

TASK FORCE MEETING 3 NOTES SUMMARY

Date: Tuesday, November 30, 2021

Location: Virtual meeting

Time: 1 p.m. – 4:30 p.m.

Attendees present:

Staff team:

- Michelle Auster (PRR)
- Whitney Rearick (PRR)
- Clay White (LDC)
- Matt Covert (LDC)

Task Force members and representatives:

- Carlene Anders, Pateros
- Dave Andersen, Department of Commerce
- Bill Clarke, WA Realtors
- Tim Gates, Department of Ecology
- Deric Gruen, Front and Centered
- Jan Himebaugh, Building Industry of Washington
- Paul Jewell, Washington State Association of Counties
- Mario Reyes, CAFÉ
- Carl Schroeder, Association of Washington Cities
- John Stuhlmiller, Washington Farm Bureau
- Joe Tovar, American Planning Association, Washington Chapter
- Bryce Yadon, Futurewise

Objectives:

- Task Force members make recommendations on Issues 2-4
- Task Force members receive introduction and makes recommendation on Issue #5
- Task Force members receive brief overview of project next steps and 2022 schedule

Agenda:

ITEM	LEAD
Task Force meeting #2 recap	Clay White, LDC
Task Force recommendation <ul style="list-style-type: none"> ■ Issue #2 – Consideration of additional time for periodic updates of comprehensive plans/development regulations ■ Issue #3 - Sales tax incentive for annexations ■ Issue #4 – Permit data collection 	Clay/Whitney Rearick, PRR/Matt Covert, LDC
Issue introduction and recommendation – feedback and discussion <ul style="list-style-type: none"> ■ Issue #5 – Adaptive planning options 	Clay/Whitney
Project next steps and 2022 schedule	Clay
Next steps and action items	Matt
Adjourn	--

Notes

Task Force meeting #2 recap

- *Consent recommendation process introduced and utilized*
- *Recommendation made on Issue #1 – finding for local government planning*
- *Issues #2 – consideration of additional time for some periodic updates under GMA*
- *Overview provided for issues #3 (sales tax incentive for annexations) #4 (permit data collection)*

Task Force recommendations

Issue #2 – Consideration of additional time for periodic updates of comprehensive plans/development regulations.

CLARIFYING QUESTIONS

Carl Schroeder: What will the legislature gain from telling them that they should “consider” something if they do something else as opposed to recommending the extension?

QUICK REACTIONS

Paul Jewell: House Bill 1241 is currently being considered during next legislative session, and the proposal (above) would change the timeline. Would like to see it removed.

Clay White response: We are not suggesting 12 months specifically but more of something we use as benchmark.

Bill Clarke: When we talk about new planning requirements, are we talking about elements or goals that are currently not in GMA that would be added to the GMA? If so, Realtors would not support it. Because you know, we think aggressive action needs to be taken on housing soon.

Rep. Gerry Pollet: Did the committee members discuss whether there are restrictions or constrictions other than money that require an additional time after funding?

Jan Himebaugh: It is time for jurisdictions to step up on housing actions. Jurisdictions have been sitting on a housing crisis for quite some time now, and a delay pushes off action on it.

Dave Andersen: If we're going to move the deadline, I think it's critical not move half of the deadline so that they've got a deadline that falls one year and then a deadline for some other pieces that fall in the following year. It would need to be a deadline for every piece of the periodic update.

Carlene Anders: Worried about the timeline: I don't want to see something we bottleneck; let's make sure we have continuity.

Joe Tovar: It's called a comprehensive plan for a reason. Trying to piecemeal it out would provide more concern.

Dave Andersen: how do we report the results of this conversation to legislature for them to deliberate this issue/objections and concerns?

CONSENT AND OBJECTIONS

- Anders: **consent**
- Clarke: **object**
- Gates: **consent**
- Gruen: **not present**
- Himebaugh: **object**
- Jewell: **consent**
- Reyes: **consent**
- Schroeder: **consent**
- Stuhlmiller: **abstain**
- Tovar: **consent**
- Yadon: **object**

Issue #3 – Sales tax incentive for annexations

CLARIFYING QUESTIONS

Paul Jewell: From a process perspective, the options are not adequate. Is there an opportunity for other options to be considered?

Carl Schroeder: Per the two bullets under additional options- are we looking at modifying the written tax credit or the bullet points?

Matt Covert response: Any combination of all the options.

QUICK REACTIONS

Whitney Rearick: is everybody ok with reinstating the tax credit, as written?

Carl Schroeder: We would not like to recommend reinstating as written.

Paul Jewell: We do not think it provides a strong incentive;; there are key features that need to be discussed that are not provided.

Carl Schroeder: The two bullet points under additional options don't fully line up with options 2A and 2B. Lowering the population but keeping the counties that are in the current tax exemption could conceivably fit under the second bullet but would not be something we would want to support.

Carl Schroeder: We want to see a broader exemption provided with a broader variety of counties in a lower population threshold.

Paul Jewell: we have many concerns about the current version and how it would be utilized. Or if it would be utilized widely. We just don't think it produces a strong enough of an incentive for our members.

