

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1224**

63rd Legislature  
2014 Regular Session

Passed by the House March 12, 2014  
Yeas 84 Nays 12

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**Speaker of the House of Representatives**

Passed by the Senate March 6, 2014  
Yeas 49 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1224** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1224**

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AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

**State of Washington                      63rd Legislature                      2014 Regular Session**

**By** Representatives Kretz, Takko, and Short

Read first time 01/21/13. 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; amending RCW 36.70A.040, 36.70A.060, and 36.70A.280;  
4 and providing an expiration date.

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

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

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

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

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

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

25 (b)(i) Until December 31, 2015, the legislative authority of a  
26 county may adopt a resolution removing the county and the cities  
27 located within the county from the requirements to plan under this  
28 section if:

29 (A) The county has a population, as estimated by the office of  
30 financial management, of twenty thousand or fewer inhabitants at any  
31 time between April 1, 2010, and April 1, 2015;

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

34 (C) At least sixty days prior to adopting a resolution for partial  
35 planning, the county provides written notification to the legislative  
36 body of each city within the county of its intent to consider adopting  
37 the resolution; and

1       (D) The legislative bodies of at least sixty percent of those  
2 cities having an aggregate population of at least seventy-five percent  
3 of the incorporated county population have not: Adopted resolutions  
4 opposing the action by the county; and provided written notification of  
5 the resolutions to the county.

6       (ii) Upon adoption of a resolution for partial planning under  
7 (b)(i) of this subsection:

8       (A) The county and the cities within the county are, except as  
9 provided otherwise, no longer obligated to plan under this section; and

10       (B) The county may not, for a minimum of ten years from the date of  
11 adoption of the resolution, adopt another resolution indicating its  
12 intention to have subsection (1) of this section apply to the county.

13       (c) The adoption of a resolution for partial planning under (b)(i)  
14 of this subsection does not nullify or otherwise modify the  
15 requirements for counties and cities established in RCW 36.70A.060,  
16 36.70A.070(5) and associated development regulations, 36.70A.170, and  
17 36.70A.172.

18       (3) Any county or city that is initially required to conform with  
19 all of the requirements of this chapter under subsection (1) of this  
20 section shall take actions under this chapter as follows: (a) The  
21 county legislative authority shall adopt a countywide planning policy  
22 under RCW 36.70A.210; (b) the county and each city located within the  
23 county shall designate critical areas, agricultural lands, forest  
24 lands, and mineral resource lands, and adopt development regulations  
25 conserving these designated agricultural lands, forest lands, and  
26 mineral resource lands and protecting these designated critical areas,  
27 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and  
28 take other actions related to urban growth areas under RCW 36.70A.110;  
29 (d) if the county has a population of fifty thousand or more, the  
30 county and each city located within the county shall adopt a  
31 comprehensive plan under this chapter and development regulations that  
32 are consistent with and implement the comprehensive plan on or before  
33 July 1, 1994, and if the county has a population of less than fifty  
34 thousand, the county and each city located within the county shall  
35 adopt a comprehensive plan under this chapter and development  
36 regulations that are consistent with and implement the comprehensive  
37 plan by January 1, 1995, but if the governor makes written findings  
38 that a county with a population of less than fifty thousand or a city

1 located within such a county is not making reasonable progress toward  
2 adopting a comprehensive plan and development regulations the governor  
3 may reduce this deadline for such actions to be taken by no more than  
4 one hundred eighty days. Any county or city subject to this subsection  
5 may obtain an additional six months before it is required to have  
6 adopted its development regulations by submitting a letter notifying  
7 the department (~~(of community, trade, and economic development)~~) of its  
8 need prior to the deadline for adopting both a comprehensive plan and  
9 development regulations.

