

***Local Government & Housing
Committee***

HB 1473

Brief Description: *Eliminating the authority of the growth management hearings boards to invalidate local plans and regulations.*

Sponsors: *Representatives Mulliken, McMorris, Mielke and Boldt.*

Brief Summary of Bill

- *Eliminates the authority of the growth management hearings boards to invalidate plans and regulations adopted under Growth Management Act requirements.*

Hearing Date: *2/19/01*

Staff: *Caroleen Dineen (786-7156).*

Background:

The Growth Management Act (GMA) requires a county and its cities to plan if the county meets certain population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties plan under the GMA.

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on counties and cities planning under the GMA (GMA jurisdictions), including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.

GMA jurisdictions must designate urban growth areas (UGAs), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource uses. GMA jurisdictions must also adopt a comprehensive plan which contains planning policies and incorporates these UGA

designations. A GMA jurisdiction's comprehensive plan must include certain required elements, including (1) land use; (2) housing; (3) capital facilities; (4) utilities; (5) rural; and (6) transportation. By September 1, 2002, and every five years thereafter, GMA jurisdictions must review their comprehensive plans and development regulations for consistency with GMA requirements and must revise their plans and regulations if necessary.

GMA plans and regulations are presumed valid upon adoption but may be appealed to one of three regional growth management hearings boards. The growth management hearings boards may determine whether plans or regulations comply with GMA requirements, with the requirements of the Shoreline Management Act as related to shoreline master programs, or with the State Environmental Policy Act as related to plan and regulation adoption. If a board determines a plan or regulation does not comply with these requirements, the board remands the plan or regulation to the county or city for compliance within a specified period. A determination of noncompliance does not affect the validity of the plan or regulation during the remand period.

A growth management hearings board also may determine that part or all of a plan or regulation is invalid if it includes within the noncompliance order findings of fact and conclusions of law that the continued validity of the plan or regulation, or specific parts of the plan or regulation, would substantially interfere with fulfilling the goals of the GMA. The board must specify in its order the invalidated part(s) of the plan and regulation and the reasons for its invalidity.

A determination of invalidity is prospective and does not extinguish rights vesting before the county or city receives the board's order. The determination of invalidity also does not apply to: (1) a permit for construction of a single family residence for personal occupancy unless specified otherwise in the board's order for public health and safety reasons; (2) a building or related construction permit for remodeling, tenant improvements, or structural expansion on an existing lot; or (3) a boundary line adjustment or land division not increasing the number of buildable lots.

Summary of Bill:

The growth management hearings boards' authority to invalidate plans and regulations adopted under Growth Management Act requirements is eliminated. Provisions establishing or referencing this authority are removed.

Appropriation: None.

Fiscal Note: Not Requested.

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