
SENATE BILL 5915

State of Washington

66th Legislature

2019 Regular Session

By Senator Ericksen

1 AN ACT Relating to creating greater flexibility for cities and
2 counties to plan for the future of their citizens by minimizing
3 costs; amending RCW 36.70A.040; creating a new section; and repealing
4 RCW 36.70A.540, 36.70A.250, 36.70A.252, 36.70A.260, 36.70A.270,
5 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.302,
6 36.70A.305, 36.70A.310, 36.70A.320, 36.70A.3201, 36.70A.330,
7 36.70A.335, and 36.70A.340.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that the
10 comprehensive planning efforts made by the growth management act have
11 resulted in high population densities in the most populous county in
12 the state and a dearth of economic growth in other areas of the
13 state. In order to provide for more equitable distribution of
14 economic opportunity throughout the state, the legislature finds that
15 it is important to relieve those communities of mandatory planning
16 obligations. The legislature finds that it is important for
17 communities across the state to have access to a planning framework
18 when it is appropriate. The legislature also finds that that access
19 should be voluntary and not mandatory.

1 **Sec. 2.** RCW 36.70A.040 and 2014 c 147 s 1 are each amended to
2 read as follows:

3 (1) Each county that has (~~both~~) a population of (~~fifty~~
4 ~~thousand~~) two million or more (~~and, until May 16, 1995, has had its~~
5 ~~population increase by more than ten percent in the previous ten~~
6 ~~years or, on or after May 16, 1995, has had its population increase~~
7 ~~by more than seventeen percent in the previous ten years,~~) and the
8 cities located within such county (~~, and any other county regardless~~
9 ~~of its population that has had its population increase by more than~~
10 ~~twenty percent in the previous ten years, and the cities located~~
11 ~~within such county,~~) shall conform with all of the requirements of
12 this chapter. (~~However,~~) The county legislative authority of (such
13 a county with a population of less than fifty thousand population)
14 any other city or county may adopt a resolution (~~(removing the~~
15 ~~county, and the cities located within the county, from the~~
16 ~~requirements of)~~) adopting comprehensive land use plans and
17 development regulations under this chapter (~~(if this resolution is~~
18 ~~adopted and filed with the department by December 31, 1990, for~~
19 ~~counties initially meeting this set of criteria, or within sixty days~~
20 ~~of the date the office of financial management certifies that a~~
21 ~~county meets this set of criteria under subsection (5) of this~~
22 ~~section. For the purposes of this subsection, a county not currently~~
23 ~~planning under this chapter is not required to include in its~~
24 ~~population count those persons confined in a correctional facility~~
25 ~~under the jurisdiction of the department of corrections that is~~
26 ~~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~~
30 ~~sets of criteria).~~

31 (2) (~~(a)~~) The county legislative authority of any county (~~(that~~
32 ~~does not meet either of the sets of criteria established under~~
33 ~~subsection (1) of this section)~~) may adopt a resolution indicating
34 its intention to have subsection (1) of this section apply to the
35 county. Each city, located in a county that chooses to plan under
36 this subsection, shall conform with all of the requirements of this
37 chapter. Once such a resolution has been adopted, the county and the
38 cities located within the county remain subject to all of the
39 requirements of this chapter (~~, unless the county subsequently adopts~~

1 ~~a withdrawal resolution for partial planning pursuant to (b) (i) of~~
2 ~~this subsection.~~

3 ~~(b) (i) Until December 31, 2015, the legislative authority of a~~
4 ~~county may adopt a resolution removing the county and the cities~~
5 ~~located within the county from the requirements to plan under this~~
6 ~~section if:~~

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

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

12 ~~(C) At least sixty days prior to adopting a resolution for~~
13 ~~partial planning, the county provides written notification to the~~
14 ~~legislative body of each city within the county of its intent to~~
15 ~~consider adopting the resolution; and~~

