

SENATE BILL REPORT

ESHB 2830

As Reported By Senate Committee On:
Government Operations, February 27, 1998

Title: An act relating to recommendations of the land use study commission.

Brief Description: Implementing recommendations of the land use study commission.

Sponsors: House Committee on House Government Reform & Land Use (originally sponsored by Representatives Reams, Romero and Lantz; by request of Land Use Study Commission).

Brief History:

Committee Activity: Government Operations: 2/24/98, 2/27/98 [DPA, DNPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and T. Sheldon.

Minority Report: Do not pass as amended.

Signed by Senators Haugen and Patterson.

Staff: Genevieve Pisarski (786-7488)

Background: Growth Management Act. The Growth Management Act (GMA) was enacted in 1990 and 1991. GMA requires all counties and cities to designate and protect critical areas and designate agricultural, forest, and mineral resource lands, and imposes additional requirements on the faster growing counties. A county may also choose to be subject to the additional requirements. A city follows the lead of the county in which it is located. Counties and cities that are subject to all the requirements of GMA are typically referred to as counties and cities planning under GMA.

The primary planning requirement under GMA is the adoption of comprehensive plans. A plan must include the following elements:

- A land use element;
- A housing element. The housing element must include: 1) an inventory and analysis of existing and projected housing needs; 2) provisions for the preservation, improvement, and development of housing; 3) an identification of sufficient land for housing; and 4) adequate provisions for existing and projected needs of all economic segments of the community;
- A capital facilities plan element;
- A utilities element;
- A rural element; and
- A transportation element. The transportation element must include a number of sub-elements. These include an inventory of air, water, and ground transportation

facilities and services, including transit alignments and general aviation airport facilities.

GMA contains 13 goals to guide the development of comprehensive plans. These include the reduction of sprawl, the encouragement of development in urban areas, and the encouragement of the availability of affordable housing.

A county planning under GMA must also adopt development regulations to assure the conservation of designated resource lands. The regulations must assure that the use of lands adjacent to resource lands not interfere with the continued use of the resource lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Specifically, counties and cities must require that all plats, short plats, development permits, and building permits issued for development activities on, or within 300 feet of, resource lands contain a notice that the property is within or near resource lands on which a variety of commercial activities may occur that are not compatible with residential development.

In 1997, the Legislature passed EHB 1472, which addressed the designation, production, and conservation of mineral resource lands. The Governor vetoed the bill and asked the Land Use Study Commission to address the concerns raised.

Counties and cities planning under GMA must review their comprehensive plans by September 1, 2002, and then at least every five years to ensure that the plan and regulations comply with GMA.

Annexation. Several methods are available for cities and towns to annex surrounding areas. The primary methods are the petition method and the election method.

In 1997, legislation (ESB 6094) was enacted expanding the circumstances in which a city could annex "islands," territory largely surrounded by a city, without a vote or petition from property owners. Code cities, which previously had authority to annex islands under 100 acres in size, were given authority to annex larger islands in existence before June 30, 1994. Non-code cities were authorized to annex "islands" if the island (regardless of size) existed before June 30, 1994. No provision was made to allow a referendum on island annexations by non-code cities, such as is in law for code cities.

Permit Time Lines. In 1995, as part of regulatory reform, the Legislature enacted ESHB 1724 to integrate environmental review with growth management planning and streamline local permitting. One of the provisions requires cities and counties planning under GMA to make decisions on project permits within 120 days after a project application is complete. Another provision waives liability for a city or county that fails to meet the time lines. The 120-day and liability waiver provisions expire on July 1, 1998. The Legislature directed the Land Use Study Commission to study the 120-day time line and report to the Legislature.

Summary of Amended Bill: Growth Management Act. The goals of GMA are modified. Regarding urban growth, language is added that urban growth areas should have concentrated employment centers, separated by critical area buffers, and need not be uniformly urban in nature.

Language is added to the housing element of comprehensive plans requiring the provisions for housing needs of all economic segments of the community to include affordable housing and adequate housing located within reasonable commuting distances to employment centers.

The inventory of transportation facilities and services required in the transportation element of comprehensive plans is expanded to include railways and state-owned facilities.

The requirement that plats and permits issued for development activities on or near designated resource lands contain a notice that resource lands are nearby is expanded from 300 to 500 feet. The notice for mineral lands must also inform that an application might be made for mining-relating activities.

As part of the required five-year review of comprehensive plans, a county and city must review its mineral resource lands designations and regulations. In its review, the county and city must consider new information, including data from the Department of Natural Resources relating to mineral resource deposits and new or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of Community, Trade, and Economic Development, or the Washington State Association of Counties.

Annexation. The date limitation for annexation of "islands" of under 100 acres by non-code cities is removed. Both code and non-code cities may annex islands of under 100 acres without regard to the date the island was created. Island annexations by non-code cities are made subject to referendum, consistent with the referendum requirements for code cities.

Permit Time Lines. The 120-day permit time line requirement and the waiver from liability for a local government that fails to meet the time requirement are extended to June 30, 2000.

Amended Bill Compared to Substitute Bill: A definition of affordable housing is removed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Affordable housing needs to be recognized as an issue. Cities support the annexation provisions. The Land Use Study Commission should be extended. Its original recommendations on annexation should be reinstated. The effect and the necessity of the added goals is unclear.

Testimony Against: None.

Testified: PRO: Faith Lumsden, City of Bellevue; Jodi Walker, BIAW; Mike Ryherd, 1000 Friends; Ryan Durkan, Harry Relant, LUSC; Glen Hudson, Realtors; Ron Schultz, Audubon; Bob Mack, Cities of Tacoma and Bellevue.