

# HOUSE BILL REPORT

## HB 2992

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**As Reported by House Committee On:**  
Local Government & Housing  
Ways & Means

**Title:** An act relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years.

**Brief Description:** Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years.

**Sponsors:** Representatives Simpson, Kenney and Springer; by request of Washington State Department of Commerce and Department of Ecology.

**Brief History:**

**Committee Activity:**

Local Government & Housing: 1/28/10, 2/1/10 [DPS];  
Ways & Means: 2/6/10, 2/8/10 [DP(w/o sub LGH)].

**Brief Summary of Bill**

- Establishes a new recurring seven-year review and revision schedule for comprehensive plans and development regulations adopted under the Growth Management Act.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Short, Springer, Uptegrove, White and Williams.

**Staff:** Ethan Moreno (786-7386).

**Background:**

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

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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. 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.

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.

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### **Summary of Substitute Bill:**

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 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.

Agricultural and forest lands of long-term commercial significance designated in accordance with specific requirements of the GMA as of the effective date of the bill must remain in compliance with those designation requirements until the jurisdiction completes its review and revision requirements, or applicable extensions, on or after December 1, 2011. This requirement, and its mandate for continued compliance with specific designation provisions, expires December 1, 2020.

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.

**Substitute Bill Compared to Original Bill:**

The substitute bill prohibits counties and cities from changing the designation status of designated agricultural and forest lands of long-term commercial significance until the county or city completes specific review and revision requirements, or applicable extension provisions, on or after December 1, 2011. This continued-compliance provision expires December 1, 2020.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The state is not living up to its responsibility to help local governments with the costs of implementing the GMA. If the Legislature makes the choice that local governments cannot afford to update their comprehensive plans, the Legislature must provide jurisdictions with additional time to complete their responsibilities.

Because of funding issues, the review and revision deadlines should be extended by three years and this bill accomplishes that. A 10-year review and revision cycle is preferable, however, as it would allow for better synchronization with planning data, including census data. The shoreline master program cycle should also be revised and those deadlines should follow the GMA cycle by one or two years. Taking this step would allow revisions mandated by the GMA to inform revisions mandated by the Shoreline Management Act (SMA).

This bill is necessary to implement the budget and it is by request of the Departments of Commerce and Ecology. This bill recognizes that we are in an unusually large update cycle for the GMA and the SMA, and is a prudent decoupling of the overlapping schedules. The purpose of this bill is to implement the budget, as grant funding for implementing the GMA is not included in the Governor's budget. This bill will allow jurisdictions to focus their resources on updates required by the SMA.

Cities and counties support planning efforts required by the GMA and the SMA, but during this budget crisis, finding resources to meet these obligations is very difficult. Cities would prefer to have the review and revision deadlines of the GMA extended to a 10-year cycle and therefore prefer the provisions of HB 2916. Counties prefer HB 2916, are undergoing budget cuts, and appreciate anything that can be done to save them money. Counties hope to avoid appeals, would like to have the time and money to do planning updates properly, and want to

be strong partners in Puget Sound recovery efforts. This bill will provide flexibility and will allow counties to spread their significant planning duties over time.

(In support with concerns) Fiscal constraints and the taxing requirements associated with the review and revision requirements of the GMA and the SMA are understood. If partial updates are done more frequently, the long-term planning vision may be lost. The bill should be amended to prohibit the de-designation of agricultural and forest lands of long-term commercial significance. If amended, the bill will be supported.

(Opposed) None.

**Persons Testifying:** (In support) Representative Simpson, prime sponsor; Tom Clingman, Department of Ecology; Leonard Bauer, Department of Commerce; Tony Piaseki and Bob Sheckler, City of Des Moines; Sharon Dillon, Skagit County; Lovel Pratt, San Juan County; and Helen Price Johnson, Island County.

(In support with concerns) Scott Greenberg, American Planning Association; and April Putney, Futurewise.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by 21 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, Schmick and Seaquist.

**Staff:** Owen Rowe (786-7391).

### **Summary of Recommendation of Committee On Ways & Means Compared to Recommendation of Committee On Local Government & Housing:**

The Ways and Means Committee recommends the original bill rather than the substitute bill as passed by the Local Government and Housing Committee.

**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:**

(In support) This bill attempts to recognize diminishing resources at the state and local level. The Governor's 2010 Supplemental Budget proposal eliminates grants to local governments to assist with comprehensive plan updates under the requirements of the GMA. This bill saves both state and local dollars; please pass this bill. This is the most sensible bill heard today.

(In support with concerns) This bill gives local governments breathing room as they are struggling to keep up with planning requirements under the GMA. Section 2 of this bill does not allow cities and counties to remove certain lands from status as agricultural and forest lands under the GMA and may have a negative fiscal impact on counties.

(Opposed) None.

**Persons Testifying:** (In support) Nick Demerice, Department of Commerce; Karen Terwilliger, Department of Ecology; Dave Williams, Association of Washington Cities; and April Putney, Futurewise.

(In support with concerns) Josh Weiss, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** None.