
ENGROSSED SUBSTITUTE HOUSE BILL 1094

State of Washington

62nd Legislature

2011 Regular Session

By House Local Government (originally sponsored by Representatives Kretz, Blake, Taylor, Shea, Short, Haler, and McCune)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to providing a process for county legislative
2 authorities to withdraw from voluntary planning under the growth
3 management act; and amending RCW 36.70A.040 and 36.70A.060.

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 of fifty thousand or
8 more and, until May 16, 1995, has had its population increase by more
9 than ten percent in the previous ten years or, on or after May 16,
10 1995, has had its population increase by more than seventeen percent in
11 the previous ten years, and the cities located within such county, and
12 any other county regardless of its population that has had its
13 population increase by more than twenty percent in the previous ten
14 years, and the cities located within such county, shall conform with
15 all of the requirements of this chapter. However, the county
16 legislative authority of such a county with a population of less than
17 fifty thousand population may adopt a resolution removing the county,
18 and the cities located within the county, from the requirements of
19 adopting comprehensive land use plans and development regulations under

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

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

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

24 (b)(i) Until December 31, 2013, the legislative authority of a
25 county may adopt a resolution removing the county, and the cities
26 located within the county, from the requirements to plan under this
27 section if:

28 (A) The county has a population of twenty thousand or fewer
29 inhabitants at any time between January 1, 2010, and December 31, 2013;

30 (B) The county has previously adopted a resolution indicating its
31 intention to have subsection (1) of this section apply to the county;

32 (C) At least sixty days prior to adopting the removal resolution,
33 the county provides written notification to the legislative body of
34 each city within the county of its intent to consider adopting a
35 removal resolution; and

36 (D) Before the county legislative authority adopts the removal
37 resolution, the legislative bodies of at least sixty percent of those
38 cities having an aggregate population of at least seventy-five percent

1 of the incorporated county population adopt resolutions supporting the
2 removal action by the county and provide written notification of this
3 support to the county.

4 (ii) Upon adoption of a removal resolution under (b)(i) of this
5 subsection, the county and the cities within the county are no longer
6 obligated to plan under this section.

7 (iii) Upon adoption of a resolution under (b)(i) of this
8 subsection, the county may not, for at least ten years from the date of
9 adoption of the removal resolution, adopt another resolution indicating
10 its intention to have subsection (1) of this section apply to the
11 county.

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

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

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

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

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

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

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

17 **Sec. 2.** RCW 36.70A.060 and 2005 c 423 s 3 are each amended to read
18 as follows:

19 (1)(a) (~~Except as provided in RCW 36.70A.1701,~~) Each county that
20 is required or chooses to plan under RCW 36.70A.040, and each city
21 within such county, shall adopt development regulations on or before
22 September 1, 1991, to assure the conservation of agricultural, forest,
23 and mineral resource lands designated under RCW 36.70A.170.
24 Regulations adopted under this subsection may not prohibit uses legally
25 existing on any parcel prior to their adoption and shall remain in
26 effect until the county or city adopts development regulations pursuant
27 to RCW 36.70A.040. Such regulations shall assure that the use of lands
28 adjacent to agricultural, forest, or mineral resource lands shall not
29 interfere with the continued use, in the accustomed manner and in
30 accordance with best management practices, of these designated lands
31 for the production of food, agricultural products, or timber, or for
32 the extraction of minerals.

33 (b) Counties and cities shall require that all plats, short plats,
34 development permits, and building permits issued for development
35 activities on, or within five hundred feet of, lands designated as
36 agricultural lands, forest lands, or mineral resource lands, contain a
37 notice that the subject property is within or near designated

1 agricultural lands, forest lands, or mineral resource lands on which a
2 variety of commercial activities may occur that are not compatible with
3 residential development for certain periods of limited duration. The
4 notice for mineral resource lands shall also inform that an application
5 might be made for mining-related activities, including mining,
6 extraction, washing, crushing, stockpiling, blasting, transporting, and
7 recycling of minerals.

8 (c) Each county that adopts a resolution of removal under RCW
9 36.70A.040(2)(b), and each city within such county, shall adopt
10 development regulations within one year after the adoption of the
11 removal resolution to assure the conservation of agricultural, forest,
12 and mineral resource lands designated under RCW 36.70A.170.
13 Regulations adopted under this subsection may not prohibit uses legally
14 existing on any parcel prior to their adoption. Such regulations shall
15 assure that the use of lands adjacent to the designated agricultural,
16 forest, or mineral resource lands shall not interfere with the
17 continued use, in the accustomed manner and in accordance with best
18 management practices, of these designated lands for the production of
19 food, agricultural products, or timber, or for the extraction of
20 minerals.

21 (2) Each county and city shall adopt development regulations that
22 protect critical areas that are required to be designated under RCW
23 36.70A.170. For counties and cities that are required or choose to
24 plan under RCW 36.70A.040, such development regulations shall be
25 adopted on or before September 1, 1991. For the remainder of the
26 counties and cities, such development regulations shall be adopted on
27 or before March 1, 1992.

28 (3) Such counties and cities shall review these designations and
29 development regulations when adopting their comprehensive plans under
30 RCW 36.70A.040 and implementing development regulations under RCW
31 36.70A.120 and may alter such designations and development regulations
32 to insure consistency.

33 (4) Forest land and agricultural land located within urban growth
34 areas shall not be designated by a county or city as forest land or
35 agricultural land of long-term commercial significance under RCW
36 36.70A.170 unless the city or county has enacted a program authorizing

1 transfer or purchase of development rights.

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