

Local Government Committee

BILL ANALYSIS SSB 5679

TITLE OF THE BILL: Changing grant and loan eligibility requirements for counties, cities, and towns planning under the growth management act.

WHAT THIS BILL DOES: *Repeals existing preference for state public facility grants and loans based on county-wide planning policies and adds provisions to existing requirements in certain grant and loan statutes for Growth Management Act jurisdictions to adopt comprehensive plans and development regulations.*

SPONSORS: Senate State and Local Government Committee (originally sponsored by Senators Morton, T. Sheldon, McCaslin, and Hochstatter).

HEARING DATE: Thursday, April 1, 1999

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156)

BACKGROUND:

The Growth Management Act (GMA) was enacted in 1990 and 1991. The GMA establishes certain requirements for all counties in the state and imposes additional requirements for counties, and the cities in those counties, that are required or choose to plan under RCW 36.70A.040 (GMA jurisdictions). The basic GMA planning requirements for GMA jurisdictions are:

- adoption of a **county-wide planning policy**, a framework from which comprehensive plans are developed which must address, among other items, the siting of public capital facilities of a county-wide or statewide nature;
- designation of **urban growth areas**;
- adoption of a **comprehensive plan**, which includes land use, housing, transportation, rural,

- utilities and capital facilities plan elements; and
- adoption of **development regulations** implementing the comprehensive plan.

Generally, a GMA jurisdiction is required to adopt a comprehensive plan and implementing development regulations consistent with GMA requirements within four years of the date the GMA jurisdiction became required or chose to plan under the GMA.

The Legislature has provided GMA jurisdictions with additional sources of revenue to finance capital facilities. For example, GMA jurisdictions may impose a 0.25 percent excise tax on the sale or transfer of real estate to finance capital facilities and projects. GMA jurisdictions also may impose impact fees on development activities to finance specified improvements.

A state agency considering awarding grants or loans to a county or city for financing public facilities must consider whether the county or city is a party to a county-wide planning policy under the GMA relating to the type of public facilities for which the grant or loan is sought. The agency must give additional preference to the county or city if such a county-wide planning policy exists. When a state agency considers grants or loans to a special district for public facilities, it must also consider whether the county or city in whose planning jurisdiction the special district is located is a party to a county-wide planning policy under the GMA relating to the public facilities for which the grant or loan is sought.

The statutory preference for state public facilities grants and loans applies to grants and loans from the Interagency Committee for Outdoor Recreation (IAC), Community Economic Revitalization Board (CERB), Centennial Clean Water Fund (CCWF) and Public Works Board (PWB). Except when funding from the CERB, CCWF or PWB is necessary to address a public health need or substantial environmental degradation, a GMA jurisdiction is required to adopt a comprehensive plan and development regulations in conformance with the GMA after these are required to be adopted.

SUMMARY:

Unless funding is necessary to address a public health need or substantial environmental degradation, a GMA jurisdiction must have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 to qualify for grants, loans and loan guarantees from the CERB, PWB, and CCWF.

A GMA jurisdiction is not required to adopt a comprehensive plan and development regulations before requesting a grant, loan or loan guarantee if the request is made before the expiration of the time period for plan and regulations adoption under RCW 36.70A.040. A GMA jurisdiction which did not meet the statutory time periods but adopts the comprehensive plan and development regulations before submitting a request is not prohibited from receiving a grant, loan or loan guarantee. However, the capital facilities element of a GMA jurisdiction's comprehensive plan must be in place before the GMA jurisdiction can qualify for a grant, loan or loan guarantee.

The existing preference for state public facilities grant and loans based on participation in a county-wide planning policy is repealed.

The new qualification requirements and repeal of the preference provisions do not apply to any existing rights, actions, obligations or proceedings.