

INITIATIVE 324

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 324 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to allowing rural counties to remove themselves
2 from requirements to plan under chapter 36.70A RCW; amending RCW
3 36.70A.040; adding a new section to chapter 36.70A RCW; and creating
4 new sections.

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

6 NEW SECTION. **Sec. 1.** We the people find that chapter 36.70A RCW,
7 the growth management act, has resulted in a wide range of serious
8 negative consequences for counties with a low population density that
9 are primarily rural in character. Those counties are struggling to
10 provide a larger share of government services and comply with state
11 mandates while state funding has declined, including planning for and
12 accommodating growth. At the same time, the growth management act is
13 being used by some as a vehicle to delay, obstruct, and stymie
14 reasonable and prudent actions by local governments to meet the needs
15 of citizens outside major urban centers. In effect this replaces local
16 control with an untenable, financially draining one-size-fits-all
17 strait jacket. This burden has become so onerous and severe for rural
18 areas that immediate action is required to maintain the viability of

1 local governments, by allowing low-density counties to "opt out" of
2 growth management.

3 NEW SECTION. Sec. 2. This act may be known and cited as the local
4 county control act of 2005.

5 **Sec. 3.** 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 density of ~~((fifty~~
8 ~~thousand or more and, until May 16, 1995, has had its population~~
9 ~~increase by more than ten percent in the previous ten years or, on or~~
10 ~~after May 16, 1995, has had its population increase by more than~~
11 ~~seventeen percent in the previous ten years, and the cities located~~
12 ~~within such county, and any other county regardless of its population~~
13 ~~that has had its population increase by more than twenty percent in the~~
14 ~~previous ten years))~~ one hundred persons or more per square mile, and
15 the cities located within such county, shall ~~((conform with all of the~~
16 ~~requirements of))~~ plan under 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~~
20 ~~adopting comprehensive land use plans and development regulations under~~
21 ~~this chapter if this resolution is adopted and filed with the~~
22 ~~department by December 31, 1990, for counties initially meeting this~~
23 ~~set of criteria, or within sixty days of the date the office of~~
24 ~~financial management certifies that a county meets this set of criteria~~
25 ~~under subsection (5) of this section. For the purposes of this~~
26 ~~subsection, a county not currently planning under this chapter is not~~
27 ~~required to include in its population count those persons confined in~~
28 ~~a correctional facility under the jurisdiction of the department of~~
29 ~~corrections that is located in the county.~~

30 ~~Once a county meets either of these sets of criteria, the~~
31 ~~requirement to conform with all of the requirements of this chapter~~
32 ~~remains in effect, even if the county no longer meets one of these sets~~
33 ~~of criteria.))~~

34 (2) The county legislative authority of any county that does not
35 meet ~~((either of))~~ the ~~((sets of))~~ criteria established under
36 subsection (1) of this section may adopt a resolution indicating its
37 intention to ~~((have subsection (1) of this section apply to the~~

1 county)) plan under this chapter. Each city, located in a county that
2 chooses to plan under this subsection, shall conform with all of the
3 requirements of this chapter. (~~Once such a resolution has been~~
4 ~~adopted, the county and the cities located within the county remain~~
5 ~~subject to all of the requirements of this chapter.~~)

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

37 (4) Any county or city that is required to (~~conform with all the~~
38 ~~requirements of~~) plan under this chapter, as a result of the county
39 legislative authority adopting its resolution of intention under

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

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

1 submitting a letter notifying the department of community, trade, and
2 economic development of its need prior to the deadline for adopting
3 both a comprehensive plan and development regulations.

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

6 (7) Cities and counties planning under this chapter must amend the
7 transportation element of the comprehensive plan to be in compliance
8 with this chapter and chapter 47.80 RCW no later than ~~((December 31,~~
9 2000)) five years after starting to plan under this chapter, absent an
10 extension of time by the department.

11 (8) The county legislative authority of any county with a
12 population density of less than one hundred persons per square mile
13 which currently plans under this chapter may remove the county and the
14 city or cities located within the county from the requirement to plan
15 under this section under the procedures in this subsection.

16 (a) The county legislative authority may by majority vote adopt a
17 resolution stating its intent to remove the county and the city or
18 cities located within the county from the requirement to plan under
19 this section and submit that resolution to the city or cities located
20 within the county.

21 (b) The county and the city or cities located within the county are
22 no longer subject to the requirement to plan under this section:

23 (i) If within ninety days of submission of the resolution of intent
24 the city or a majority of the cities adopt a resolution concurring in
25 the resolution of the county; or

26 (ii) If the city or a majority of the cities do not concur within
27 ninety days under (b)(i) of this subsection, if a resolution removing
28 the county and the city or cities located within the county from the
29 requirement to plan under this section is submitted to and approved by
30 a majority of the registered voters in the county at the next general
31 election.

32 (c) A county and the city or cities located within the county that
33 are no longer required to plan under this section remain subject to
34 requirements for the designation and protection of critical areas and
35 the designation of natural resource lands under RCW 36.70A.060(2),
36 36.70A.170, and 36.70A.172.

37 NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW
38 to read as follows:

1 If a resolution is adopted or approved under RCW 36.70A.040(8)
2 removing the county and the city or cities located within the county
3 from the requirement to plan under this chapter, any claim pending
4 before a board or court that relates to the requirement to plan under
5 this chapter is moot and the claim shall be dismissed.

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