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**BEFORE THE WESTERN WASHINGTON GROWTH  
MANAGEMENT HEARINGS BOARD**

IN THE MATTER OF THE PETITION OF )  
THE WOODLAND SCHOOL DISTRICT, ) No. 00-2-0026  
NO. 404 FOR A DECLARATORY RULING, )  
) ORDER RE:  
) DECLARATORY  
) RULING  
)  
)  
\_\_\_\_\_)

On June 30, 2000, we received a petition for declaratory ruling from the Woodland School District No. 404 (District). The petition, filed under the provisions of WAC 242-02-910, set forth that the District was geographically located in Clark County, the City of Woodland, and Cowlitz County. Clark County and Woodland are subject to the Growth Management Act (GMA, Act). Cowlitz County is not.

The petition further set forth that on March 31, 1999, the District adopted a resolution seeking impact fees under RCW 82.02 in Clark County and in Woodland. The resolution also sought corresponding impact fees in Cowlitz County under the State Environmental Policy Act (SEPA). During 1999 Clark County and Woodland each approved the District's request contingent upon corresponding impact fees in both of the other two jurisdictions.

After meeting with Cowlitz County officials, a November 10, 1999 letter from Cowlitz County indicated that it would not pursue any impact fee program for the District without a vote, pursuant to Initiative 695. That vote was held and more than two-thirds of the electorate were in favor of the imposition of impact fees.

After a public work session on April 24, 2000, the Cowlitz County Commissioners (BOCC) voted 2-1, to reject the District's request to implement a school impact fee program. According to the petition, one of the Commissioners suggested a legislative amendment to allow the District

to collect GMA fees throughout its jurisdiction, including areas located in non-GMA Cowlitz County. From that suggestion the District requested us to issue “a finding that the entire district is subject to the Growth Management Act,” which would then, hopefully, lead to a change of vote of at least one member of the BOCC.

We have recently held that Growth Management Hearings Board jurisdiction over impact fees under RCW 82.02 does not exist. *Achen v. City of Battleground*, #99-2-0040. Except as arguably might be provided in RCW 36.70A.060(2), we do not have any jurisdiction over actions by Cowlitz County.

Jurisdiction does clearly attach to those counties and cities required or opting to plan under RCW 36.70A.040. Additionally, the petition here alleges that the District is “a second class school district of the State of Washington.” RCW 36.70A.103 requires that state agencies comply with local CPs and DRs. This petition however does not address the District’s status as a “state agency.”

The broader question, however, concerns WAC 365-195-770 which provides in part:

“Except where any specific enactment may state to the contrary, the department interprets the GMA as requiring that regional agencies and special districts comply with comprehensive plans and development regulations developed under the act.”

None of the three GMHBs, have had an opportunity to address the question of whether, “regional agencies and special districts” must meet the goals and requirements of the Act. This is not the right case for us to make that decision. There is no direct controversy presented by this petition, i. e., a vigorous opposing view with some person, agency, or entity having a stake in the resolution of the issue. The broader question presented by this petition is not whether the entire District is required to comply with the Act when part of the District is within GMA and part is without, but whether, and to what extent, the District must comply with the GMA.

We decline to issue a ruling in this petition.

So ORDERED this 19<sup>th</sup> of July, 2000.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen  
Board Member

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member