
SUBSTITUTE SENATE BILL 5160

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by Senators Morton, Mulliken, McCaslin, Benton, Honeyford, Stevens, Sheahan, Deccio, Swecker, Hale, Parlette and T. Sheldon)

READ FIRST TIME 02/17/03.

1 AN ACT Relating to growth management act counties with less than
2 ten thousand population, less than eighteen percent taxable land base,
3 and only one incorporated city; amending RCW 36.70A.040; creating a new
4 section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** Washington state's rural economies are
7 experiencing particularly difficult fiscal times as the state's economy
8 remains weak and recovery lags behind national economic improvement.
9 Further, some rural counties were already struggling to provide an
10 increasing share of government services and comply with state mandates,
11 including planning for and accommodating growth. State general fund
12 assistance to support local governments has declined over the last two
13 biennia, further exacerbating the fiscal difficulties experienced by
14 these counties. The legislature finds that these forces have been a
15 severe burden and without relief at least one county will be forced to
16 consider dissolution. Therefore, it is the intent of the legislature
17 to permit a county that has a population of less than ten thousand, has
18 a privately owned taxable land base of less than eighteen percent, and

1 includes no more than one incorporated city to withdraw from the state
2 growth management act and all the requirements thereof.

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

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

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

32 (2) The county legislative authority of any county that does not
33 meet either of the sets of criteria established under subsection (1) of
34 this section may adopt a resolution indicating its intention to have
35 subsection (1) of this section apply to the county. Each city, located
36 in a county that chooses to plan under this subsection, shall conform
37 with all of the requirements of this chapter. Once such a resolution

1 has been adopted, the county and the cities located within the county
2 remain subject to all of the requirements of this chapter unless the
3 county removes itself from the requirement to plan under this section
4 pursuant to subsection (3) of this section.

5 (3) A county that (a) has a population of less than ten thousand,
6 (b) has a privately owned taxable land base of less than eighteen
7 percent, and (c) includes no more than one incorporated city may adopt
8 a resolution removing the county, and the city located within the
9 county, from the requirement to plan under this section if the
10 resolution is adopted and filed with the department. Removal shall
11 occur on the date the resolution is filed with the department.

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

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

27 ~~((5))~~ (6) If the office of financial management certifies that
28 the population of a county that previously had not been required to
29 plan under subsection (1) or (2) of this section has changed
30 sufficiently to meet either of the sets of criteria specified under
31 subsection (1) of this section, and where applicable, the county
32 legislative authority has not adopted a resolution removing the county
33 from these requirements as provided in subsection (1) of this section,
34 the county and each city within such county shall take actions under
35 this chapter as follows: (a) The county legislative authority shall
36 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
37 county and each city located within the county shall adopt development
38 regulations under RCW 36.70A.060 conserving agricultural lands, forest

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

13 ~~((6))~~ (7) A copy of each document that is required under this
14 section shall be submitted to the department at the time of its
15 adoption.

16 ~~((7))~~ (8) Cities and counties planning under this chapter must
17 amend the transportation element of the comprehensive plan to be in
18 compliance with this chapter and chapter 47.80 RCW no later than
19 December 31, 2000.

20 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately.

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