

HOUSE BILL REPORT

HB 1673

*As Reported By House Committee on:
Environmental Affairs*

Title: An act relating to growth strategies.

Brief Description: Changing provisions relating to growth strategies.

Sponsor(s): Representatives Rust, Pruitt, R. Meyers, Jacobsen, Heavey, Roland, Phillips, Hine, Paris, Fraser and Wineberry.

Brief History:

Reported by House Committee on:
Environmental Affairs, March 5, 1991, DPS.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *That Substitute House Bill No. 1673 be substituted therefor, and the substitute bill do pass.*
Signed by 11 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; Neher; Phillips; Pruitt; and Sprenkle.

Minority Report: *Do not pass.* Signed by 1 member:
Representative D. Sommers.

Staff: Harry Reinert (786-7110).

Background: The 1990 Legislature adopted a broad ranging change to land use planning in Washington. HB 2929, the Growth Management Act (GMA), is the first legislation in this state to require comprehensive land use planning. One provision of that bill was a request that the Growth Strategies Commission established by Governor Gardner examine ways to improve the Growth Management Act. The commission issued its final report in September 1990.

Who Must Plan

Certain counties, and the cities located in these counties, are required to comply with various growth management requirements. A county not required to comply with the comprehensive planning requirements may decide to place

itself, and the cities located in the county, under these requirements. Fifteen counties are subject to the GMA, and eight additional counties have opted to become subject to these requirements. Grants and technical assistance are provided to counties and cities that plan under the act.

Natural Resource Lands and Critical Areas

By September 1, 1991, every county and city in the state must designate natural resource lands and critical areas within its planning jurisdiction. The natural resource lands include forest lands, agricultural lands, and mineral resource lands that have long-term commercial importance for forestry, agriculture, or mineral extraction. The critical areas include wetlands, areas with critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. In addition, those counties and cities that plan under the act must protect the designated natural resource lands and critical areas from incompatible land uses by September 1, 1991.

Comprehensive Planning

By July 1, 1993, each county and city that plans under the act must adopt comprehensive plans that include the following:

1. Urban growth areas, designated by each county after consultation with cities. If agreement is not reached, the county designates but must justify the designations;
2. Natural resource lands;
3. Critical areas; and
4. Various elements, including a land use element, housing element, capital facilities plan element, utilities element, transportation element. Counties must also include a rural element. The transportation element includes specific requirements for the provision of transportation improvements concurrently with development activity.

The comprehensive plans must be internally consistent. The elements relating to capital facilities, including transportation facilities, must be consistent and coordinated with the land use element. The comprehensive plans of counties and cities that plan under the act must be coordinated with the comprehensive plans of those counties and cities that plan under the act with which the county or

city has, in part, common borders or related regional issues.

Within one year of adopting its comprehensive plan, each county and city that plans under the act must adopt development regulations that implement its comprehensive plan. Beginning July 1, 1992, the development regulations of those counties and cities that do not plan under the act shall be consistent with its comprehensive plan.

Other GMA Provisions

Counties and cities that plan under the act may impose impact fees on development activities to finance: (1) streets and roads; (2) publicly owned parks, open spaces, and recreational facilities; (3) school facilities; and (4) city or town fire protection facilities. The fees may be imposed if the county or city has adopted a capital facilities element to its comprehensive plan that addresses the types of facilities for which impact fees are imposed.

State Environmental Policy Act

The State Environmental Policy Act (SEPA) requires all units of government to review legislation and other major actions to determine whether those actions may have a significant adverse impact on the environment. If the government determines that the legislation or major action meets this threshold determination, an environmental analysis is required to determine what those adverse impacts may be and to consider alternative courses of action that might reduce the adverse impacts. SEPA imposes a number of procedural requirements in the environmental review process. It also permits a governmental entity to condition or deny a proposal based on the impacts that proposal may have. The environmental review is accomplished by means of an environmental impact statement (EIS). An EIS is required to consider only probable, significant adverse environmental impacts.

