

HOUSE BILL REPORT

HB 2676

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

Brief Description: Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

Sponsors: Representatives Hatfield, Mulliken, Dunshee, Mielke, Kirby, Berkey, Edwards, Dunn, DeBolt, Crouse and Sullivan.

Brief History:

Committee Activity:

Local Government & Housing: 2/5/02, 2/7/02 [DPS].

Brief Summary of Substitute Bill

- Extends the September 1, 2002, deadlines and a schedule for scheduled review and evaluation of comprehensive plans and development regulations for Growth Management Act (GMA) jurisdictions, and for critical area and natural resource lands review for non-GMA jurisdictions.
- Requires the State Treasurer to withhold funds from a number of revenue sources if Clark, King, Kitsap, Pierce, Snohomish and Thurston counties or their cities do not meet the deadline for reviewing comprehensive plans.
- Requires best available science be used when GMA jurisdictions update their comprehensive plans, and non-GMA jurisdictions when they update their critical area ordinances and natural resource lands ordinances.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Dunshee, Chair; Edwards, Vice Chair; Berkey, Hatfield, Kirby and Sullivan.

Minority Report: Without recommendation. Signed by 5 members: Representatives Mulliken, Ranking Minority Member; Crouse, DeBolt, Dunn and Mielke.

Staff: Scott MacColl (786-7106).

Background:

The Growth Management Act (GMA) requires a county and its cities to plan if the county meets specified population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 Washington counties are required or have chosen to plan under the major GMA requirements (GMA jurisdictions).

The GMA requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. The GMA imposes additional requirements on the GMA jurisdictions, including identification and protection of critical areas; identification and conservation of agricultural, forest, and mineral resource lands; and adoption of county-wide planning policies to coordinate comprehensive planning among counties and their cities.

The GMA jurisdictions must designate urban growth areas (UGAs), within which urban growth is encouraged and outside of which urban growth is prohibited. "Urban growth" is defined in the GMA to mean growth making intensive use of land to an extent creating incompatibility with natural resource use. Counties and cities must review their UGAs and the densities permitted within every 10 years after being designated.

The GMA jurisdictions must also adopt a comprehensive plan containing certain required elements and implementing development regulations. By September 1, 2002, and every five years thereafter, the GMA jurisdictions must review their comprehensive plans and development regulations for consistency with GMA requirements and must revise their plans and regulations if necessary.

Summary of Substitute Bill:

The September 1, 2002 deadline for review and evaluation of comprehensive plans of the GMA jurisdictions is extended. Jurisdictions not planning under the GMA must also review and revise its policies and development regulations relating to critical areas and natural resource lands. The Office of Community Development is required to establish a schedule for the review to be completed on or before the following dates:

- July 1, 2004, and every five years after, for Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties and the cities within;
- December 1, 2004, and every 10 years thereafter, for Clallam, Jefferson, and Whatcom counties and the cities within;
- December 1, 2005, and every 10 years after, for Cowlitz, Island, Lewis, Mason, San

Juan, Skagit, and Skamania counties and the cities within;

- December 1, 2006, and every 10 years after, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within; and
- December 1, 2007, and every 10 years after for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Orielle, Stevens, Wahkiakum, Walla Walla, and Whitman counties, and the cities within those counties.

The State Treasurer is required to withhold the portion of revenues entitled to Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties or their cities for the motor vehicle fuel tax, the local retail sales and use tax, monies from the transportation improvement account, the rural arterial trust account, the liquor profit tax, and the liquor excise tax, if the timelines for review and evaluation of comprehensive plans are not met.

Counties and cities are required to use best available science when reviewing their comprehensive plans, and for non-GMA jurisdictions, when updating regulations for critical areas and natural resource lands.

A county or a city that begin the review and evaluation process early may be eligible for grants from the Office of Community Development, subject to funding. The GMA jurisdictions that have conducted a review and evaluation of its comprehensive plans and development regulations and, on or after January 1, 2001, has taken action in response to the review is deemed to have completed the first review required in statute. Subsequent reviews are required according to the new schedule.

Substitute Bill Compared to Original Bill:

Alters the 10 year review date after the initial review to five years for Clark, King, Kitsap, Pierce, Snohomish, or Thurston counties.

Requires the State Treasurer to withhold the portion of revenues entitled to any of these six counties or their cities for the motor vehicle fuel tax, the local retail sales and use tax, monies from the transportation improvement account, the rural arterial trust account, the liquor profit tax, and the liquor excise tax, if the timelines for review and evaluation of comprehensive plans are not met.

Requires that best available science be used when cities or counties review their comprehensive plans, and for non-GMA jurisdictions, when updating regulations for critical areas and natural resource lands.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Critical areas timelines need to be extended as Skagit County's learning curve is very steep; new data, best available science, etc. is hard to manage. There also needs to be more time to get better data. Local government funding is at a difficult phase, and the financial constraints will only continue. Island County will complete court cases and appeals five years after adoption of their plan. Under current law, they would have to review their plan the same year as they finished the appeals to the original plan. Rural counties don't have enough growth to be worrying about looking at densities this early. Also, jurisdictions are just now getting 2000 census data from Office of Financial Management.

Testimony Against: Doing house cleaning on comprehensive plans every 10 years is too long, and there needs to be certainty that the work is completed.

(Concerns) With population changes, buildable lands should be addressed sooner than every 10 years.

Testified: (In support) Representative Hatfield, prime sponsor; Jodi Slavik, Building Industry Association of Washington; Phil Bakke, Island County Association of County Planners; Kristen Sawin, Association of Washington Business; Jackie White, Washington State Association of Counties; Bob Mack, cities of Bellevue, Spokane, Tacoma and Lakewood; Chris Cheney, Washington Dairy Federation; Annie Lohman, Skagit County Farm Bureau; Jerry Litt, city of Lacey; Gary Nelson, Snohomish County; and Dave Williams, Association of Washington Cities.

(Opposed) Steve Stuart, 1000 Friends of Washington; and Larry Stout, Realtors Association.

(Concerns) Mike Flynn, Realtors Association.