

***Local Government & Housing  
Committee***

***HB 1592***

***Brief Description:*** Authorizing rural counties to use alternative methods to achieve planning goals.

***Sponsors:*** Representatives Mulliken, Kessler, B. Chandler, Hatfield, Buck, Doumit, Armstrong, Eickmeyer, Sump, Cox, Clements, Schindler, Alexander, Lisk, Hankins, Pennington, Mielke, Schoesler, McMorris, Delvin, Grant, Boldt and Dunn.

***Brief Summary of Bill***

- *Allows rural counties to adopt alternative methods of achieving Growth Management Act planning goals.*
- *Defines rural counties as counties with population densities fewer than 100 persons per square mile.*
- *Specifies a clear, cogent and convincing evidence burden of proof for challenging a local government's alternative methods decisions.*

***Hearing Date:*** 2/19/01

***Staff:*** Caroleen Dineen (786-7156).

***Background:***

*The Growth Management Act (GMA) requires a county and its cities to plan if the county meets certain population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties plan under the GMA.*

*The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on counties and cities planning under the GMA (GMA jurisdictions), including identification and protection of critical areas; identification and conservation of agricultural, forest, and*

*mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.*

*GMA jurisdictions must designate urban growth areas (UGAs), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions must also adopt a comprehensive plan which contains planning policies and incorporates these UGA designations. A GMA jurisdiction's comprehensive plan must include certain required elements, including (1) land use; (2) housing; (3) capital facilities; (4) utilities; (5) rural; and (6) transportation. By September 1, 2002, and every five years thereafter, GMA jurisdictions must review their comprehensive plans and development regulations for consistency with GMA requirements and must revise their plans and regulations if necessary.*

*GMA plans and regulations are presumed valid upon adoption but may be appealed to one of three regional growth management hearings boards. The growth management hearings boards may determine whether plans or regulations comply with GMA requirements, with the requirements of the Shoreline Management Act as related to shoreline master programs, or with the State Environmental Policy Act as related to plan and regulation adoption.*

*A board must find compliance unless it determines that the challenged action is clearly erroneous in view of the entire record before the board and in light of GMA goals and requirements. If a board determines a plan or regulation does not comply, the board remands the plan or regulation to the county or city for compliance within a specified period. A determination of noncompliance does not affect the validity of the plan or regulation during the remand period.*

*A growth management hearings board also may determine that part or all of a plan or regulation is invalid if it includes within the noncompliance order findings of fact and conclusions of law that the continued validity of the plan or regulation, or specific parts of the plan or regulation, would substantially interfere with fulfilling the goals of the GMA. The board must specify in its order the invalidated part(s) of the plan and regulation and the reasons for its invalidity. A determination of invalidity is prospective and does not affect rights vesting before receipt of the board's order.*

#### ***Summary of Bill:***

*A rural county, after conferring with its cities, may develop alternative methods of achieving the planning goals established in the Growth Management Act (GMA). "Rural counties" is defined in the GMA as a county with a population density fewer than 100 persons per square mile as determined by the Office of Financial Management.*

*A rural county adopting alternative methods may not modify the requirements to: (1) designate and protect critical areas and to designate natural resource lands; and (2) establish a process for the siting of essential public facilities. The county must provide an opportunity for public review and comment before adopting alternative methods and must*

*submit the ordinance adopting the alternative methods to the Department of Community, Trade and Economic Development as is required for plans and regulations adopted under the GMA.*

*If a rural county's ordinance adopting alternative methods to achieve GMA planning goals is appealed, the growth management hearings board must give great weight to the rural county's decisions regarding the alternative methods. The growth management hearings board must find the alternative methods are in compliance with GMA requirements unless it finds by clear, cogent, and convincing evidence that the alternative methods will not achieve GMA planning goals.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Not Requested.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*