



Reviewing the Growth Management Act Administrative Rules

During the 2007-2009 biennium, CTED began reviewing updates to the administrative rules implementing the Growth Management Act (GMA). This update process will be completed by June 2009, so that local governments can use the guidelines when conducting their next scheduled review and update of their plans and development regulations. This project is now transitioning from the scoping phase to the drafting phase. To find out more about the update process and proposed amendments, please visit the project web site:

www.cted.wa.gov/wacupdate

Why Review the Guidelines Now?

The original GMA administrative guidelines were designed to assist with adoption of a local government's first GMA comprehensive plan. All local governments have completed this task. The guidelines need review to ensure they are appropriate and relevant to current planning needs. Amendments to the GMA have been adopted in almost every legislative session since 1992. With some exceptions, they have not been incorporated into the guidelines. The courts and Growth Management Hearings Boards have also clarified portions of the GMA. The guidelines do not reflect these interpretations and are, in some places, inconsistent with them.

What is the role of CTED's Administrative Rules?

RCW 36.70A.050 directs CTED to adopt minimum guidelines to classify agricultural forest and mineral lands, and critical areas. RCW 36.70A.190 directs CTED to adopt by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations under the GMA. The guidelines and procedural criteria must "reflect regional and local variations and the diversity that exists among different counties and cities under this chapter"

The purpose of CTED's administrative rules is to help with interpretation of the GMA and to provide recommendations for meeting the requirements. The rules provide a means of complying with the requirements of the GMA but are not the only means of doing so. When designating resource lands and critical areas, the GMA specifically directs local governments to consider the guidelines. When evaluating whether a comprehensive plan, development regulation, or amendment to a plan or regulation complies with the GMA, the GMA requires the Growth Management Hearings Boards to consider the procedural criteria. [see RCW 36.70A.320(3)]

The GMA does not authorize CTED to adopt administrative rules that add to or change the requirements enacted in the GMA. However, the Hearings Boards and the courts have used the guidelines and procedural criteria to assist with interpreting the GMA, and they have found local governments' failure to consider the guidelines and procedural criteria to be in noncompliance with the GMA.

Although CTED's administrative rules may have some role as public policy, this role exists only insofar as the rules are consistent with the underlying requirements of the GMA. As CTED reviews these rules, we can offer guidance and recommendations for implementing the GMA's requirements, but we cannot craft requirements beyond those that exist in statute.

What CTED is Reviewing

This process will review those portions of the administrative guidelines that were adopted in 1991 and 1992. This includes WAC 365-195, Procedural Criteria for Adopting Comprehensive Plans and Development Regulations. It also includes WAC 365-190, Minimum Guidelines to Classify Agricultural, Forest and Mineral Lands and Critical Areas.

This process will not review WAC 365-197, Project Consistency or 365-195-900, Best Available Science, adopted in 2000.

Project Schedule

CTED plans to conduct the process in three phases:

- CTED intends to complete the process before jurisdictions must start work on the next round of comprehensive plan and development regulation updates, due in 2011.
- Initial Scoping will occur in 2007-08. Initial statewide listening sessions occurred in October 2007 and discussion workshops followed April 2008. A web survey was also conducted in Fall 2007.
- In Summer 2008 CTED will be transitioning into the drafting phase and will be releasing proposed amendment language for further public comment and discussion through Fall 2008.

How does CTED decide what needs to be amended?

- Amendments to the GMA since adoption that have not been incorporated into the WAC.
- Incorporation of significant clarifications of the statute by the courts and the Growth Management Hearings Boards.
- Consideration of comments heard from stakeholders.

How to provide input or monitor the process

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CTED maintains a project information web page at the CTED Growth Management Web Site:

<http://www.cted.wa.gov/wacupdate>

At that site, you can also sign up for the GMA Guidelines ListServ to receive on-going information about the process.