HOUSE BILL REPORT
HB 2542

As Amended by the Senate

Title: An act relating to allowing rural counties to remove themselves and their cities from the planning requirements of the growth management act.

Brief Description: Allowing rural counties to remove themselves and their cities from planning requirements under the growth management act.

Sponsors: Representatives Mulliken, Thompson, Cairnes, DeBolt, McMorris, Sherstad, Koster, Mielke, Sump, Bush, Johnson, D. Sommers and Schoesler.

Brief History:

Committee Activity:

Government Reform & Land Use: 1/22/98, 1/28/98 [DP].

Floor Activity:

Passed House: 2/13/98, 63-35.

Senate Amended.

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: Do pass. Signed by 6 members: Representatives 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 cites in the state, and imposes additional requirements for the faster growing counties (and their cities). Counties and cities subject to all the requirements of the GMA are typically referred to as counties and cities that plan under the GMA.

<u>Requirements for counties and cities that plan under the GMA.</u>

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

- Identification and protection of critical areas;
- Identification and conservation of agricultural, forest, and mineral resource lands;
- Adoption of a county-wide planning policy;
- Designation of urban growth areas in which urban growth is encouraged and outside of which growth can occur only if it is "non-urban";
- Adoption of a comprehensive plan, to include a housing element, a rural element, and other elements; and
- Adoption of development regulations implementing the comprehensive plan.

A county is required to plan under the GMA 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 the GMA, 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 that were initially required to plan under the GMA, 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 that 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.

<u>Requirements for other counties and cities.</u> All counties and cities are required to designate and protect critical areas and designate (but not conserve) natural resource lands.

Summary of Bill: A rural county 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, 1998; 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 rural county that adopted a resolution to plan under the GMA may also remove itself and its cities from the requirements.

A county that removes itself (and its cities) from the planning requirements must continue to designate and protect critical areas and designate resource lands.
A rural county is a county with a land base that is at least 75 percent in public ownership or designated resource lands, as determined by the county, or has a population density of 60 or fewer persons per square mile, as determined by OFM.

If a county removes itself from the GMA planning requirements, any claim pending before a growth management hearings board or a court relating to the planning requirements shall be dismissed.

EFFECT OF SENATE AMENDMENT(S): Counties eligible to remove themselves and their cities from the GMA planning requirements are modified. Those eligible are counties with a population under 50,000 that either 1) chose to plan under the GMA, or 2) were eligible to remove themselves from the planning requirements. Counties meeting these criteria are: Columbia, Douglas, Ferry, Franklin, Garfield, Jefferson, Kittitas, Mason, Pacific, Pend Oreille, San Juan, and Stevens.

The removal procedure is modified. The county adopts a resolution of intent to remove and submits it to the cities. A majority of the cities (or the city, if the county only has one city) must concur within 60 days, or if the cities do not concur, the registered voters must approve the removal by majority vote.

The 50,000 population threshold for counties to be required to plan under the GMA if they have a 10-year growth rate exceeding 17 percent is changed to 60,000. Counties with a population under 60,000 must have a 10-year growth rate over 20 percent to be required to plan.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The solutions for the large counties are not the same and often cause problems for the small counties. Without the ability to bring jobs into rural areas, we will create more problems in the cities. The rights of citizens have been taken away by the hearings boards. The GMA is expensive for local governments. We can coordinate without the GMA.

Testimony Against: The GMA provides regional coordination by bringing counties and cities to the table. This bill allows counties to act unilaterally without an opportunity for city input. There is a connection between planning and economic growth. The cost of GMA is high, but the cost of not planning is higher.

Testified: Representative Mulliken, prime sponsor (pro); Helen Fancher, Grant County Commissioner, and Washington State Association of Counties (pro); Pat Hamilton, Pacific County Commissioner (pro); Mary Jo Cady, Mason County Commissioner, and Washington Association of Counties (pro); Norman Cuffel, Pacific County Commissioner (concerns); Leroy Allison, Grant County Commissioner (pro); Terry Brewer, Grant County Economic Development Council (pro); Spencer Higby (pro); Fran Besserman, Stevens County Commissioner (pro); Gilbert Alvarado, Association of Washington Cities (con); Vivian Peterson, Association of Washington Cities (con), Karla Kay Fullerton, Washington Cattlemen's Association (pro); Dave Williams, Association of Washington Cities (con); Terry Hunt, Washington State Grange (pro); Michael Davolio, American Planning Association (con); and Mike Rhyerd, 1000 Friends of Washington (con).