

# SENATE BILL REPORT

## SB 6150

---

---

As of January 14, 2020

**Title:** An act relating to the effective date of certain actions taken under the growth management act.

**Brief Description:** Concerning the effective date of certain actions taken under the growth management act.

**Sponsors:** Senators Salomon, Liias, Van De Wege, Nguyen, Billig, Rolfes and McCoy.

**Brief History:**

**Committee Activity:** Local Government: 1/14/20.

**Brief Summary of Bill**

- Sets an effective date for actions relating to urban growth areas; agricultural, forest, or mineral resource lands; limited areas of more intensive rural development; new fully contained communities; or master planned resorts.

---

### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Staff:** Greg Vogel (786-7413)

**Background:** Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA:

- the county legislative authority must adopt a countywide planning policy;
- the county and cities within the county must adopt comprehensive plans and designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and
- the county and cities within the county must designate and take other actions related to urban growth areas (UGAs).

Urban Growth Areas. Counties that fully planning under the GMA must designate UGAs, within which urban growth must be encouraged, and outside of which growth may occur

---

*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.*

only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Natural Resource Lands and Critical Areas Designations. Under the GMA, all counties and cities are obligated to designate, where appropriate, natural resource lands of long-term commercial significance, and environmentally sensitive areas. These designation requirements apply to:

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

Limited Areas of More Intensive Rural Development. The rural element of county comprehensive plans allows for designation of limited areas of more intensive rural development (LAMIRDs), including public facilities and services for LAMIRD. Counties are authorized to designate three types of LAMIRDs.

Type I LAMIRDs consist of infill, development, or redevelopment of commercial, industrial, residential, or mixed-use areas that existed as of July 1, 1990, at the time a county became required to plan under the GMA, or at the time a county chose to plan under the GMA. Type II LAMIRDs consist of intensification or new development of small-scale recreational or tourist uses not including new residential development. Type III LAMIRDs consist of isolated intensified development of nonresidential uses or of new development of isolated cottage industries and small-scale businesses.

Counties must adopt measures to minimize and contain existing areas subject to LAMIRDs. Counties must establish a logical outer boundary for LAMIRD lands, beyond which LAMIRDs may not extend. In establishing the logical outer boundary, the county shall address:

- the need to preserve the character of existing natural neighborhoods and communities;
- physical boundaries, such as bodies of water, streets and highways, and land forms and contours;
- the prevention of abnormally irregular boundaries; and
- the ability to provide public facilities and public services in a manner not permitting low-density sprawl.

New Fully Contained Communities. GMA-planning counties may establish a process, as part of its UGAs, for reviewing proposals to authorize new fully contained communities located outside of the initially designated UGAs. A new fully contained community may be approved by a county if certain criteria are met, such as new infrastructure and impact fees, transit-

oriented planning, and provisions limiting urban growth and protecting the environment and critical areas.

Counties must also reserve a portion of the twenty-year population projection and offset the UGA for allocation to new fully contained communities. Any county electing to establish a new community reserve must do so no more than once every five years as part of the designation or review of UGAs. Final approval of an of an application for a new fully contained community must be considered an adopted amendment to the comprehensive plan, designating the new fully contained community as a UGA.

Master-Planned Resorts. Master-Planned Resorts (MPR) are self-contained and fully integrated planned unit developments, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities. GMA-planning counties may permit MPRs which may constitute UGAs, subject to certain limitations. Capital facilities, utilities, and services, including those related to sewer, water, stormwater, security, fire suppression, and emergency medical, provided on-site must be limited to meeting the needs of the MPR. An MPR may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

Growth Management Hearings Board. A seven-member board established under the GMA is charged with hearing and determining petitions alleging noncompliance with the GMA by state agencies, counties, or cities. Petitions that relate to whether an adopted comprehensive plan or development regulation complies with the GMA must be filed within 60 days after publication of the action. For counties, the date of publication is the date that the county publishes a notice that it has adopted the comprehensive plan or development regulations. For cities, the date of publication is the date the city publishes the ordinance adopting the comprehensive plan or development regulations.

The board must issue its final decision and order within 180 days, with limited exceptions. In the final order, the board must either find the agency, county, or city in compliance or not in compliance. If found not in compliance, the matter is remanded back to the agency, county, or city and it has 180 days to come into compliance.

**Summary of Bill:** The effective date of an action that expands a UGA; removes the designation of agricultural, forest, or mineral resource lands; creates or expands a LAMIRD; establishes a new fully contained community; or creates or expands an MPR after the latest of the following dates:

- 60 days after the date of publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation, modifying the boundaries of the UGA; or
- if a petition for review to the Growth Management Hearings Board is timely filed, upon issuance of the board's final order.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2020.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is about closing loopholes where developments are vested to illegal regulations past at the time, which are later changed and repealed. This is an extremely disruptive process that should not happen. Currently, if the board overturns a regulation, the local jurisdiction is unable to undo the permit. This bill does not affect the vested rights doctrine, but rather, changes the effective date of the local regulation change. It is an easy way to smooth out loopholes without going into doctrinal issues.

The bill makes the planning and development process more predictable. Otherwise, local governments are stuck with a patchwork of vested rights to regulations overturned on appeal. This has been a long standing issue. Recently, in Spokane, it took a long time for Spokane County to get back into compliance, causing them to miss out on a whole host of grants.

CON: The presumption in GMA is that the local government's action is valid. Everything in this bill occurs after extensive public notice and involvement. Sometimes there is an administrative action, sometimes an application for a particular project—either way, the presumption of validity is there.

This bill changes how laws and rules are adopted in this state. This bill would make it so that local actions are presumed invalid until approved either by a court or by an unelected board.

**Persons Testifying:** PRO: Senator Jesse Salomon, Prime Sponsor; Bryce Yadon, Futurewise; Steve Roberge, Commerce; Jasmine Vasavada, Commerce.

CON: Jan Himebaugh, Building Industry Association of Washington; Paul Jewell, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** No one.