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## Local Government Committee

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### HB 2079

**Brief Description:** Establishing compliance tiers for review and revision requirements mandated by RCW 36.70A.130.

**Sponsors:** Representatives Simpson and Chase.

#### Brief Summary of Bill

- Changes the recurring review and revision schedule of the Growth Management Act (GMA) from a seven to a 10-year cycle.
- Allows qualifying counties and cities to invoke a 20-year deferral for review and revision requirements of the GMA if certain criteria are satisfied.
- Requires counties and cities to return financial assistance that was provided by the Department of Community, Trade, and Economic Development (CTED) for responsibilities that are being deferred.
- Requires the CTED, in coordination with certain state agencies, to compile sample policies and regulations that provide guidance to cities invoking the deferral option.
- Requires applicable state agencies to honor defense assistance requests from cities if a substantive challenge to a comprehensive plan or development regulation is made to a plan or regulation adopted in accordance with the sample policies and regulations.

**Hearing Date:** 2/28/05

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

#### **Background:**

##### Growth Management Act

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 (GMA jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The GMA establishes technical and adjudicative responsibilities for certain state agencies. The Department of Community, Trade, and Economic Development is charged with providing

technical and financial assistance to jurisdictions implementing the GMA. Growth Management Hearings Boards, quasi-judicial bodies established in the GMA, must, in part, hear and determine petitions alleging noncompliance with the GMA.

The GMA requires all jurisdictions to satisfy specific designation and protection mandates. All local governments must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. All local governments must also designate, where appropriate, agricultural, forest, and mineral resource lands of long-term significance in areas not already characterized by urban growth.

GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. GMA jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

#### Review and Revision Requirements

Comprehensive plans and corresponding development regulations must be subject to continuing review and evaluation by the adopting county or city. GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations at least every seven years according to a statutory schedule (review schedule). The purpose of this review and revision requirement is to ensure that comprehensive plans and development regulations comply with the GMA according to the time periods of the review 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 review schedule, which 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.

#### Buildable Lands Program

The GMA requires six western Washington counties (*i.e.*, Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a county and its cities are achieving urban densities, and identify reasonable measures, subject to statutory provisions, that will be taken to comply with GMA requirements.

#### **Summary of Bill:**

New provisions for complying with the review and revision requirements of the Growth Management Act (GMA) are established. Comprehensive plan and development regulations must be subject to review and evaluation by the adopting jurisdiction. Except as otherwise provided, jurisdictions fully planning under the GMA (GMA jurisdictions) must review and, if needed, revise their comprehensive plans and development regulations according to a cyclical ten-year statutory schedule (review schedule). Except as otherwise provided, jurisdictions that are not fully planning under the GMA must satisfy requirements pertaining to critical areas and natural resource lands according to this same review schedule.

Additional provisions for deferring and complying with the review and revision requirements of the GMA are established. Criteria for exercising the option to defer are based upon planning requirements that the jurisdiction is subject to, population, and population growth.

*Non-GMA Jurisdictions.* A county or city not fully planning under the GMA may defer specified review and revision requirements if the jurisdiction is in compliance with the GMA requirements for critical areas and natural resource lands on the earliest applicable date specified in the review schedule.

*Fully Planning Counties.* A county that is fully planning under the GMA may defer specified review and revision requirements if:

- the county has a population of fewer than 75,000 two years before the applicable date specified the review schedule;
- the population of the county has increased by 17 percent or fewer during the ten-year period concluding two years before the applicable date provided in the review schedule; and
- the county is in compliance with the GMA requirements regarding critical areas and natural resource lands on the earliest applicable date specified in the review schedule.

*Fully Planning Cities That Are Not in Buildable Lands Counties.* A city that is fully planning under the GMA that is within a county that is not subject to the buildable lands provisions of the GMA may defer specified review and revision requirements if:

- the city has fewer than 5,000 people two years before the applicable date specified in the review schedule;
- the population of the city has increased by 17 percent or fewer during the ten-year period concluding two years before the applicable date specified in the review schedule;
- the urban growth area (UGA) within which the city is located has not been enlarged since its adoption or the last update required by the GMA; and
- the city is in compliance with the GMA requirements regarding critical areas and natural resource lands on the earliest applicable date specified in the review schedule.

*Fully Planning Cities That Are in Buildable Lands Counties.* A city that is fully planning under the GMA that is within a county subject to the buildable lands provisions of the GMA may defer specified review and revision requirements if:

- the city has fewer than 1,500 people two years before the applicable date specified in the review schedule;
- the population of the city has increased by 17 percent or fewer during the ten-year period concluding two years before the applicable date specified in the review schedule;

- the UGA within which the city is located has not been enlarged since its adoption or the last update required by the GMA; and
- the city is in compliance with the GMA requirements regarding critical areas and natural resource lands on the earliest applicable date specified in the review schedule.

#### Deferral Provisions

"Defer" or "deferral" is defined to mean the jurisdiction may satisfy specific review and revision requirements of the GMA 20 years after the applicable dates specified in the review schedule. An option to defer may not be invoked consecutively.

Counties and cities that are not in compliance with the GMA, or statutes governing the Shoreline Management Act or the State Environmental Policy Act as they relate to certain requirements of the GMA, are not eligible for a deferral.

Counties and cities eligible for a deferral, unless providing written notice of the contrary to the Department of Community, Trade, and Economic Development (CTED), are presumed to be invoking the option to defer. These counties and cities, however, must notify the CTED of their deferral intentions on or before the earliest applicable date specified in the review schedule. The CTED must keep and maintain a file of jurisdictions meeting the deferral criteria.

#### Agency Responsibilities - Sample Policies and Regulations/Defense Assistance Requests

The CTED must, in coordination with the Department of Ecology and the Department of Fish and Wildlife, compile sample policies and regulations that provide guidance to cities invoking the option to defer their review and revision requirements. The policies and regulations must provide guidance to these cities pertaining to compliance with the GMA requirements for critical areas and natural resource lands. The CTED must distribute these policies and regulations to requesting cities by September 1, 2005, and, as appropriate, each subsequent year.

Cities adhering to the provisions of these policies and regulations may request defense assistance from the applicable department or departments when a substantive challenge to a comprehensive plan or development regulation adopted in accordance with the provisions of these policies and regulations is filed with a Growth Management Hearings Board. The applicable department or departments must honor these defense assistance requests.

#### Financial Provisions

Counties and cities that received grants, loans, pledges, or financial guarantees from the CTED to complete the review and revision requirements of the GMA that also invoke the option to defer must refund to the CTED financial assistance that was provided for responsibilities that are being deferred. All refunds from a deferring jurisdiction must be returned to the CTED before the earliest applicable date specified in the review schedule.

**Appropriation:** None.

**Fiscal Note:** Requested on February 27, 2005.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2005.