Additional Options: Open it up to all or additional counties in state:

Paul Jewell: It is not a big incentive for counties from an equity perspective.

Clay White response: Hard to parse out certain topics- hard to talk about equitably distributing funds when annexing.

Carl Schroeder: Reinstate the tax credit in RCW 82.14.etc, but revisit options to provide better geographic access and equity, and provide for opportunities for all affected jurisdictions to benefit from resources provide by the state to incentivize annexations.

Paul Jewell: if I were to rewrite it myself, the idea that you open it up to all our additional counties in the state would be something that we that we would keep. if I were doing it myself, I would say that the sales tax credit needs to be increased as well, so but we haven't talked about that yet.

Carl Schroeder: I wanted to share from our perspective as we worked on the underlying bill last session. Part of our thought process was to get at some of the issues that Paul just raised in terms of the geographic scope of the incentive. I'm not optimistic that in the 60-day session we're going to get this reinstated in a non-major budget year.

Bill Clarke: It feels like under the current scenario, the annexation process is sometimes maybe good for some cities in certain circumstances, but not great for others.

CONSENT AND OBJECTIONS

Anders: **consent**

Andersen: **consent**

Clarke: **consent**

Gates: **consent**

Gruen: **abstain**

Himebaugh: **consent**

Jewell: **consent**

Reyes: **consent**

Schroeder: **consent**

Stuhlmiller: **consent**

Tovar: **consent**

Yadon: **consent**

Issue #4 – Permit data collection

CLARIFYING QUESTIONS

Carl Schroeder: What data are required currently to be sent to Commerce?

Clay White response: no date in the statute, just on an annual basis.

Jan Himebaugh: Commerce should have a deadline for publishing data. What would be a reasonable data for commerce to publish?

Dave Andersen response: We can maybe do it by June, but only for data we receive by the deadline.

Jan Himebaugh: How much would this cost?

Dave Andersen: There was fiscal number through a bill that was passed but don't remember.

Jan Himebaugh: If jurisdiction misses deadline, is there a requirement to update even if they are late?

Clay White response: Collecting data from previous year.

QUICK REACTIONS

Jan Himebaugh: There's something missing, like better access to the data.

Carl Schroeder: Generally supportive of the proposal

Tim Gates: The proposal here is not addressing that question you raised in the issue about narrowing down the kind of information required to report.

Jan Himebaugh: Friendly amendment: having access to info for all.

Joe Tovar: are we excluding conditional use permit? Or only talking about ministerial things? Support for including conditional use permits, as many jurisdictions use them for all manner of projects.

CONSENT AND OBJECTIONS

Anders: **consent**

Andersen: **consent**

Clarke: **not present**

Gates: **consent**

Gruen: **not present**

Himebaugh: **consent**

Jewell: **consent**

Reyes: **consent**

Schroeder: **consent**

Stuhlmiller: **not present**

Tovar: **consent**

Yadon: **consent**

Issue introductions and recommendation – feedback and discussion

Issue #5 – Adaptive planning options

CLARIFYING QUESTIONS

Tim Gates: One of the issues that came up with this before was it was, how do you cost this out.

Whitney Rearick: The Safe Harbor issue, is that a term for approval with the Department of Commerce review and what turns it into a safe harbor?

Bill Clarke: My question on this concept is whether the "safe harbor" concept becomes a mandatory minimum of sorts on whatever GMA requires.

QUICK REACTIONS

Dave Andersen: I would substitute for the first bullet with a second sentence on the other bullets saying as part of the menu of services, Commerce will evaluate approaches to achieve safe harbor. It's kind of a term of art that doesn't really have a legal definition for local government actions implementing the GMA.

Joe Tovar: Simply saying to make money available to smaller cities, isn't adequate. Increase capacity by commerce for to provide technical assistance to help small cities.

Bryce Yadon: Amend the GMA to include an optional process for Commerce to review and approve certain actions under the GMA.

Jan Himebaugh: Local jurisdiction can get tied down. Also concerned about the Commerce review becoming de facto minimum standards.

Tim Gates: Dave Andersen's broader idea would allow more time to create a more refined "certification" process.

Joe Tovar: I think the term "optional" is important to recognize.

Carl Schroeder: An amendment to bullet #1 to include reference to this "de facto minimum" help with the development/ag concerns? "Amend the GMA to include an optional process for voluntary and optional Department of Commerce approval of certain elements of countywide planning policies, comprehensive plans, and development regulations. The legislature should closely consider how to ensure that this process truly remains optional and does not result in de facto minimum standards"

Tim Gates: Clarify that it does not eliminate appeal opportunity, but it puts the state on the hook to help defend it.

CONSENT AND OBJECTIONS

Anders: **not present**

Andersen: **consent**

Clarke: **abstain**

Gates: **consent**

Gruen: **not present**

Himebaugh: **abstain**

Jewell: **consent**

Reyes: **not present**

Schroeder: **consent**

Stuhlmiller: **consent**

Tovar: **consent**

Yadon: **consent**