

HOUSE BILL REPORT

HB 2781

As Reported by House Committee On:
Local Government

Title: An act relating to state agency review of development regulations.

Brief Description: Changing provisions relating to state agency review of development regulations.

Sponsors: Representatives Upthegrove, Schindler, Jarrett, Clibborn and Schual-Berke.

Brief History:

Committee Activity:

Local Government: 1/29/04, 2/5/04 [DPS].

Brief Summary of Substitute Bill

- Allows counties and cities planning under the Growth Management Act (GMA) to request expedited review for amendments to development regulations.
- Allows the Department of Community, Trade and Economic Development (CTED), after receiving a request and complying with consultation requirements, to grant expedited review if the CTED determines that expedited review satisfies specified criteria.
- Allows counties and cities to adopt amendments to a development regulation immediately following the granting of the request for expedited review.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Edwards, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning

framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. GMA jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. With limited exceptions, however, amendments to a comprehensive plan may be considered by the governing body of the local jurisdiction no more frequently than once every year. Additionally, GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a statutory schedule.

The Department of Community, Trade and Economic Development (CTED) provides technical and financial assistance to jurisdictions implementing the GMA. The CTED also adopts procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of the GMA.

Proposed amendments for permanent changes to an adopted comprehensive plan or development regulation must be submitted by the proposing jurisdiction to the CTED at least 60 days prior to final adoption. State agencies, including the CTED, may provide comments to the county or city on the proposed amendment during a public review process prior to adoption. Amendments must be transmitted to the CTED within 10 days after final adoption.

Summary of Substitute Bill:

Counties and cities planning under the Growth Management Act (GMA) may request expedited review for any amendments for permanent changes to a development regulation. The Department of Community, Trade and Economic Development (CTED) may, after receiving a request and consultation with other state agencies, grant expedited review if the CTED determines that expedited review does not compromise the state's ability to provide timely comments related to compliance with the goals and requirements of the GMA or on other matters of state interest. Counties and cities may adopt amendments for permanent changes to a development regulation immediately following the granting of the request for expedited review.

Substitute Bill Compared to Original Bill:

The requirement for counties and cities to notify the CTED of the proposed adoption of certain development regulation amendments at least 30 (rather than 60) days before final adoption is removed. The provisions exempting certain ordinances, regulations, and other amendatory actions related to development regulations from specific notification requirements before final adoption are removed. The substitute bill includes provisions allowing: counties and cities to request expedited review for amendments to development regulations adopted under the GMA; the CTED to grant expedite review upon the satisfaction of specified criteria; and counties and cities to adopt amendments to a development regulation immediately following the granting of the request for expedited review.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The 60 day review requirement can delay projects and is unnecessary for minor regulation changes. This bill does not weaken environmental protections or undermine the GMA, but streamlines the public comment period for state agencies. This bill would create a more efficient interaction between state and local governments. Local governments cannot adopt amendments to development regulations during the 60 day window. There are categories of development regulations that are of no interest to the state. The paperwork and coordination necessary for compliance with the review requirement seem unwarranted and create additional costs for local governments.

Testimony Against: Reducing the review period from 60 to 30 days will place unnecessary strain on the CTED. Delineating a specific list of exemptions in statute may prove problematic. Local governments may adopt amendments during the 60 day window: doing so, however, increases certain risks. Most documents submitted for review to the CTED are electronic. The review requirement exists for those instances when a state review is needed.

(Concerns) The reduction of review time required by this bill may prevent the CTED from responding in a timely fashion. A specific exemption list as provided by this bill may not be the most appropriate way to address the review-related issues.

Persons Testifying: (In support) Representative Upthegrove, prime sponsor; Fred Satterstrom, City of Kent; Dave Williams, Association of Washington Cities; Kristen Sawin, Association of Washington Business; and Joe Daniels, City of Sea Tac.

(Opposed) Genesee Adkins, 1000 Friends of Washington.

(Concerned) Tom McBride, Washington State Department of Community, Trade and Economic Development.

Persons Signed In To Testify But Not Testifying: None.