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## Local Government Committee

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### SSB 5374

**Brief Description:** Concerning the adoption of county critical area ordinances by cities.

**Sponsors:** Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Shewmake and Torres).

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Allows a city of fewer than 25,000 people to adopt the county's critical area regulations by reference in order to satisfy critical area requirements under the Growth Management Act.</li></ul>
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**Hearing Date:** 3/15/23

**Staff:** Kellen Wright (786-7134).

**Background:**

The Growth Management Act (GMA) requires that 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 their population grow by 10 percent or more in the proceeding 10 years, or, after May 16, 1995, by 17 percent or more in a 10-year period are covered by the GMA. So too is any county that experiences population growth of 20 percent or more over 10 years. Counties with populations under 50,000, that would otherwise be required to plan, can remove themselves from the GMA's comprehensive planning requirements. Conversely, counties that do not meet the standards for automatic inclusion in the GMA may choose to be included. Currently, 18 counties are required to plan, 10 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

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planning requirements are largely the same. The central part of the planning process is the comprehensive plan. The Legislature has established 14 goals that should act as the basis of all comprehensive plans. The comprehensive plan must address these goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future.

While comprehensive planning requirements are only applicable to counties or cities fully planning under the GMA, other GMA requirements are applicable to all counties and cities regardless of planning status. All counties and cities are required to designate natural resource lands and adopt development regulations that protect critical areas.

These development regulations are required to be reviewed on a 10-year cycle, with the deadlines for review staggered for different counties. The next review deadline is December 31, 2024, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties. The Department of Commerce can provide grants to counties and cities to assist with the preparation of comprehensive plan and development regulation updates, with the amount of the grant depending on whether the jurisdiction is a county or a city, the size of the jurisdiction, and whether the jurisdiction is fully planning under the GMA.

Natural resource lands include agricultural lands that are not characterized by urban growth and that have long-term significance for commercial production of food and other agricultural products; forestlands not characterized by urban growth that have long-term significance for the production of timber; and mineral lands not characterized by urban growth that have long-term significance for the extraction of minerals.

Critical areas are wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

When designating and adopting development regulations to protect the functions and values of critical areas, counties and cities must use the best available science. The Department of Commerce has adopted guidelines for determining the best available science, including that the information used should be derived using a scientifically valid process.

### **Summary of Bill:**

A city with a population of fewer than 25,000 people may adopt the county's critical area regulations by reference to satisfy the requirement that the city designate and protect critical areas, as long as the county's regulations are not subject to any outstanding administrative or judicial appeals. This adoption must include the incorporation of future county amendments to the regulations. A city that adopts the county regulations by reference is not required to review and revise its critical area regulations every 10 years.

If a city that is fully planning under the GMA adopts a county's critical area regulations by reference, and the city would receive a grant for review and revision of its comprehensive plan

and development regulations, then the county is entitled to receive that portion of the grant that would have gone toward the city's review and revision of critical area development regulations. The Department of Commerce is authorized to make the determination of what portion of a grant the county is entitled to receive.

**Appropriation:** None.

**Fiscal Note:** Requested on March 9, 2023.

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