

HOUSE BILL REPORT

SSB 5841

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

Brief Description: Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

Sponsors: Senate Committee on State & Local Government (originally sponsored by Senators Patterson, McCaslin, Gardner, Sheahan, T. Sheldon, Deccio, Haugen, Winsley and Hochstatter).

Brief History:

Committee Activity:

Local Government & Housing: 2/20/02, 2/28/02 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Extends the September 1, 2002, deadline and schedule for review and evaluation of comprehensive plans and development regulations for GMA jurisdictions, and for critical area and natural resource lands review for non-GMA jurisdictions.
- Changes the review period after the initial review to seven years for all counties.
- Requires the Office of Community Development to establish a schedule for that review.
- Restricts authority for receiving grants or loans from the Public Works Trust Fund and the Centennial Clean Water Fund to those GMA jurisdictions in compliance with the scheduled deadlines.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass as amended. Signed by 11 members: Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken, Ranking Minority Member; Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Staff: Scott MacColl (786-7106).

Background:

The Growth Management Act (GMA) requires a county and its cities to plan if the county meets specified population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 Washington counties are required or have chosen to plan under the major GMA requirements (GMA jurisdictions).

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on GMA jurisdictions, including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.

GMA jurisdictions must designate urban growth areas (UGA's), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource use. Counties and cities must review their UGA's and the densities permitted within every ten years after being designated.

GMA jurisdictions must also adopt a comprehensive plan containing certain required elements and implementing development regulations. By September 1, 2002, and every five years thereafter, GMA jurisdictions must review their comprehensive plans and development regulations for consistency with GMA requirements and must revise their plans and regulations if necessary.

Summary of Amended Bill:

The September 1, 2002, deadline for review and evaluation of comprehensive plans of GMA jurisdictions is extended. The review and evaluation is to include consideration of critical area ordinances, and for GMA jurisdictions, an analysis of the population allocated to a city or county from the most recent 10-year OFM population forecast. Jurisdictions not planning under GMA must also review and revise its policies and development regulations relating to critical areas and natural resource lands. The Office of Community Development is required to establish a schedule for the review to be completed on or before the following dates:

- December 1, 2004, and every seven years after, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston and Whatcom counties and the cities within;
- December 1, 2005, and every seven years after, for Cowlitz, Island, Lewis, Mason,

San Juan, Skagit, and Skamania counties and the cities within;

- December 1, 2006, and every seven years after, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within; and
- December 1, 2007, and every seven years after for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Orielle, Stevens, Wahkiakum, Walla Walla, and Whitman and the cities within those counties.

A county or a city that began the review and evaluation process early may be eligible for grants from the Office of Community Development, subject to funding. State agencies are encouraged to provide technical assistance to jurisdictions in the review of critical area ordinances, comprehensive plans, and development regulations.

Jurisdictions in Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties that have conducted a review and evaluation of its comprehensive plans and development regulations and, on or after January 1, 2001, has taken action in response to the review is deemed to have completed the first review required in statute. Subsequent reviews are required according to the new schedule.

GMA jurisdictions must be in compliance with the scheduled review process to have the authority to receive grants and loans from the Public Works Trust Fund and the Centennial Clean Water Fund. Only those GMA jurisdictions in compliance may receive preferences for state grants or loans that use a scoring system to determine need.

Amended Bill Compared to Substitute Bill:

Changes the next review of comprehensive plans after the initial review to seven years for all counties. Removes the staggered deadlines for review and evaluation of December 1, 2003, for critical areas ordinances, and July 1, 2004, for review of comprehensive plans for Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties, and changes the initial review date to December 1, 2004.

‘Legislative action’ is used to refer to the action of reviewing comprehensive plans and development regulations and is defined to mean the adoption of a resolution or ordinance following notice of a public hearing indicating a finding that a review and evaluation has occurred and identifying the revisions made, or that a review was not needed and the reasons why.

Requires the review and evaluation to include consideration of critical areas ordinances, and an analysis of the population allocations from the most recent 10-year population forecast from the Office of Financial Management for GMA jurisdictions. Requires that jurisdictions use public participation when proceeding with the updates, and defines

updates to mean to review and revise, if needed, according to the requirements and by the scheduled deadlines.

Encourages state agencies to provide technical assistance to counties and cities in review of their critical area ordinances, comprehensive plans, and development regulations. Grants only cities and counties in compliance with the scheduled deadlines requisite authority for receiving grants or loans from the Public Works Trust Fund and the Centennial Clean Water Fund. Requires that only cities and counties in compliance may receive preferences for grants or loans for state programs that use a scoring system to determine need for grants and loans.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Local governments are having trouble meeting the September 2002 deadlines for review and evaluation of comprehensive plans. With more time, they should be able to complete the review correctly. However, the 10 years for review is too long, and the review isn't coordinated to address population growth projections, buildable lands, critical areas, and urban growth areas reviews. There needs to be an amendment to incorporate these elements, and then adjust comprehensive plans based on that information. The bill delays implementation, but there are fiscal and pragmatic reasons for doing this. Five year reviews for urban areas is good, however fast growing counties like Spokane, Skagit, and Whatcom should also be reviewing every five years. Over the last five years there have been over 1000 remands from the growth boards or courts, and comprehensive plans sometimes change every year. Local governments area having a hard time keeping up. They need certainty, with expanded communication from the state. There should be consequences if the reviews are not completed, but not fiscal consequences. Rural counties have neither the staff or resources to meet the present deadlines. The bill enables the Office of Community Development to respond well to all plans. There are already adequate sanctions under existing law, but the staggered timelines are necessary.

Testimony Against: None.

Testified: Steve Stuart, 1000 Friends of Washington; Kristen Sawin, Association of Washington Business; Larry Stout, Washington Association of Realtors; Jackie White, Washington State Association of Counties; Ron Henrickson, Washington State Association of Counties and Mason County; and Dave Williams, Association of Washington Cities.

