Reverting to Partially Planning Under the GMA (36.70A RCW)

Pursuant to Chapter 147, Laws of 2014 (EHB 1224 2014 Legislature amending 36.70A.040, 36.70A.060, and 36.70A.280) and until December 31, 2015, the legislative authority of an eligible county that chose to voluntarily plan under the GMA, may adopt a resolution to revert to partial planning under the GMA.

An eligible county must adopt a resolution to remove the county and its cities from the requirements to fully plan under the GMA. Such counties will still be required under the GMA to adopt Critical Areas Ordinances (CAOs) and utilize Best Available Science, designate and protect resource lands, and have a Rural element in their comprehensive plan that is consistent with RCW 36.70A.070(5).

If not currently in compliance with GMA requirements, Commerce will utilize a “determination of compliance” process to assist a county or city with their obligations to achieve statutory compliance and revert to partially planning status.

Eligibility and Requirements for Opting Out of Fully Planning Under the GMA Consistent with 1224.PL and Effective June 12, 2014

- You originally opted into fully planning under the GMA.
- You meet the population threshold established in 1224.PL of less than 20,000 people between April 15, 2010 and April 15, 2015. (Counties: Columbia, Ferry, Garfield, Pend Oreille)
- You opt-out of fully planning under the GMA prior to December 31, 2015.
- You notify your cities 60 days prior to adopting an opt-out resolution for fully planning under the GMA.
- 60% or your cities representing 75% of the incorporated population have not adopted a resolution opposing the opt-out of fully planning action of the county and having provided written notice of their opposing resolution to the county.
• The county and its cities would be partially planning under the GMA similar to the other 10 counties and cities, required to have ordinances to conserve resource lands and protect critical areas – consistent with the GMA. Those ordinances must be adopted within one year of opting out of fully planning under the GMA if not already adopted.

• The county will need to retain its rural element and development regulations consistent with the GMA and RCW 36.70A.070(5).

• The county cannot opt back into fully planning under the GMA for 10 years.

• If an opt-out of fully planning jurisdictions is currently out of compliance with the GMA, they must file a request from Commerce for a determination of compliance by January 30, 2017.

• Within 120 days or by June 30, 2017 (whichever date is earlier), Commerce must approve or deny the application for compliance.

• If Commerce denies the application, then the jurisdiction is required to fully plan under the GMA and the-opt out resolution for partially planning is no longer in effect.

• Commerce’s determination of compliance approval is appealable to the Growth Management Hearings Board within 60 days of Commerce’s determination.

• In the event of a petition for review, the county and Commerce share the costs for Commerce to defend the determination of approval of compliance before the Growth Management Hearings Board.

• Commerce may adopt WAC rules to address requirements for applications, costs, procedures for processing applications, criteria for evaluation applications, issuance and notice for Commerce decisions, and applicable timelines.
Resource Links:

- Planning under the GMA (36.70A RCW) v Planning Enabling Act (36.70 RCW): Effects of EHB 1224 and Reverting to Partially Planning Under the Growth Management Act for Critical Areas Ordinances, Resource Lands, Rural Element, and 36.70 RCW for Comprehensive Plan

- Loan and grant scoring and funding for fully GMA planning v partially planning: Availability of State loan and grant programs if reverting to partially planning under the Growth Management Act (EHB 1224)

Tentative stakeholder meetings:

- Location: Spokane, WA
- When: 2 p.m. – 5 p.m.
- Day: Thursdays

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