

HOUSE BILL REPORT

HB 2412

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to fully contained communities authorized under the growth management act.

Brief Description: Addressing fully contained communities authorized under the growth management act.

Sponsors: Representatives Nelson, Springer, White, Simpson, Roberts, Chase, Appleton and Kenney.

Brief History:

Committee Activity:

Local Government & Housing: 1/11/10, 1/27/10 [DPS].

Brief Summary of Substitute Bill

- Prohibits counties with a population exceeding 1.5 million persons, and bordering counties having populations greater than 240,000 persons, from authorizing the development of fully-contained communities.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Simpson, Chair; Nelson, Vice Chair; DeBolt, Assistant Ranking Minority Member; Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Angel, Ranking Minority Member; Fagan and Short.

Staff: Thamas Osborn (786-7129).

Background:

Overview of the Growth Management Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other counties and cities.

Directives applying to all counties and cities require the designation of agricultural, forest, and mineral lands that have long-term significance for commercial use. All counties and cities must also designate and protect critical areas that include wetlands and frequently flooded areas.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

The GMA includes numerous requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA (planning counties) must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Additionally, planning counties and each city within these counties must include within their UGAs, areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

Fully Contained Communities.

Any county planning under the GMA may authorize the siting of new fully-contained communities (FCCs) located outside of initially designated UGAs if specific requirements are met. Examples of requirements that must be met include:

- providing for new infrastructure and establishing impact fees;
- ensuring through development regulations that urban growth will not occur in adjacent nonurban areas;
- making provisions to mitigate impacts on designated agricultural land, forest lands, and mineral resource lands;
- developing affordable housing for a broad range of income levels; and
- creating a mix of uses and services for the residents of the community.

A county establishing a new FCC outside of a designated UGA must offset UGA population projections so as to account for the population projection allocated to the new FCC. Additionally, the final approval of an application for a new FCC is considered an adopted amendment to a comprehensive plan, which must designate the new FCC as a UGA.

Summary of Substitute Bill:

Counties with a population exceeding 1.5 million persons, and bordering counties having populations greater than 240,000 persons, are prohibited from authorizing the development of FCCs. This prohibition includes King, Pierce, Snohomish, and Kitsap counties.

The Act does not apply to those FCCs created west of the crest of the Cascade Mountains that have been approved prior to the effective date of the Act and which are compliant with pertinent GMA requirements.

Substitute Bill Compared to Original Bill:

The substitute bill deletes language from the original bill restricting the creation of FCCs to only those counties located east of the crest of the Cascade Mountains.

The substitute bill prohibits counties with a population exceeding 1.5 million persons, and bordering counties having populations greater than 240,000 persons, from authorizing the development of FCCs.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is a FCCs have utterly failed to achieve the intended goals. The FCCs have failed to reduce sprawl, and experience has shown that the FCCs that have been developed do not have the types of development necessary to be "fully contained." A large percentage of people living in them commute to work outside of the FCC and most FCCs do not provide the range of services needed by residents. FCCs have also failed to develop affordable housing. The FCCs have, however, resulted in the extension of urban infrastructure into rural areas. They have created transportation problems and have not reduced population pressures inside of UGAs. The authorization of FCCs was a mistake that now must be corrected. They are simply not a practical, cost effective means of controlling growth. Only three FCCs have been built in western Washington and none of them have been successful at balancing housing and employment needs.

(Opposed) The bill's restrictions on the development of FCCs are misguided and would eliminate them in a large section of the state in which they are beneficial. The FCCs are badly needed in order to protect against sprawl, manage growth, and to provide an approach to allowing greater population density outside of UGAs. Urban growth area infill is not sufficient to accommodate growth and the creation of FCCs is an important tool for dealing with this. The FCCs allow for the clustering of non-urban development and thus help to reduce sprawl and provide affordable housing. Most UGAs have land that is too expensive for the development of affordable housing, whereas this is not necessarily the case with

respect to FCCs. Experience has shown that unanticipated adverse impacts from FCCs are unlikely, insofar as they require comprehensive, detailed planning under the GMA. The FCCs are optional for counties, and there is no reason to deny local governments the use of this option. Counties should be able to choose for themselves. The current regulatory standards applicable to FCCs are sufficient to protect the environment and prevent sprawl. In addition, business parks are often located in FCCs, and thus FCCs can be a valuable economic resource for the area.

Persons Testifying: (In support) Scott Greenberg, American Planning Association; April Putney, Futurewise; and Andrew Austin, Transportation Choices Coalition.

(Opposed) Chris McCabe, Association of Washington Businesses; George Kresovich, Association of Commercial Real Estate; and Jeanette Mckague, Washington Realtors.

Persons Signed In To Testify But Not Testifying: None.