
SENATE BILL 5160

State of Washington

58th Legislature

2003 Regular Session

By Senators Morton, Mulliken, McCaslin, Benton, Honeyford, Stevens, Sheahan, Deccio, Swecker, Hale, Parlette and T. Sheldon

Read first time 01/16/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to counties required to plan under the growth
2 management act; amending RCW 36.70A.040; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** Washington state's rural economies are
5 experiencing particularly difficult fiscal times as the state's economy
6 remains weak and recovery lags behind national economic improvement.
7 Further, some rural counties were already struggling to provide an
8 increasing share of government services and comply with state mandates,
9 including planning for and accommodating growth. State general fund
10 assistance to support local governments has declined over the last two
11 biennia, further exacerbating the fiscal difficulties experienced by
12 these counties. The legislature finds that these forces have been a
13 severe burden and without relief at least one county will be forced to
14 consider dissolution. Therefore, it is the intent of the state
15 legislature to permit a county that is east of the Cascade crest and
16 north of Interstate 90, with a population of less than ten thousand and
17 a taxable land base of fifteen percent or less, to withdraw from the
18 state growth management act and all the requirements thereof.

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

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

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

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

1 county removes itself from the requirement to plan under this section
2 pursuant to subsection (3) of this section.

3 (3) A county that is east of the Cascade crest and north of
4 Interstate 90, with a population of less than ten thousand and a
5 taxable land base of fifteen percent or less may adopt a resolution
6 removing the county, and the cities located within the county, from the
7 requirement to plan under this section if the resolution is adopted and
8 filed with the department. Removal shall occur on the date the
9 resolution is filed with the department.

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

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

4 ~~((4))~~ (5) Any county or city that is required to conform with all
5 the requirements of this chapter, as a result of the county legislative
6 authority adopting its resolution of intention under subsection (2) of
7 this section and the county has not removed itself pursuant to
8 subsection (3) of this section, shall take actions under this chapter
9 as follows: (a) The county legislative authority shall adopt a county-
10 wide planning policy under RCW 36.70A.210; (b) the county and each city
11 that is located within the county shall adopt development regulations
12 conserving agricultural lands, forest lands, and mineral resource lands
13 it designated under RCW 36.70A.060 within one year of the date the
14 county legislative authority adopts its resolution of intention; (c)
15 the county shall designate and take other actions related to urban
16 growth areas under RCW 36.70A.110; and (d) the county and each city
17 that is located within the county shall adopt a comprehensive plan and
18 development regulations that are consistent with and implement the
19 comprehensive plan not later than four years from the date the county
20 legislative authority adopts its resolution of intention, but a county
21 or city may obtain an additional six months before it is required to
22 have adopted its development regulations by submitting a letter
23 notifying the department of community, trade, and economic development
24 of its need prior to the deadline for adopting both a comprehensive
25 plan and development regulations.

26 ~~((5))~~ (6) If the office of financial management certifies that
27 the population of a county that previously had not been required to
28 plan under subsection (1) or (2) of this section has changed
29 sufficiently to meet either of the sets of criteria specified under
30 subsection (1) of this section, and where applicable, the county
31 legislative authority has not adopted a resolution removing the county
32 from these requirements as provided in subsection (1) of this section,
33 the county and each city within such county shall take actions under
34 this chapter as follows: (a) The county legislative authority shall
35 adopt a county-wide planning policy under RCW 36.70A.210; (b) the
36 county and each city located within the county shall adopt development
37 regulations under RCW 36.70A.060 conserving agricultural lands, forest
38 lands, and mineral resource lands it designated within one year of the

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

12 ~~((+6+))~~ (7) A copy of each document that is required under this
13 section shall be submitted to the department at the time of its
14 adoption.

15 ~~((+7+))~~ (8) Cities and counties planning under this chapter must
16 amend the transportation element of the comprehensive plan to be in
17 compliance with this chapter and chapter 47.80 RCW no later than
18 December 31, 2000.

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