

SENATE BILL REPORT

SB 5197

As Reported by Senate Committee On:
Local Government, February 13, 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, 2/13/25 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Establishes that the GMHB may not issue a finding of compliance unless the county or city has amended the portion of the plan or regulations that were found noncompliant, and the resulting plan or regulations subject to the noncompliance order are compliant with the requirements of the GMA.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Bateman.

Minority Report: That it be referred without recommendation.

Signed by Senators Torres, Ranking Member; Goehner.

Staff: Karen Epps (786-7424)

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.

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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 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 (First Substitute): The GMHB may not issue a finding of compliance unless the county or city has amended the portion of the plan or regulations that were found noncompliant, and the resulting plan or regulations subject to the noncompliance order are compliant with the requirements of the GMA.

EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT COMMITTEE (First

Substitute):

- Provides that the GMHB may not issue a finding of compliance unless the county or city has amended the portion of the plan or regulations that were found noncompliant, and the resulting plan or regulations subject to the noncompliance order are compliant with the GMA.
- Removes the provision requiring the 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 GMA.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: When a development regulation or comprehensive plan goes to the GMHB and there is a finding of invalidity, the city or the county may update the regulation; plan or repeal the regulation or portion of the plan and revert back to the previous version of the regulation or plan; or they can take no action. If the old regulation or portion of the plan is out of compliance with the GMA, it is not appealable because it is past the deadline for appeal. This bill establishes that a city or county cannot repeal the regulation or portion of the plan if the original regulation or portion of the plan would also be out of compliance. The city or county is required to update the regulation or plan to comply with the GMA.

OTHER: If a jurisdiction is found in noncompliance, the remedy should not be allowing a jurisdiction to remain in noncompliance. This bill should not completely upend the way GMA works in terms of a presumption of validity and there's an opportunity for appeal. At some point, jurisdiction needs to move from planning to implementation. This change could be limited to situations in which the law or the underlying requirement has changed.

Persons Testifying: PRO: Senator Jesse Salomon, Prime Sponsor; Bryce Yadon, Futurewise.

OTHER: Carl Schroeder, Association of Washington Cities; Kelsey Hulse, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying:

OTHER: John worthington.