
Local Government Committee

ESSB 5680

Brief Description: Allowing counties with low population densities to make a declaration to be not subject to certain GMA review requirements.

Sponsors: Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton).

Brief Summary of Engrossed Substitute Bill

- Allows counties with fewer than 55 persons per square mile and the cities within to declare an exemption from requirements to review and revise comprehensive plans, development regulations, and critical areas and natural resource lands ordinances.

Hearing Date: 3/26/03

Staff: Ethan Moreno (786-7386).

Background:

Enacted in 1990 and 1991, 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 GMA requirements. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

The GMA also establishes specific planning requirements for jurisdictions not subject to or not choosing to comply with the major provisions of the Act.

Comprehensive Land Use Plans

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are required to include provisions for the following elements:

- land use;

- housing;
- capital facilities plan;
- utilities;
- rural;
- transportation;
- economic development; and
- parks and recreation.

The economic development and park and recreation elements do not require jurisdictional compliance or action until state funding is provided.

Comprehensive plans also must include designations of urban growth areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

Critical Areas and Natural Resource Lands

The GMA requires all cities and counties to designate and protect critical areas. "Critical areas" are defined within the GMA to include the following areas and ecosystems:

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

The GMA also requires all cities and counties to adopt development regulations to protect critical areas, and to review the designations and regulations when adopting comprehensive plans and implementing development regulations.

In addition to critical area provisions, the GMA requires all cities and counties to designate natural resource lands, including agricultural, forest, and mineral resource lands meeting specified criteria.

Reviews - Comprehensive Land Use Plans and Development Regulations

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Policies and development regulations for critical areas and natural resource lands are subject to this review. Additionally, any amendments or revisions of development regulations must comply with GMA requirements and must be consistent with and implement comprehensive plans.

In 2002 the Legislature enacted comprehensive plan review and amendment legislation (i.e., SSB 5841, enacted as ch. 320, Laws of 2002). The legislation established a staggered schedule for review and, if needed, revision of comprehensive plans and development regulations adopted under the GMA. As a result of the legislation, and in accordance with the provisions of the schedule, all counties and cities must participate in the review between 2004 and 2007, and every seven years thereafter.

Population Density

According to the Office of Financial Management (OFM), in 2002, 13 counties (King, Kitsap, Clark, Pierce, Island, Snohomish, Thurston, Spokane, Benton, San Juan, Cowlitz, Whatcom, and Skagit counties) had a population density greater than 55 persons per square mile.

(Source: Office of Financial Management, <http://www.ofm.wa.gov/popden/index.htm>)

Summary of Bill:

Exemption

Counties with a population density fewer than 55 persons per square mile and the cities within those counties may declare an exemption from the GMA requirements to review and revise comprehensive plans, development regulations, and critical areas and natural resource lands ordinances. The declaration of exemption must be filed with the Department of Community, Trade, and Economic Development (CTED) no later than November 1, 2007.

Population Density Growth and Revisions

If the population density of an exempt county grows to 55 or more persons per square mile, the county and the cities within the county are required to review and revise comprehensive plans and development regulations according to GMA requirements within two years of obtaining the applicable population density projection.

A county and the cities within must review and revise policies and development regulations regarding critical areas and natural resource lands within the earlier of two years of obtaining the population density projection indicating that the county has a density of 55 or more persons per square mile, or 15 years from the most recent adoption of a county or city's critical area and natural resource lands ordinance.

For purposes of these provisions, the date a county obtains a population density of 55 or more persons per square mile is the date such information is published by the OFM.

Review and Evaluation Schedule

The existing comprehensive plan and development regulation review and evaluation schedule is revised as follows:

- counties with fewer than 55 persons per square mile and the cities within are exempt from the review and evaluation compliance deadlines in 2004-2006 and the seven-year reviews;
- counties with fewer than 55 persons per square mile and the cities within that declare the exemption must comply with the newly established provisions; and
- counties and the cities within that do not provide a written declaration of exemption to CTED are required to complete the required reviews and evaluations on or before December 1, 2007, and every seven years thereafter.

Current provisions for counties with a population density greater than 55 persons per square mile are not amended.

Appropriation: None.

Fiscal Note: Requested on March 18, 2003.

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