

SENATE BILL REPORT

ESHB 2171

As Reported By Senate Committee On:
Government Operations & Elections, March 31, 2005

Title: An act relating to allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130.

Brief Description: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn).

Brief History: Passed House: 3/10/05, 90-4.

Committee Activity: Government Operations & Elections: 3/21/05, 3/31/05 [DP, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Haugen, McCaslin and Pridemore.

Minority Report: Do not pass.

Signed by Senator Mulliken.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Genevieve Pisarski (786-7488)

Background: As amended in 2002, the state's Growth Management Act (GMA) establishes a seven year cycle for review and revision (update) of policies and development regulations concerning critical areas and resource lands, in the case of all cities and counties, and of comprehensive plans and development regulations, in the case of cities and counties that plan under the GMA.

Summary of Bill: Counties and cities required to satisfy the review and revision requirements of the Growth Management Act (GMA) by December 1, 2005, December 1, 2006, or December 1, 2007, may comply with the requirements for development regulations that protect critical areas (critical areas regulations) one year after the applicable deadline provided in the statutory schedule. Use of this extension option and compliance with the review and revision requirements for critical areas regulations one year after the deadline must be deemed to be in compliance with these requirements.

Only those counties and cities in compliance with the statutory review and revision schedule in the GMA and those counties and cities demonstrating substantial progress towards

compliance with the schedule for critical areas regulations may receive financial assistance from the public works assistance and water quality accounts. A county or city that is less than one year out of compliance with the schedule is deemed to be making substantial progress towards compliance.

Additionally, notwithstanding other provisions, only those counties and cities in compliance with the initial schedule for review and revision may receive preference for financial assistance from the public works assistance and water quality accounts.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Updates are difficult and sometimes controversial, especially regarding critical areas ordinances. Greater public involvement helps achieve success, but requires time. Kent was on schedule with its update, but negotiations to resolve opposition have put it behind schedule. Everett was the first jurisdiction to update its shoreline master program, a complex and contentious effort that consumed staff time and delayed work on critical areas ordinances. If local governments are making progress in good faith, they should not be penalized by losing funding for water and sewer projects. Clark County has invested much more money than it ever got from the state for its update, regards the update as critical, but its efforts to meet the deadline have not succeeded. This extension still doesn't solve the basic problems with best available science and the frequency of required updates, but it provides some relief. Time for public participation isn't the problem; it's the basic GMA requirements and hearings board rulings. The real objective of this delay should be to provide some time for a focused effort to solve the basic problems.

Testimony Against: There was no testimony in opposition.

Who Testified: PRO: Rep. Springer, prime sponsor; Doug Levy, Cities of Everett and Kent; Leonard Bauer, CTED; Dave Williams, AWC; Paul Parker, WSAC.