

HOUSE BILL REPORT

SSB 6611

As Passed House:
March 2, 2010

Title: An act relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans.

Brief Description: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin; by request of Washington State Department of Commerce and Department of Ecology).

Brief History:

Committee Activity:

Local Government & Housing: 2/22/10 [DP];

Ways & Means: 2/27/10 [DP].

Floor Activity:

Passed House: 3/2/10, 94-2.

Brief Summary of Substitute Bill

- Establishes a new recurring seven-year review and revision schedule for comprehensive plans and development regulations adopted under the Growth Management Act (GMA).
- Establishes and modifies requirements applicable to subareas in provisions of the GMA that generally prohibit comprehensive plan amendments from occurring more frequently than annually.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan, Miloscia, Short, Springer, Upthegrove, White and Williams.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Ethan Moreno (786-7386).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass. Signed by 22 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick and Seaquist.

Staff: Owen Rowe (786-7391).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities. The Department of Commerce provides technical and financial assistance to jurisdictions that must satisfy obligations of the GMA.

Among other requirements that apply to all counties and cities, the GMA mandates that all counties and cities must, where appropriate, designate:

- agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
- critical areas, a term defined to include specific environmentally sensitive areas.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Comprehensive plans may include subarea plans for geographic areas that are less than the entirety of the jurisdiction, provided the subarea plans are consistent with the comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Although comprehensive plans may be amended, amendments to comprehensive plans, with some exceptions, may only be considered by the applicable planning jurisdiction once each year. The exceptions to this limitation are as follows:

- the initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;
- the adoption or amendment of a shoreline master program;

- the amendment of a capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; and
- the adoption of comprehensive plan amendments necessary to enact a planned action under provisions of the State Environmental Policy Act.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. With limited exceptions, including three-year extensions for qualifying counties with fewer than 50,000 residents and qualifying cities with fewer than 5,000 residents, and provisions for jurisdictions making substantial progress with certain regulatory requirements, planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a recurring seven-year schedule. Jurisdictions that do not fully plan under the GMA must, except as otherwise provided, meet review and revision requirements pertaining to critical areas and natural resource lands according to this same schedule. The review schedule is as follows:

- on or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

With some exceptions, only jurisdictions that are in compliance with the review and revision requirements of the GMA according to the review schedule are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify possible environmental impacts that may result from governmental decisions, including the issuance of permits or the adoption of or amendment to land use plans and regulations. Any governmental action may be conditioned or denied pursuant to the SEPA, provided the conditions or denials are based upon policies identified by the appropriate governmental authority and incorporated into formally designated regulations, plans, or codes.

Summary of Bill:

Growth Management Act - Review and Revision Schedule.

Following the reviews of comprehensive plans and development regulations that were to be completed by jurisdictions between December 1, 2004, and December 1, 2007, counties and cities must review and, if needed, revise their comprehensive plans and development regulations to ensure the plans and regulations comply with the requirements of the GMA.

The review schedule, which effectively extends deadline provisions that were applicable on January 1, 2010, by three years, is as follows:

- on or before December 1, 2014, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2015, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2016, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2017, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Qualifying counties with fewer than 50,000 residents and qualifying cities with fewer than 5,000 residents that are obligated to comply with review and revision requirements by December 1, 2007, are granted an additional three-year extension for meeting the review and revision requirements.

Jurisdictions that comply with the review and revision deadlines or meet various extension provisions are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

Technical corrections, including the deletion of expired provisions, are included. Additionally, a provision granting a one-year extension for review and revision requirements for development regulations that protect critical areas that were to be completed between December 1, 2005, and December 1, 2007, is deleted.

Comprehensive Plan Amendments - Modifications to Frequency Limitation Provisions.

An additional exception to provisions generally prohibiting comprehensive plan amendments more frequently than annually is established. Comprehensive plans may be amended more often than once per year if the amendment is for the development of an initial subarea plan for economic development that is located outside of a 100-year floodplain and in a qualifying county.

Additionally, a comprehensive plan amendment for the initial adoption of a subarea plan may occur more frequently than annually if the subarea plan clarifies, supplements, or implements jurisdiction-wide comprehensive plan policies. These subarea plans may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under the SEPA. A related requirement specifying that the initial adoption of a subarea plan may not modify the comprehensive plan policies and designations applicable to the subarea is deleted.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Local Government & Housing):

(In support) This bill is very important to counties. The bill provides local governments three additional years to meet requirements of the GMA, and was requested by departments of Commerce and Ecology to implement the Governor's supplemental budget and associated planning grant reductions. Local government and state agency land use planning activities will occur during the extension proposed in the bill, as shoreline master program update efforts will continue.

The Senate amendment that allows comprehensive plans to be updated more frequently than annually for qualifying subarea plans will benefit Lewis County. Lewis County is in the process of completing a subarea plan, and this is consistent with planning efforts that were authorized by the Governor and funded in operating budget adopted last year. The bill will allow additional economic development in Lewis County and will enable the county to receive certain grant funds. Lewis County's efforts cannot proceed without the policy authority provided in the bill, and the legislation's timing is critical.

(In support with concerns) The bill is making important changes and there will be avoidable negative consequences that will result from its passage. Although not pleased with it, the bill is supported.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) This bill helps all 281 cities in the state. When times are tough it is best to delay these requirements on local governments. Many of the planning departments in counties and cities have taken dramatic budget reductions. This bill gives local governments needed flexibility. Moving this bill forward recognizes the diminishing resources at the state and local levels.

(With concerns) Given the current fiscal situation it is important for the state, cities, and counties to prioritize and make difficult decisions. There is support for this bill even though there are policy concerns. The Governor's budget proposal and the House Ways and Means Committee's recommendations both remove funding for the Growth Management Act (GMA) planning grants in the Department of Commerce. The House Ways and Means Committee's recommendation also reduces the GMA technical assistance to cities and counties. For the last 20 years shoreline plans required under the Shoreline Management Act have not been updated. Further reductions to technical assistance will make it difficult for local governments to accomplish this task.

(Opposed) None.

Persons Testifying (Local Government & Housing): (In support) Josh Weiss, Washington State Association of Counties; Leonard Bauer, Department of Commerce; Tom Clingman,

Department of Ecology; Bob Johnson, Lewis County; and Dave Williams, Association of Washington Cities.

(In support with concerns) April Putney, Futurewise.

Persons Testifying (Ways & Means): (In support) Dave Williams, Association of Washington Cities; Josh Weiss, Washington State Association of Counties; Nick Demerice, Department of Commerce; and Karen Terwilleger, Department of Ecology.

(With concerns) April Putney, Futurewise.

Persons Signed In To Testify But Not Testifying (Local Government & Housing): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.