

SENATE BILL REPORT

ESHB 1338

As Reported By Senate Committee On:
Government Operations, April 4, 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: House Committee on Government Reform & Land Use (originally sponsored by Representatives Mulliken, Hatfield, Reams, Mielke, Doumit, McMorris and Schoesler).

Brief History:

Committee Activity: Government Operations: 4/3/97, 4/4/97 [DPA, DNPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

Minority Report: Do not pass as amended.

Signed by Senators Haugen, Patterson and Swanson.

Staff: Kathleen Healy (786-7403)

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 GMA are typically referred to as counties and cities that plan under GMA.

Requirements for counties and cities planning under all GMA requirements. The primary requirements for counties and cities that plan under 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 nonurban;–

- 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 ten-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 ten years. Legislation enacted in 1995 increased the minimum ten-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 ten 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 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 ten-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 Amended Bill: Any county may remove itself, and its cities, from the requirement to plan under GMA by adopting a resolution and submitting it for approval by a majority of the voters at an election called by December 1, 1997. A county with a population of 75,000 or less that adopted a resolution to plan under all the requirements of GMA may also remove itself and its cities from the requirement to plan under GMA by adopting a resolution to opt out and submitting it for approval by a majority of the voters at an election called by December 1, 1997.

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 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.

Amended Bill Compared to Original Bill: The striking amendment allows all counties to opt out of GMA planning requirements. The resolution to opt out must be submitted to and approved by a majority of voters at an election called by December 1, 1997.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill allows for flexibility. The counties can continue to plan under the GMA requirements. There has been work product from every county under the GMA regulations.

Testimony Against: Cities need to have a role, as they could be stranded under this situation. There's a great body of knowledge because of GMA in place now. This bill puts another layer of confusion into GMA. Citizens need a voice in the process.

Testified: Mary Jo Cady, Mason County Commissioner; Bill Hinkle, Kittitas County Commissioner (pro); Dave Williams, Association of Washington Cities (con); Scott Merriman, WEC (con); Paul Parker, Washington State Association of Counties (pro).