

2 **HB 2542** - S AMD - 931

3 By Senators T. Sheldon and Anderson

4 ADOPTED 3/6/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 36.70A.040 and 1995 c 400 s 1 are each amended to
8 read as follows:

9 (1) Each county that has:

10 (a) Both a population of fifty thousand or more and, until May 16,
11 1995, has had its population increase by more than ten percent in the
12 previous ten years or, ~~((on or after))~~ beginning May 16, 1995, through
13 June 30, 1998, has had its population increase by more than seventeen
14 percent in the previous ten years~~((7))~~; or

15 (b) On or after July 1, 1998, has both a population of sixty
16 thousand or more and has had its population increase by more than
17 seventeen percent in the previous ten years, and the cities located
18 within such county, and any other county regardless of its population
19 that has had its population increase by more than twenty percent in the
20 previous ten years, and the cities located within such county, shall
21 ~~((conform with all of the requirements of this chapter))~~ plan under
22 this section. However, the county legislative authority of such a
23 county with a population of less than fifty thousand population may
24 adopt a resolution removing the county, and the cities located within
25 the county, from the requirements ~~((of adopting comprehensive land use~~
26 ~~plans and development regulations under this chapter))~~ to plan under
27 this section if this resolution is adopted and filed with the
28 department by December 31, 1990, for counties initially meeting this
29 set of criteria, or within sixty days of the date the office of
30 financial management certifies that a county meets this set of criteria
31 under subsection (5) of this section.

32 Once a county meets either of these sets of criteria, the
33 requirement to ~~((conform with all of the requirements of this chapter))~~
34 plan under this section remains in effect, even if the county no longer
35 meets one of these sets of criteria.

1 (2) The county legislative authority of any county that does not
2 meet either of the sets of criteria established under subsection (1) of
3 this section may adopt a resolution indicating its intention (~~((to have~~
4 ~~subsection (1) of this section apply to))~~ that the county plan under
5 this section. Each city, located in a county that (~~((chooses to plan))~~)
6 adopts a resolution under this subsection, shall (~~((conform with all of~~
7 ~~the requirements of this chapter))~~) plan under this section. Once such
8 a resolution has been adopted, the county and the cities located within
9 the county remain subject to all of the requirements of this
10 (~~((chapter))~~) section, unless the county removes itself, and the cities
11 located within the county, from the requirement to plan under this
12 section under the procedures in subsection (7) of this section.

13 (3) Any county or city that is initially required to (~~((conform with~~
14 ~~all of the requirements of this chapter))~~) plan under (~~((subsection (1)~~
15 ~~of))~~) this section shall take actions under this chapter as follows:
16 (a) The county legislative authority shall adopt a county-wide planning
17 policy under RCW 36.70A.210; (b) the county and each city located
18 within the county shall designate critical areas, agricultural lands,
19 forest lands, and mineral resource lands, and adopt development
20 regulations conserving these designated agricultural lands, forest
21 lands, and mineral resource lands and protecting these designated
22 critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county
23 shall designate and take other actions related to urban growth areas
24 under RCW 36.70A.110; (d) if the county has a population of fifty
25 thousand or more, the county and each city located within the county
26 shall adopt a comprehensive plan under this chapter and development
27 regulations that are consistent with and implement the comprehensive
28 plan on or before July 1, 1994, and if the county has a population of
29 less than fifty thousand, the county and each city located within the
30 county shall adopt a comprehensive plan under this chapter and
31 development regulations that are consistent with and implement the
32 comprehensive plan by January 1, 1995, but if the governor makes
33 written findings that a county with a population of less than fifty
34 thousand or a city located within such a county is not making
35 reasonable progress toward adopting a comprehensive plan and
36 development regulations the governor may reduce this deadline for such
37 actions to be taken by no more than one hundred eighty days. Any
38 county or city subject to this subsection may obtain an additional six
39 months before it is required to have adopted its development

1 regulations by submitting a letter notifying the department of
2 community, trade, and economic development of its need prior to the
3 deadline for adopting both a comprehensive plan and development
4 regulations.

5 (4) Any county or city that is required to (~~conform with all the~~
6 ~~requirements of this chapter~~) plan under this section, as a result of
7 the county legislative authority adopting its resolution of intention
8 under subsection (2) of this section, and the county has not removed
9 itself, and the cities located within the county, from the requirement
10 to plan under this section under the procedures in subsection (7) of
11 this section, shall take actions under this chapter as follows: (a)
12 The county legislative authority shall adopt a county-wide planning
13 policy under RCW 36.70A.210; (b) the county and each city that is
14 located within the county shall adopt development regulations
15 conserving agricultural lands, forest lands, and mineral resource lands
16 it designated under RCW 36.70A.060 within one year of the date the
17 county legislative authority adopts its resolution of intention; (c)
18 the county shall designate and take other actions related to urban
19 growth areas under RCW 36.70A.110; and (d) the county and each city
20 that is located within the county shall adopt a comprehensive plan and
21 development regulations that are consistent with and implement the
22 comprehensive plan not later than four years from the date the county
23 legislative authority adopts its resolution of intention, but a county
24 or city may obtain an additional six months before it is required to
25 have adopted its development regulations by submitting a letter
26 notifying the department of community, trade, and economic development
27 of its need prior to the deadline for adopting both a comprehensive
28 plan and development regulations.

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

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

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

16 (7) The county legislative authority of any county with a
17 population of less than fifty thousand that is required to plan by
18 reason of adopting a resolution under subsection (2) of this section,
19 and any county with a population of less than fifty thousand that at
20 any time has had the authority to remove itself from the requirements
21 of this chapter by adoption of a resolution under subsection (1) of
22 this section, may remove the county and the cities located within the
23 county from the requirement to plan under this section under the
24 procedures in this subsection.

25 (a) By December 31, 1998, the county legislative authority, by
26 majority vote, may adopt a resolution stating its intent to remove the
27 county, and the cities located within the county, from the requirement
28 to plan under this section and submit the resolution to the cities
29 located within the county.

30 (b) If the county has two or more cities, the county and the cities
31 located within the county are no longer subject to the requirement to
32 plan:

33 (i) If within sixty days of submission of the resolution of intent,
34 a majority of the cities adopt resolutions concurring in the resolution
35 of the county; or

36 (ii) If the cities do not concur within sixty days under (b)(i) of
37 this subsection, if a resolution removing the county and the cities
38 located within the county from the requirement to plan under this

1 section is submitted to and approved by a majority of the registered
2 voters in the county at the next general election.

3 (c) If the county has one city, the county and the city located
4 within the county are no longer subject to the requirement to plan:

5 (i) If within sixty days of submission of the resolution of intent,
6 the city adopts a resolution concurring in the resolution of the
7 county; or

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

13 (d) A county, and the cities located within the county, that are no
14 longer required to plan under this section remain subject to the
15 requirements for the designation and protection of critical areas and
16 the designation of natural resource lands under RCW 36.70A.060(2),
17 36.70A.170, and 36.70A.172.

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

20 If a resolution is adopted or approved under RCW 36.70A.040(7)
21 removing the county and the cities located within the county from the
22 requirement to plan under this chapter, any claim pending before a
23 board or court that relates to the requirement to plan under this
24 chapter is moot and the claim shall be dismissed.

25 NEW SECTION. Sec. 3. This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately."

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1 On page 1, line 3 of the title, after "act;" strike the remainder
2 of the title and insert "amending RCW 36.70A.040; adding a new section
3 to chapter 36.70A RCW; and declaring an emergency."

--- **END** ---