

FINAL BILL REPORT

HB 2542

FULL VETO

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.

House Committee on Government Reform & Land Use
Senate Committee on Government Operations

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

Requirements for counties and cities that plan under the GMA.

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

- 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 not urban in nature;
- 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; or
- 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.

A one-time window allows the smaller counties to remove themselves from 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.

In addition to the counties required to plan, a county legislative authority not covered by the growth criteria may adopt a resolution bringing the county under the planning requirements.

Once a county plans under the GMA, the county and cities located in the county remain subject to the planning 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: Counties meeting specified criteria may remove themselves and their cities from the requirement to plan under the GMA by following described procedures.

Counties eligible are those 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 under the one-time window. (Counties meeting these criteria are: Columbia, Douglas, Ferry, Franklin, Garfield, Jefferson, Kittitas, Mason, Pacific, Pend Oreille, San Juan, and Stevens.)

The procedure for removal requires the county legislative authority, by December 31, 1998, to adopt a resolution of intent to remove and submit the resolution to the cities. The cities have 60 days to act on the resolution. If a majority of the cities (the city, if only one city) concur in the resolution of the county, removal is accomplished. If a majority of the cities (or the city, if only one) do not concur within 60 days, removal may be accomplished if a majority of the voters in the county approve the resolution at the next general election.

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.

A county that removes itself (and its cities) from the planning requirements must continue to designate and protect critical areas and designate resource lands.

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 must be dismissed.

Votes on Final Passage:

House 63 35

Senate 30 18 (Senate amended)

House 70 28 (House concurred)