

Growth Management Services Bill Tracking List Session 2009

Topic	Bill	Title	Prime Sponsors	Session Law
Accommodating Growth	SHB 1825	<p>Identifying specific facilities planning requirements under the growth management act - Each city within a county fully planning under the Growth Management Act must identify areas sufficient to accommodate the full range of needs and uses that will accompany projected urban growth. The land uses that must be identified include facilities for medical, governmental, institutional, commercial, service, retail, and other nonresidential uses. Countywide economic development and employment policies must include consideration of the future development of commercial and industrial facilities. A county or city that chooses to amend their comprehensive plan to accommodate projected housing and employment growth must also include sufficient land capacity to accommodate commercial and industrial uses.</p>	Rodne	C 121 L 09
Annexation	HB 1295	<p>Annexing Areas Used for Agricultural Fairs - Establishes procedures for the annexation of county-owned fairgrounds by cities and towns; and specifies that county-owned fairgrounds may not be annexed without the approval of the applicable county legislative authority.</p>	Warnick, Upthegrove	C 304 L 09
Annexation	ESSB 5808	<p>Concerning The Annexation Of Unincorporated Areas Served By Fire Protection Districts - An annexation by a city or town that is proposing to annex territory served by one or more fire protection districts may be accomplished by ordinance after entering into an interlocal agreement with the county and fire protection district or districts that have jurisdiction over the territory proposed for annexation. The interlocal agreement must describe the boundaries of the territory proposed for annexation.</p> <p>Cities and towns conducting annexations of all or part of fire protection districts are required to maintain existing fire protection and emergency services response times in the newly annexed areas consistent with response times recorded prior to the annexation.</p>	Fairley	C 60 L 09

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Budget CTED Growth Management Services	ESHB 1244	Reduction of \$1.8 million to Growth Management technical assistance. Remaining technical assistance is to be provided proportionately more to smaller cities than larger cities or counties. Funding for urban forestry program is eliminated. By June 30, 2011, CTED shall request information from jurisdictions with required Growth Management Act update deadline of December 1, 2011, that describes what they have adopted in their comprehensive plans that helps achieve state greenhouse gas reductions targets.		Governor signed, partial veto. Section 128(7), page 23, Department of Community, Trade and Economic Development, Associate Development Organizations is vetoed. Section 128(15), pages 24-25, Department of Community, Trade and Economic Development, County Life-Cycle Cost Analysis is vetoed. Section 128(17), page 25, Department of Community, Trade and Economic Development, Economic Development Commission Study is vetoed
Budget Growth Management Hearings Boards (GMHB)	ESHB 1244	Reduction to administrative budget resulting in consolidation of three Growth Management Hearings Boards into one office in Olympia. Growth Management Hearings Boards will continue to review cases as three separate boards.		Gov Signed Governor signed, partial veto. Section 128(7), page 23, Department of Community, Trade and Economic Development, Associate Development Organizations is vetoed. Section 128(15), pages 24-25, Department of Community, Trade and Economic Development, County Life-Cycle Cost Analysis is vetoed. Section 128(17), page 25, Department of Community, Trade and Economic Development, Economic Development Commission Study is vetoed

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Climate Change/Energy	2SHB 1481	Electric vehicles - Regarding Electric Vehicles Specifies that local government regulations of areas in the I-5 corridor from Snohomish County to Thurston County and the King County areas around SR 520 and I-920 must allow for electric vehicle infrastructure, except in residential areas, by July of 2010. Requires the state, to the extent practicable, to install charging outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities, as well as in all state operated highway rest stops. Specifies that the Puget Sound Regional Council must seek federal or private funding related to planning for electric vehicle infrastructure deployment.	Eddy, Crouse, McCoy	C 459 L 09
Climate Change/Energy	SB 5107	Addressing renewable resource projects within energy overlay zones - An expedited judicial review procedure for local government land use decisions is revised to provide that decisions allowing renewable energy projects within a county energy overlay zone are presumed to be reasonable if they meet requirements in the zone ordinance. An "energy overlay zone" is a county plan for siting projects based on available resources and infrastructure, with sensitivity to adverse environmental impact. In addition, for decisions allowing wind power projects, either the zone ordinance must be consistent with state Department of Fish & Wildlife wind power guidelines, or the county must have prepared an environmental impact statement (EIS) concerning the zone. In the latter case the zone ordinance must require project mitigation addressed in the EIS and fish and wildlife and cultural resources analysis, and the county must have adopted an ordinance addressing critical areas under state land use law.	Honeyford	C 419 L 09
Climate Change/Energy	SB 5185	Increasing renewable energy incentives - <i>*SB 5441, HB 1610, SB 5442, HB 1633, SB 5906, HB 1911, ESHB 2278, SB 5390, SHB 1321, SB 5744 and SB 5185 were not enacted, but the provisions are similar as described below:</i> A number of tax incentives and credits are provided for use or production of renewable energy.	Rockefeller	

