
Local Government Committee

HB 1558

Brief Description: Establishing a growth management needs and priorities task force.

Sponsors: Representatives Jarrett, Dunshee, Priest, Moeller, Anderson, Linville, Ormsby and Dunn.

Brief Summary of Bill
<ul style="list-style-type: none">Creates a joint legislative and executive task force to study the functioning of the Growth Management Act, identify and address key issues, and issue specified reports and recommendations.

Hearing Date:

Staff: Thamas Osborn (786-7129).

Background:

Overview of the Growth Management Act

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA requires all local governments to comply with specific provisions for natural resource lands and critical areas, and establishes additional substantive and procedural compliance requirements for counties and cities meeting population and growth criteria.

The GMA establishes a list of planning goals to be used for guiding the development and adoption of comprehensive plans and development regulations by GMA jurisdictions.

GMA Planning Requirements

GMA jurisdictions must satisfy numerous planning requirements. A principal compliance requirement is the adoption of internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include planning provisions for specific mandatory "elements" such as land use, housing, utilities, and transportation.

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

The GMA jurisdictions must adopt development regulations that control development and land use activities. Locally adopted, these development regulations must be consistent with and implement the comprehensive plan of the adopting jurisdiction.

Appeals to Growth Management Hearings Boards

Comprehensive plans and development regulations are presumed valid upon adoption. Plans and regulations, however, may be appealed to one of three regional Growth Management Hearings Boards (Boards). If all applicable parties agree, the superior court may directly review a petition filed with a Board.

The Boards have limited jurisdiction and may only hear petitions alleging: (1) noncompliance with GMA requirements, specific Shoreline Management Act requirements, and specific State Environmental Protection Act requirements; or that (2) the 20-year planning populations adopted by the Office of Financial Management (OFM) should be adjusted. Final decisions of the Boards may be appealed to the superior court.

The Department of Community, Trade, and Economic Development

The Department of Community, Trade, and Economic Development (DCTED) adopts guidelines to assist local governments in classifying natural resource lands (i.e., agricultural, forest, and mineral resource lands) and critical areas. The DCTED also receives copies of adopted and amended comprehensive plans and development regulations. The DCTED does not have the authority to approve local GMA plans and regulations.

The William D. Ruckelshaus Center

The William D. Ruckelshaus Center (Center) is the joint effort of the Daniel J. Evans School of Public Affairs at the University of Washington and Washington State University. It was created as a resource for collaborative problem solving with respect to important public policy issues, and also provides consultation and research services. The Center describes itself as being "...dedicated to assisting public, tribal, private, non-profit and other community leaders in their efforts to build consensus and resolve conflicts around difficult public policy issues." Since its creation in 2003, the Center has completed many projects involving important environmental and natural resources issues, including participation in the Water Resource Administration & Funding Task Force, which was created by the legislature in 2004.

Summary of Bill:

Overview of the Purpose, Goals, and Objectives of the Task Force

A joint legislative and executive task force is established in order to examine the effectiveness of the GMA in meeting the goals and requirements originally intended by the implementing legislation. The mission of the task force is to gather information, identify issues, develop recommendations, and issue reports with respect to issues regarding:

- Best available science, critical areas, and preexisting land uses;
- Legal appeals in GMA cases, including the collection of statistical data, and recommendations for the improvement of the appellate process;
- Infrastructure and basic services needs of growing communities, and related financing issues;
- State roads, service needs, and local GMA decisions;
- The "vested rights doctrine" in relation to the goals and requirements of the GMA;
- Fully contained communities and master planned resorts; and

- Performance measures for the ongoing evaluation of land-use programs.

Membership and Staffing of the Task Force

The task force shall have ten members, consisting of the following:

- The Governor or his designee;
- Four members from the House of Representatives, consisting of two members from each caucus as appointed by the Speaker of the House of Representatives;
- Four members from the Senate, consisting of two members from each caucus as appointed by the President of the Senate; and
- The Director of the Department of Community, Trade, and Economic Development

Staff support is to be provided by the Ruckelshaus Center at the University of Washington, the Department of Community, Trade, and Economic Development, and legislative staff.

Consultation, Facilitation, and Research Services

The Ruckelshaus Center will conduct an independent assessment of the effectiveness of state land use programs in achieving the goals of the GMA. The Ruckelshaus Center will also provide research and facilitation services to the task force.

In addition, the task force will consult with local governments and other groups/organizations responsible for, affected by, or involved in the implementation of the GMA.

Task Force Schedule

The task force is required to convene no later than August 1, 2007. An initial report with recommendations for legislative and executive actions must be issued no later than December 1, 2007. The final report of the task force with recommendations for additional legislative and executive actions must be issued no later than June 30, 2008.

Appropriation: The sum of \$250,000 shall be appropriated from the general fund to the Department of Community, Trade, and Economic Development for the purposes of this act.

Fiscal Note: Requested on 1/26/07.

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