

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 1 - 0

Yeas: Boquist, Hass, Prozanski, Dingfelder

Nays: Atkinson

Exc.: 0

Prepared By: Beth Herzog, Administrator

Meeting Dates: 5/7, 5/26

WHAT THE MEASURE DOES: Finds that Department of Land Conservation and Development (DLCD) rules regarding state agency land use coordination and state permit compliance and compatibility should be reviewed to eliminate unclear or conflicting provisions and updated regularly to maintain a high level of coordination between state agencies and local governments. Excludes from definition of “land use decision” a local government compatibility statement regarding a proposed state agency action compatible with acknowledged comprehensive plan and regulations implementing it if: a local government has already made a land use decision authorizing use or activity that encompasses proposed state agency action; use or activity that would be authorized, funded, or undertaken is allowed without review; or requires future review under comprehensive plan and land use regulations implementing plan. Authorizes DLCD to specify sequence of local government land use decision and state agency action concerning same use or activities unless federal or state law requires otherwise. Directs DLCD to periodically update and improve rules regulating effectiveness and efficiency of state agency coordination programs.

ISSUES DISCUSSED:

- Legislation would streamline process by giving DLCD authority to decide which process should come first
- Multiple opportunities to appeal the same land use decision

EFFECT OF COMMITTEE AMENDMENT: Excludes from definition of “land use decision” a local government compatibility statement regarding proposed state agency action compatible with acknowledged comprehensive plan and regulations implementing it if: local government has already made a land use decision authorizing use or activity that encompasses proposed state agency action; use or activity that would be authorized, funded, or undertaken is allowed without review; or requires a future review under comprehensive plan and land use regulations implementing plan. Authorizes DLCD to specify sequence of local government land use decision and state agency action concerning same use or activities unless federal or state law requires otherwise.

BACKGROUND: State agency coordination statutes have not been updated in 20 years. The current system allows for duplication in some instances, increasing the potential for inconsistency. In other cases, the system allows an inefficient sequence, or the system puts state-level decision-making ahead of local decision-making. Examples include instances where a local government cannot act without state approval, but the state cannot approve without a local compatibility statement.