

# HOUSE BILL REPORT

## HB 1224

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### As Reported by House Committee On: Local Government

**Title:** An act relating to providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

**Brief Description:** Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

**Sponsors:** Representatives Kretz, Takko and Short.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 2/8/13, 2/22/13 [DP].

#### **Brief Summary of Bill**

- Allows a county that elected to fully plan under the Growth Management Act (GMA), to remove itself and its cities from the obligation to fully plan under the GMA if the county has 20,000 or fewer inhabitants and other requirements are satisfied.
- Expires the removal authority on December 31, 2014.
- Bars a county that has adopted a removal resolution from re-electing to plan under the GMA for at least 10 years from the date of adoption of the removal resolution.
- Requires a county that has adopted a removal resolution to adopt development regulations to assure the conservation of designated agricultural, forest, and mineral resource lands.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 5 members: Representatives Takko, Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys and Springer.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 3 members: Representatives Fitzgibbon, Vice Chair; Liias and Upthegrove.

**Staff:** Ethan Moreno (786-7386).

**Background:**

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA and a reduced number of directives for all other counties and cities.

A county obligated by mandate to fully plan under the GMA is one that either:

- has a population of 50,000 or more and has experienced a population increase of more than 17 percent in the previous 10 years; or
- has experienced a population increase of more than 20 percent over the previous 10 years, regardless of population.

A county obligated by choice to fully plan under the GMA is one that, not meeting the population requirements described above, has adopted a resolution subjecting itself, and cities located in the county, to the full requirements of the GMA (resolution of intention). Once a resolution of intention is adopted, the county and its cities become subject to all GMA planning requirements. The following is a list of counties that adopted resolutions of intention and the year in which the resolution was adopted: Benton (1990), Columbia (1991), Douglas (1990), Ferry (1990), Franklin (1990), Garfield (1991), Kittitas (1990), Pacific (1990), Pend Oreille (1990), Stevens (1993), and Walla Walla (1990).

According to the 2010 Census and April 1, 2012, population estimates of the Office of Financial Management (OFM) that are used for the allocation of selected state revenues, the following counties that adopted resolutions of intention have had populations of 20,000 or fewer residents between April 1, 2010, and April 1, 2012

<i>County</i>	<i>Census (April 1) 2010 Population</i>	<i>April 1, 2012 OFM Estimate</i>
Columbia	4,078	4,100
Ferry	7,551	7,650
Garfield	2,266	2,250
Pend Oreille	13,001	13,100

In addition to complying with the more broadly applicable requirements of the GMA, a county obligated by choice to fully plan under the GMA must:

- adopt a countywide planning policy;
- adopt development regulations to conserve designated agricultural lands, forest lands, and mineral resource lands within one year of adopting a resolution of intention;
- designate and take other actions related to urban growth areas; and

- adopt a comprehensive plan and development regulations to implement that plan within four years of adopting a resolution of intention.
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**Summary of Bill:**

Until December 31, 2014, the legislative authority of a county that is obligated by choice to fully plan under the GMA may adopt a resolution removing the county, and the cities located within its boundaries, from the requirements to fully plan if:

- the county has a population of 20,000 or fewer inhabitants at any time between January 1, 2010, and December 31, 2014;
- at least 60 days prior to adopting a removal resolution, the county provides written notification to each city located within its boundaries of the county's intent to consider adopting such a resolution; and
- the legislative bodies of at least 60 percent of those cities having an aggregate population of at least 75 percent of the incorporated county population have not adopted resolutions opposing the removal action by the county.

Once an eligible county adopts a removal resolution, the county is barred for at least 10 years from adopting another resolution to fully plan under the GMA. Additionally, while the county and its cities are no longer bound to fully plan under the GMA, they are required, within one year of the adoption of the removal resolution, to adopt development regulations to assure the conservation of designated agricultural, forest, and mineral resource lands.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is very similar to a bill that was before the Legislature a couple of years ago. The GMA was adopted to control sprawl and with good intentions. In some of Washington's smallest counties, the GMA has been more of a burden than a help. If all of the counties that can opt out under this bill do, it will only affect 26,000 people. City input has been reflected in this bill and it is not a mandate.

Counties that opt out will still have to do the most difficult parts of the GMA. Ferry County has a comprehensive plan and a foundation in place and will continue to do land use planning. The population of Ferry County is about the same as it was 100 years ago, and the county is still recovering from the depression of the 1930s.

The burdens of the GMA are too large for small counties. The GMA drives up the cost of land and housing, and has a chilling effect on the economy. Businesses have relocated because of the regulatory environment of the GMA. If opting out is a good idea for the small counties, it is a good idea for the large counties. Florida repealed their smart growth laws. The population threshold in the bill should be increased to allow counties near that threshold to opt out. Growth Management Hearings Board decisions have reduced or eliminated local control and have had unintended consequences. The bill's provisions are optional and counties support local options and control.

This bill will allow county commissioners to have a discussion with their residents as to whether to opt out. County commissioners can strive to meet with and engage various environmentally-oriented persons. Small and slow-growing counties with natural resources have a low likelihood of significant population growth. There is no need to fear environmental degradation or the creation of housing concerns from the passage of this bill.

(Opposed) Over 20 years ago the GMA was passed and Washington refused to trade its quality of life for economic prosperity. The lack of an opt-out provision in the GMA is a recognition of the long-term planning vision of the GMA. An amendment is being discussed and considered.

**Persons Testifying:** (In support) Representative Kretz, prime sponsor; Brad Miller, Ferry County Commissioners Office; Scott Roberts and Glen Morgan, The Freedom Foundation; Laura Merrill, Washington State Association of Counties; Karen Skoog, Pend Oreille County Commissioners Office; and Jeanette McKague, Washington Realtors.

(Opposed) April Putney, Futurewise.

**Persons Signed In To Testify But Not Testifying:** None.