

# SENATE BILL REPORT

## SB 5051

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As Reported By Senate Committee On:  
Government Operations, March 4, 1997

**Title:** An act relating to final orders and decisions by growth management hearings boards.

**Brief Description:** Providing for review of orders and decisions by growth management hearings boards.

**Sponsors:** Senators McCaslin, Deccio, Anderson and Oke.

**Brief History:**

**Committee Activity:** Government Operations: 2/6/97, 3/4/97 [DP, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson and Horn.

**Minority Report:** Do not pass.

Signed by Senators Haugen, Patterson and Swanson.

**Staff:** Kathleen Healy (786-7403)

**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 population 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 must occur and outside of which urban growth must 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. A board must issue a final order within 180 days of the petition for review. In the final order, the board may find that the county or city plan or development regulation is invalid.

**Summary of Bill:** If a growth management hearings board determines in its final order that a county or city plan or development regulation is invalid, the county or city has 30 days to review the board's final order. The county or city legislative authority may, by majority vote, overrule the board's final order and implement the plan or development regulation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This allows cities and counties to continue on with development and issuing permits without a determination of invalidity continuing such permitting from vesting.

**Testimony Against:** The board's role is ending, but they may have some limited use in the future. The cities and counties are resolving their issues now. The boards need to be cognizant that the state is very diverse geographically. This is one more in a series of attempts to reduce the board's authority. Only 15 plans have been declared invalid, and it is not fair to allow local governments to implement faulty plans.

**Testified:** Jodi Walker, BIAW (pro); Mike Ryland, 1,000 Friends; Bob Mack, AWC; Tom Bjorgen, Washington Environmental Council; George Tyler, citizen (con).