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Climate Change/Energy	E2SSB 5560	<p>State Agency climate leadership - All state agencies are required to meet the statewide greenhouse gas emission limits and reduce emissions to meet certain levels by specified dates. State agencies must phase in fuel economy standards for motor pools and leased vehicles. When distributing capital funds, state agencies must consider if the entity receiving the funds has adopted policies to reduce greenhouse gas emissions and if the project is consistent with the state's limits on greenhouse gas emission and goals to reduce vehicle miles travelled. The Governor must designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. <i>*E2SSB 5138 is incorporated in part into E2SSB 5560, as described below:</i></p> <p>The Departments of Ecology; Agriculture; Community, Trade and Economic Development; Fish and Wildlife; Natural Resources; and Transportation must develop an integrated climate change response strategy to assist state and local governments, public and private entities, and individuals to prepare for and adapt to climate change.</p>	Ranker	C 519 L 09
Climate Change/Energy	E2SSB 5854	<p>Reducing climate pollution in the built environment - The State Building Code Council must design the State Energy Code to accelerate construction of increasingly energy efficient homes and buildings to achieve a goal of zero fossil-fuel greenhouse gas emission homes and buildings by 2031. Public agencies must track and publish energy consumption data for their facilities. Agencies with an energy efficiency performance rating below 50 must conduct an energy audit and implement identified cost-effective conservation measures. Utilities serving more than 25,000 customers in the state must maintain energy consumption records for all nonresidential and public agency buildings. State agencies may not renew or enter into lease agreements for buildings with an energy efficiency performance rating below 75 unless an energy audit has been conducted and the building owner agrees to implement cost-effective energy conservation measures.</p>	Kilmer	C 423 L 09
Economic Development	EHB 2242	<p>Creating a department of commerce - A Department of Commerce is created to replace the Department of Community, Trade and Economic Development. By November 1, 2009, the</p>	Kenney	Governor signed, partial veto. Section 56 is vetoed because it inadvertently removes the State Energy Program from the

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		<p>Director is to develop a report, with analysis and recommendations for the Governor and appropriate legislative committees, on statutory changes for effective operation of the department. This is to be done in collaboration with the Office of Financial Management, the Governor's Office, the Economic Development Commission, and legislators from policy and fiscal committees. Input from a broad range of stakeholders is required. The Code Reviser is directed to prepare legislation for the 2010 session that changes all statutory references from the "Department of Community, Trade, and Economic Development" to the "Department of Commerce."</p>		<p>Revised Code of Washington. De-codifying the Energy Office was not the intent of this executive request legislation.</p>
Economic Development	2SSB 5045	<p>Regarding community revitalization financing - Local governments may create “revitalization areas” and use certain tax revenues which increase within the area to finance local public improvements, including a state contribution in the form of a local sales and use tax credited against the state tax. The following areas are "demonstration projects" which may establish revitalization areas and finance local public improvements: Whitman County, University Place, Tacoma, Bremerton, Auburn, Vancouver, and Spokane. These demonstration projects may impose the new local tax credited against the state tax beginning July 1, 2010, with the maximum state contribution being \$2.25 million per fiscal year. Other projects may apply to the Department of Revenue starting September 1, 2009. These projects may impose the new local tax credited against the state tax beginning July 1, 2011, with the maximum state contribution being \$2.5 million per fiscal year. The maximum state contribution per project is \$500,000 per fiscal year.</p>	Kilmer	C 270 L 09
Floodplains	EHB 1967	<p>Prohibiting expansions of urban growth areas into one hundred year floodplains - A county, city, or town is generally prohibited from expanding an urban growth area into the 100-year floodplain of any river or river segment that is located west of the crest of the Cascade Mountains and has a mean annual flow of 1,000 or more cubic feet per second, except under certain specified circumstances.</p>	White	C 342 L 09

