

# HOUSE BILL REPORT

## EHB 1305

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### As Amended by Senate

**Title:** An act relating to growth management.

**Brief Description:** Revising restrictions on growth outside of urban growth areas.

**Sponsors:** Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich.

**Brief History:**

**Committee Activity:**

Government Operations: 1/18/95, 1/20/95, 2/3/95, 2/14/95, 2/21/95, 2/28/95  
[DP].

**Floor Activity:**

Passed House: 3/15/95, 71-24.  
Senate Amended.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

**Staff:** Steve Lundin (786-7127).

**Background:** The Growth Management Act was enacted in 1990 and 1991, establishing a variety of requirements for certain counties, and the cities located in those counties.

Each county planning under all requirements of the Growth Management Act, in cooperation with the cities located within its boundaries, develops a countywide planning policy to guide the comprehensive plans that the county and those cities develop. Counties are recognized as being regional governments. Cities are recognized as the primary providers of urban government services within urban growth areas.

Among other requirements, a county planning under all of the requirements of the Growth Management Act must designate urban growth areas within the county inside of which urban growth shall occur and outside of which urban growth shall not occur. Every city must be included within an urban growth area. Other areas may be included in an urban growth area if they are already characterized by urban growth or are adjacent to such areas. The county uses a 20-year population forecast prepared by the Office of Financial Management as the basis for designating its urban growth areas.

A county planning under all of the requirements of the Growth Management Act must adopt a comprehensive plan with a rural element that includes lands not located within an urban growth area and which have not been designated for agriculture, forest, or mineral resources. The rural element must permit land uses compatible with the rural character of these lands and provide for a variety of densities.

Legislation was enacted in 1994 authorizing local governments to adopt service agreements for the provision of regional services and other services.

#### **Summary of Bill:**

##### 1. Countywide planning policy.

Language in the countywide planning policy is altered concerning county and city government. It is recognized that counties usually are the most appropriate local government to provide regional government services, rather than counties are regional governments within their boundaries. It is recognized that cities usually are the unit of local government most appropriate to provide urban governmental services, rather than cities are the primary providers of urban governmental services in urban growth areas.

Nothing in the section on urban growth areas may be construed to alter the authority of counties to provide urban government services. Urban government service decisions should be made through the process established in legislation enacted in 1994 authorizing local governments to adopt service agreements.

##### 2. Urban growth areas.

A county may modify the 20-year growth projection it is provided by the Office of Financial Management to use when designating urban growth areas. The projection, or altered projection, is a minimum for including lands and authorizing densities within urban growth areas.

Language describing the location of urban growth within urban growth areas is altered to allow urban growth anywhere in the urban growth area without any priorities.

3. Location of major industrial and commercial areas outside of urban growth areas.

A county planning under all of the requirements of the Growth Management Act may designate major industrial areas outside of urban growth areas. A "major industrial area" is defined as a master planned location for a specific manufacturing, industrial, or commercial business that:

- o Requires a parcel of land so large that no suitable parcels without critical areas are available within any urban growth area; or
- o Is a natural-resource-based industry requiring location near agricultural land, forest land, or mineral resource land; and
- o Is not for the purpose of retail shopping developments.

A variety of factors must be met before such development may be sited outside of an urban growth area, including: (a) Infrastructure is provided or impact fees are established; (b) transit-oriented site planning and traffic demand management programs are implemented; (c) buffers and environmental protection are provided; (d) development regulations discourage urban growth in adjacent non-urban areas; and (e) the county finds that land suitable to site major industrial development is unavailable within the urban growth area.

4. Rural element.

The rural element of a comprehensive plan of a county planning under all of the requirements of the Growth Management Act must allow for both residential and nonresidential land uses.

5. Cellular antenna facilities.

A county or city planning under all of the requirements of the Growth Management Act must allow cellular antenna facilities to be located in every zone, but may site such facilities with conditional use permits. The siting of such facilities by such a county or city is categorically exempt from a threshold decision under the State Environmental Policy Act.

**EFFECT OF SENATE AMENDMENT(S):**

**Provisions are deleted that: (1) Authorize counties to site major industrial facilities outside of urban growth areas; (2) alter language describing the nature of county government and city government; (3) provide for the siting of cellular antenna facilities; and (4) permit counties to alter their 20-year population projections.**

It is clarified that an urban growth area may be created that does not include a city.

An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. Local circumstances may be considered when determining this market factor. Discretion exists for many choices to be made in comprehensive plans to accommodate growth.

Language is altered that describes general preferences for locating urban growth within urban growth areas. A third general preference is added including the remainder of the urban growth areas not described by the first two preferences. Urban growth may be located within a designated new fully contained community.

The preference is reworded about cities in general being the units of local government most appropriate to provide urban governmental services. The preference is reworded about not extending urban governmental services into rural areas to recognize such extension when necessary to protect public health and safety and the environment to support rural densities that do not permit urban development.

The rural element of a county's comprehensive plan under GMA may allow clustering and other innovative techniques to accommodate appropriate rural uses not characterized by urban growth.

The growth factor is altered for a county with a population of 50,000 or more, that determines if such a county is required to plan under all of the requirements of GMA, by increasing the minimum 10-year population growth rate from 10 percent to 17 percent.

Counties and cities are required to designate sufficient mineral resource lands, for non-metal minerals, that are sufficient for at least the 20-year projected countywide needs and to discourage the siting of incompatible land uses adjacent to mineral resource industries, deposits, and holdings.

The changes made in this act apply to comprehensive plans that are subject to appeals pending before a growth management hearings board on the effective date of this act. An additional 90 days is provided for a board to continue its review of such comprehensive plans. By mutual agreement of all parties to such an appeal, this additional 90-day period may be extended.

Appropriation: None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It is hard to find large tracts of industrial land. Many areas already have reached their projected 20-year population. Let the populations be minimums, as everyone already thought. There are no parcels larger than 25 acres zoned for industrial uses in the Kent area. This provides a safety valve.

**Testimony Against:** Counties already allow industrial development in rural areas.

**Testified:** Chris Vance, King County Council; Mary Lynn Myer, Dept. of Community, Trade and Economic Development; Matt Ryan, Keith Dearborn, and Win Granlund, Kitsap County; Sylvian Frankus, League of Women Voters of Wash.; Paul Parker, Wash. State Assn. of Counties; Bob Mack, Bellevue; Davidya Kasperzyk, Wash. Council of American Architects; Chris Leman, Coalition of Wash. Communities; John Woodring, Wash. Assoc. of Realtors; Steve Clagget, 1000 Friends of Wash.; Naki Stevens, People for Puget Sound; Scott Merriman, Wash. Environmental Council; Robert Dryfus; Susie Rao, Building Industry Association of Washington; and Don Chance, Association of Washington Business.

**Votes on Final Passage:**

Yeas 71; Nays 24; Excused 2; Absent 1

Nays: Appelwick, Basich, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, R. Fisher, Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria, Wolfe

Excused: Pelesky, Regala

Absent: Mr. Speaker