

SENATE BILL REPORT

HB 2542

As Reported By Senate Committee On:
Government Operations, February 27, 1998

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 Operations: 2/24/98, 2/27/98 [DPA, DNPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

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

Minority Report: Do not pass as amended.

Signed by Senators Haugen and Patterson.

Staff: Eugene Green (786-7405)

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

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

- Identification and protection of critical areas;
- Identification and conservation of agricultural, forest, and mineral resource lands;
- Adoption of a countywide 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 GMA 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 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 GMA. For counties with a population of less than 50,000 that were initially required to plan under 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 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: Permissive procedures are established to allow any county under 50,000 population that either opted into the requirements of the Growth Management Act (GMA) (Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Pacific, Pend Oreille, Stevens) or had the opportunity to remove itself from the requirements to plan under GMA (Jefferson, Mason, San Juan) to remove itself from the requirements to plan under GMA.

The procedure is as follows: By December 31, 1998, the county legislative authority, by majority vote, may adopt a resolution stating its intent to remove itself and its cities from the requirement to plan under GMA. If the county has three or more cities, the removal would take effect if:

- (1) Within 60 days of submission of resolution of intent, a majority of the cities representing at least 60 percent of the incorporated population of the county adopts a resolution concurring in the resolution of intent of the county; or
- (2) If the cities do not concur within 60 days, the county legislative authority, by unanimous vote, adopts a resolution removing itself and its cities from GMA; or
- (3) The resolution is submitted to and approved by a majority of the registered voters in the county at the next general election.

If the county has two or less cities, all the cities would have to concur with the county resolution of intent. Other procedures are the same as above.

A county and its cities no longer required to plan under GMA remain subject to requirements for designation and protection of critical areas and designation of natural resource lands.

If a resolution is adopted approving removing the county and its cities from the requirements to plan under GMA, any claim pending before a board or court that relates to the requirement to plan under GMA is moot and must be dismissed.

Amended Bill Compared to Original Bill: The original House bill was not considered.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Rural areas are suffering from GMA. Costs to comply have been high.

Testimony Against: The cost of not planning is also high. Regional coordination is necessary.

Testified: PRO: Jim Potts, Eastern Rural Counties; Commissioner Pat Hamilton, Pacific County; Commissioner Jim Hahn, Ferry County; Jodi Walker, BIAW; Shavanna Schilling, Washington State Grange; Karla Fullerton, Washington Cattlemen's Association; CON: Mike Ryherd, 1,000 Friends; Shane Hope, CTED; Stan Biles, Department of Natural Resources; Dave Williams, AWC.