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

31 (5) If the office of financial management certifies that the  
32 population of a county that previously had not been required to plan  
33 under subsection (1) or (2) of this section has changed sufficiently to  
34 meet either of the sets of criteria specified under subsection (1) of  
35 this section, and where applicable, the county legislative authority  
36 has not adopted a resolution removing the county from these  
37 requirements as provided in subsection (1) of this section, the county  
38 and each city within such county shall take actions under this chapter

1 as follows: (a) The county legislative authority shall adopt a  
2 countywide planning policy under RCW 36.70A.210; (b) the county and  
3 each city located within the county shall adopt development regulations  
4 under RCW 36.70A.060 conserving agricultural lands, forest lands, and  
5 mineral resource lands it designated within one year of the  
6 certification by the office of financial management; (c) the county  
7 shall designate and take other actions related to urban growth areas  
8 under RCW 36.70A.110; and (d) the county and each city located within  
9 the county shall adopt a comprehensive land use plan and development  
10 regulations that are consistent with and implement the comprehensive  
11 plan within four years of the certification by the office of financial  
12 management, but a county or city may obtain an additional six months  
13 before it is required to have adopted its development regulations by  
14 submitting a letter notifying the department (~~(of community, trade, and~~  
15 ~~economic development)) of its need prior to the deadline for adopting  
16 both a comprehensive plan and development regulations.~~

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

19 (7) Cities and counties planning under this chapter must amend the  
20 transportation element of the comprehensive plan to be in compliance  
21 with this chapter and chapter 47.80 RCW no later than December 31,  
22 2000.

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

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

1 for the production of food, agricultural products, or timber, or for  
2 the extraction of minerals.

3 (b) Counties and cities shall require that all plats, short plats,  
4 development permits, and building permits issued for development  
5 activities on, or within five hundred feet of, lands designated as  
6 agricultural lands, forest lands, or mineral resource lands, contain a  
7 notice that the subject property is within or near designated  
8 agricultural lands, forest lands, or mineral resource lands on which a  
9 variety of commercial activities may occur that are not compatible with  
10 residential development for certain periods of limited duration. The  
11 notice for mineral resource lands shall also inform that an application  
12 might be made for mining-related activities, including mining,  
13 extraction, washing, crushing, stockpiling, blasting, transporting, and  
14 recycling of minerals.

15 (c) Each county that adopts a resolution of partial planning under  
16 RCW 36.70A.040(2)(b), and each city within such county, shall adopt  
17 development regulations within one year after the adoption of the  
18 resolution of partial planning to assure the conservation of  
19 agricultural, forest, and mineral resource lands designated under RCW  
20 36.70A.170. Regulations adopted under this subsection (1)(c) must  
21 comply with the requirements governing regulations adopted under (a) of  
22 this subsection.

23 (d)(i) A county that adopts a resolution of partial planning under  
24 RCW 36.70A.040(2)(b) and that is not in compliance with the planning  
25 requirements of this section, RCW 36.70A.040(4), 36.70A.070(5),  
26 36.70A.170, and 36.70A.172 at the time the resolution is adopted must,  
27 by January 30, 2017, apply for a determination of compliance from the  
28 department finding that the county's development regulations, including  
29 development regulations adopted to protect critical areas, and  
30 comprehensive plans are in compliance with the requirements of this  
31 section, RCW 36.70A.040(4), 36.70A.070(5), 36.70A.170, and 36.70A.172.  
32 The department must approve or deny the application for a determination  
33 of compliance within one hundred twenty days of its receipt or by June  
34 30, 2017, whichever date is earlier.

35 (ii) If the department denies an application under (d)(i) of this  
36 subsection, the county and each city within is obligated to comply with  
37 all requirements of this chapter and the resolution for partial  
38 planning adopted under RCW 36.70A.040(2)(b) is no longer in effect.

1       (iii) A petition for review of a determination of compliance under  
2 (d)(i) of this subsection may only be appealed to the growth management  
3 hearings board within sixty days of the issuance of the decision by the  
4 department.

5       (iv) In the event of a filing of a petition in accordance with  
6 (d)(iii) of this subsection, the county and the department must equally  
7 share the costs incurred by the department for defending an approval of  
8 determination of compliance that is before the growth management  
9 hearings board.

