

SB 5636 - S AMD 211

By Senator Hasegawa

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) 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) 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 Once a county meets either of these sets of criteria, the
28 requirement to conform with all of the requirements of this chapter
29 remains in effect, even if the county no longer meets one of these sets
30 of criteria.

1 (2)(a) 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 the county. Each city, located
5 in a county that chooses to plan under this subsection, shall conform
6 with all of the requirements of this chapter. Once such a resolution
7 has been adopted, the county and the cities located within the county
8 remain subject to all of the requirements of this chapter, unless the
9 county subsequently adopts a removal resolution pursuant to (b) of this
10 subsection.

11 (b) Until December 31, 2014, the legislative authority of a county
12 may adopt a resolution removing the county, and the cities located
13 within the county, from the requirements of adopting comprehensive land
14 use plans and development regulations under this section if:

15 (i) The county has a population of twenty thousand or fewer
16 inhabitants at any time between January 1, 2010, and December 31, 2014;

17 (ii) The county has previously adopted a resolution indicating its
18 intention to have subsection (1) of this section apply to the county;

19 (iii) At least sixty days prior to adopting the removal resolution,
20 the county provides written notification to the legislative body of
21 each city within the county of its intent to consider adopting a
22 removal resolution; and

23 (iv) Before the county legislative authority adopts the removal
24 resolution:

25 (A) The legislative bodies of at least sixty percent of those
26 cities having an aggregate population of at least seventy-five percent
27 of the incorporated county population adopt resolutions supporting the
28 removal action by the county and provide written notification of this
29 support to the county; and

30 (B) The department has approved that the county and each city
31 located within the county has met the requirements of section 3 of this
32 act.

33 (c) Upon adoption of a removal resolution under (b) of this
34 subsection (2), the county and the cities within the county are no
35 longer obligated to plan under this section. However, if a county
36 meets the population criteria for mandatory planning under subsection
37 (1) of this section as of January 1, 2010, or on any subsequent date,

1 the removal resolution of the county is invalid and the county and each
2 city located within the county is required to comply with all the
3 requirements of this chapter.

4 (d) The county legislative authority of a county that has adopted
5 a removal resolution under (b) of this subsection may subsequently pass
6 a resolution indicating its intention to have subsection (1) of this
7 section apply to the county.

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

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

22 (5) If the office of financial management certifies that the
23 population of a county that previously had not been required to plan
24 under subsection (1) or (2) of this section has changed sufficiently to
25 meet either of the sets of criteria specified under subsection (1) of
26 this section, and where applicable, the county legislative authority
27 has not adopted a resolution removing the county from these
28 requirements as provided in subsection (1) of this section, the county
29 and each city within such county shall take actions under this chapter
30 as follows: (a) The county legislative authority shall adopt a
31 countywide planning policy under RCW 36.70A.210; (b) the county and
32 each city located within the county shall adopt development regulations
33 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
34 mineral resource lands it designated within one year of the
35 certification by the office of financial management; (c) the county
36 shall designate and take other actions related to urban growth areas
37 under RCW 36.70A.110; and (d) the county and each city located within
38 the county shall adopt a comprehensive land use plan and development

1 regulations that are consistent with and implement the comprehensive
2 plan within four years of the certification by the office of financial
3 management, but a county or city may obtain an additional six months
4 before it is required to have adopted its development regulations by
5 submitting a letter notifying the department of (~~community, trade, and~~
6 ~~economic development~~) commerce of its need prior to the deadline for
7 adopting both a comprehensive plan and development regulations.

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

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

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

16 (1)(a) (~~Except as provided in RCW 36.70A.1701,~~) Each county that
17 is required or chooses to plan under RCW 36.70A.040 or is subject to
18 the requirements under section 3(3) of this act, and each city within
19 such county, shall adopt development regulations on or before September
20 1, 1991, to assure the conservation of agricultural, forest, and
21 mineral resource lands designated under RCW 36.70A.170. Regulations
22 adopted under this subsection may not prohibit uses legally existing on
23 any parcel prior to their adoption and shall remain in effect until the
24 county or city adopts development regulations pursuant to RCW
25 36.70A.040. Such regulations shall assure that the use of lands
26 adjacent to agricultural, forest, or mineral resource lands shall not
27 interfere with the continued use, in the accustomed manner and in
28 accordance with best management practices, of these designated lands
29 for the production of food, agricultural products, or timber, or for
30 the extraction of minerals.

