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SENATE BILL 5985

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State of Washington

64th Legislature

2015 Regular Session

By Senator Dansel

Read first time 02/16/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to extending the date for allowing certain  
2 counties and cities to not plan under the growth management act; and  
3 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 2014 c 147 s 1 are each amended to  
6 read 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  
11 in the previous ten years, and the cities located within such county,  
12 and 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  
20 under this chapter if this resolution is adopted and filed with the  
21 department by December 31, 1990, for counties initially meeting this

1 set of criteria, or within sixty days of the date the office of  
2 financial management certifies that a county meets this set of  
3 criteria under subsection (5) of this section. For the purposes of  
4 this subsection, a county not currently planning under this chapter  
5 is not required to include in its population count those persons  
6 confined in a correctional facility under the jurisdiction of the  
7 department of corrections that is located in the county.

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

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

23 (b)(i) Until December 31, (~~2015~~) 2016, the legislative  
24 authority of a county may adopt a resolution removing the county and  
25 the cities located within the county from the requirements to plan  
26 under this section if:

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

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 a resolution for  
33 partial planning, the county provides written notification to the  
34 legislative body of each city within the county of its intent to  
35 consider adopting the resolution; and

36 (D) The legislative bodies of at least sixty percent of those  
37 cities having an aggregate population of at least seventy-five  
38 percent of the incorporated county population have not: Adopted  
39 resolutions opposing the action by the county; and provided written  
40 notification of the resolutions to the county.

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

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

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

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

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

1 six months before it is required to have adopted its development  
2 regulations by submitting a letter notifying the department of its  
3 need prior to the deadline for adopting both a comprehensive plan and  
4 development regulations.

5 (4) Any county or city that is required to conform with all the  
6 requirements of this chapter, as a result of the county legislative  
7 authority adopting its resolution of intention under subsection (2)  
8 of this section, shall take actions under this chapter as follows:

9 (a) The county legislative authority shall adopt a county-wide  
10 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  
13 lands it designated under RCW 36.70A.060 within one year of the date  
14 the county legislative authority adopts its resolution of intention;  
15 (c) the county shall designate and take other actions related to  
16 urban growth areas under RCW 36.70A.110; and (d) the county and each  
17 city that is located within the county shall adopt a comprehensive  
18 plan and development regulations that are consistent with and  
19 implement the comprehensive plan not later than four years from the  
20 date the county legislative authority adopts its resolution of  
21 intention, but a county or city may obtain an additional six months  
22 before it is required to have adopted its development regulations by  
23 submitting a letter notifying the department of its need prior to the  
24 deadline for adopting both a comprehensive plan and development  
25 regulations.

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

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

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

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

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