

HOUSE BILL REPORT

ESSB 5230

As Reported By House Committee On:
Local Government

Title: An act relating to growth management deadlines.

Brief Description: Clarifying and extending dates established under the growth management act.

Sponsors: Senate Committee on Government Operations
(originally sponsored by Senators Hargrove, Anderson, Roach, Snyder, M. Rasmussen, Haugen, Jesernig, Deccio and Oke).

Brief History:

Reported by House Committee on:
Local Government, April 2, 1993, DPA.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 11 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

Minority Report: Do not pass. Signed by 1 member: Representative Dunshee.

Staff: Steve Lundin (786-7127).

Background: The Growth Management Act was enacted in 1990 and 1991.

The Growth Management Act includes a number of requirements that every county and city that plans under all of the requirements of the act must take. In addition, the Growth Management Act includes a few requirements for all other counties and cities in the state.

The basic requirements for counties and cities that plan under all of the requirements of the Growth Management Act include:

- o Each county and city must identify and protect five separate critical areas, including wetlands.

- o Each county and city must identify and conserve natural resource lands with long term commercial significance for agriculture, forestry, or mineral resource extraction.
- o Each county legislative authority must adopt a countywide planning policy using a process agreed to by the county and cities and towns within the county. The countywide planning policy provides a framework for the comprehensive plans that the county and cities adopt.
- o Each county must designate urban growth areas within the county inside of which urban growth shall occur and outside of which urban growth shall not occur.
- o Each county and city must adopt a comprehensive plan that includes a variety of elements and designations of critical areas and natural resource lands. The comprehensive plan of a county must include its designations of urban growth areas. A comprehensive plan must be internally consistent. A comprehensive plan must be coordinated with, and consistent with, comprehensive plans of adjacent jurisdictions and jurisdictions with related regional issues.
- o Each county and city must adopt development regulations implementing its comprehensive plan.

Counties and cities that plan under all of the requirements of the Growth Management Act may impose impact fees on development activities to finance certain public facilities the need for which is directly attributable to the development activity. Impact fees may not be imposed after July 1, 1993, unless the county or city has adopted its comprehensive plan under the Growth Management Act. That is the same date when the counties and cities that are initially required to plan under all the requirements of the Growth Management Act must have adopted their comprehensive plans.

Summary of Amended Bill: The dates by which some of the actions under the Growth Management Act are required to have been taken for the initial group of counties, cities and towns that plan under all the requirements of the Growth Management Act are clarified and in certain instances extended.

The deadline by which the counties and cities must adopt their comprehensive plans is extended by up to one year one month. The Department of Community Development adopts a schedule by June 1, 1993, establishing a date from January 1, 1994 through July 31, 1994, by which the counties that were initially required to plan under all the requirements

of the Growth Management Act are required to have adopted their comprehensive plans. A city has the same deadline as the county in which it is located. Each other county and city that plans under the Growth Management Act must adopt a comprehensive plan within four years, one month of the date it becomes subject to these requirements.

Development regulations implementing the comprehensive plan must be adopted at the same time comprehensive plans are adopted, but a county or city may obtain an additional six months' extension by sending a letter to the Department of Community Development indicating its need for the time extension. The extension for a county or city that was initially required to plan under the Growth Management Act is the earlier of six months or December 31, 1994.

The deadline by which urban growth areas must be designated is separated from the requirement for adopting the full comprehensive plan and extended by three months. Counties that were initially required to plan under the Growth Management Act must designate interim urban growth areas by October 1, 1993. Every other county that plans under the Growth Management Act must designate and implement interim urban growth areas within three years and three months of the date it became subject to all the requirements of the Growth Management Act. Once an interim urban growth area is designated, counties and cities may only issue permits that are consistent with the urban growth areas. Final urban growth areas are included in the county's comprehensive plan.

The county legislative authority of a county that begins planning under all the requirements of the Growth Management Act after June 1, 1991 must adopt a countywide planning policy within 14 months of when the county came under the full Growth Management Act planning requirements.

The governor may impose sanctions on counties and cities for failing to take required actions under the Growth Management Act by withholding certain moneys that the state distributes to counties and cities. Prior to imposing sanctions, the governor must make a written finding that the county or city has not proceeded in good faith or has unreasonably delayed taking the required action. A delay that could be caused by an initiative or referendum is not an unreasonable delay.

The restriction that a county or city may not impose impact fees after July 1, 1993, unless the county or city has adopted its comprehensive plan under the Growth Management Act, is replaced with the restriction that a county or city may not impose impact fees after the date it is required to

have adopted its comprehensive plan, unless it has adopted its comprehensive plan.

Amended Bill Compared to Engrossed Substitute Bill: The distinction was made between interim and final urban growth areas. A delay associated with an initiative or referendum is not an unreasonable delay.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Counties and cities need this extension. This is basically a compromise bill.

Testimony Against: None.

Witnesses: (Original bill): Jeanette Burrage, Northwest Legal Foundation; Mary Murphy League of Women Voters (pro with concerns); Mike McCormick, Department of Community Development; David Stalheim, Clallam County; Eleanor Baxendale, 1,000 Friends of Washington; Dave Williams and Bob Mack, Association of Washington Cities; George Walk, Pierce County; Glen Hudson, Washington Association of Realtors; Dick Ducharme, Building Association of Washington; and Jeff Parsons, National Audubon Society.