

SENATE BILL REPORT

SB 5755

As Reported by Senate Committee On:
Local Government, February 16, 2017
Ways & Means, February 24, 2017

Title: An act relating to simplifying the population growth criteria for planning required by the growth management act.

Brief Description: Simplifying the population growth criteria for planning required by the growth management act.

Sponsors: Senator Short.

Brief History:

Committee Activity: Local Government: 2/09/17, 2/16/17 [DPS-WM].
Ways & Means: 2/22/17, 2/24/17 [DPS(LGOV), DNP].

Brief Summary of Substitute Bill

- Limits planning under the Growth Management Act (GMA) to large counties and cities that have experienced significant population growth during the previous decade.
- Removes provisions allowing jurisdictions to choose to plan under GMA.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Short, Chair; Angel, Vice Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Staff: Bonnie Kim (786-7316)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5755 as recommended by Committee on Local Government be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey, Becker, Fain, Miloscia, Rivers, Schoesler, Warnick and Zeiger.

Minority Report: Do not pass.

Signed by Senators Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig, Conway, Darneille, Hasegawa, Keiser and Pedersen.

Staff: Daniel Masterson (786-7454)

Background: Growth Management Act (GMA). The GMA is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA: (1) the county legislative authority must adopt a countywide planning policy; (2) the county, and the cities within the county, must designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and (3) the county must designate and take other actions related to Urban Growth Areas (UGAs).

Countywide Planning Policy. A countywide planning policy is a written policy statement used solely for establishing a framework from which county and city comprehensive plans are developed and adopted. The policy must address certain issues, including policies for promoting orderly development and provision of urban services, for siting public capital facilities, and for joint county and city planning within UGAs. Cities and the Governor may appeal an adopted policy to the Growth Management Hearings Board (GMHB) within 60 days of adoption.

Population. The Office of Financial Management (OFM) determines the population of each county as of April 1st of each year. At least once every five years or on availability of census data, whichever is later, OFM must prepare 20-year growth management planning population projects for each county that adopts a comprehensive plan.

The Shoreline Management Act of 1971 (SMA). SMA governs uses of the shorelines of the state. SMA provides for a cooperative regulatory approach between local governments and the state. At the local level, regulations related to SMA are developed in mandatory city and county shoreline master programs (SMPs), which regulate land use activities in shoreline areas. At the state level, the Department of Ecology is charged with reviewing the locally adopted SMPs for compliance with statutory provisions and agency guidelines.

Summary of Bill (First Substitute): GMA. The GMA planning requirements apply only to:

1. Counties with a population (1) of 80,000 or more; and (2) increase of at least 20 percent in the previous ten years.
2. Cities with a population (1) of at least 30,000; and (2) increase of at least 20 percent.

Counties and cities are required to adopt a countywide planning policy and comprehensive plan only when OFM has certified the jurisdiction has a population of 80,000 or more.

Statutory provisions providing options for jurisdictions to either opt-in or opt-out of planning under the GMA, whether fully or partially, are removed.

SMA. In the event a work plan is not approved or fails, only counties required to plan under the GMA must adhere to additional watershed work plan requirements.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First Substitute):

- Reduces the population threshold for counties from 100,000 to 80,000.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill, with the exception of Section 6, takes effect 90 days after adjournment of session in which bill is passed. Section 5 expires December 31, 2020. Section 6 takes effect December 31, 2010.

Staff Summary of Public Testimony on Original Bill (Local Government): *The committee recommended a different version of the bill than what was heard.* PRO: The population threshold numbers in the GMA were arbitrarily set. This bill is designed to start a conversation about whether everyone should have to plan in such a comprehensive way. The GMA sometimes denies a local government the ability to offer services their public really needs. The GMA does not fit Stevens County, where we have 37 acres per person. The GMA tends to move revenue away from counties and into the cities, resulting in counties losing the ability to provide needed services. The Planning Enabling Act would allow counties to offer all desired services with a very balanced approach. Rural counties need the opportunity to plan like rural counties. Washington should not dictate to every local government how their local planning should be done. Local jurisdictions want to do things differently. The GMA has resulted in hundreds of lawsuits. Any result giving local governments control will benefit communities.

CON: We understand that one of the unintended consequences of the GMA is that counties are losing money very quickly. The GMA provides important processes for proper long-term planning that leads to lower cost infrastructure.

Persons Testifying (Local Government): PRO: Senator Shelly Short, Prime Sponsor; Wes McCart, Stevens County Commissioner; Glen Morgan, CAPR.

CON: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying (Local Government): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.