
Local Government & Housing Committee

HB 2916

Brief Description: Adjusting timelines for the review of comprehensive plans and shoreline master programs.

Sponsors: Representative Springer.

Brief Summary of Bill

- Establishes a new recurring 10-year review and revision schedule for comprehensive plans and development regulations adopted under the Growth Management Act.
- Establishes a new recurring 10-year review and revision schedule for shoreline master programs adopted under the Shoreline Management Act.

Hearing Date: 1/28/10

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations. Although comprehensive plans may be amended, amendments to comprehensive plans, with some exceptions, may only be considered by the applicable planning jurisdiction once each year.

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 includes numerous requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA (planning counties) must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning counties and the cities within these counties must include within their UGAs areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period. Urban growth area designations and associated densities must be reviewed no less than every 10 years.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. With limited exceptions, including three-year extensions for qualifying counties with fewer than 50,000 residents and qualifying cities with fewer than 5,000 residents and provisions for jurisdictions making substantial progress towards certain requirements, planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a recurring seven-year statutory schedule. Jurisdictions that do not fully plan under the GMA must, except as otherwise provided, meet review and revision requirements pertaining to critical areas and natural resource lands according to this same schedule. The review schedule is as follows:

- on or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

With some exceptions, only jurisdictions that are in compliance with the review and revision requirements of the GMA according to the review schedule are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

Shoreline Management Act.

The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment, and creates preference criteria in prioritized order that must be used by state and local governments in regulating shoreline uses.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt master

programs that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce their master programs within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

Master programs have certain mandatory elements as appropriate. Among other requirements, master program elements provide for economic development, public access, recreation, circulation, use, and conservation. Local governments may also include other elements necessary to implement the SMA requirements.

A 2003 amendment to the SMA requires local governments to develop or amend master programs according to a staggered statutory schedule. The first deadline for developing or amending master programs under the schedule was December 1, 2005; the last is December 1, 2014. Local governments, however, may develop or amend their master programs before the applicable deadline. Additional schedule provisions are specified in statute for qualifying local governments required or choosing to develop or amend master programs on or before December 1, 2009, but the general development and amendment schedule is as follows:

- on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Local governments must conduct a review of their master programs at least once every seven years after the applicable dates specified for developing or amending master programs. The purpose of the review is to assure that the master program is consistent with legal requirements, and to assure consistency of the master plan with the GMA, if applicable, and other local requirements. Following this review, local governments are obligated, if necessary, to revise their master programs.

Summary of Bill:

Growth Management Act.

A modified review and revision schedule is established. Counties and cities must review and, if needed, revise their comprehensive plans and development regulations to ensure the plans and regulations comply with the requirements of the GMA. The review must also include a review of UGA boundaries and associated densities. The review schedule is as follows:

- on or before December 1, 2014, and every 10 years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2016, and every 10 years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

- on or before December 1, 2018, and every 10 years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2020, and every 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Jurisdictions that comply with the review and revision deadlines, that comply with three-year extension provisions for qualifying counties and cities, or that satisfy substantial progress requirements are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

Technical corrections, including the deletion of expired provisions, are included. Additionally, a provision granting a one-year extension for review and revision requirements for development regulations that protect critical areas that were to be completed between December 1, 2005, and December 1, 2007, is deleted.

Shoreline Management Act.

Following the initial adoption of updated master programs that are directed by statute to be completed between December 1, 2005, and December 1, 2014, counties and cities must review and, if needed, revise their master programs according to the following schedule:

- on or before December 1, 2021, and every 10 years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2023, and every 10 years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2025, and every 10 years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2027, and every 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Appropriation: None.

Fiscal Note: Requested January 21, 2010.

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