31 (b) Counties and cities shall require that all plats, short plats,
32 development permits, and building permits issued for development
33 activities on, or within five hundred feet of, lands designated as
34 agricultural lands, forest lands, or mineral resource lands, contain a
35 notice that the subject property is within or near designated
36 agricultural lands, forest lands, or mineral resource lands on which a
37 variety of commercial activities may occur that are not compatible with

1 residential development for certain periods of limited duration. The
2 notice for mineral resource lands shall also inform that an application
3 might be made for mining-related activities, including mining,
4 extraction, washing, crushing, stockpiling, blasting, transporting, and
5 recycling of minerals.

6 (2) Each county and city shall adopt development regulations that
7 protect critical areas that are required to be designated under RCW
8 36.70A.170. For counties and cities that are required or choose to
9 plan under RCW 36.70A.040, such development regulations shall be
10 adopted on or before September 1, 1991. For the remainder of the
11 counties and cities, such development regulations shall be adopted on
12 or before March 1, 1992.

13 (3) Such counties and cities shall review these designations and
14 development regulations when adopting their comprehensive plans under
15 RCW 36.70A.040 and implementing development regulations under RCW
16 36.70A.120 and may alter such designations and development regulations
17 to insure consistency.

18 (4) Forest land and agricultural land located within urban growth
19 areas shall not be designated by a county or city as forest land or
20 agricultural land of long-term commercial significance under RCW
21 36.70A.170 unless the city or county has enacted a program authorizing
22 transfer or purchase of development rights.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
24 to read as follows:

25 (1) Prior to adopting a removal resolution under RCW
26 36.70A.040(2)(b), a county shall notify the department in writing of
27 its proposal to adopt a removal resolution and the county and each city
28 located within the county shall submit to the department a complete and
29 accurate copy of their comprehensive plan and development regulations.
30 A removal resolution may not be adopted until the department approves
31 the proposal under subsection (2) of this section.

32 (2)(a) Within ninety days after receipt of the local government
33 notification and submission pursuant to subsection (1) or (3) of this
34 section, the department shall make written findings and conclusions
35 regarding whether the county and each city located within the county
36 are in compliance with this chapter with respect to RCW 36.70A.060,
37 36.70A.070(5)(b), 36.70A.170, and 36.70A.172.

1 (b) If the department finds compliance, the department shall
2 approve the proposal as submitted. If the department finds
3 noncompliance, the department shall deny approval and recommend
4 specific changes necessary to make the proposal approvable. The
5 department may not find compliance where a county is subject to
6 determination of finding of noncompliance under RCW 36.70A.300 or
7 36.70A.330. The written findings and conclusions shall be provided to
8 the local government, and made available to all interested persons,
9 parties, and groups on the proposal.

10 (3)(a) If a county adopts a removal resolution and withdraws from
11 voluntary planning under RCW 36.70A.040(2)(b), the county must:

12 (i) Comply with RCW 36.70A.060; and

13 (ii) Adopt a plan with a rural element in accordance with RCW
14 36.70A.070.

15 (b) Plans and development regulations adopted under (a) of this
16 subsection are subject to continuing review and evaluation by the
17 county that adopted them. A county shall take legislative action to
18 review and, if needed, revise plans and development regulations to
19 ensure the plans and regulations comply with the requirements of this
20 chapter. The county must submit to the department a complete and
21 accurate copy of any proposed amendments or permanent changes to a plan
22 or development regulation. Additionally, the county must submit to the
23 department a complete and accurate copy of its plans and development
24 regulations at ten-year intervals from the date of the adoption of a
25 removal resolution under RCW 36.70A.040(2)(b). Upon receipt of a
26 submission by a county under this subsection, the department shall
27 review compliance and make findings in the same manner as provided in
28 subsection (2) of this section.

29 (c) The removal resolution adopted by the county under RCW
30 36.70A.040(2)(b) is invalid and the county is required to conform with
31 all of the requirements of this chapter if:

32 (i) The county does not adopt plans and development regulations
33 submitted under this subsection that are approved by the department
34 within one hundred eighty days as provided in subsection (2) of this
35 section; or

36 (ii) The county fails to submit plans and regulations for review
37 and approval at the ten-year intervals required under (b) of this
38 subsection.

1 (4) Any person aggrieved by a decision of the department to approve
2 or deny a proposal or submission under this section may appeal the
3 decision to superior court as provided in RCW 34.05.514 or 36.01.050
4 within thirty days after the date that the department mails the written
5 findings and conclusions to the county. The state, through the
6 department and the attorney general, shall represent its interest in
7 court with respect to compliance with this section."

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By Senator Hasegawa

NOT CONSIDERED

8 On page 1, line 3 of the title, after "act;" strike the remainder
9 of the title and insert "amending RCW 36.70A.040 and 36.70A.060; and
10 adding a new section to chapter 36.70A RCW."

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