

HOUSE BILL REPORT

ESHB 1338

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to increasing flexibility for counties and cities in implementing growth management.

Brief Description: Increasing flexibility for counties and cities in implementing growth management.

Sponsors: House (originally sponsored by Representatives Mulliken, Hatfield, Reams, Mielke, Doumit, McMorris and Schoesler).

Brief History:

Committee Activity:

Government Reform & Land Use: 2/5/98 [DP2S].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Without recommendation. Signed by 4 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Fisher and Gardner.

Staff: Joan Elgee (786-7135).

Background: The Growth Management Act (GMA) establishes requirements for all counties in the state, and imposes additional requirements for the faster growing counties. A city follows the lead of the county in which it is located. Counties and cities subject to all the requirements of the GMA are typically referred to as counties and cities planning under the GMA. A county may also choose to plan under the GMA.

The State Environmental Policy Act (SEPA) requires local governments and state agencies to consider environmental impacts when making decisions. A detailed statement, or environmental impact statement (EIS), must be prepared if proposed

legislation or other major action may have a probable significant, adverse impact on the environment.

The Shoreline Management Act (SMA) requires counties and cities to adopt local shoreline master programs regulating land use activities in shoreline areas of the state. Local master programs are submitted to the Department of Ecology for its review and rejection or approval as meeting the requirements of the SMA and guidelines adopted by the department.

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 provision imposed a requirement that cities and counties planning under the GMA must make decisions on project permits within 120 days after a project application is complete. Another provision waived liability for a city or county that failed to meet the time lines. The 120-day liability waiver provisions expire on July 1, 1998.

ESHB 1724 also created the Land Use Study Commission, with the goal of integrating the state's land use and environmental laws. Among other things, the Legislature directed the commission to consider the effectiveness of efforts to consolidate the GMA, the SEPA, the SMA, and other related laws. The Legislature also directed the commission to study the 120-day time line and report back on any recommendations. The commission has recommended extending the expiration dates to June 30, 2000.

The Land Use Study Commission terminates on June 30, 1998.

Summary of Second Substitute Bill: A joint select committee on land use issues is established. The committee is directed to study ways to streamline land use permitting and regulatory processes, including the integration of the Growth Management Act with the State Environmental Policy Act and the Shoreline Management Act. The committee is also to study the effectiveness of the 120-day time line requirement and feasibility of municipal liability for failure to meet time lines.

The committee is composed of six members: Three from the House of Representatives, with two from the majority caucus and one from the minority caucus, and three from the Senate, with two from the majority caucus and one from the minority caucus. The committee must operate by majority rule.

The committee must report its recommendations to the Legislature by December 1, 1999.

Second Substitute Bill Compared to Engrossed Substitute Bill: The engrossed bill allowed smaller counties to remove themselves and their cities from the planning requirements of the Growth Management Act, and allowed all counties planning under the GMA to use alternate methods to achieve the goals of the GMA. The second substitute deletes these provisions and establishes the joint select committee.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The counties need relief from the GMA. It is expensive to comply. Grant County has had to hire two full-time staff and Lewis County has had to hire an attorney. The GMA is not "bottoms-up" and is backfiring. The boards have interpreted the GMA too narrowly. People want to plan for their own counties, not based on a mandate from the state. Get rid of the cookie cutter approach. The GMA stops the dreams of small landowners and benefits those in large cities. Hobby farm people are forced to use prime agricultural land. We are living in the county and now we discover we're in the urban growth area. We can't subdivide and give our land to our children.

Testimony Against: The GMA ensures protection of the environment and quality of life now and in the future. Comprehensive plans provide predictability and flexibility which attracts new industry. The GMA contains lots of latitude for local citizens. Counties should not have unilateral authority to opt out. The provisions regarding provision of service blur the GMA. Hold off and see what the Land Use Study Commission does.

Testified: Representative Mulliken, prime sponsor (pro on substitute bill); Helen Fancher, Grant County Commissioner (pro); June Strickler (pro); Roger Briggs (pro); Rose Bowman, Lewis County Commissioner (pro); Matt Ryan, Washington Coalition of Counties (pro); Bob Wiesen, Whatcom County Planning Commission (pro); Sarah Smyth, Delson Lumber (pro); Thomas Grajkowski (pro); Scott Merriman, Washington Environmental Council (con); Mike Rhyerd, 1,000 Friends of Washington (con); Dave Williams, Association of Washington Cities (con); Steve Robinson, Northwest Indian Fisheries Commission (con); and Shane Hope, Department of Community, Trade and Economic Development (con).