
Government Reform and Land Use Committee

BILL ANALYSIS HB 2830

Title of the Bill: Implementing recommendation of the land use study commission.

What this Bill Does: Modifies requirements to notify property owners near resource lands, changes annexation provisions, and extends 120 day local government permit processing requirement.

Sponsors: Representative Reams; by request of Land Use Study Commission.

Hearing Date: 1/28/98

Fiscal Note: Not Requested.

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BACKGROUND:

The Growth Management Act (GMA) was enacted in 1990 and 1991. The GMA requires all counties and cities to designate and protect critical areas and designate agricultural, forest, and mineral resource lands. Counties that meet specified population and growth criteria (and the cities within those counties) are subject to the additional requirement to plan under the GMA. A county may also choose to be subject to the GMA planning requirements. These GMA-planning counties must adopt comprehensive plans that include a housing element, a land use element, a rural element and other elements, and must adopt development regulations consistent with their comprehensive plans.

Resource Lands. A county that plans under the GMA must also adopt development regulations to assure the conservation of designated resource lands. The regulations must assure that the use of lands adjacent to resource lands not interfere with the continued use of designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Specifically, the counties and cities must require that all plats, short plats, development permits, and building permits issued for development activities on, or within 300 feet of, resource lands contain a notice that the property is within or near

designated resource lands on which a variety of commercial activities may occur that are not compatible with residential development.

In 1997, the Legislature passed EHB 1472, which addressed the designation, production, and conservation of mineral resource lands. The Governor vetoed the bill and asked the Land Use Study Commission to address the concerns raised.

Counties and cities that plan under the GMA must review their comprehensive plans by September 1, 2002 and then at least every five years to ensure that the plan and regulations comply with the GMA.

Annexation. Several methods are available for cities and towns to annex surrounding areas. The primary methods are the petition method and the election method. In code cities, petition-method annexations require agreement in writing by the owners of sixty percent of an area's assessed valuation. In non-code cities, owners of seventy-five percent of an area's assessed valuation must agree.

In 1997, legislation was enacted expanding the circumstances in which a city could annex islands— territory largely surrounded by the city - without a vote or petition from property owners. Code cities, which previously had authority to annex islands under 100 acres in size, were given authority to annex larger islands in existence before June 30, 1994. Non-code cities were authorized to annex islands— if the island (regardless of size) existed before June 30, 1994. No provision was made to allow a referendum on island annexations by non-code cities, such as is in law for code cities.

Permit Time Lines. In 1995, as part of regulatory reform, the Legislature enacted ESHB 1724 to integrate environmental review with growth management planning and streamline local permitting. One of the provisions required cities and counties planning under the GMA to make decisions on project permits within 120 days after a project application was determined to be complete. Another provision waived liability for a city or county that failed to meet the time lines. The 120-day and waiver of liability provisions expire on July 1, 1998. The Legislature directed the Land Use Study Commission to study the 120-day time line and report to the Legislature on any recommendations.

SUMMARY:

Resource lands. The requirement that plats and permits issued for development activities on or near designated resource lands contain a notice that resource land is nearby is expanded from 300 to 500 feet.

As part of the required 5 year review of comprehensive plans, a county and city must review its mineral resource lands designations and regulations. In its review, the county or city must consider new information, including data from the Department of Natural Resources relating to mineral resource deposits and new or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of Community, Trade, and Economic Development, or the Washington State Association of Counties.

Annexation. The date limitation for annexation of islands— of under 100 acres by non-code cities is removed. Both code and non-code cities may annex islands of under 100 acres without regard to the date the island was created. Island annexations by non-code cities are made subject to referendum, consistent with the referendum requirements for code cities.

The requirement that the owners of 75 percent of the assessed valuation of property agree to annexation in code cities is changed to 60 percent for counties subject to the GMA planning requirements prior to June 30, 1994.

Permit Time Lines. The 120-day permit time line requirement and the waiver from liability for a local government that fails to meet the time requirement are extended to June 30, 2000.

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