16 ~~(D) The legislative bodies of at least sixty percent of those~~
17 ~~cities having an aggregate population of at least seventy-five~~
18 ~~percent of the incorporated county population have not: Adopted~~
19 ~~resolutions opposing the action by the county; and provided written~~
20 ~~notification of the resolutions to the county.~~

21 ~~(ii) Upon adoption of a resolution for partial planning under~~
22 ~~(b) (i) of this subsection:~~

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

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

30 ~~(c) The adoption of a resolution for partial planning under~~
31 ~~(b) (i) of this subsection does not nullify or otherwise modify the~~
32 ~~requirements for counties and cities established in RCW 36.70A.060,~~
33 ~~36.70A.070(5) and associated development regulations, 36.70A.170, and~~
34 ~~36.70A.172.~~

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

1 forestlands, and mineral resource lands, and adopt development
2 regulations conserving these designated agricultural lands,
3 forestlands, and mineral resource lands and protecting these
4 designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c)
5 the county shall designate and take other actions related to urban
6 growth areas under RCW 36.70A.110; [and] (d) if the county has a
7 population of fifty thousand or more, the county and each city
8 located within the county shall adopt a comprehensive plan under this
9 chapter and development regulations that are consistent with and
10 implement the comprehensive plan on or before July 1, 1994, and if
11 the county has a population of less than fifty thousand, the county
12 and each city located within the county shall adopt a comprehensive
13 plan under this chapter and development regulations that are
14 consistent with and implement the comprehensive plan by January 1,
15 1995, but if the governor makes written findings that a county with a
16 population of less than fifty thousand or a city located within such
17 a county is not making reasonable progress toward adopting a
18 comprehensive plan and development regulations the governor may
19 reduce this deadline for such actions to be taken by no more than one
20 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 its need prior to the deadline for adopting both a
24 comprehensive plan and development regulations)).

25 ((4)) (3) Any county or city that is required to conform with
26 all the requirements of this chapter, as a result of the county
27 legislative authority adopting its resolution of intention under
28 subsection (2) of this section, shall take actions under this chapter
29 as follows: (a) The county legislative authority shall adopt a
30 county-wide planning policy under RCW 36.70A.210; (b) the county and
31 each city that is located within the county shall adopt development
32 regulations conserving agricultural lands, forestlands, and mineral
33 resource lands it designated under RCW 36.70A.060 within one year of
34 the date the county legislative authority adopts its resolution of
35 intention; (c) the county shall designate and take other actions
36 related to urban growth areas under RCW 36.70A.110; and (d) the
37 county and each city that is located within the county shall adopt a
38 comprehensive plan and development regulations that are consistent
39 with and implement the comprehensive plan not later than four years
40 from the date the county legislative authority adopts its resolution

1 of intention, but a county or city may obtain an additional six
2 months before it is required to have adopted its development
3 regulations by submitting a letter notifying the department of its
4 need prior to the deadline for adopting both a comprehensive plan and
5 development regulations.

6 ~~((+5))~~ (4) If the office of financial management certifies that
7 the population of a county that previously had not been required to
8 plan under subsection (1) or (2) of this section has changed
9 sufficiently to meet either of the sets of criteria specified under
10 subsection (1) of this section, and where applicable, the county
11 legislative authority has not adopted a resolution removing the
12 county from these requirements as provided in subsection (1) of this
13 section, the county and each city within such county shall take
14 actions under this chapter as follows: (a) The county legislative
15 authority shall adopt a countywide planning policy under RCW
16 36.70A.210; (b) the county and each city located within the county
17 shall adopt development regulations under RCW 36.70A.060 conserving
18 agricultural lands, forestlands, and mineral resource lands it
19 designated within one year of the certification by the office of
20 financial management; (c) the county shall designate and take other
21 actions related to urban growth areas under RCW 36.70A.110; and (d)
22 the county and each city located within the county shall adopt a
23 comprehensive land use plan and development regulations that are
24 consistent with and implement the comprehensive plan within four
25 years of the certification by the office of financial management, but
26 a county or city may obtain an additional six months before it is
27 required to have adopted its development regulations by submitting a
28 letter notifying the department of its need prior to the deadline for
29 adopting both a comprehensive plan and development regulations.