10       (v) The department may implement this subsection (d) by adopting  
11 rules related to determinations of compliance. The rules may address,  
12 but are not limited to: The requirements for applications for a  
13 determination of compliance; charging of costs under (d)(iv) of this  
14 subsection; procedures for processing applications; criteria for the  
15 evaluation of applications; issuance and notice of department  
16 decisions; and applicable timelines.

17       (2) Each county and city shall adopt development regulations that  
18 protect critical areas that are required to be designated under RCW  
19 36.70A.170. For counties and cities that are required or choose to  
20 plan under RCW 36.70A.040, such development regulations shall be  
21 adopted on or before September 1, 1991. For the remainder of the  
22 counties and cities, such development regulations shall be adopted on  
23 or before March 1, 1992.

24       (3) Such counties and cities shall review these designations and  
25 development regulations when adopting their comprehensive plans under  
26 RCW 36.70A.040 and implementing development regulations under RCW  
27 36.70A.120 and may alter such designations and development regulations  
28 to insure consistency.

29       (4) Forest land and agricultural land located within urban growth  
30 areas shall not be designated by a county or city as forest land or  
31 agricultural land of long-term commercial significance under RCW  
32 36.70A.170 unless the city or county has enacted a program authorizing  
33 transfer or purchase of development rights.

34       **Sec. 3.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to  
35 read as follows:

36       (1) The growth management hearings board shall hear and determine  
37 only those petitions alleging either:

1 (a) That, except as provided otherwise by this subsection, a state  
2 agency, county, or city planning under this chapter is not in  
3 compliance with the requirements of this chapter, chapter 90.58 RCW as  
4 it relates to the adoption of shoreline master programs or amendments  
5 thereto, or chapter 43.21C RCW as it relates to plans, development  
6 regulations, or amendments, adopted under RCW 36.70A.040 or chapter  
7 90.58 RCW. Nothing in this subsection authorizes the board to hear  
8 petitions alleging noncompliance with RCW 36.70A.5801;

9 (b) That the twenty-year growth management planning population  
10 projections adopted by the office of financial management pursuant to  
11 RCW 43.62.035 should be adjusted;

12 (c) That the approval of a work plan adopted under RCW  
13 36.70A.735(1)(a) is not in compliance with the requirements of the  
14 program established under RCW 36.70A.710;

15 (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
16 regionally applicable and cannot be adopted, wholly or partially, by  
17 another jurisdiction; (~~(e)~~)

18 (e) That a department certification under RCW 36.70A.735(1)(c) is  
19 erroneous; or

20 (f) That a department determination under RCW 36.70A.060(1)(d) is  
21 erroneous.

22 (2) A petition may be filed only by: (a) The state, or a county or  
23 city that plans under this chapter; (b) a person who has participated  
24 orally or in writing before the county or city regarding the matter on  
25 which a review is being requested; (c) a person who is certified by the  
26 governor within sixty days of filing the request with the board; or (d)  
27 a person qualified pursuant to RCW 34.05.530.

28 (3) For purposes of this section "person" means any individual,  
29 partnership, corporation, association, state agency, governmental  
30 subdivision or unit thereof, or public or private organization or  
31 entity of any character.

32 (4) To establish participation standing under subsection (2)(b) of  
33 this section, a person must show that his or her participation before  
34 the county or city was reasonably related to the person's issue as  
35 presented to the board.

36 (5) When considering a possible adjustment to a growth management  
37 planning population projection prepared by the office of financial

1 management, the board shall consider the implications of any such  
2 adjustment to the population forecast for the entire state.

3 The rationale for any adjustment that is adopted by the board must  
4 be documented and filed with the office of financial management within  
5 ten working days after adoption.

6 If adjusted by the board, a county growth management planning  
7 population projection shall only be used for the planning purposes set  
8 forth in this chapter and shall be known as the "board adjusted  
9 population projection." None of these changes shall affect the  
10 official state and county population forecasts prepared by the office  
11 of financial management, which shall continue to be used for state  
12 budget and planning purposes.

13 NEW SECTION. **Sec. 4.** Section 3 of this act expires December 31,  
14 2020.

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