HOUSE BILL REPORT
HB 2342

As Reported by House Committee On:
Environment & Energy

Title: An act relating to aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act.

Brief Description: Aligning the timing of comprehensive plan updates required by the growth management act with the timing of shoreline master program updates required by the shoreline management act.

Sponsors: Representatives Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton.

Brief History:
Committee Activity:
Environment & Energy: 1/23/20, 2/4/20 [DPS].

Brief Summary of Substitute Bill

- Changes the frequency of comprehensive plan updates under the Growth Management Act (GMA) from every eight years to every 10 years.
- Modifies the anniversary year by which certain counties and cities are required to update their comprehensive plans under the GMA.
- Requires counties and cities to update certain portions of their comprehensive plans at the five-year mark between full updates of their comprehensive plans.
- Changes the frequency of shoreline master program periodic reviews within the Shoreline Management Act (SMA) from every eight years to every 10 years, beginning in 2025.
- Modifies the anniversary year by which certain cities and counties are required to update their shoreline master programs under the SMA.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt,

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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.

Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, Doglio, Fey, Goehner, Mead, Robinson and Shewmake.

Staff: Robert Hatfield (786-7117).

Background:

Growth Management Act.
The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities.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 the 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. In developing their comprehensive plans, counties and cities must consider various goals set forth in statute. These goals include:

- *Urban Growth:* Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- *Housing:* Encourage the availability of affordable housing to all economic segments of the population of Washington, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- *Public Facilities and Services:* Ensure that those public facilities and services necessary to support development are adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Growth Management Act—Comprehensive Plan Updates.
Counties and cities are required to review and, if needed, revise their comprehensive plans and development regulations every eight years. Counties, and the cities within them, are grouped into four different year classes for purposes of when the obligation to review and revise their comprehensive plans commences. King, Pierce, and Snohomish counties are required to review and revise their comprehensive plans no later than June 30, 2015, and every eight years thereafter. Ten other counties—Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom—are required to review and revise their comprehensive plans no later than June 30, 2016, and every eight years thereafter. The remaining counties are divided into the 2017 and 2018 year classes for comprehensive plan review and revision.

Shoreline Management Program.
The Shoreline Management Act (SMA) involves a cooperative regulatory approach between local governments and the state. The Department of Ecology (Ecology) and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of the SMA. 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.

A master program, or a segment thereof, becomes effective when approved by Ecology. In accordance with a schedule established in the SMA, counties and cities must develop or amend master programs every eight years. As with comprehensive plan updates under the GMA, counties and cities are grouped into four different year classes—2011, 2012, 2013, and 2014, and every eight years thereafter—for purposes of their shoreline master program periodic review schedule.

Summary of Substitute Bill:

Growth Management Act—Comprehensive Plan Updates.
The following counties, and the cities within them, are required to review and, if needed, revise their comprehensive plans and development regulations by June 30, 2024, and every 10 years thereafter: King, Kitsap, Pierce, and Snohomish.

The following counties, and the cities within them, are required to review and, if needed, revise their comprehensive plans and development regulations by June 30, 2025, and every 10 years thereafter: Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom.

The following counties, and the cities within them, are required to review and, if needed, revise their comprehensive plans and development regulations by June 30, 2026, and every 10 years thereafter: Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima.

The following counties, and the cities within them, are required to review and, if needed, revise their comprehensive plans and development regulations by June 30, 2027, and every 10 years thereafter: Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman.

No later than five years after each of the deadlines for the review and possible revision of comprehensive plans and development regulations, counties and cities must take additional action to review and, if needed, revise the following specific elements of their comprehensive plans and development regulations to ensure that they comply with the requirements of the Growth Management Act:

- the housing element of the comprehensive plan; and
- the protection of critical areas in order to incorporate the best available science regarding the protection of critical areas.

Certain small and slow-growing counties and cities may comply with the five-year check-in requirement at any time within two years following the prescribed deadline.

