

SENATE BILL REPORT

SB 5636

As Reported by Senate Committee On:
Governmental Operations, February 18, 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: 2/18/13 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

Minority Report: Do not pass.

Signed by Senators Conway, Fraser and Hasegawa, Ranking Member.

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.

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.

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.

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.

Staff Summary of Public Testimony: PRO: There are counties that have gone through economic catastrophe because of their decision to opt into GMA. Opting into GMA did not fix the problems addressing rural counties. This bill does not mandate that counties are automatically removed from GMA. This bill gives them the opportunity to opt out of GMA. Counties do not like micromanaging over their decisions. Local control is better because the local governments have a better understanding of what is important in their communities. These programs have proven to be economically detrimental to these regions. Passage of this bill would allow a few counties the opportunity to discuss the pros and cons of opting out of GMA. County commissioners look forward to having this discussion with their small cities. Border counties face an additional challenge of businesses moving into Idaho. Ferry County recognizes that it will still have to do critical areas ordinances to protect the resource lands. Ferry County's population is approximately the same as it was 100 years ago. This bill would save money for Ferry County. Planning under GMA is very difficult for these counties. These counties will still do shoreline master programs and critical areas ordinances. GMA is a collaborative process between counties and cities. This bill allows cities to consult with the county about opting out of GMA.

CON: GMA was adopted 23 years ago because Washingtonians refused to believe that the natural legacy had to be sacrificed for economic prosperity. GMA asks communities to think holistically about the future, to think about housing, job opportunities, economic development, and the environment, in conjunction with each other. That is strong public policy no matter how big or small the community or how fast a community is growing. This bill goes too far, but a compromise is possible on this bill. For more than 20 years, GMA has been an important law to ensure patterns of growth that make sense. This bill does not set a good precedent. This bill undermines the existing purpose of GMA.

Persons Testifying: PRO: Senator Smith, prime sponsor; Karen Skoog, Pend Oreille County; Jim Potts, Ferry County; Laura Merrill, WA Assn. of Counties; David Williams, Assn. of WA Cities.

CON: April Putney, Futurewise; Darcy Nonemacher, WA Environmental Council.