Summary of Substitute Bill:

Natural Resource Lands and Critical Areas

All counties and cities not required to protect designated natural resource lands and critical areas by September 1, 1991, must do so by September 1, 1992.

Planning Goals

Urban growth areas are more specifically defined. These areas should be "compact, have concentrated employment centers, and provide opportunities for people to live in a variety of housing types close to where they work." These areas are also required to provide sufficient open space, natural features and parks, and critical areas. There are additional planning goals for fair share of regional and state public facilities and for protection of water resources. New development should mitigate the effect on the environment, including air quality.

Transportation systems should provide alternatives to single-occupancy vehicle automobile travel.

Economic development should be reviewed in light of its impact on air quality and water quality.

Open space should be encouraged in both regional networks and in urban growth areas. Adequate park and recreation facilities should be developed to meet expected demands.

The environmental review process under the State Environmental Policy Act (SEPA) should be conducted at the earliest point possible. The comprehensive plan and the development regulations should consolidate the SEPA environmental impact statement requirements to the fullest extent possible.

A water resource goal is added. Planning and permit decisions should protect both quality and quantity of water. If there is a demand for additional water resources, the demand should be met in conformance with the water resources plan. New growth must be related to water availability.

An air quality goal is added. Planning and permit decisions must ensure that air quality is maintained and enhanced and that new development does not reduce air quality.

Plan Elements

An environmental management element and an open space and outdoor recreation element are added. The environmental management element should minimize the impact of development on the environment and enhance air and water quality and land resources. The open space element should provide for parks, outdoor recreation, and related activities.

The land use element should protect the quantity and quality of water. It should also provide for the protection of air quality by limiting or conditioning development to avoid degradation of air quality.

The capital facilities plan element shall include an evaluation of ways to meet demands for capital facilities through means other than new capital construction, such as conservation and demand management.

The transportation plan should demonstrate that it will eliminate or reduce ambient air quality violations.

Impact Fees

In order to impose impact fees after July 1, 1993, the capital facilities plan must consider the cumulative significant adverse environmental impacts of the capital facilities plan. Impact fees may be imposed for sidewalks, bicycle trails, transit stops, and mass transit systems and alternative transportation accommodations.

State Environmental Policy Act

The environmental impact statement on a comprehensive plan is required to consider all significant adverse environmental impacts, not just those which are probable.

Air Quality Impacts

The Department of Community Development, with the Energy Office and the Department of Ecology, is directed to establish a methodology of determining the impact of new development on air quality.

Substitute Bill Compared to Original Bill: The substitute bill adds several provisions relating to air quality and water quality. The goals of comprehensive plans relating to urban growth areas and economic development are modified to incorporate these considerations. In addition, a new air quality goal is added. The land use and transportation elements are also modified to incorporate these considerations. The Department of Community Development, with the Energy Office and the Department of Ecology, is directed to establish a methodology of determining the impact of new development on air quality.

The substitute also directs that environmental review under the State Environmental Policy Act take place at the earliest point possible. The impacts that are to be considered by an environmental impact statement on a comprehensive plan are modified.

The substitute also requires local governments not required to plan under the Growth Management Act to adopt development regulations to protect natural resource lands and critical areas by September 1, 1992.

Finally, the substitute allows impact fees to be used for sidewalks, bicycle trails, transit stops, and mass transit systems.

Fiscal Note: Available. Fiscal note on substitute requested March 7, 1991.

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

Testimony For: Air and water quality needs to be given additional consideration in comprehensive plans. There needs to be better coordination between SEPA and the comprehensive planning process.

Testimony Against: None.

Witnesses: Conrad Hermsted, citizen from Renton, Washington (pro); Bruce Wishart, Sierra Club (pro); Mary Murphy, League of Women Voters of Washington (pro, with concerns); Jeff Parsons, National Audubon Society (pro); and Pete Philley, Washington Association of Prosecuting Attorneys (no position).