

# HOUSE BILL REPORT

## HB 2814

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### As Reported by House Committee On: Local Government

**Title:** An act relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties.

**Brief Description:** Concerning schedules for the review of comprehensive plans and development regulations.

**Sponsors:** Representatives Simpson, Schindler, Springer and Lantz; by request of Department of Community, Trade, and Economic Development.

#### **Brief History:**

##### **Committee Activity:**

Local Government: 1/26/06, 2/1/06 [DPS].

#### **Brief Summary of Substitute Bill**

- Allows counties and cities meeting specific population requirements to satisfy review and revision requirements of the Growth Management Act three years after applicable statutory deadlines.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

Planning jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Planning jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan.

The GMA requires all jurisdictions to satisfy specific designation and protection mandates. All local governments must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Except as otherwise provided, 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, satisfy requirements pertaining to critical areas and natural resource lands according to this same schedule. The 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.

Counties and cities required to satisfy the review and revision requirements by December 1, 2005, December 1, 2006, or December 1, 2007, may comply with the requirements for development regulations that protect critical areas one year after the applicable deadline.

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### **Summary of Substitute Bill:**

Qualifying counties that are required to satisfy the review and revision requirements of the GMA by December 1, 2005, December 1, 2006, or December 1, 2007, and every seven years thereafter, may comply with the review and revision requirements for comprehensive plans and development regulations at any time three or fewer years after the applicable statutory deadlines. Counties exercising this extension must have:

- a population of less than 50,000; and
- had a population increase of 17 percent or less in the 10 years preceding the applicable statutory deadlines.

Applying the extension scheme to cities, qualifying cities that are required to satisfy the review and revision requirements of the GMA by December 1, 2005, December 1, 2006, or December 1, 2007, and every seven years thereafter, may comply with the review and revision requirements for comprehensive plans and development regulations at any time three or fewer years after the applicable statutory deadlines. Cities exercising this extension must have:

- a population of less than 5,000; and
- had a population increase of 100 or fewer persons, or 17 percent or less, in the 10 years preceding the applicable statutory deadlines.

Population eligibility determinations for the purposes of the extensions must be made using the population of the jurisdiction on the applicable statutory deadline.

Jurisdictions exercising the extension option and complying with related requirements within the applicable extension periods may not be deemed out of compliance with the review and revision requirements of the GMA.

The extension allowing qualifying counties and cities to comply with requirements for development regulations that protect critical areas one year after applicable deadlines does not apply to jurisdictions exercising the three-year extension option.

**Substitute Bill Compared to Original Bill:**

A provision limiting the three-year extensions to only comprehensive plans and development regulations that do not protect critical areas is deleted. The eligibility criteria for cities is modified to specify that cities exercising the exemption must have a population of less than 5,000 and had population increase of 100 or fewer persons, or 17 percent or less, in the 10 years preceding the applicable deadlines. A provision permanently allowing qualifying jurisdictions to comply with review and revision requirements for development regulations that protect critical areas one year after applicable deadlines is deleted. A provision specifying that the one-year extension for review and revision requirements for development regulations that protect critical areas does not apply to jurisdictions exercising the three-year extensions is inserted. Technical changes are made.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** (Original bill) This bill is part of the Governor's 2006 Land Use Agenda. Providing some relief to smaller and slower-growing jurisdictions that fully plan under the

GMA is important, and this bill will do so. This bill recognizes that, with respect to planning requirements, one size does not fit all, as review and revision schedules for larger and faster-growing jurisdictions are not modified. Fifty-eight cities and seven counties will be eligible for the extensions under the bill. The bill is a great starting point, but its provisions should be expanded to include an extension of deadlines pertaining to critical areas requirements, and to include additional cities. It is appropriate to focus greater efforts on faster-growing areas: this bill will allow that to happen. An amendment is needed to remove the permanent expansion of the one-year of the critical areas regulations extension. An amendment is needed also to ensure that critical areas ordinances are updated before jurisdictions review and revise comprehensive plans. It is very important to protect critical areas and wildlife lands, especially those near certain trust lands. This bill is a high priority for many citizens across the state.

**Testimony Against:** None.

**Persons Testifying:** Representative Simpson, prime sponsor; Nancy Ousley, Department of Community Trade and Economic Development; Eric Johnson, Washington State Association of Counties; Eve Johnson, League of Women Voters; Ken Van Buskirk; Susan Kyle; Dave Williams, Association of Washington Cities; Kaleen Cottingham, Futurwise; Heath Packard, Audubon; and Leah McKeirnan.

**Persons Signed In To Testify But Not Testifying:** None.