
HOUSE BILL 1094

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Kretz, Blake, Taylor, Shea, Short, Haler, and McCune

Read first time 01/11/11. Referred to Committee on Local Government.

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.

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) The legislative authority of any county that adopted a
25 resolution under (a) of this subsection may subsequently adopt a
26 resolution removing the county, and the cities located within the
27 county, from the requirements to adopt land use plans and development
28 regulations under RCW 36.70A.070, if the county does not meet either of
29 the sets of criteria established under subsection (1) of this section.

30 (ii) Upon adoption of a resolution under (b)(i) of this subsection,
31 the county may not, for at least ten years from the date of adoption of
32 the removal resolution, adopt another resolution indicating its
33 intention to have subsection (1) of this section apply to the county.

34 (3) Any county or city that is initially required to conform with
35 all of the requirements of this chapter under subsection (1) of this
36 section shall take actions under this chapter as follows: (a) The
37 county legislative authority shall adopt a countywide planning policy
38 under RCW 36.70A.210; (b) the county and each city located within the

1 county shall designate critical areas, agricultural lands, forest
2 lands, and mineral resource lands, and adopt development regulations
3 conserving these designated agricultural lands, forest lands, and
4 mineral resource lands and protecting these designated critical areas,
5 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
6 take other actions related to urban growth areas under RCW 36.70A.110;
7 (d) if the county has a population of fifty thousand or more, the
8 county and each city located within the county shall adopt a
9 comprehensive plan under this chapter and development regulations that
10 are consistent with and implement the comprehensive plan on or before
11 July 1, 1994, and if the county has a population of less than fifty
12 thousand, the county and each city located within the county shall
13 adopt a comprehensive plan under this chapter and development
14 regulations that are consistent with and implement the comprehensive
15 plan by January 1, 1995, but if the governor makes written findings
16 that a county with a population of less than fifty thousand or a city
17 located within such a county is not making reasonable progress toward
18 adopting a comprehensive plan and development regulations the governor
19 may reduce this deadline for such actions to be taken by no more than
20 one hundred eighty days. Any county or city subject to this subsection
21 may obtain an additional six months before it is required to have
22 adopted its development regulations by submitting a letter notifying
23 the department of (~~community, trade, and economic development~~)
24 commerce of its need prior to the deadline for adopting both a
25 comprehensive plan and development regulations.

26 (4) Any county or city that is required to conform with all the
27 requirements of this chapter, as a result of the county legislative
28 authority adopting its resolution of intention under subsection (2) of
29 this section, shall take actions under this chapter as follows: (a)
30 The county legislative authority shall adopt a county-wide planning
31 policy under RCW 36.70A.210; (b) the county and each city that is
32 located within the county shall adopt development regulations
33 conserving agricultural lands, forest lands, and mineral resource lands
34 it designated under RCW 36.70A.060 within one year of the date the
35 county legislative authority adopts its resolution of intention; (c)
36 the county shall designate and take other actions related to urban
37 growth areas under RCW 36.70A.110; and (d) the county and each city
38 that is located within the county shall adopt a comprehensive plan and

1 development regulations that are consistent with and implement the
2 comprehensive plan not later than four years from the date the county
3 legislative authority adopts its resolution of intention, but a county
4 or city may obtain an additional six months before it is required to
5 have adopted its development regulations by submitting a letter
6 notifying the department of (~~community, trade, and economic~~
7 ~~development~~) commerce of its need prior to the deadline for adopting
8 both a comprehensive plan and development regulations.

9 (5) If the office of financial management certifies that the
10 population of a county that previously had not been required to plan
11 under subsection (1) or (2) of this section has changed sufficiently to
12 meet either of the sets of criteria specified under subsection (1) of
13 this section, and where applicable, the county legislative authority
14 has not adopted a resolution removing the county from these
15 requirements as provided in subsection (1) of this section, the county
16 and each city within such county shall take actions under this chapter
17 as follows: (a) The county legislative authority shall adopt a
18 countywide planning policy under RCW 36.70A.210; (b) the county and
19 each city located within the county shall adopt development regulations
20 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
21 mineral resource lands it designated within one year of the
22 certification by the office of financial management; (c) the county
23 shall designate and take other actions related to urban growth areas
24 under RCW 36.70A.110; and (d) the county and each city located within
25 the county shall adopt a comprehensive land use plan and development
26 regulations that are consistent with and implement the comprehensive
27 plan within four years of the certification by the office of financial
28 management, but a county or city may obtain an additional six months
29 before it is required to have adopted its development regulations by
30 submitting a letter notifying the department of (~~community, trade, and~~
31 ~~economic development~~) commerce of its need prior to the deadline for
32 adopting both a comprehensive plan and development regulations.

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

35 (7) Cities and counties planning under this chapter must amend the
36 transportation element of the comprehensive plan to be in compliance

1 with this chapter and chapter 47.80 RCW no later than December 31,
2 2000.

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