

HOUSE BILL REPORT

HB 1380

As Reported By House Committee On:
Government Operations

Title: An act relating to growth management.

Brief Description: Providing for growth management planning.

Sponsors: Representatives Reams, Scott, Foreman, R. Fisher, Smith, Buck, Johnson, Huff and Boldt.

Brief History:

Committee Activity:

Government Operations: 1/18/95, 1/20/95, 2/3/95, 2/14/95, 2/21/95, 2/28/95
[DPS].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Staff: Steve Lundin (786-7127).

Background: The Growth Management Act was enacted in 1990 and 1991.

1. Application to particular counties and cities.

A county is required to plan under all the requirements of the Growth Management Act if either: (a) The county has a population of 50,000 or more and the population of the county has increased by 10 percent or more over the last 10 years; or (b) the county that has a population of less than 50,000 and the population of the county has increased by 20 percent or more over the last 10 years. In addition, the governing body of a county may adopt a resolution requiring the county to plan under all of the requirements of the Growth Management Act. A city plans under all of the

requirements of the Growth Management Act if the county in which it is located is subject to those requirements.

Once a county is required to plan under all of the requirements of the Growth Management Act, the county and cities in the county remain subject to the requirement of planning under all of the requirements of the Growth Management Act.

2. Urban growth areas.

Among other requirements, a county planning under all of the requirements of the Growth Management Act 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 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 (OFM) as the basis of designating its urban growth areas.

3. Growth Management Hearings Boards.

Three separate Growth Planning Hearings Boards are established with authority to hear complaints over actions taken by counties and cities under the Growth Management Act and determine if the actions are consistent with the requirements of the act. Each of the three separate boards has jurisdiction over actions taken by counties and cities within separate geographic areas in the state.

Counties and cities are given broad discretion under the Growth Management Act to adopt comprehensive plans and development regulations, which are presumed valid upon adoption.

Summary of Substitute Bill:

1. Opt out.

Any county with a population of less than 300,000 may adopt a resolution removing the county, and the cities in the county, from the requirement to plan under all the requirements of the Growth Management Act if the resolution is filed with the Department of Community, Trade, and Economic Development prior to December 31, 1995, or within 60 days after the county is notified that it meets the population and growth factors to be required to plan under all of the requirements of the act.

2. Urban growth areas and 20-year population projections.

It is clarified that an urban growth area may be designated that does not include a city.

The 20-year population forecast that OFM prepares for a county to use as the basis of designating its urban growth areas is a range of projected population rather than a single projected figure. The densities and area included in the urban growth areas must be at least sufficient to accommodate the projected urban growth.

Language describing the location of urban growth within urban growth areas is altered to provide that the urban growth is located without regard to it being located within a city or outside of a city.

3. Appeals to Growth Management Hearings Boards.

A state agency may only file an appeal with a Growth Management Hearings Board challenging the actions of a county or city as not complying with the requirements of the Growth Management Act if the Governor finds that either: (a) The agency has participated substantially in the local process and has consistently raised the issues included in the petition for review; or (b) review by the board is the best means to accomplish the state's goals.

A Growth Management Hearings Board shall find that actions by a state agency, county, or city taken under the act are in compliance with the act unless it finds that the action either: (a) was predicated on an interpretation of the act or State Environmental Policy Act that is clearly erroneous; or (b) is not supported by substantial evidence. In making this determination, a board shall consider the extent of urbanization or the area in question, the planning history and capabilities of the county or city, and the relative amount of financial assistance the state made available to the county or city to meet the requirements of the Growth Management Act.

The Office of the Attorney General shall defend or provide assistance to a county or city in an appeal to the superior court from a decision of a Growth Management Hearings Board if the board found the county or city to be in compliance and the county or city requests the assistance.

Substitute Bill Compared to Original Bill: The maximum population of a county that is authorized to opt out from planning under all of the requirements of the Growth Management Act is increased from 75,000 to 300,000.

Appropriation: None.

Fiscal Note: Requested on February 18, 1995.

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

Testimony For: The original bill is a compromise bill from the county association. Some counties under 75,000 are experiencing difficulties. The 75,000 threshold is a minor change. It is important to clarify urban growth areas and population projections. Each of the three county comprehensive plans that have been adopted have multiple appeals. Growth boards are substituting their own opinions for local officials' opinions.

Testimony Against: Cities and counties should work out their differences locally. We support the Growth Hearings Boards. Cities should be part of any opt out decision. Unilateral opt out is not right. Cities have expended a lot of money predicated on urban growth areas. Urban sprawl reduces quality of life. Neighborhoods are stakeholders. Quality of life is the key. The task force bill will not apply to jurisdictions that opt out. Limiting appeals conflicts with I-164. Give GMA a chance.

Testified: Chris Vance, King County Council; Mary Lynn Myer, Dept. of Community, Trade and Economic Development; Matt Ryan, Keith Dearborn, and Win Granlund, Kitsap County; Sylviann Frankus, League of Women Voters of Wash.; Paul Parker, Wash. State Assn. of Counties; Bob Mack, Bellevue; Davidya Kasperzyk, Wash. Council of American Architects; Chris Leman, Coalition of Wash. Communities; John Woodring, Wash. Assoc. of Realtors; Steve Clagget, 1000 Friends of Wash.; Naki Stevens, People for Puget Sound; Scott Merriman, Wash. Environmental Council; Robert Dryfus; Susie Rao, Building Industry Association of Washington; and Don Chance, Association of Washington Business.