

SENATE BILL REPORT

SB 5197

As of January 17, 2025

Title: An act relating to ensuring that local government planning complies with the growth management act.

Brief Description: Ensuring that local government planning complies with the growth management act.

Sponsors: Senators Salomon, Lias and Nobles.

Brief History:

Committee Activity: Local Government: 1/20/25.

Brief Summary of Bill

- Requires the Growth Management Hearings Board (GMHB) to modify or rescind a determination of invalidity if it determines that the plan or regulation as it exists after invalidated portions of the plan or regulation have been repealed will no longer substantially interfere with the goals of the Growth Management Act (GMA).
- Establishes that the GMHB may not issue a final order finding compliance if a county or city subject to a determination of invalidity has repealed the plan or regulations that were found noncompliant, unless the plan or regulations that will be in effect after the repeal are compliant with the requirements of the GMA.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Staff: Karen Epps (786-7424)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The

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

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 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. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

Growth Management Hearings Board. The Growth Management Hearings Board (GMHB) hears petitions and resolves disputes concerning the GMA. The GMHB is comprised of five members appointed by the Governor. Petitions are heard by three-member regional panels that generally include two members from the region where the case arose, and one member from a different region.

The GMHB may hear and determine petitions alleging that a state agency or planning jurisdiction is not in compliance with the GMA. The GMHB may issue a final order finding compliance or it may remand for plans and regulations to be brought into compliance. If a plan or regulation is found to be not in compliance, the GMHB must remand it back to the affected state agency, county, or city.

The GMHB must allow a reasonable time, generally 180 days, within which the agency, county, or city must come into compliance. A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until adoption of a plan or regulation that complies with the GMA. The GMHB must modify or rescind the determination of invalidity if it determines that the plan or regulation, as amended or made subject to interim controls will no longer substantially interfere with the goals of the GMA.

After the time to come into compliance has passed, the GMHB must have a hearing to determine whether the agency, city, or county is in compliance. A finding of compliance or noncompliance must be issued within 45 days of the hearing. If the GMHB finds the agency, county, or city to not be in compliance, it must transmit such finding to the Governor and may recommend sanctions be imposed.

Summary of Bill: The GMHB must modify or rescind the determination of invalidity if it determines that the plan or regulation as it exists after invalidated portions of the plan or regulation have been repealed will no longer substantially interfere with the goals of the GMA.

The GMHB may not issue a final order finding compliance if a county or city subject to a determination of invalidity has repealed the plan or regulations that were found noncompliant, unless the plan or regulations that will be in effect after the repeal are

compliant with the requirements of the GMA.

Appropriation: None.

Fiscal Note: Requested on January 17, 2025.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.