

SENATE BILL REPORT

EHB 1224

As of February 20, 2014

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: Passed House: 2/18/14, 75-19.

Committee Activity: Governmental Operations: 2/27/14.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

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, GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under GMA and a reduced number of directives for all other counties and cities.

A county obligated by mandate to fully plan under 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 ten years; or
- has experienced a population increase of more than 20 percent over the previous ten years, regardless of population.

A county obligated by choice to fully plan under 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 GMA (resolution of intention). Once a resolution of intention is adopted, the county and its cities remain subject to all GMA planning requirements. The following counties adopted resolutions of intention: Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Pacific, Pend Oreille, Stevens, and Walla Walla.

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GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Additionally, GMA requires all counties and cities to satisfy specific designation mandates for natural resource lands. All counties and cities must designate, where appropriate, agricultural lands that are not characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. Planning jurisdictions must also adopt development regulations that conserve these agricultural lands and other designated natural resource lands. All counties and cities must also designate and protect environmentally sensitive critical areas. These protection requirements obligate local governments, using the best available science, to adopt development regulations, also known as critical areas ordinances, that comply with specified criteria.

Summary of Bill: Until December 31, 2014, the legislative authority of a county that is obligated by choice to fully plan under GMA may adopt a withdrawal resolution exempting the county and the cities within from selected planning requirements of GMA 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 withdrawal resolution, the county provides written notification to the legislative body of each city located within the county of its intent to consider adopting the 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 adopt resolutions supporting the action by the county and provide written notification of this support.

Upon adoption of a withdrawal resolution, the county and the cities within are exempt from selected planning requirements of GMA. If, however, a county meets the population threshold for mandatory planning under GMA as of January 1, 2010, or on any subsequent date, the county withdrawal resolution is invalid and the county and the cities within must comply with all requirements of GMA. Additionally, the legislative authority of a county that adopts a withdrawal resolution may subsequently pass a resolution indicating its intention to fully plan under GMA.

Each county that adopts a withdrawal resolution and that is not, on the date of the resolution's adoption, in compliance with requirements of GMA related to designating and protecting critical areas, including using the best available science, and designating and assuring the conservation of natural resource lands, must, within one year of the adoption of the resolution, adopt an ordinance complying with the applicable requirements.

Similarly, each city within a county that adopts a withdrawal resolution and that is not in compliance with requirements of GMA related to designating and protecting critical areas, including using the best available science, and designating and assuring the conservation of natural resource lands, must, within one year of the adoption of the resolution, adopt an ordinance complying with the applicable requirements.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.