

HOUSE BILL REPORT

SSB 5374

As Passed House:

April 11, 2023

Title: An act relating to the adoption of county critical area ordinances by cities.

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).

Brief History:

Committee Activity:

Local Government: 3/15/23, 3/22/23 [DP].

Floor Activity:

Passed House: 4/11/23, 97-0.

Brief Summary of Substitute Bill

- 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.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg, Griffey and Riccelli.

Staff: Kellen Wright (786-7134).

Background:

The Growth Management Act (GMA) requires that certain counties, and the cities within

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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 preceding 10 years, or, after May 16, 1995, by 17 percent or more in a 10-year period are required to fully plan under 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 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.

Comprehensive plans and critical area 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 its 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: Available.

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

Staff Summary of Public Testimony:

(In support) This legislation came out of the GMA task force and was supported by a diverse group of stakeholders. This was one of the first and easiest recommendations for stakeholders to agree to. The bill provides cities with the option to use county critical area protections if the city chooses to. Both counties and cities need to go through the update process every 10 years, and this would allow cities to rely on the county process. This will simplify critical area protections and significantly reduce costs and the administrative burden for small cities without compromising protections. This will likely increase the amount of critical area protection on the ground, as county ordinances are generally fairly strong, and counties have more practical experience working with the regulations. Some cities may never have processed critical area permits, so city staff may not be familiar with how a city ordinance works, whereas county staff would be more familiar with the county ordinance and may be able to assist when it is used by the city.

(Opposed) None.

Persons Testifying: Senator Shelly Short, prime sponsor; and Dave Andersen, Washington

Department of Commerce.

Persons Signed In To Testify But Not Testifying: None.