

The GMA History, Timelines and Terms

The passage of the Growth Management Act (GMA) in 1990 was the result of a period of explosive growth in Washington, the growing perception of its citizens that the state was losing its precious natural landscape to traffic congestion and urban sprawl, and the concern that rural parts of the state were facing insufficient economic growth. The Legislature faced with funding major infrastructure costs, particularly transportation improvements to accommodate growth, wanted accountability for that funding.

Between 1960 and 1990 the state experienced a 41% population increase—much of it in the unincorporated parts outside cities. The GMA was not intended to stop or slow growth but rather to ensure that impacts are measured and that communities lay the groundwork for that growth. It was intended to be a “bottom up” law that engaged local communities in planning for their future.

Time Lines:

1990: First GMA law passes Senate and House; signed into law

1990: Environmental community’s tougher environmental initiative 547 is defeated but

1991: In response to citizens concern, the law is toughened with regional governance models, enforcement measures and the establishment of Growth Hearing Boards

1995: A property rights initiative (164) passed by the legislature to require the state pay for property taken for public use to preserve the environment is overturned by voters by 60%. The GMA has not changed much since.

Major Provisions of the GMA:

- Designate and protect **critical areas** (wetlands, aquifers, habitat etc.)
- Designate and conserve **resource lands** (agriculture, forestry, mineral resources)
- Establish **urban growth areas** with adequate public facilities and services
- Adopt **capital facility** and financing to serve the land use plans
- Adopt **development regulations** to implement the comprehensive plans

Acronyms and Terms:

CAO: Critical Areas Ordinance

LAMIRD: Limited Areas of more Intensive Rural Development

PDR: Purchase of Development Rights (Used in Whatcom County to buy development rights on agricultural land)

UGA: Urban Growth Area (20 year growth area designated by a boundary where cities cannot annex beyond)

SEPA: State Environmental Act (passed in 1971 to require environmental impact review)

Impact Fees: Fees assessed on a proposed development by a local jurisdiction to offset costs to city or county for the new development

Infrastructure: In growth management usage, it generally refers to transportation elements, utilities, and services.

Whatcom County and the GMA

1992 Whatcom County Council adopts an interim Critical Areas Ordinance, to be repealed by voters (Referendum 92-3) and replaced with less-protective ordinance.

1994 The Growth Management Hearings Board ruled the referendum invalid, and the Supreme Court rejected the Referendum on 12/8/94. Whatcom County established interim urban growth areas (IUGA) and established new interim CAO.

1994-1997 Western Washington GMA hearings board continues to find the critical areas ordinance not in compliance and issues invalidity orders. 1995 date for comprehensive plan adoption missed.

1997 Whatcom County adopted its first GMA Comprehensive Plan. Hearings Board ruled the plan allowed an unacceptable pattern of low density sprawl in urban areas. Permanent CAO adopted.

1997 Citizen petitions against the Comprehensive plan go to the GMA board

1998 The GMA finds 3 UGA and all but 2 of the designated rural areas and various zoning regulations to be invalid. Local water districts appeal decision and win in Superior Court.

2000 Citizens appeal is ruled invalid due to lack of standing and Superior Court's order reversing the GMA board's final decision is affirmed by the Court of Appeals.

2005 County completes review of its Comprehensive Plan: makes no changes to zoning. Adopts new CAO utilizing Best Available Science (BAS).

2005 Futurewise appeals rural development and urban densities to GMA board who agrees County is out of compliance, except for changes in the Lake Whatcom Watershed and near the Airport.

2005-2006 Gold Star developer appeals rural part of GMA decision to Superior Court, who reversed the Hearings Board.

2007 Futurewise appeals this decision to the Court of Appeals and wins.

2008 Gold Star's appeal to the State Supreme Court is partially lost. The County was found to be out of compliance but the Court ruled that the Hearings Board could not apply a "bright line" test for rural densities. Remanded back to Hearings Board.

2009 Whatcom County revises UGA designations, reducing many in size.

2010 A newly elected County Council changes UGAs for Ferndale and Birch Bay. Futurewise gets Order of Invalidity from Hearings Board due to continued non-compliance with rural development. Revised UGAs challenged by citizens.

2010-2011 The County put in place several building and permitting moratoriums to work out problems with development in rural areas. Rural Invalidity Order lifted by Hearings Board.

2011 Hearings Board rules Ferndale UGA too large and infrastructure plans inadequate. Ferndale and County revise UGAs, and Hearings Board finds compliance. County adopts package of amendments to address rural element (Gold Star case). New appeals on rural element are filed, and decision due January 9, 2012. Hearings Board ruled that a County ordinance that allowed old permits to continue without protecting the environment to be inconsistent with GMA; an Order of Invalidity is issued on this ordinance. County makes changes to Caitac property in north Bellingham and held hearing on putting Yew Street in Lake Padden watershed back into UGA. The Bellingham City Council votes to appeal.

2012 Hearings Board rules the County is out of compliance on 24 issues; parts of 7 Lamirds are invalid.

Compiled by The League of Women Voters of Bellingham and Whatcom County from material in the Report on the Growth Management Act by the League of Women Voters Washington State and from the Whatcom Watch, the 2002 WA State Dept. of Community Development report and from the Oral History Project of Secretary of State: http://www.sos.wa.gov/legacyproject/timeline_event.aspx?e=60 and County websites.