
Local Government Committee

HB 1373

Brief Description: Repealing growth management planning requirements in chapter 36.70A RCW.

Sponsors: Representatives Taylor, Griffey, Shea, Scott, G. Hunt, Young, Magendanz, Condotta, Wilson and McCaslin.

Brief Summary of Bill

- Repeals the Growth Management Act (GMA).
- Directs the Department of Commerce to, by December 1, 2015, prepare recommendations to modify or repeal statutory provisions affected by the repeal of the GMA.

Hearing Date: 3/4/15

Staff: Ethan Moreno (786-7386).

Background:

I. Growth Management Act Introduction.

Multi-tiered Planning, Agency Assistance.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties, and the cities within, that are obligated by population-based criteria or choice to satisfy all requirements of the GMA.

The Department of Commerce provides technical and financial assistance to jurisdictions that must implement requirements of the GMA.

II. Requirements Applying to All Counties and Cities.

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.

Designation of Critical Areas and Natural Resource Lands, Associated Protections.

The GMA requires all counties and cities to designate, where appropriate, environmentally sensitive areas, and natural resource lands of long-term commercial significance. These designation requirements apply to:

- agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
- environmentally sensitive areas known as "critical areas."

In addition to the designation requirements, all counties and cities must adopt development regulations that protect the designated critical areas. Jurisdictions that fully plan under the GMA must also adopt development regulations to assure the conservation of designated natural resource lands of long-term commercial significance.

III. Requirements Applying to Fully Planning Jurisdictions.

Comprehensive Land Use Plans and Development Regulations.

Counties and cities that fully plan under the GMA (planning jurisdictions) must adopt internally consistent comprehensive land use plans (comprehensive plans) that express the general land use policies of the jurisdiction. Comprehensive plans must include specific elements, including land use, rural, and transportation elements, each of which is a subset of the jurisdiction's complete plan.

Comprehensive plans are implemented through development regulations of the county or city. While the development regulations are locally adopted, the development and adoption of the plans and regulations must be guided by a non-prioritized list of planning goals established in the GMA. Comprehensive plans and development regulations are subject to recurring review and revision requirements prescribed in the GMA.

Requirements Unique to Counties: Countywide Planning Policies and Urban Growth Areas.

Counties that fully plan under the GMA (fully planning counties) must adopt a countywide planning policy (CPP) in cooperation with the cities located wholly or partially within the county. A CPP is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted. Countywide planning policies must include specified planning provisions, including policies for the promotion of contiguous and orderly development, policies for the provision of urban services, and policies for siting public capital facilities of a county-wide or statewide nature.

Fully planning counties also must designate urban growth areas (UGAs) areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. These same counties, and each city within, must include within their UGAs, areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

IV. Voluntary Stewardship Program.

Legislation enacted in 2011 (Engrossed Substitute House Bill 1886, enacted as ch. 360, Laws of 2011) established the Voluntary Stewardship Program (VSP). The VSP, which is administered by the Washington State Conservation Commission, seeks to protect and enhance critical areas on lands used for agricultural activities through voluntary actions by agricultural operators.

The VSP provides a watershed-oriented framework for protecting critical areas in areas used for agricultural activities that is an alternative to the traditional practice of protecting these areas through development regulations mandated by the GMA. The legislative authorities of 28 counties have elected to protect these critical areas through the VSP, with two counties (Chelan and Thurston Counties) receiving state funds for program implementation.

V. Adjudication.

Growth Management Hearings Board.

The GMA establishes a seven-member quasi-judicial Growth Management Hearings Board (Board) to make determinations related to the implementation of the GMA. The Board has limited jurisdiction and may only hear and determine petitions alleging:

- that a state agency or planning jurisdiction is noncompliant with the GMA, specific provisions of the Shoreline Management Act, or certain mandates of the State Environmental Policy Act relating to qualifying plans, regulations, or amendments;
- that the 20-year planning population projections adopted by the Office of Financial Management should be adjusted;
- that an approval or rejection of a county work plan by The Department of Commerce (Commerce) for the VSP is noncompliant with specific VSP requirements;
- that county regulations adopted to comply with VSP requirements are not rationally applicable and cannot be adopted by another jurisdiction in the implementation of the VSP; or
- that Commerce's certification of county development regulations adopted to protect certain critical areas in conformity with VSP requirements is erroneous.

Each petition for review that is filed with the Board must be heard and decided by a regional three-member panel of Board members. The Board must make findings of fact and prepare a written decision in each decided case. Final decisions of the Board may be appealed to the superior court. Additionally, if all parties agree, the superior court may directly review a petition filed with the Board.

Summary of Bill:

The Growth Management Act (GMA) is repealed. The Department of Commerce must prepare recommendations to modify or repeal statutory provisions associated with the GMA that are affected by its repeal. The recommendations, which must be in the form of draft legislation, are due to the appropriate committees of the House of Representatives and the Senate by December 1, 2015.

Appropriation: None.

Fiscal Note: Requested on February 26, 2015.

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