

# SENATE BILL REPORT

## SB 5930

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As of March 9, 2005

**Title:** An act relating to establishing compliance tiers for review and revision requirements mandated by RCW 36.70A.130.

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

**Sponsors:** Senators Kastama and Mulliken.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/24/05.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Genevieve Pisarski (786-7488)

**Background:** As amended in 2002, the state's Growth Management Act (GMA) establishes a seven-year cycle for review and revision (update) of policies and development regulations concerning critical areas and resource lands, for all cities and counties, and of comprehensive plans and development regulations, for cities and counties that plan under the GMA.

**Summary of Bill:** The GMA update cycle for all cities and counties is changed from seven years to ten years. Conditions under which cities and counties may omit one update cycle are adopted.

Cities and counties that do not plan under the GMA may omit every other update, if policies and development regulations concerning critical areas and resource lands have been updated using Best Available Science (BAS).

Cities in Clark, King, Kitsap, Pierce, Snohomish and Thurston ("buildable lands") counties, but not the counties, may omit every other update, if their population is under 1,500 and has grown by less than 17 percent in the ten years before the update deadline, their urban growth area (UGA) has not been enlarged, they have updated ordinances using BAS, and they are in compliance with any applicable orders of a Growth Management Hearings Board (Board).

Other GMA cities may omit every other update, if their population is less than 5,000 and has grown by less than 17 percent in the ten years before the update deadline, their UGA has not been enlarged, they have updated ordinances using BAS, and they are in compliance with any applicable Board orders.

None of the buildable lands counties may omit any update.

Remaining GMA counties may omit every other update, if their population is less than 75,000 and has grown by less than 17 percent in the ten years before the update deadline, their UGAs

have not been enlarged, they have updated ordinances using BAS, and they are in compliance with any applicable Board orders.

Cities and counties are presumed to be omitting a required update and must provide notice, if they are omitting the first required update.

The Department of Community, Trade, and Economic Development is directed to work with the Department of Ecology and the Department of Fish and Wildlife to compile sample policies and regulations by September 1, 2005, regarding compliance with critical areas and natural resource lands requirements, for cities that omit an update cycle. These state agencies must assist these cities in defending a substantive challenge.

Cities and counties that omit an update must refund any funding provided for the omitted update.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2005.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Updates should be required only if they are necessary, based on size and circumstances; local governments urgently need relief from unnecessary updating requirements. The GMA Work Group agrees on this point. Cities and counties also urgently need help with meeting BAS requirements, which are a major problem, even when updates are in fact necessary. If some cities can skip an update, there needs to be some assurance of coordination with their counties' updates, especially in the "buildable lands" counties. The option for an extension would be better than skipping. Ten years is a logical interval, because it coincides with census, but cities and counties should not be separated, and the population threshold for counties should be lowered to 50,000. Since the state isn't fully funding required updates, it should provide the sample policies and regulations and defend them.

**Testimony Against:** The sample policies and regulations are problematic. It's unclear whether they are supposed to be rules, or something else. They will also be expensive to do. The additional burden and expense of defending them is unrealistic. The update cycle has already been extended from five years to seven. Ten years is too long. The amount of time skipped is too long in relation to negative effects on species like salmon and changes in scientific information. The focus should be on how growth is occurring and corresponding adjustments, which could mean adjustment of timeframes, improved efficiency and effectiveness, or timely adoption of the "reasonable measures" identified by "buildable lands" counties.

**Who Testified:** PRO: Nancy Ousley, CTED; Millard Deusen, WDFW; Dave Williams, AWC; Bradley J. Collins, APA; Paul Parker, WSAC.

CON: Tim Trohimovich, Futurewise; Mike Flynn, AWR.