



January 12, 2021

Senator Kuderer, Chair, Senate Housing and Local Government Committee, and members of the committee,

The Washington State Chapter of the American Planning Association (APA Washington) respectfully submits comments **in support of Senate Bill 5402**, which addresses a longstanding loophole in the state's growth and land use planning framework.

- Amendments to comprehensive plans and development regulations are presumed valid on adoption under the Growth Management Act, but in some cases that presumption is overturned on review by the Growth Management Hearings Board, and the amendment is found to be clearly erroneous and noncompliant with the goals and requirements of the GMA.
- APA is concerned with the ability of development permits, or even annexations, to vest to provisions in amended plans and regulations that are ultimately found by the hearings board to be *clearly noncompliant* with state law. Even in cases in which the Hearings Board finds that implementation of the amended plan or regulation *substantially interferes* with the state's planning framework, developments can vest all the way up until an order of invalidity.
- One of the most impactful and irreversible types of comprehensive plan amendments is to reclassify an area from a rural or resource designation to an urban growth area. As soon as the reclassification becomes effective, permits can vest and land is sent down a one-way path to subdivision into small lots, with an incentive to get in quick.
- Immediate financial gain from development on cheaper rural and resource land can be difficult for local governments to balance with long-term regional considerations such as infrastructure and service costs and impacts to resource industries. While deference to local decisions is appropriate, **it is also reasonable to make sure we get it right, throughout Washington, since these are irreversible, albeit rare, decisions like redesignating rural or resource lands.**
- When a similar bill was considered by the legislature in 2019, testimony at the public hearing included concerns that delaying the effective date until appeals are resolved would encourage appeals just to slow down local actions including well-designed and justified urban growth area expansions. However, the Hearings Board has procedures to quickly dispense with frivolous appeals, and has a good track record of timeliness.

APA Washington is a 1,400 member association of public and private sector professional planners, planning commissioners and elected officials, among others. We work every day to implement the state's growth management and planning framework and appreciate the opportunity to provide information that will help improve it for all Washingtonians.

We are open to discussion and would be happy to provide additional information. Thank you for your consideration.

Sincerely,

Nancy Eklund, President, American Planning Association, Washington Chapter  
Yorik Stevens-Wajda, Chair, APA-WA Legislative Committee