

# HOUSE BILL REPORT

## ESHB 1338

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### As Passed House

March 18, 1997

**Title:** An act relating to increasing flexibility for counties and cities in implementing growth management.

**Brief Description:** Increasing flexibility for counties and cities in implementing growth management.

**Sponsors:** By House Committee on Government Reform & Land Use (originally sponsored by Representatives Mulliken, Hatfield, Reams, Mielke, Doumit, McMorris and Schoesler).

### **Brief History:**

#### **Committee Activity:**

Government Reform & Land Use: 1/27/97, 2/20/97 [DPS].

#### **Floor Activity:**

Passed House: 3/18/97, 58-40.

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### HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

**Staff:** Joan Elgee (786-7135).

**Background:** The Growth Management Act (GMA) was enacted in 1990 and 1991. The GMA establishes requirements for all counties and cities in the state, and imposes additional requirements for the faster growing counties and cities. Counties and cities which are subject to all requirements of the GMA are typically referred to as counties and cities that plan under the GMA.

Requirements for counties and cities planning under all GMA requirements.

The primary requirements for counties and cities that plan under the GMA include:

- Identification and protection of five separate critical areas;
- Identification and conservation of natural resource lands with long-term commercial significance for agriculture, forestry, or mineral resource extraction;
- Adoption of a county-wide planning policy;
- Designation of urban growth areas in which urban growth shall be encouraged and outside of which growth can occur only if it is non-urban-;
- Adoption of a comprehensive plan, which must include a process for identifying and siting essential public facilities;
- Adoption of development regulations implementing the comprehensive plan;

A county is required to plan under all GMA requirements if the county meets either of two sets of population and 10-year growth criteria, as determined by the Office of Financial Management (OFM):

- The county has a population of 50,000 or more and the county's population increased by at least 17 percent in the past 10 years. Legislation enacted in 1995 increased the minimum 10-year rate of growth to 17 percent and applied this change prospectively; and
- The county has a population of less than 50,000 and the county's population increased by at least 20 percent in the past 10 years.

In addition, a county legislative authority not covered by these criteria may adopt a resolution bringing the county under the planning requirements. A city follows the lead of the county in which it is located. Once a county plans under all GMA requirements, the county and cities located in the county remain subject to these requirements.

A one-time window allows the smaller counties to opt out of the planning requirements of the GMA. For counties with a population of less than 50,000 which were initially required to plan under all GMA requirements, the county legislative authority had until December 31, 1990 to remove the county and cities in the county from the requirements. A county with a population of less than 50,000 which is later found by OFM to meet the requisite 10-year growth factor has 60 days from the date OFM certifies that it meets the criteria to remove itself and its cities from the requirements.

#### Requirements for other counties and cities.

All counties and cities are required to designate and protect critical areas and designate (but not conserve) natural resource lands.

**Summary of Bill:** Any county with a population less than 75,000 may remove itself, and its cities, from the requirement to plan under the GMA by adopting a resolution and filing it with the Department of Community, Trade and Economic Development a) prior to December 31, 1997; or b) within six months of the date the county is notified that it meets the population and growth factors to be required to plan under the GMA. A county with a population of 75,000 or less that adopted a resolution to plan under all the requirements of the GMA may also remove itself and its cities from the requirement to plan under the GMA.

A county removing itself from the planning requirements remains subject to the requirements to designate and protect critical areas and designate natural resource lands.

A county, after conferring with its cities, may develop alternative methods of achieving the planning goals identified in the GMA. The county may not modify the requirements to: 1) designate and protect critical areas and to designate natural resource lands; 2) delineate wetlands; and 3) establish a process for the siting of essential public facilities. The county must provide an opportunity for public review and comment before adopting an alternative method.

The requirement placed on counties planning under all GMA requirements to designate urban growth areas is modified. The designation must include areas and densities *at least* sufficient to permit the urban growth that is projected to occur in the succeeding 20 year period.

Additional language is added to the section stating that in general, cities are the units of local government most appropriate to provide urban governmental services. Counties and special districts also may provide a variety of governmental services, including but not limited to, public safety and fire protection; water, wastewater, and other utility services; and transit and transportation services. When such services are provided outside the urban growth area, it is usually at a lower service level than for urban governmental services.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The counties need relief from the GMA. It is expensive to comply. Grant County has had to hire two full-time staff and Lewis County has had to hire an attorney. The GMA is not "bottoms-up" and is backfiring. The boards have interpreted the GMA too narrowly. People want to plan for their own counties, not based on a mandate from the state. Get rid of the cookie cutter approach. The GMA stops the dreams of small landowners and benefits those in large cities. Hobby farm people are

forced to use prime agricultural land. We are living in the county and now we discover we're in the urban growth area. We can't subdivide and give our land to our children.

**Testimony Against:** The GMA ensures protection of the environment and quality of life now and in the future. Comprehensive plans provide predictability and flexibility which attracts new industry. The GMA contains lots of latitude for local citizens. Counties should not have unilateral authority to opt out. The provisions regarding provision of service blur the GMA. Hold off and see what the Land Use Study Commission does.

**Testified:** Representative Mulliken, prime sponsor (pro on substitute bill); Helen Fancher, Grant County Commissioner (pro); June Strickler (pro); Roger Briggs (pro); Rose Bowman, Lewis County Commissioner (pro); Matt Ryan, Washington Coalition of Counties (pro); Bob Wiesen, Whatcom County Planning Commission (pro); Sarah Smyth, Delson Lumber (pro); Thomas Grajkowski (pro); Scott Merriman, Washington Environmental Council (con); Mike Rhyerd, 1000 Friends of Washington (con); Dave Williams, Association of Washington Cities (con); Steve Robinson, Northwest Indian Fisheries Commission (con); and Shane Hope, Department of Community, Trade and Economic Development (con).