

# HOUSE BILL REPORT

## ESHB 2171

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### As Passed Legislature

**Title:** An act relating to allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130.

**Brief Description:** Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.

**Sponsors:** By House Committee on Local Government (originally sponsored by Representatives Springer, Simpson, Takko, Ericks and Clibborn).

#### **Brief History:**

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

Local Government: 2/28/05, 3/2/05 [DPS].

##### **Floor Activity:**

Passed House: 3/10/05, 90-4.

Senate Amended.

Passed Senate: 4/12/05, 29-14.

House Refuses to Concur.

Passed Senate - Amended: 4/19/05, 39-10.

House Concurred.

Passed House: 4/20/05, 95-2.

Passed Legislature.

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

- Allows certain counties and cities to satisfy the review and revision requirements of the Growth Management Act (GMA) for development regulations that protect critical areas one year after the applicable date provided in statute.
- Provides that the one-year extensions apply only to specific review and revision requirements that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.
- Establishes two sets of eligibility criteria whereby counties and cities that are demonstrating substantial progress toward compliance with certain review and revision requirements may receive financial assistance from specific accounts.

- Specifies that only counties and cities complying with the statutory review and revision schedule of the GMA may receive preferences for financial assistance from specific accounts.

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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 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan, and Takko.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Woods.

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

### **Background:**

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 adopted comprehensive plans and the corresponding development regulations are subject to continuing review and evaluation by the adopting county or city. Planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a cyclical seven-year statutory schedule. Jurisdictions that are not fully planning under the GMA must 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.

Only counties and cities in compliance with the statutory schedule may receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts established in the state treasury.

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**Summary of Engrossed Substitute Bill:**

Counties and cities required to satisfy the review and revision requirements of the Growth Management Act (GMA) by December 1, 2005, December 1, 2006, or December 1, 2007, may comply with the requirements for development regulations that protect critical areas (critical areas regulations) one year after the applicable deadline provided in the statutory schedule. Jurisdictions exercising this extension option and complying with the review and revision requirements for critical areas regulations one year after the deadline must be deemed in compliance with such requirements.

Except as otherwise provided, only those counties and cities in compliance with the statutory review and revision schedule of the GMA, and those counties and cities demonstrating substantial progress towards compliance with the schedule for critical areas regulations, may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the schedule is deemed to be making substantial progress towards compliance. Additionally, notwithstanding other provisions, only those counties and cities in compliance with the review and revision schedule of the GMA may receive preferences for financial assistance from the public works assistance and water quality accounts.

Until December 1, 2005, a county or city required to satisfy the review and revision requirements of the GMA by December 1, 2004, that is demonstrating substantial progress towards compliance with applicable requirements for its comprehensive plan and development regulations may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the GMA review and revision schedule for its comprehensive plan and development regulations is deemed to be making substantial progress towards compliance.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (In support of original bill) The provisions of the bill that would allow jurisdictions to continue receiving financial assistance are very important. Support exists for an emergency clause to ensure that jurisdictions that may soon be out of compliance will remain eligible for financial assistance. The one-year extension would be welcomed by jurisdictions. The bill would be improved with more comprehensive provisions.

(With concerns on original bill) The financial provisions may provide needed relief for some jurisdictions, but the bill doesn't address several urgent issues, such as best available science. Support exists for the "good faith" concept as well as maintaining the seven-year revision schedule. The bill would benefit from tighter language.

**Testimony Against:** None.

**Persons Testifying:** (In support of original bill) Paul Parker, Washington State Association of Counties.

(With concerns on original bill) Genesee Adkins, Futurewise; and Dave Williams, Association of Washington Cities.

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