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Housing	HB 1464	Concerning affordable housing incentive programs - Clarifies provisions governing affordable housing incentive programs that may be enacted or expanded in jurisdictions planning under the Growth Management Act.	Springer, Ormsby, Orwal	C 80 L 09
Impact Fees	SB 5580	School impact fees - School impact fees must be expended or encumbered within ten years of receipt, rather than six years, unless there exists an extraordinary or compelling reason for fees to be held longer than ten years. Extraordinary or compelling reasons must be identified in written findings by the governing body of the county, city, or town. The Office of the Superintendent of Public Instruction must develop criteria for extending the use of school impact fees from six to ten years. The extension also requires an evaluation of each respective school board on the appropriateness of the extension.	Pridemore	C 263 L 09
Infrastructure	EHB 1513	Allowing municipalities to participate in financing the development of water or sewer facility projects - Municipalities may participate in financing local water and sewer facilities, and have the same right of reimbursement (commonly called latecomers agreements) as developers and property owners.	Haler	C 230 L 09
Open Space	2SHB 1484	Relating to habitat open space - The Riparian Open Space Program is expanded to include the acquisition of forest lands containing critical habitat for threatened or endangered species. <i>*SB 5602 is incorporated in its entirety into 2SHB 1484, as described below:</i> An exemption for payment of back taxes on designated forest land that is sold or transferred for the purpose of conserving open space land is extended from counties with populations greater than one million to counties with populations greater than 600,000. <i>*SHB 1595 is incorporated in its entirety into 2SHB 1484, as described below:</i> The Department of Natural Resources (DNR) is authorized to transfer lands to another public agency without an auction if the	Van De Wege, Orcutt, Hurst, McCoy, Blake	C 354 L 09 Gov partial veto: Section 1 vetoed because the language is identical to language adopted in SSB 5401.

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		lands are located in a county with a population of 25,000 or less and if the lands are encumbered with timber harvest deferrals longer than 30 years.		
Open Space	SSB 5401	Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species - The Forest Practice Board (Board) must establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the Board. Acquisition must be by conservation easement.	Morton	C 246 L 09
Ports	ESHB 1959	Concerning land use and transportation planning for marine container ports - Requires cities with a qualifying marine container port in their jurisdiction to include a container port element in their comprehensive plans. Authorizes cities with a qualifying port district to include a marine industrial port element in their comprehensive plans. Requires the Department of Community, Trade and Economic Development to provide matching grant funds to cities to support development of the container port elements. Declares key freight transportation corridors that serve qualifying marine port facilities to be transportation facilities and services of statewide significance.	Simpson	C 514 L 09
Resource Lands	SB 5562	Concerning forestry operations - Clarifies that the act of owning land upon which trees are growing is a forest practice that is protected from nuisance lawsuits.	Morton	C 200 L 09
Shorelines	ESHB 1379	Regarding Moratoria and Other Interim Official Controls Adopted Under the Shoreline Management Act - Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement the Shoreline Management Act (SMA). A moratorium or control under the SMA may be effective for up to six months and may be renewed for two additional six-month periods if the local government satisfies public hearing, fact finding, and notification requirements before each renewal.	Seaquist, Angel, Liias	C 444 L 09

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Shorelines	HB 2199	Providing regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects - A local government may grant relief from shoreline master program standards and use regulations adopted under the Shoreline Management Act that apply within an Urban Growth Area (UGA) if specific requirements are met. A local government may grant relief only if the proposed relief is the minimum necessary to relieve the hardship; the restoration project will result in a net environmental benefit; and the granting of proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the master program. Local governments may not grant relief from master program standards for shoreline restoration projects that are mitigation measures required of a project proponent in order to obtain a development permit. A substantial development permit is not required on land within a UGA that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.	Newhouse	C 405 L 09
Transfer/Purchase of Development Rights	2SHB 1172	Implementing a Transfer of Development Rights Program - Subject to federal funding being provided, establishes a regional transfer of development rights program in the central Puget Sound region; establishes related administrative, rule-making, and performance monitoring requirements; and establishes general program requirements for eligible lands and participating jurisdictions.	Simpson	C 474 L 09
Transportation	SB 5540	Establishing high capacity transportation corridor areas - (HCTCAs) may be established for the purpose of financing and providing high capacity transportation service. Provides that HCTCAs may submit certain taxes to voters for approval in order to finance the service; however, an HCTCA may not submit a measure to voters until July 1, 2012.	Pridemore	C 280 L 09
Water	SB 5504	Concerning reclaimed water permitting - The Department of Ecology (DOE) and the Department of Health have rulemaking authority to carry out all the provisions of the reclaimed water code, including enforcement and permitting. The reclaimed water permit must include provisions that protect human health and the environment. The lead agency has the right to enter and inspect the permitted properties to determine compliance with laws and rules. DOE must review comments from the	Fraser	C 456 L 09

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		Reclaimed Water Committee, the Reclaimed Water and Water Rights Advisory Committee, and stakeholders on impairment and the standards for reclaimed water and submit a recommendation to the Legislature by November 30, 2009.		
Water Eminent Domain	SHB 1332	<p>Granting Authority of a Watershed Management Partnership to Exercise Powers of Its Forming Governments - A watershed management partnership formed before July 1, 2007, may exercise the power of eminent domain for the purpose of providing water services to its customers if all of the public agencies that form the partnership have the power of eminent domain.</p>	Goodman, Anderson, Springer	C 504 L 09