

SENATE BILL REPORT

ESB 6194

As Passed Senate, February 18, 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: Senators Dansel, Sheldon, Schoesler, Rivers, King, Benton, Brown, Braun, Angel, Padden, Bailey, Becker, Honeyford, Roach, Dammeier, Baumgartner, Holmquist Newbry and Hatfield.

Brief History:

Committee Activity: Governmental Operations: 1/28/14, 1/30/14 [DP, DNP, w/oRec].
Passed Senate: 2/18/14, 47-0.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

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

Minority Report: Do not pass.

Signed by Senator McCoy.

Minority Report: That it be referred without recommendation.

Signed by Senator 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

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- 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.

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 Engrossed 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, 2015;
- the county 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 fully 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, 2015.

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.

A county not currently in compliance with GMA that adopts a removal resolution must obtain approval from the Department of Commerce (Department) for critical areas ordinances, development regulations, and comprehensive plans by June 30, 2017. Counties that do not obtain Department approval by that date will again be subject to GMA planning requirements. Approval decisions by the Department may be appealed to the Growth Management Hearings Board.

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: This bill would allow small counties that opted into GMA to opt out, though they could choose to continue to fully plan under GMA. If a county opts out, the county would still be required to adopt critical areas ordinances and development regulations to conserve agricultural land. These counties would be required to do all the activities that other non-planning counties must do. This bill would allow counties to no longer need to defend their activities to the Growth Management Hearings Board. This bill would save the county litigation costs. These are counties that tried to do the right thing, had their decisions appealed, and they would like some relief from those costs. There has been discussion about ways to get some counties out from under the planning requirements of GMA for years. There are counties that are bigger than these counties who did not opt in and do not fully plan under GMA, and they are complying with the requirements for non-planning counties. Counties that opted in did not realize what they were signing up for. These counties should be given a chance to see if this works for them. The grant money given to counties if they opted in was to help them start planning, but ongoing funding to support the updates has not come. Small, slow-growing cities and counties may not need to go through comprehensive planning, and the costs and benefits may not equal out. These counties will still need to do shoreline master programs, critical areas ordinances, and development regulations to protect agriculture, forestry, and mineral lands.

CON: Futurewise is supportive of the concept of this bill. Counties that do not fully plan still must do some resource planning and these counties would need to do that. The concern is that these counties would have a year to adopt their resource planning. It would be helpful if these counties were in compliance before opting out of fully planning under GMA. These lands are important resource lands for the whole state. Before allowing counties to opt out, the counties should be in compliance and have a plan in place before the opt-out ordinance is adopted.

Persons Testifying: PRO: Senator Dansel, prime sponsor; Jim Potts, Rural Counties; Laura Merrill, WA State Assn. of Counties; Carl Schroeder, Assn. of WA Cities; Jeanette McKague, WA Realtors.

CON: Kelsey Beck, Futurewise.