

FINAL BILL REPORT

SSB 5374

C 225 L 23
Synopsis as Enacted

Brief Description: Concerning the adoption of county critical area ordinances by cities.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Shewmake and Torres).

Senate Committee on Local Government, Land Use & Tribal Affairs
House Committee on Local Government

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. A comprehensive plan must be reviewed and, if necessary, revised every ten years to ensure that it complies with the GMA. When developing comprehensive plans, counties and cities must consider various goals set forth in statute.

Critical Areas Ordinance. Fully planning jurisdictions must adopt development regulations protecting critical areas in an effort to preserve the following areas and ecosystems:

- wetlands;
- areas with a critical recharging effect on aquifers used for potable water;
- fish and wildlife habitat conservation areas;
- frequently flooded areas; and
- geologically hazardous areas.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

All critical areas must be designated and their functions and values protected using the best available scientific information. Jurisdictions are required to review, evaluate, and if necessary, revise their critical areas ordinances every ten years according to an update schedule.

Summary: A fully planning city with a population fewer than 25,000 may adopt a county's critical areas regulations by reference to satisfy the critical areas requirements under the GMA, provided the county's critical areas regulations are not subject to any outstanding administrative or judicial appeals at the time of a city's adoption.

If a city chooses to adopt the county regulations by reference, the city must incorporate future amendments to critical areas policies and development regulations of the county.

A city that adopts the county's critical areas regulations by reference is not required to take legislative action to review and update development regulations protecting critical areas.

If grant funding is available for a local jurisdiction's periodic comprehensive planning update, and a city has adopted by reference the county's critical areas regulations, the county in which the city is located is entitled to receive a portion of the city's grant funding that would otherwise have been used for updating the city's critical areas regulations.

Votes on Final Passage:

Senate 46 0

House 97 0

Effective: July 23, 2023