30 ~~((+6))~~ (5) A copy of each document that is required under this
31 section shall be submitted to the department at the time of its
32 adoption.

33 ~~((+7) Cities and counties planning under this chapter must amend
34 the transportation element of the comprehensive plan to be in
35 compliance with this chapter and chapter 47.80 RCW no later than
36 December 31, 2000.)~~

37 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
38 each repealed:

- 1 (1) RCW 36.70A.540 (Affordable housing incentive programs—Low-
2 income housing units) and 2009 c 80 s 1 & 2006 c 149 s 2;
- 3 (2) RCW 36.70A.250 (Growth management hearings board—Creation—
4 Members) and 2010 c 211 s 4, 1994 c 249 s 29, & 1991 sp.s. c 32 s 5;
- 5 (3) RCW 36.70A.252 (Growth management hearings board—
6 Consolidation into environmental and land use hearings office) and
7 2010 c 210 s 15;
- 8 (4) RCW 36.70A.260 (Growth management hearings board—Regional
9 panels) and 2010 c 211 s 5, 1994 c 249 s 30, & 1991 sp.s. c 32 s 6;
- 10 (5) RCW 36.70A.270 (Growth management hearings board—Conduct,
11 procedure, and compensation) and 2010 c 211 s 6, 2010 c 210 s 16,
12 1997 c 429 s 11, 1996 c 325 s 1, 1994 c 257 s 1, & 1991 sp.s. c 32 s
13 7;
- 14 (6) RCW 36.70A.280 (Growth management hearings board—Matters
15 subject to review) and 2014 c 147 s 3, 2011 c 360 s 17, 2010 c 211 s
16 7, 2008 c 289 s 5, 2003 c 332 s 2, 1996 c 325 s 2, 1995 c 347 s 108,
17 1994 c 249 s 31, & 1991 sp.s. c 32 s 9;
- 18 (7) RCW 36.70A.290 (Growth management hearings board—Petitions—
19 Evidence) and 2011 c 277 s 1, 2010 c 211 s 8, 1997 c 429 s 12, & 1995
20 c 347 s 109;
- 21 (8) RCW 36.70A.295 (Growth management hearings board—Direct
22 judicial review) and 2010 c 211 s 9 & 1997 c 429 s 13;
- 23 (9) RCW 36.70A.300 (Final orders) and 2013 c 275 s 1, 1997 c 429
24 s 14, 1995 c 347 s 110, & 1991 sp.s. c 32 s 11;
- 25 (10) RCW 36.70A.302 (Growth management hearings board—
26 Determination of invalidity—Vesting of development permits—Interim
27 controls) and 2010 c 211 s 10 & 1997 c 429 s 16;
- 28 (11) RCW 36.70A.305 (Expedited review) and 1996 c 325 s 4;
- 29 (12) RCW 36.70A.310 (Growth management hearings board—Limitations
30 on appeal by the state) and 2010 c 211 s 11, 1994 c 249 s 32, & 1991
31 sp.s. c 32 s 12;
- 32 (13) RCW 36.70A.320 (Presumption of validity—Burden of proof—
33 Plans and regulations) and 1997 c 429 s 20, 1995 c 347 s 111, & 1991
34 sp.s. c 32 s 13;
- 35 (14) RCW 36.70A.3201 (Growth management hearings board—
36 Legislative intent and finding) and 2010 c 211 s 12 & 1997 c 429 s 2;
- 37 (15) RCW 36.70A.330 (Noncompliance) and 1997 c 429 s 21, 1995 c
38 347 s 112, & 1991 sp.s. c 32 s 14;

1 (16) RCW 36.70A.335 (Order of invalidity issued before July 27,
2 1997) and 1997 c 429 s 22; and
3 (17) RCW 36.70A.340 (Noncompliance and sanctions) and 2013 c 225
4 s 604, 2011 c 120 s 2, & 1991 sp.s. c 32 s 26.

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