

1025-S

Sponsor(s): House Committee on Appropriations (originally sponsored by , Betrozoffs , Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, D. Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson)

Brief Description: Establishing growth management strategies.

HB 1025-S.E2 - DIGEST

(DIGEST AS ENACTED)

Requires the comprehensive plan of each county and city to include a process for identifying and siting essential public facilities.

Specifies the elements to be included in county-wide planning policies.

Establishes regional transportation development requirements. State-wide and rural economic development encouraged. Impact fees and relocation fees authorized for specified purposes.

Requires state agencies to comply with comprehensive plans.

Creates growth planning hearing boards, specifies member qualifications, and designates the conduct and procedures of the boards.

Establishes procedures for board hearings, appeals, and for noncompliance with board orders.

Establishes requirements for new fully contained communities master planned resorts.

Authorizes establishment of environmental planning pilot projects.

Establishes procedures for the protection of private property and for environmental planning pilot projects.

Revises provisions for forest, agricultural, and mineral resource lands and critical areas. Natural resource lands and critical areas to be designated.

Provides county-wide planning policy incentives.

Authorizes imposition of additional real estate tax to finance capital facilities under specified conditions.

Authorizes the withholding of tax revenues in cases of noncompliance.

Requires a legislative report on natural resources of state-wide significance.

Authorizes state and local government to exempt by mutual agreement some areas from the requirement that proof of adequate water supply be proved before building permit is issued.

VETO MESSAGE ON 1025-S

July 16, 1991

To the Honorable, the House
of Representatives of the

State of Washington
Ladies and Gentlemen:

"I am returning herewith, without my approval as to section 19, Reengrossed Substitute House Bill No. 1025 entitled:

"AN ACT Relating to growth strategies."

I welcome this measure, and am pleased to sign it into law.

Passage of this legislation fulfills an important promise made to the state's citizens. It is a success story that should strengthen the public's faith in the democratic political process.

I commend the Legislature - and particularly the legislative leadership - for keeping its commitment to Washington citizens, and for working hard to ensure that this bill will effectively protect our quality of life.

Reengrossed Substitute House Bill No. 1025 builds on the landmark growth management legislation passed last year, and on the recommendations of the Growth Strategies Commission. Even more important, it builds trust: trust between citizens and their elected representatives, trust between businesses and local governments, and trust among the bipartisan group of legislators who crafted it. That trust is, in the end, the key element necessary for effective and sustained growth management.

While I welcome this legislation, I have determined that section 19 of this bill is so ambiguous that it gives rise to numerous legal interpretations of its meaning and invites litigation.

I am not alone in this belief. Among the many letters my office has received on this bill, the overwhelming opinion is that because key terms are left undefined, and because the language is vague, this section is likely to result in significant court action. Such litigation could result in a reduction of existing local authority to protect open space -- thus producing a consequence that is the direct opposite of the section's intent. I intend to insist that we take actions that ensure that the existing authority of local governments to protect open space are not compromised in any way.

I support the intent of the negotiators to address the relationship between open space designation and protection of private property rights, and I believe that we can come to consensus on how to clarify this issue.

Clearly, it is better to negotiate than to litigate. And this issue is far too important to leave to the uncertainties of the judicial system. If we want clear and effective protection for open space, we have more work to do, and I am committed to working with legislators to make sure it gets done in the next legislative session.

With the exception of section 19, I am approving Reengrossed Substitute House Bill No. 1025."

Respectfully submitted,
Booth Gardner
Governor