

SENATE BILL REPORT

SSB 6611

As Amended by House, March 2, 2010

Title: An act relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans.

Brief Description: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin; by request of Washington State Department of Commerce and Department of Ecology).

Brief History:

Committee Activity: Government Operations & Elections: 2/01/10, 2/04/10 [DPS, w/oRec].

Passed Senate: 2/12/10, 47-0.

Passed House: 3/02/10, 94-2.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6611 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton.

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land-use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the GMA and a reduced number of directives for all other counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, fully plan under the GMA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. The review 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.

With limited exceptions, planning jurisdictions must review and, if needed, revise their comprehensive plan and development regulations according to this recurring seven-year statutory schedule. Exceptions include a three-year extension for qualifying counties with fewer than 50,000 residents, qualifying cities with fewer than 5,000 residents, and provisions for jurisdictions making substantial progress with certain regulatory requirements. Jurisdictions that do not fully plan under the GMA must, except as otherwise provided, meet review and revision requirements pertaining to critical areas and natural resource lands according to this same schedule.

With some exceptions, only jurisdictions that are in compliance with the review and revision requirements of the GMA according to the review schedule are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

Summary of Substitute Bill: Following the review of comprehensive plans and development regulations that were to be completed by jurisdictions between December 1, 2004, and December 1, 2007, counties and cities must review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the GMA. The review deadlines are as follows:

- on or before December 1, 2014, 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, 2015, 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, 2016, 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, 2017, 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.

Qualifying counties with fewer than 50,000 residents, and qualifying cities with fewer than 5,000 residents that are obligated to comply with review and revision requirements under these deadlines, and every seven years thereafter, may comply with these deadlines at any time within three-years after the deadline.

Jurisdictions that comply with the review and revision deadlines, demonstrate substantial progress toward compliance with the schedules for development regulations that protect critical areas, or comply with three-year extension provisions, are eligible to receive financial assistance from the Public Works Assistance Account and the Water Quality Account.

Amendments to a comprehensive land use plan and development regulations may be considered more frequently than once a year for the development of an initial subarea plan for economic development located outside the of the 100-year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is at the request of the Department of Commerce (Commerce) and the Department of Ecology (Ecology). Currently, shoreline master program updates and comprehensive plan updates are on the same seven-year timeline. Historically, funding has been provided from the state to help local governments with both of those updates. The Governor's budget removes the funding to local governments to help with comprehensive plan updates and this bill extending the timelines for three years is in response to this funding not being available to local governments. The passage of this legislation will relieve counties with very limited resources from having to do comprehensive plan updates without the assistance from the state. This bill will set different update times for comprehensive plan updates and shoreline master program updates. This bill helps every one of the 281 cities in Washington. Cities and counties would like to see everything on a ten-year review cycle with the shoreline master program updates a year or two after the comprehensive plan updates.

Persons Testifying: PRO: Leonard Bauer, Commerce; Lee Grose, Bob Johnson, Lewis County; Tom Clingman, Ecology; April Putney, Futurewise; Josh Weiss, Washington Association of Counties; Dave Williams, Association of Washington Cities.

House Amendment(s): The House amendment modifies the requirements pertaining to amending a comprehensive plan for the initial adoption subarea plan. A comprehensive plan amendment for the initial adoption of a subarea plan may occur more frequently than annually if the subarea plan clarifies, supplements, or implements jurisdiction-wide comprehensive plan policies. These subarea plans may only be adopted if the cumulative impacts of the proposed

plan are addressed by appropriate environmental review under the State Environmental Policy Act. A related requirement specifying that the initial adoption of a subarea plan may not modify the comprehensive plan policies and designations applicable to the subarea is deleted.