

SENATE BILL REPORT

ESHB 2342

As Reported by Senate Committee On:
Environment, Energy & Technology, February 27, 2020
Ways & Means, March 2, 2020

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: House Committee on Environment & Energy (originally sponsored by Representatives Fitzgibbon, Leavitt, Tharinger, Walen, Doglio, Pollet and Appleton).

Brief History: Passed House: 2/19/20, 98-0.

Committee Activity: Environment, Energy & Technology: 2/26/20, 2/27/20 [DP-WM].
Ways & Means: 2/29/20, 3/02/20 [DP, DNP].

Brief Summary of Bill

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

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass and be referred to Committee on Ways & Means.

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.

Signed by Senators Carlyle, Chair; Lovelett, Vice Chair; Ericksen, Ranking Member; Fortunato, Assistant Ranking Member, Environment; Sheldon, Assistant Ranking Member, Energy & Technology; Brown, Das, Hobbs, Liias, McCoy, Nguyen, Rivers, Short, Stanford and Wellman.

Staff: Greg Vogel (786-7413)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Becker, Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Muzzall, Pedersen, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: Do not pass.

Signed by Senator Honeyford, Assistant Ranking Member, Capital.

Staff: Corban Nemeth (786-7736)

Background: Growth Management Act. The 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.

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 14 goals, including:

- *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; and
- *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 and development regulations commences. King, Pierce, and Snohomish counties are required to review and revise their comprehensive plans and development regulations no later than June

30, 2015, and every eight years thereafter. Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties are required to review and revise their comprehensive plans and development regulations no later than June 30, 2016, and every eight years thereafter. For Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties, the same requirements apply for June 30, 2017, and for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties, the same requirements apply for June 30, 2018.

Shoreline Management Act. The SMA of 1971 governs shoreline usage of the state. With some exceptions, shorelines include all water areas of the state, the land underlying them, and their associated shorelands.

The SMA provides for 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. 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 to assure the master program complies with applicable laws and guidelines in effect at the time of the review, and to assure consistency with comprehensive plans and development regulations adopted under the GMA. As with comprehensive plan updates under the GMA, counties and cities are grouped into four different year classes for purposes of their shoreline master program periodic review schedule. Counties are grouped the same as under the GMA, respectively, for the years 2019, 2020, 2021, and 2022, i.e. King, Pierce, and Snohomish counties must review plans on or before June 30, 2019, and every eight years thereafter.

Summary of Bill: 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.

For Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, and Whatcom counties, and the cities within these counties, the review and possible revision of comprehensive plans and development regulations described above is required every eight years, rather than every ten years, if the Legislature does not appropriate certain funding amounts sufficient to trigger the five-year partial review and revision process described below.

No later than five years after each of the deadlines for the review and possible revision of comprehensive plans and development regulations described above, Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, and Whatcom counties and the cities within these counties, must take additional action to review and, if needed, revise the following specific elements of their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the GMA:

- the housing element of the comprehensive plan, with the topics and scope subject to rules adopted by the Department of Commerce (Commerce); and
- development regulations that protect critical areas, in the event that Commerce or another state agency has issued official updated guidance regarding critical areas since the due date of the county's or city's previous review and possible revision of its comprehensive plan and development regulations.

Commerce must adopt rules to specify the threshold conditions that will bring about the need for review and, if needed, revision of development regulation updates or other updates needed to meet the goals and requirements of the housing element within the five-year update.

The obligation for the counties and cities described above to conduct the five-year update applies only if the Legislature appropriates the following amounts by the following dates to Commerce for the purpose of grants associated with defraying the expenses of the five-year update:

- by June 30, 2027, a minimum of \$85,000 per affected jurisdiction, for the five-year update process to occur during the years 2029 through 2031; and
- by June 30, 2037, a minimum of \$105,000 per affected jurisdiction, for the five-year update process to occur during the years 2039 through 2041.

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

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 ten 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 ten 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 ten 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 ten years thereafter: Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony (Environment, Energy & Technology): PRO: The original bill was drafted around folding in operational experience from the last round of updates. One of the basic functions of the periodic update is to incorporate new census information, which is urgent right now. The next cycle is due in 2023, and at this point, jurisdictions will not have access to the OFM forecast or all the census information. Moving it back allows them to have access to the data.

CON: Counties are interested in moving to a ten-year update cycle but have concerns with this bill. We are heartened to see the budget proviso for GMA reforms. With the proviso, it sets the table for discussion of these kinds of changes.

OTHER: Futurewise is working closely with cities and counties on a path forward for GMA legislation. We are other on this bill because we did not get to place where we are comfortable with the ten-year planning cycle. With other pieces of legislation not moving, we do not feel we can support the bill at this time.

Persons Testifying (Environment, Energy & Technology): PRO: Dave Andersen, Washington Department of Commerce.

CON: Paul Jewell, Washington State Association of Counties.

OTHER: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony (Ways & Means): OTHER: Kitsap County has long advocated for this option. The conditional requirements based on fiscal appropriation creates uncertainty for counties. We would recommend you remove Section 1, subsection 5.

Persons Testifying (Ways & Means): OTHER: Tom McBride, Kitsap County.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.