

SENATE BILL REPORT

SB 5985

As Reported by Senate Committee On:
Government Operations & Security, February 19, 2015

Title: An act relating to extending the date for allowing certain counties and cities to not plan under the growth management act.

Brief Description: Extending the date for allowing certain counties and cities to not plan under the growth management act.

Sponsors: Senator Dansel.

Brief History:

Committee Activity: Government Operations & Security: 2/19/15 [DP, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Dansel.

Minority Report: Do not pass.

Signed by Senators Habib and McCoy.

Minority Report: That it be referred without recommendation.

Signed by Senator Liias, Ranking Minority Member.

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, GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under GMA and a reduced number of directives for all other counties and cities. GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through locally adopted development regulations.

Additionally GMA requires all counties and cities to satisfy specific designation mandates for natural resource lands. All counties and cities must designate, where appropriate, agricultural

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lands that are not characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products. All counties and cities must also designate and protect environmentally sensitive critical areas. These protection requirements obligate local governments, using the best available science, to adopt development regulations, also known as critical areas ordinances, that comply with specified criteria.

A county obligated by mandate to fully plan under GMA is one that either has a population of 50,000 or more and has experienced a population increase of more than 17 percent in the previous ten years; or has experienced a population increase of more than 20 percent over the previous ten years, regardless of population.

A county obligated by choice to fully plan under GMA is one that, not meeting the population requirements described above, has adopted a resolution subjecting itself, and cities located in the county, to the full requirements of GMA (resolution of intention). With one exception, once a resolution of intention is adopted, the county and its cities remain subject to all GMA planning requirements. The following counties adopted resolutions of intention: Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Kittitas, Pacific, Pend Oreille, Stevens, and Walla Walla. Legislation adopted in 2014 provides that, until December 31, 2015, certain counties – Columbia, Ferry, Garfield, and Pend Oreille – that previously chose to fully plan under GMA may adopt a resolution for partial planning (resolution) removing the county and the cities within from requirements to fully plan under GMA.

Upon adoption of a resolution, the county and the cities within are no longer obligated to fully plan under GMA. The adoption of a resolution, however, does not nullify or otherwise modify requirements of GMA for counties and cities relating to the following:

- designating natural resource lands;
- designating and protecting critical areas;
- employing the best available science in designating and protecting critical areas; and
- the rural element of a comprehensive plan.

Each county that adopts a resolution and the cities within must, within one year of the adoption of the resolution, adopt development regulations to assure the conservation of designated natural resource lands. These regulations may not prohibit uses legally existing on any parcel prior to their adoption, and must assure that the use of lands adjacent to the designated natural resource lands do not interfere with the continued use, in the accustomed manner, and in accordance with best management practices, of the lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Summary of Bill: Until December 31, 2016, certain counties – Columbia, Ferry, Garfield, and Pend Oreille – that previously chose to fully plan under the GMA may adopt a resolution for partial planning removing the county and the cities within from requirements to fully plan under GMA.

Appropriation: None.

Fiscal Note: Not requested.

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: This bill is a fix to a bill from last year. The bill from last year did not give municipalities enough time to have a good public participation process and allow time for good stakeholder meetings. Some of the counties would like a little more time to study the issue to see if they want to opt out of GMA. These counties would like to do more roundtable discussion. This bill gives counties enough time to assemble stakeholders, the city, the county, and the public. This bill will allow counties to have more time to hold public meetings and more fully address any of the concerns that the public and the city might have. This bill will also give the counties more time to work with the Department of Commerce to answer questions from the public.

OTHER: Extending the timeframe for one year is acceptable.

Persons Testifying: PRO: Senator Dansel, prime sponsor; Karen Skoog, Commissioner, Pend Oreille County.

OTHER: Bryce Yadon, Futurewise.