The Department of Commerce must adopt rules to specify additional elements, if any, of comprehensive plans and development regulations that must be updated at the five-year mark.

Updates to comprehensive plans and development regulations at the five-year mark are subject to appeal to the Growth Management Hearings Board.

Shoreline Management Act—Shoreline Master Program Updates.
The following counties, and the cities within them, are required to review and, if necessary, revise their shoreline master programs by June 30, 2029, and every 10 years thereafter: King, Kitsap, Pierce, and Snohomish.

The following counties, and the cities within them, are required to review and, if necessary, revise their shoreline master programs by June 30, 2030, and every 10 years thereafter: Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom.

The following counties, and the cities within them, are required to review and, if necessary, revise their shoreline master programs by June 30, 2031, and every 10 years thereafter: Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima.

The following counties, and the cities within them, are required to review and, if necessary, revise their shoreline master programs by June 30, 2032, and every 10 years thereafter: Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman.

Substitute Bill Compared to Original Bill:

An existing statutory requirement that counties and cities review and, where needed, revise their comprehensive plans during the years 2015 through 2018 is retained.

An existing provision that provides certain small and slow-growing cities and counties with an additional 24 months in which to complete the comprehensive plan review and revision process is expanded to apply to the five-year partial review and revision of comprehensive plans.

The effective date of section 2 of the bill, related to periodic review of shoreline master programs, is changed from July 1, 2022, to July 1, 2025.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 2, relating to updates under the Shoreline Management Act, which takes effect July 1, 2025.

Staff Summary of Public Testimony:

(In support) Moving to a 10-year cycle would be more efficient and effective and would save money. Aligning Kitsap County with the other jurisdictions in the Puget Sound Regional Council (PSRC) is logical. Kitsap is already doing much of its planning consistent with the PSRC regional growth strategy. It would also be good to align with the 10-year cycle of the United States census.

Kitsap County is the outlier in the PSRC, which makes it difficult to coordinate with the other jurisdictions in the PSRC. This bill would allow for better collaboration with the other jurisdictions and would deliver better numbers for better planning.

There are some technical things to work through in this bill. Harmonizing the timelines make sense. Staff capacity in planning departments is limited, and it would be good to free them up to work on substantive policies. There are some concerns with the five-year update in terms of possibly making more work. Perhaps there could be a trigger that would require a five-year update on critical areas.

(Opposed) The number of years for comprehensive plan updates has changed over the years; first it was five, then it was seven, currently it is eight, and this bill would move it to 10. The census does not really indicate what the region will actually look like, and the Office of Financial Management numbers are already accurate. One suggestion is that the capital facilities timeline in RCW 36.70A.130 must also be amended. Also, there is a need to change urban growth area expansion times to every five and 10 years, not just every year.

(Other) There is support for the move to a 10-year cycle. It would align the cycle better to what actually works on the ground. It makes sense to group metropolitan regions together and smooths the work load and grant demand across the groups of counties. There is concern with the five-year check-in; right now, a total of 820 legislative actions by counties and cities are required under the Growth Management Act, and this increase would add more than 569 additional legislative actions.

There is a need to fix the effective date of the Shoreline Management Act amendment; it would be helpful to make it effective as of 2025.

There is support for this bill, but there are also concerns. The five-year check-in would actually increase the number of times a county has to touch its comprehensive plan. Counties are almost in a perpetual planning cycle.

It took six years and 96 public meetings to adopt the last shoreline master program for Mason County. The five-year check-in increases staffing demand, and Mason County has not increased its staffing levels since 2008.

Persons Testifying: (In support) Representative Fitzgibbon, prime sponsor; Rob Putaansuu, City of Port Orchard; Carl Schroeder, Association of Washington Cities; and Tom McBride, Kitsap County.

(Opposed) Bryce Yadon, Futurewise.

(Other) Dave Andersen, Washington Department of Commerce; Tim Gates, Department of Ecology; Paul Jewell, Washington State Association of Counties; and Dave Windom, Mason County.

Persons Signed In To Testify But Not Testifying: None.