

FINAL BILL REPORT

EHB 1305

PARTIAL VETO

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Synopsis as Enacted

Brief Description: Revising restrictions on growth outside of urban growth areas.

Sponsors: Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich.

House Committee on Government Operations

Senate Committee on Government Operations

Background: The Growth Management Act (GMA) was enacted in 1990 and 1991, establishing a variety of requirements for counties and cities. A few requirements are established for all counties and cities, and additional requirements are established for those counties and cities that are required to plan under all GMA requirements.

Two sets of populations and growth factors are established to determine whether a county, and the cities within such a county, are required to plan under all GMA requirements.

Each county planning under all GMA requirements, in cooperation with the cities located within its boundaries, develops a countywide planning policy to guide the comprehensive plans that the county and those cities develop. Counties are recognized as being regional governments. Cities are recognized as the primary providers of urban government services within urban growth areas.

Among other requirements, a county planning under all GMA requirements must designate urban growth areas within the county inside of which urban growth shall occur and outside of which urban growth shall not occur. Every city must be included within an urban growth area. Other areas may be included in an urban growth area if they are already characterized by urban growth or are adjacent to such areas. The county uses a 20-year population forecast prepared by the Office of Financial Management as the basis for designating its urban growth areas.

A county planning under all GMA requirements must adopt a comprehensive plan with a rural element that includes lands not located within an urban growth area and which have not been designated for agriculture, forest, or mineral resources. The rural element must permit land uses compatible with the rural character of these lands and must provide for a variety of densities.

Every county and city in the state is required to designate agricultural lands with long-term commercial significance for agriculture, forest lands with long-term commercial production of timber, and mineral resource lands with long-term significance for mineral extraction. Counties and cities planning under all GMA requirements are required to adopt development regulations assuring the protection of each of these types of designated lands.

Three separate growth management hearings boards, covering different geographic areas, are established to hear appeals on challenges that actions of counties and cities are not in compliance with the GMA.

Summary:

1. Factors determining if a county is required to plan under all GMA requirements.

The growth factor is altered that determines whether a county with a population of 50,000 or more is required to plan under all GMA requirements. Such a county must have increased its population by 17 percent or more during the last 10 years, rather than 10 percent or more. This change is prospective only and does not apply to counties already planning under all GMA requirements.

2. Urban growth areas.

It is clarified that a county planning under all GMA requirements may designate urban growth areas that do not include a city. It is clarified that a new fully contained community is an urban growth area.

An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. Local circumstances may be considered when determining this market factor. Discretion exists for many choices to be made in comprehensive plans to accommodate growth.

Language is altered that describes general preferences for locating urban growth within urban growth areas. A third general preference is added covering the remainder of the urban growth areas not described by the first two preferences. Urban growth may be located within a designated new fully contained community.

Language is altered that describes the provision of urban services by local governments. In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate for urban governmental services to be extended or expanded in rural areas except where necessary to protect basic public health and safety and the environment, the services are financially supportable at rural densities, and the services do not permit urban development.

3. Rural element.

It is clarified that the rural element in a comprehensive plan of a county planning under all GMA requirements may allow clustering and other innovative techniques to accommodate appropriate rural uses not characterized by urban growth.

4. Mineral resource lands.

Counties and cities are required to designate sufficient mineral resource lands for minerals other than metals that at least meet the 20-year projected countywide need and are required to discourage the siting of incompatible land uses adjacent to mineral resource industries, deposits, and holdings.

5. Retroactive application.

The changes made in this act apply to comprehensive plans that are subject to appeals pending before a growth management hearings board on the effective date of this act. An additional ninety days is provided for a board to continue its review of such comprehensive plans. By mutual agreement of all parties to such an appeal, this additional ninety day period may be extended.

Votes on Final Passage:

House	71	24
Senate	35	13 (Senate amended)
House	85	10 (House concurred)

Effective: May 16, 1995

Partial Veto Summary: The section was vetoed that established new requirements for designating mineral resource lands for minerals other than metals to meet the 20-year projected countywide needs.