform with the requirements of chapter~~
35 ~~36.70A RCW.)~~) In addition, the ordinance may contain factors and
36 provisions of general importance that must be included in the proposed
37 community zoning ordinance that is adopted by the unincorporated area
38 council of a particular community.

1 (2) (~~Proposed community comprehensive plans and~~) Each proposed
2 community zoning ordinance(~~s that are~~) adopted by (~~a community~~) an
3 unincorporated area council shall be submitted to the county
4 legislative authority for its review of the consistency of the
5 (~~proposed plans and~~) proposed ordinance(~~s~~) with the county
6 ordinance adopted under subsection (1) of this section and the county's
7 comprehensive plan, which where applicable includes, but is not limited
8 to, the designation of lands and areas under RCW 36.70A.170, conserving
9 lands and protecting areas under RCW 36.70A.060, retaining the urban
10 nature of urban growth areas designated under RCW 36.70A.110 and the
11 nonurban nature of areas outside of urban growth areas, and other
12 actions taken by the county under chapter 36.70A RCW. A community
13 zoning ordinance may not alter the county's shoreline master program.
14 The county legislative authority shall either approve the proposed
15 (~~plans and proposed~~) community zoning ordinance(~~s~~) as adopted, or
16 refer the proposed (~~plans and proposed~~) community zoning
17 ordinance(~~s~~) back to the (~~community~~) unincorporated area council
18 with written findings specifying the inconsistencies, within ninety
19 days after (~~they were~~) it was submitted. The county (~~comprehensive~~
20 plan, or subarea plan and comprehensive plan, and) zoning
21 ordinance(~~s~~) shall remain in effect in the community until the
22 (~~proposed community comprehensive plans and~~) proposed community
23 zoning ordinance(~~s have~~) has been approved as provided in this
24 subsection.

25 An approved community zoning ordinance in a county that is required
26 or chooses to plan under RCW 36.70A.040 is subject to potential appeal
27 to a growth planning hearings board under chapter 36.70A RCW.

28 (3) Each proposed amendment to an approved (~~community~~
29 comprehensive plans or approved) community zoning ordinance(~~s~~) that
30 is adopted by (~~a community~~) an unincorporated area council shall be
31 submitted to the county legislative authority for its review of the
32 consistency of the amendment with the county ordinance adopted under
33 subsection (1) of this section and the county's comprehensive plan.
34 The county legislative authority shall either approve the proposed
35 amendment as adopted, or refer the proposed amendment back to the
36 (~~community~~) unincorporated area council, with written findings
37 specifying the inconsistencies within ninety days after the proposed
38 amendment was submitted. The unamended (~~community comprehensive plans~~
39 and unamended) community zoning ordinance(~~s~~) shall remain in effect

1 in the community until the proposed amendment has been approved as
2 provided in this subsection.

3 An approved amendment to a community zoning ordinance in a county
4 that is required or chooses to plan under RCW 36.70A.040 is subject to
5 potential appeal to a growth planning hearings board under chapter
6 36.70A RCW.

7 (4) If the county legislative authority amends the county's
8 comprehensive plan or the county ordinance it adopted under subsection
9 (1) of this section, ((a community)) each unincorporated area council
10 shall ((be given at least one hundred twenty days to)) amend its
11 ((community comprehensive plans and)) community zoning ordinance((s))
12 to be consistent with ((this)) the amended county comprehensive plan or
13 amended county ordinance. ((However,)) The county legislative
14 authority may amend ((the community comprehensive plans and)) community
15 zoning ordinances to achieve consistency with ((this)) the amended
16 county comprehensive plan or amended county ordinance. Nothing in this
17 subsection shall preclude ((a community)) an unincorporated area
18 council from subsequently obtaining approval of its proposed
19 ((community comprehensive plans and proposed)) amendments to the
20 community zoning ordinance((s)) that is so altered by the county
21 legislative authority.

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

28 (6) The county shall provide administrative and staff support for
29 each ((community)) unincorporated area council within its boundaries,
30 may supplement the support with appropriations or matching fund pools
31 for use by unincorporated area councils, and shall defend each
32 unincorporated area council in any lawsuit over the actions taken by
33 the unincorporated area council under this chapter.

34 (7) The county shall solicit the input of the unincorporated area
35 councils established within its boundaries at an appropriate time in
36 the budget process and shall consider budget recommendations as the
37 legitimate will of the community.

1 **Sec. 83.** RCW 36.105.080 and 1991 c 363 s 106 are each amended to
2 read as follows:

3 (~~A community council shall adopt proposed community comprehensive~~
4 ~~plans and proposed community zoning ordinances as provided in RCW~~
5 ~~36.105.070. Community~~) An unincorporated area council shall serve as
6 a representative body and forum for the community and shall promote
7 public involvement in government, review government activity within the
8 community and may collaborate with business organizations, governmental
9 authorities, and civic groups in order to improve the general welfare
10 of the community. Unincorporated area councils shall not have the
11 authority to take quasi-judicial actions nor to decide permit
12 applications. ((In addition, a community)) Unincorporated area
13 councils shall serve as ((a)) forums for the discussion of local
14 issues.

