

# SENATE BILL REPORT

## SB 6592

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As Reported By Senate Committee On:  
Land Use & Planning, February 5, 2004

**Title:** An act relating to distinguishing growth management update responsibilities between slower and faster growing cities and counties.

**Brief Description:** Distinguishing growth management update responsibilities between slower and faster growing cities and counties.

**Sponsors:** Senators Morton, Hargrove, Mulliken, Rasmussen, Swecker, Horn, Haugen, T. Sheldon, McCaslin, Sheahan and Parlette.

**Brief History:**

**Committee Activity:** Land Use & Planning: 2/2/04, 2/5/04 [DPS, DNP].

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Majority Report:** That Substitute Senate Bill No. 6592 be substituted therefor, and the substitute bill do pass.

Signed by Senators Mulliken, Chair; Morton, Murray and T. Sheldon.

**Minority Report:** Do not pass.

Signed by Senator Kline.

**Staff:** Andrea McNamara (786-7483)

**Background:** Under current law, the Department of Community, Trade, and Economic Development (CTED) must establish a schedule for counties and cities to review and, if needed, revise their comprehensive plans and development regulations under the Growth Management Act (GMA). The review and evaluation must include consideration of critical area ordinances and natural resources lands; and, if fully planning under the GMA, an analysis of the population allocation determined by the most recent 10-year forecast by the Office of Financial Management (OFM.).

The schedule must provide for reviews and evaluations by the following dates, and every seven years thereafter:

- December 1, 2004, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties, and the cities within those counties. Actions taken after January 1, 2001, may be considered to have fulfilled these requirements under certain circumstances;
- December 1, 2005, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

- December 1, 2006, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- December 1, 2007, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Counties and cities may begin this process early and may be eligible for grants from CTED, subject to available funding, if they elect to do so.

**Summary of Substitute Bill:** Jefferson, Clallam, and Whatcom Counties, and the cities within them, may mutually agree to delay completion of their Growth Management Act (GMA) updates by one year, until December 1, 2005. Agreement must happen by legislative action within 45 days of the effective date of this provision. Subsequent updates follow the new schedule enacted for all jurisdictions.

The update cycle for all counties with populations less than 75,000 and growth rates less than 17 percent, and their cities, is increased to once every ten years. Under specified circumstances, legislative action by a city or county within two years prior to its scheduled update will be considered to have met the required review.

King, Pierce, Snohomish, Kitsap, Thurston and Clark counties and all counties that have experienced population growth rates in excess of 17 percent during the ten years prior to their update deadline and all cities within those counties must continue to complete the full updates required under current law.

More limited reviews and updates are established for local governments outside of King, Pierce, Snohomish, Kitsap, Thurston, and Clark Counties, according to size and population growth rates. Any county containing less than 75,000 people and any city outside a buildable lands county containing less than 5,000 people that has experienced population growth of less than 17 percent in the ten years prior to their update deadlines must fulfill the following minimum responsibilities:

- Review and update, if necessary, critical areas designations and policies and development regulations that protect critical areas to include best available science;
- Review and update, if necessary, resource land designations and policies and development regulations to protect resource lands; and
- For local governments fully planning under GMA, their comprehensive plans and development regulation ordinances necessary to accommodate projected growth and to incorporate any changes in the GMA since the last required local review and update.

The schedule established by the Department of Community, Trade & Economic Development (CTED) must include individual city and county population estimates based on the Office of Financial Management (OFM) information.

**Substitute Bill Compared to Original Bill:** The substitute re-establishes the seven-year cycle for GMA updates in the "Buildable Lands" counties and their cities, and clarifies that they must continue to do the "full" update. (Clark, King, Kitsap, Pierce, Snohomish, and

Thurston) It also clarifies that Clallam, Jefferson, and Whatcom counties, and their cities, switch to a ten-year update cycle with the rest of the jurisdictions outside the Buildable Lands Counties. The substitute increases the population threshold to 75,000 or less (from 60,000 or less) for those counties with growth rates less than 17 percent that are eligible for the "basic" update. (This adds Clallam and Lewis into the "basic" group). It clarifies that cities with populations less than 5,000 and growth rates less than 17 percent are eligible for the "basic" update, even if they are in a county (other than a buildable lands county) that has a growth rate higher than 17 percent. The substitute adds a provision limiting appeals in the case of jurisdictions eligible for a "basic" update to only those issues required in a basic update or anything a jurisdiction voluntarily chooses to review and update beyond those minimums. It deletes the mandate for state agencies to provide technical assistance and restores the "are encouraged to" language in current law. The substitute modifies and restructures references to the update schedule, the scope of the updates, and which jurisdictions are subject to which level of update.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill provides greatly needed relief from the costly and time-consuming demands of unnecessary "updates" in the least populated and slower growing areas of the state. It is definitely preferable to allowing the slow growing areas to "opt out" of the GMA altogether. This is closer than the stakeholders have ever been before to an agreement on these issues.

**Testimony Against:** The bill goes way too far. Not all counties should be moved out to a ten- year cycle, especially the faster growing and most populated ones like the "Buildable Lands" jurisdictions. It is unclear whether jurisdictions would have sufficient notice as to which group they are in ("basic" update or "full" update) in time to begin the necessary work.

**Testified:** Betty Tabbutt, League of Women Voters (pro); Larry Stout, Realtors (concerns); Leonard Bauer, CTED (concerns); Dave Williams, Assn. of WA Cities (pro); Genesee Adkins, (con); Scott Merriman, Assn. of Counties (pro).