
Environment & Energy Committee

HB 1213

Brief Description: Granting local governments the authority to make challenges related to growth management planning subject to direct review in superior court.

Sponsors: Representatives Shea, McCaslin and Young.

Brief Summary of Bill

- Authorizes counties with populations of less than 600,000 to adopt an ordinance that provides exclusive superior court jurisdiction for petitions filed under the Growth Management Act (GMA) to which the county is a party.
- Authorizes cities, in counties that have adopted direct review ordinances, to adopt an ordinance that provides exclusive superior court jurisdiction for petitions filed under the GMA to which the city is a party.
- Provides that a direct review ordinance may be effective for a term of five or fewer years, with the option to extend the ordinance for one additional period of five or fewer years.

Hearing Date: 2/4/19

Staff: Robert Hatfield (786-7117).

Background:

Growth Management Act: Introduction.

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 Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

Growth Management Act: Comprehensive Plans.

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.

The GMA directs jurisdictions that fully plan under the GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA. Each comprehensive plan must also include a plan, scheme, or design for certain specified elements, including a rural element.

Growth Management Act: Petitions for Review.

The GMA includes enforcement and penalty provisions for public entities. A seven-member Growth Management Hearings Board (Board) established under the GMA is charged with hearing and determining petitions alleging noncompliance by state agencies, counties, or cities with the GMA and related statutory provisions. The Board must make findings of fact and prepare a written decision. Final decisions and orders of the Board may be appealed to superior court. Additionally, if all parties agree, the superior court may directly review a petition filed with the Board.

Summary of Bill:

As an alternative to existing provisions for direct superior court review under the Growth Management Act (GMA), counties with a population of fewer than 600,000 may adopt an ordinance of direct review that provides the superior court with exclusive jurisdiction over petitions to which the county is a party that would otherwise qualify for review with the Growth Management Hearings Board (GMHB).

Upon the adoption of such an ordinance by a county, any city within the county may also adopt an ordinance of direct review that provides the superior court with exclusive jurisdiction over petitions to which the city is a party that would otherwise qualify for review with the GMHB.

County or city ordinances of direct review may be effective for a term of five or fewer years. A county or city may extend the term of the ordinance for one additional period of five or fewer years. A city that chooses to extend its ordinance may do so independently of whether the county in which the city is located chooses to extend its ordinance.

Matters pending before a court on the date that an ordinance of direct review expires remain subject to the exclusive jurisdiction of the court.

Except as otherwise provided in the GMA, matters pending before the GMHB on or after the effective date of a direct review ordinance remain subject to the jurisdiction of the GMHB.

The authorization for direct review ordinances expires December 31, 2027.

Appropriation: None.

Fiscal Note: Requested on January 29, 2019.

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