

SENATE BILL REPORT

E2SHB 1241

As Passed Senate, March 3, 2022

Title: An act relating to planning under the growth management act.

Brief Description: Planning under the growth management act.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet).

Brief History: Passed House: 2/13/22, 55-43.

Committee Activity: Housing & Local Government: 3/16/21, 3/24/21 [DPA-WM, DNP, w/oRec]; 2/22/22, 2/23/22 [DP, DNP].

Ways & Means: 3/31/21, 4/02/21 [DPA (HLG), DNP, w/oRec].

Floor Activity: Passed Senate: 3/3/22, 27-21.

Brief Summary of Bill

- Increases the review and revision cycle for comprehensive plans under the Growth Management Act from eight to ten years.
- Extends the deadline for the next comprehensive plan update for King, Kitsap, Pierce, and Snohomish counties, and for the cities within those counties, from June 30, 2024, to December 31, 2024.
- Requires certain counties and cities to submit an implementation progress report with certain required information to the Department of Commerce five years after reviewing and revising a comprehensive plan, and, if any action needed to implement changes in the most recent comprehensive plan update has not occurred at the time of the report, to create a work plan to take any needed actions within two years.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: Do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Cleveland, Lovelett, Salomon and Trudeau.

Minority Report: Do not pass.

Signed by Senators Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Sefzik, Warnick and Wilson, J.

Staff: Maggie Douglas (786-7279)

Background: The Growth Management Act (GMA) requires certain counties, and the cities within those counties, engage in planning for future population growth. Counties that have a population of 50,000 or more and, prior to May 16, 1995, had its population grow by 10 percent or more, or, after May 16, 1995, by 17 percent or more in the prior ten years are covered by the GMA. So too, is any county that experiences population growth of 20 percent. Counties with populations under 50,000, that would otherwise be required to plan, can remove themselves from the GMA's comprehensive planning requirements. Counties that do not meet the standards for automatic inclusion in the GMA may choose to be included. Eighteen counties are required to plan, ten have chosen to plan, and 11 are not subject to the full GMA planning requirements.

Whether a county is automatically required to plan under the GMA or voluntarily chooses to, the planning requirements are largely the same. The county must develop a countywide planning policy to provide a framework in which the county and the cities within the county can develop consistent comprehensive plans. The county and cities must adopt development regulations to conserve agricultural lands, forestlands, and mineral resource lands. The county and cities must also adopt urban growth area (UGA) regulations. The county and cities must adopt a comprehensive land use plan and adopt development regulations consistent with the plan.

The comprehensive plan is the central part of the whole planning process. The Legislature established 13 goals to act as the basis of all comprehensive plans. Examples include reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan must address these goals and set out the policies and standards meant to guide the city or county's actions and decisions in the future. Comprehensive plans must contain certain elements, such as a land use element, a housing element, and a capital facilities plan element. These elements must satisfy the requirements for each individual element while fitting within the overall comprehensive plan.

Within 14 months of a county initially becoming subject to the GMA's requirements, the county must adopt a countywide planning policy in consultation with the cities within the county. Countywide planning policies must address UGAs, policies to promote orderly development, policies for siting state or countywide capital facilities, policies and strategies for countywide transportation, policies considering the need for affordable housing, policies for countywide economic development, and the fiscal impact of these policies. When

adopting countywide planning policies, federal agencies and Indian tribes may participate in and cooperate with the plan-adoption process.

Every eight years, a county, or county that is planning under the GMA, must review and revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the GMA. This review and revision requires legislative action from the county or city. The county and cities must establish a public participation program that provides notice to various interested or impacted individuals and organizations, including Indian tribes, who can become involved in the process. The county and cities may generally only consider updates to the comprehensive plan once a year. The county must also update its designated UGAs.

The eight-year reviews and revision deadlines are staggered for counties as follows:

- June 30, 2024 for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;
- June 30, 2025 for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom, and the cities within those counties;
- June 30, 2026 for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima, and the cities within those counties; and
- June 30, 2027 for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman, and the cities within those counties.

Each of these counties, and the cities within those counties, must update their comprehensive plans every eight years after the current deadline.

Before adopting a comprehensive plan, or an amendment to a comprehensive plan or development regulation in the comprehensive plan, a city or county must notify the Department of Commerce (Commerce) at least 60 days prior to the final adoption of the plan.

Summary of Bill: Comprehensive plans must be reviewed and revised every ten years. The deadline for the review and, if necessary, revision of the comprehensive plans of King, Kitsap, Pierce, and Snohomish counties, and the cities within those counties, is extended by six months to December 31, 2024.

Counties planning or choosing to plan under the GMA that have a population of 200,000 and a population density of at least 100 people per square mile on or after April 1, 2021; and have grown by an annual rate of 1.75 percent or more and have a population density of at least 75 people per square mile on or after April 1, 2021, or both; as well as cities with a population of more than 6000 people as of April 1, 2021, within counties that satisfy either or both of these criteria, must provide Commerce with an implementation progress report five years after the adoption of a comprehensive plan. Once a county meets either or both of these requirements, the implementation progress report requirements remain in effect

even if the county no longer meets either or both criteria.

Commerce must develop guidelines for the criteria and measures for counties and cities to use in the implementation progress report. The guidelines must address:

- the implementation of previously adopted changes to the housing element of the comprehensive plan and the effect of those changes on housing affordability and availability within the jurisdiction;
- permit processing timelines; and
- progress toward implementing actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any of the elements of the comprehensive plan.

If a county or city required to provide an implementation progress report has not implemented any specifically identified regulations or legislative or administrative actions necessary to implement the changes included in the most recent update to the comprehensive plan by the due date for the implementation progress report, then the county or city must identify the need for such changes or actions in the report. The county or city must adopt a work plan to implement necessary regulations, changes, or legislative or administrative action identified in the progress report and complete all work necessary for implementation within two years of submission of the report.

Appropriation: None.

Fiscal Note: Available.

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 (Regular Session 2022): PRO: This bill provides extra time for cities and counties to do comprehensive planning work, and is part of a larger package that stakeholders have been working on for multiple years. The extension of two years gives local governments time to better understand the implications of each of their updates made in the last review cycle, and establish a well-informed framework to meet these planning goals. The five year implementation report is a helpful measure for local governments to stay on track for meeting their planning goals.

CON: We're in a climate emergency and it needs to be addressed by the GMA immediately, not in ten years.

OTHER: We are generally supportive. The last several update cycles have trended towards nine to ten year update periods, with delays. This extension, coupled with the five year implementation report, makes it a bill we will support moving forward.

Persons Testifying: PRO: Representative Davina Duerr, Prime Sponsor; Carl Schroeder, Association of Washington Cities; Paul Jewell, Washington State Association of Counties.

CON: John Worthington.

OTHER: Bryce Yadon, Futurewise.

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