

SENATE BILL REPORT

SB 5243

As of February 9, 2011

Title: An act relating to the establishment of a process to support local jurisdictions for outstanding progress in implementing the growth management act.

Brief Description: Establishing a process to support local jurisdictions that have made outstanding progress in implementing the growth management act.

Sponsors: Senators Tom, Prentice, Shin, Nelson, Chase and Kline.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/08/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

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. The Department of Commerce provides technical and financial assistance to local governments that must satisfy obligations of the GMA.

Local governments planning under GMA must adopt comprehensive land use plans that are generalized, coordinated land use policy statements of the jurisdiction's governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The GMA also establishes numerous planning goals that must be used for guiding the development and adoption of comprehensive plans and the locally-adopted development regulations that implement the plans.

Local governments are eligible to participate in a variety of statutory grant and loan programs, including:

- the Public Works Assistance Account (for public works projects);
- the Water Pollution Control Facilities and Activities Program (for water pollution abatement actions); and
- the Housing Trust Fund (for the provision of low-income housing).

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.

Summary of Bill: The Department of Commerce (Commerce) must establish a process and criteria by which local governments that consistently achieve outstanding progress in implementing the GMA may qualify for additional points in competitive scoring of grants and loan programs that assist local governments in carrying out their obligations under GMA. Commerce must develop the process and criteria in a manner and on a timeline that takes into account state grant and loan funding cycles. The grant and loan programs that Commerce must direct its efforts to include: the Public Works Assistance Account, the Safe Drinking Water Revolving Loan Fund, the Housing Trust Fund, and other specified funding programs.

In developing the required process and criteria, Commerce must utilize performance tools that can serve as a measuring stick for evaluating the progress of local jurisdictions in implementing the goals of the GMA, including:

- land use elements that maximize a jurisdiction's ability to accommodate density and more intense growth;
- housing elements that afford a rich and diverse range of housing stock and ensure a certain percentage of affordable housing stock;
- transportation elements that accommodate all modes of transportation;
- utilities elements that maximize available lands and resources by creating regional conveyance and detention facilities; and
- parks elements that ensure the accommodation of open space and trail space in high-density areas.

Upon completing its efforts within a prescribed timeframe, Commerce must issue a report to the Governor and the Legislature.

Appropriation: None.

Fiscal Note: Requested on February 5, 2011.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Every city and county plans under GMA in some form or another, so everyone would be eligible. The question would be to what degree does a city or a county plan under GMA. This bill looks at what each city and county is required to do under GMA and how they are doing complying with GMA as it pertains to them. This bill provides a good incentive to encourage the right types of action. The purpose of this bill is to come up with a process to reward jurisdictions who have done good work without penalizing other jurisdictions. This bill would set up a process within available resources to try to reward good jurisdictions. This would not affect those jurisdictions that need the grants and loans for core issues, such as public health and safety.

CON: There is concern that this bill was written in a city-centric way. This bill turns the grant and loan process on its head and could end up moving money from jurisdictions that need the assistance to those jurisdictions that do not need as much assistance. This bill could make it more difficult for local jurisdictions that need the assistance to qualify for loans and grants. There is an issue of criteria fatigue considering there are 12 agencies and 85

programs that provide infrastructure funding for local jurisdictions and each one of those have different criteria.

OTHER: There are a number of questions around implementation of this bill. There would be a fiscal impact to Commerce. The due date of the report to the Legislature would need to be amended. There is an issue with the jobs/housing balance discussed in the bill. During a time of shrinking resources, there is concern about the potential impacts under the Housing Trust Fund on rural areas.

Persons Testifying: PRO: Doug Levy, Cities of Redmond, Everett, and Renton; April Putney, Futurewise.

CON: Josh Weiss, Washington State Association of Counties.

OTHER: Leonard Bauer, Department of Commerce; Nick Federici, Washington Low-Income Housing Alliance.