
Local Government Committee

HB 1403

Brief Description: Making it possible for more properties to have access to water, storm drains, and sanitary sewage systems.

Sponsors: Representatives Goehner, Chapman, Griffey, Corry, Rude, Couture, Christian, Cheney, Barkis and Stokesbary.

Brief Summary of Bill

- Provides that urban government services may be extended beyond city and urban growth area boundaries to meet the needs of those living within such communities, and water, sanitary sewage systems, and storm drains may be provided to properties outside of these boundaries to protect basic public health, safety, welfare, and the environment.
- Provides that neither the Growth Management Hearings Board nor a boundary review board may hear petitions based on the existence or extension of water, storm drainage, or sewerage systems outside of a city or urban growth areas boundary, and a city or county may not be found out of compliance by the Board based on the provision of such services.
- Allows for additional development and services in limited areas of more intensive rural development, based on the needs of the people in those communities.

Hearing Date: 2/1/23

Staff: Kellen Wright (786-7134).

Background:

The Rural Element 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 part of the legislation nor does it constitute a statement of legislative intent.

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. The central part of the planning process is the comprehensive plan. The Legislature has established 14 goals that should act as the basis of all comprehensive plans. Examples of goals include reducing sprawl, providing affordable housing, and protecting property rights. The comprehensive plan must address these goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future. These plans are required to be updated every 10 years and must contain certain elements, such as a land use element, a housing element, and a capital facilities plan. These elements must satisfy the requirements for each individual element while fitting within the overall comprehensive plan. The plans shall consist of a map or maps, along with text describing the objectives, principles, and standards that were used to develop the plan. The plan must be an internally consistent document, and all elements must be consistent with the future land use map.

One required element of the comprehensive plan that applies only to counties is the rural element. This element covers rural development and measures to protect the rural character of an area. Rural character includes the patterns of land use and development established by a county in which the natural landscape and open space predominate over the built environment; traditional rural lifestyles and economies are fostered; traditional rural landscapes are found; land use is compatible with the use of the land by fish and wildlife; the conversion of undeveloped land into sprawling low-density development is reduced; the extension of urban governmental services is not generally required; and natural surface flows and water recharge and discharge areas are protected.

Other measures to protect rural character include containing or controlling rural development; assuring visual compatibility of development with the surrounding rural area; reducing the conversion of undeveloped land into low-density development; protecting critical areas; and protecting against conflicts with agricultural, forest, and mineral resource lands.

The rural element should also provide for rural government services. These include those services historically and typically delivered to rural areas, such as domestic water systems and emergency services, but may not generally include storm or sanitary sewers. Urban government services, by contrast, are most appropriately provided by cities in urban growth areas. These include storm and sanitary sewer systems, street cleaning services, public transit services, and other public utilities associated with urban areas and not with rural areas. Urban government services should not be extended into rural areas, except where necessary to protect basic public health, safety, and environment, if such services are financially supportable at rural densities and do not permit urban development.

Limited Areas of Most Intensive Rural Development.

A rural element may include limited areas of more intensive rural development. A county is required to adopt measures to minimize and contain areas and uses of more intensive rural

development within existing areas of development. This more intensive development can consist of infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas. Development or redevelopment generally must be designed to principally serve the existing and projected rural population. New development or redevelopment in terms of building size, scale, use, or intensity may be permitted if all existing providers of public facilities and services confirm that there is sufficient capacity to serve the new development or redevelopment. This development and redevelopment may include vacant land, as long as there is sufficient capacity to serve the new development or redevelopment and the new use is consistent with the local character. Any commercial development or redevelopment must be principally designed to service the existing and projected rural population. Any new retail or food service use must be 2,500 square feet or fewer, and any retail or food service use in a previously occupied space can be no larger than the greater of 5,000 square feet or the size of the previously occupied space.

