

SENATE BILL REPORT

SB 5636

As of February 12, 2013

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: Senators Smith, Hatfield, Braun, King, Holmquist Newbry, Brown, Honeyford, Schoesler and Hewitt.

Brief History:

Committee Activity: Governmental Operations:

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 have adopted resolutions of intention: Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Pacific, Pend Oreille, Stevens, and Walla Walla.

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.

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

Summary of Bill: A county that is obligated by choice to fully plan under GMA is eligible to remove itself from full planning obligations if:

- the county has a population of 20,000 or fewer inhabitants at some time between January 1, 2010, and December 31, 2014;
- the county has previously adopted a resolution indicating its intention to fully plan under GMA;
- the county provides written notification to each city within the county of its intent to adopt a removal resolution; and
- 60 percent of its cities meeting specific population requirements have not adopted resolutions opposing the county's decision to adopt a removal resolution and provided written notification of the resolutions to the county.

Upon adoption of a removal resolution, the county and the cities within the county are no longer obligated to plan under GMA. The county may not, for at least ten years from the date of adoption of the removal resolution, adopt another resolution indicating its intention to plan under GMA. The option for an eligible county to adopt a removal resolution is only available until December 31, 2014.

A county that adopts a removal resolution, and the cities located within that county, must adopt development regulations within one year after adoption of the removal resolution to assure the conservation of designated agricultural, forest, and mineral resource lands. These regulations may not prohibit uses legally existing on any parcel prior to their adoption. Additionally, these regulations must assure that the use of lands adjacent to the designated agricultural, forest, and mineral resource lands does not interfere with the continued use of these designated lands for the production of food, agricultural products, timber, or for the extraction of minerals.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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