



February 13, 2022

Representative Fitzgibbon, Chair, House Environment & Energy 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 5042**, 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 GMA, 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 *clearly noncompliant* with state law by the hearings board. 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 always balance with long-term regional considerations like 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, with irreversible and relatively rare decisions like redesignating rural or resource lands.**

When a similar bill was considered by the legislature in 2019 we heard a legitimate concern that delaying the effective date until appeals are resolved would encourage appeals just to slow down, e.g., a well-designed and justified urban growth area expansion. However, the Hearings Board has procedures to quickly dispense with frivolous appeal, and has a good track record of timeliness.

The Washington State Chapter of the American Planning Association ([APA Washington](#)) is a 1,400-member association of public and private sector professional planners, planning commissioners and elected officials, who serve city, county, regional, state, and tribal governments, as well as private sector clients in our state. Our members work every day to implement the state's growth management and planning framework and appreciate the opportunity to provide you with recommendations that will improve the practice of planning and the quality of life for all Washingtonians.

We would be happy to provide additional information or answer any questions you may have at this point. Thank you for your consideration.

Best regards,

A handwritten signature in blue ink, appearing to read "Yorik Stevens-Wajda".

Yorik Stevens-Wajda, AICP
President, Washington Chapter of the American Planning Association