Development can also consist of the intensification of development on lots containing isolated cottage industries or small-scale businesses that are not designed to principally serve the existing and projected rural population, but that do provide rural job opportunities. The expansion of these small-scale businesses, or the use of a previously occupied site by a new business, can be allowed as long as it conforms to the rural character of the area. Public services and facilities in such areas must be limited to those necessary to serve the isolated use and cannot be provided in a manner that permits low-density sprawl.

The Growth Management Hearings Board and Boundary Review Boards.

The Growth Management Hearings Board (GMHB) hears petitions and resolves disputes concerning the GMA. The GMHB is authorized to hear petitions and issue rulings on six subjects. Most of these are narrow topics: three relate to watershed critical area requirements; another to the Office of Financial Management's twenty-year growth projections; and another covers whether a county that opted out of fully planning under the GMA in favor of partial planning was in compliance with certain requirements by January 30, 2017.

The final area on which the GMHB can hear petitions is broader and allows the GMHB to determine whether a state agency, a city, or a county is in compliance with the requirements of the GMA, the Shoreline Management Act, or the State Environmental Policy Act.

If the GMHB finds that a city or county is out of compliance, it must give the city or county a reasonable time, not to exceed six months in a normal case, to come into compliance. The GMHB will then hold another hearing to determine whether the city or county has achieved compliance. If the city or county is still out of compliance, the Governor is authorized to impose sanctions. These sanctions can include the withholding of tax revenue until the city or county comes into compliance.

Boundary review boards are quasi-judicial bodies that review certain specified actions and either approve, modify, or deny the proposed action. Certain counties have been required to create

boundary review boards based on population, while others can voluntarily establish such a board. Altogether, 14 counties have established boards. Topics that boundary boards review include proposed boundary changes of cities, towns, or special purpose districts in certain circumstances; the assumption of a dissolved special purpose district's assets by a city or town; the establishment of, or change in the boundaries of, a water-sewer district; and the extension of permanent water or sewer service or facilities outside of an existing service area by a city, town, or special purpose district.

Whenever any of these actions occur, the initiator of the action must file a notice of intent with the boundary review board, which will hear the action if a sufficient number of its members file a request to review the action, if a governmental unit affected by the action files a request for review, or if a sufficient number of voters who are affected by the proposed action file a request for review. Members of the board are prohibited from filing requests for review in certain instances, including for review of an extension of water or sewer service outside of existing boundaries when the pipes used are under a certain size or if a county planning under the GMA has waived the authority of the board to initiate such a review.

Summary of Bill:

Urban government services may be extended beyond city and urban growth area boundaries to meet the needs of those living within such communities, including access to public domestic water, storm, and sanitary sewer systems. Water, sanitary sewage systems, and storm drains may be used to protect basic public health, safety, welfare, and the environment on properties outside of city and urban growth area boundaries. A city may extend water and sewer facilities outside of the city and the urban growth area.

Development or redevelopment in a limited area of more intensive rural development must be consistent with the needs of the people in the community, including access to water, storm, and sanitary sewer systems that are feasible and affordable in the location. Development consisting of the intensification of development on lots containing isolated nonresidential uses must be provided public services and facilities in a manner that moderates low-density sprawl.

The GMHB is not authorized to hear petitions alleging noncompliance with the GMA or Shoreline Management Act based on the existence or extension of water, storm, or sewerage systems beyond city or urban growth area boundaries. The GMHB may not base a finding of noncompliance on the provision of such services, including if such service or facilities are inconsistent with the comprehensive plans or regulations of the city or county, and state funding cannot be restricted or reduced for such a reason.

A boundary review board may not review an extension of permanent water or sewer service outside of a city, town, or special purpose district's corporate boundaries.

Local governments may issue permits for water, sewerage, or storm water facilities, even if existing rules that were based on prior law would prohibit such permitting, until such time as

new rules that conform to current law are in place.

The definition of rural character no longer includes the provision of visual landscapes traditionally found in rural areas or the requirement that such areas generally do not require the extension of urban government services.

The prohibition on rural services including storm or sanitary sewers in the definition of rural governmental services is removed.

The requirement that a comprehensive plan be an internally consistent document with all elements consistent with the future land use map is removed.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

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