
Local Government Committee

HB 2620

Brief Description: Adjusting the development regulations review by counties with low population densities.

Sponsors: Representatives Schindler, Woods, Kristiansen, Roach, Bailey, Clements, Kretz, Holmquist, Nixon, Sump, Condotta, Orcutt, Rodne and Buri.

Brief Summary of Bill

- Allows counties with fewer than 100 persons per square mile to opt out of Growth Management Act (GMA) requirements pertaining to reviews and revisions of comprehensive plans and development regulations.
- Allows cities within these qualifying counties to exercise the same exemption option.
- Specifies that counties exercising the exemption option, and the cities within these counties, must comply with prescribed review and revision requirements if the county population density subsequently equals 100 or more persons per square mile.
- Establishes separate provisions requiring exempting counties, and the cities within those counties, to review and revise their comprehensive plans and development regulations, and policies and development regulations regarding critical areas and natural resource lands, when certain criteria are met.
- Removes counties with fewer than 100 persons per square mile, and the cities within those counties, from the recurring comprehensive plan and development regulations review schedule.

Hearing Date: 1/19/06

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

Department of Community, Trade, and Economic Development (DCTED) is charged with providing technical and financial assistance to jurisdictions implementing the GMA.

Among numerous planning requirements, 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 control development or land use activities. These development regulations must be consistent with and implement the comprehensive plan of the adopting jurisdiction.

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 also must designate, where appropriate, agricultural, forest, and mineral resource lands of long-term significance in areas not already characterized by urban growth.

Comprehensive plans and corresponding development regulations must be 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 at least every seven years according to a recurring statutory schedule (review schedule) that establishes completion dates throughout a four-year range. 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.

Population Information

The Office of Financial Management (OFM) is required to determine the population of each county in the state as of April 1st of each year. The OFM is also required to prepare 20-year growth management planning population projections for counties that fully plan under the GMA. These 20-year projections must be completed at least once every five years or upon the availability of decennial census data, whichever is later.

According to the OFM, as of April 1, 2005, the following counties have population densities of 100 or more persons per square mile: Clark; Island; King; Kitsap; Pierce; Snohomish; Spokane; and Thurston.

Summary of Bill:

Counties with fewer than 100 persons per square mile as determined by the OFM may opt to be exempt from review and revision requirements of the GMA pertaining to comprehensive plans and development regulations, including those for critical areas and natural resource lands. Any city within a county exercising the exemption option also may opt to exercise this exemption. Counties and cities exercising the exemption option must provide written notice of the decision to do so to the DCTED by November 1, 2007. Counties that do not or may not provide such notice, and each city within, must comply with all review and revision requirements by December 1, 2007, and every seven years thereafter.

A county exercising the exemption option, and each city within, that is subsequently determined by the OFM to have a population of 100 or more persons per square mile must review and revise

its comprehensive plan and development regulations within two years of the OFM publishing information indicating that the population threshold has been met.

Similarly, an exempting county, and each city within, must review and revise its policies and development regulations regarding critical areas and natural resource lands within two years of the OFM publishing population information indicating that the county has a population of 100 or more persons per square mile, or 15 years from the date of the jurisdiction's most recent critical areas ordinance and natural resource lands ordinance, whichever is earlier.

The recurring statutory review schedule for comprehensive plans and development regulations is modified. Counties with fewer than 100 persons per square mile, and the cities within those counties, are deleted from the review schedule.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.