15 (~~Community~~) Among other general laws, unincorporated area
16 councils are subject to chapter 42.30 RCW, the open public meetings
17 act.

18 **Sec. 84.** RCW 36.105.090 and 1991 c 363 s 107 are each amended to
19 read as follows:

20 (~~A community~~) An unincorporated area council may provide for the
21 annexation of adjacent unincorporated areas to the community that are
22 not included within another community for which ((a community)) an
23 unincorporated area council has been established. However, a community
24 that is located outside an urban growth area may not annex areas inside
25 an urban growth area and a community that is located inside an urban
26 growth area may not annex areas outside of the urban growth area.

27 Annexations shall be initiated by either resolution of the
28 (~~community~~) unincorporated area council proposing the annexation or
29 petition of voters residing in the adjacent area, which petition: (a)
30 Requests the annexation; (b) sets forth the boundaries of the area
31 proposed to be annexed; and (c) contains signatures of voters residing
32 within the area that is proposed to be annexed equal in number to at
33 least ten percent of the voters residing in that area who voted at the
34 last state general election. Annexation petitions shall be filed with
35 the county auditor who shall determine if the petitions contain a
36 sufficient number of valid signatures, certify the sufficiency of the
37 petitions, and notify the ((community)) unincorporated area council of

1 the sufficiency of the petitions within fifteen days of when the
2 petitions are submitted.

3 ~~((A ballot proposition authorizing the annexation shall be
4 submitted to the voters of the area that is proposed to be annexed at
5 a primary or general election in either an odd numbered or even-
6 numbered year, if the community council initiated the annexation by
7 resolution or if the community council concurs in an annexation that
8 was initiated by the submission of annexation petitions containing
9 sufficient valid signatures.))~~ The annexation shall occur if the
10 ballot proposition authorizing the ~~((creation of the community))~~
11 annexation is approved by a simple majority vote of the voters of the
12 area proposed to be annexed voting on the proposition. The county's
13 ~~((comprehensive plan, and where applicable to the county's subarea
14 plan, and))~~ zoning ordinances shall continue in effect in the annexed
15 area until proposed amendments to the ~~((approved community
16 comprehensive plans and))~~ approved community zoning ordinance have been
17 approved that apply to the annexed area.

18 **Sec. 85.** RCW 36.105.100 and 1991 c 363 s 108 are each amended to
19 read as follows:

20 ~~((A community))~~ An unincorporated area council shall be dissolved
21 if the population of the community is reduced to less than five hundred
22 persons, or less than two hundred persons if the community only
23 ~~((includes))~~ included an entire island at the time of creation of the
24 unincorporated area council.

25 The question of whether an unincorporated area council should be
26 retained shall be submitted to the voters of a community at the next
27 general election at which ((community)) unincorporated area
28 councilmembers would be elected((, occurring)) that occurs at least
29 ~~((four))~~ twelve years after the creation or ((reestablishment of a
30 community, a ballot proposition shall be submitted to the voters of the
31 community on whether the community shall be reestablished)) latest
32 affirmative vote to retain the unincorporated area council. The
33 unincorporated area council shall be retained if the proposition to
34 retain the unincorporated area council is approved by a simple majority
35 vote of the voters of the community voting on the proposition. The
36 election for council positions shall be held as if the ballot
37 proposition on retaining the unincorporated area council were not
38 submitted. If ((reestablished)) the unincorporated area council is

1 retained, the persons who are newly elected members of the
2 ((community)) council and the ((retained)) other members of the
3 ((community)) council whose terms have not expired shall constitute the
4 members of the ((community)) unincorporated area council. If the
5 unincorporated area council is not retained, the election of the new
6 councilmembers is null and void, and the unincorporated area council
7 shall be dissolved.

8 Whenever an unincorporated area council is dissolved, the approved
9 community zoning ordinance remains in effect until altered by the
10 county legislative authority.

11 NEW SECTION. Sec. 86. (1) A joint legislative committee on
12 unincorporated area governance is established consisting of: (a) Three
13 members of the senate, with no more than two from the majority caucus,
14 to be appointed by the president of the senate; and (b) three members
15 of the house of representatives, with no more than two from the
16 majority caucus, to be appointed by the speaker of the house of
17 representatives.

18 The unincorporated area governance joint committee shall study and
19 develop legislation on alternative forms of local governance for the
20 unincorporated areas of counties and present its findings and the
21 proposed legislation to the legislature on or before December 31, 1993.

22 (2) This section expires on December 31, 1993."

23 Renumber the remaining sections consecutively and correct internal
24 references accordingly.

--- END ---