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## Local Government Committee

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### SSB 6367

**Brief Description:** Requiring voluntary measures be included in critical area development regulations.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Jacobsen and Berkey).

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Encourages the employment of voluntary measures, incentives, educational programs, and alternative regulatory approaches with respect to the regulation of existing and nonconforming uses in critical areas located in rural environments.</li></ul>
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**Hearing Date:** 2/23/06

**Staff:** Thamas Osborn (786-7129).

**Background:**

***Growth Management Act Planning Requirements***

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include certain elements, including land use, housing, transportation, and rural elements.

The rural element of a comprehensive plan must specify provisions for lands not designated for urban growth, agriculture, forest, or mineral resources. Such provisions include:

- Protecting critical areas, as well as surface and ground water resources;
- Allowing counties to consider local circumstances when establishing patterns of rural densities and uses;
- Permitting specific development, varieties of densities, uses, essential public facilities, and rural government services;

- Requiring measures governing rural development, including measures to protect an area's rural character; and
- Permitting limited areas of more intensive rural development, including necessary public facilities and public services to serve such areas.

**GMA Planning Requirements for Critical Areas**

In addition to other GMA requirements, all local governments must designate and protect critical areas in both urban and rural environments. 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. Each county and city must include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas. The GMA does not define "best available science."

**Summary of Bill:**

In the regulation of existing and nonconforming uses in critical areas located in rural environments, comprehensive plans should encourage the employment of voluntary measures, incentives, educational programs, and non-GMA regulatory approaches.

Provides an intent section stating the importance of encouraging voluntary measures for the protection of the environment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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