
Local Government Committee

HB 1699

Brief Description: Clarifying criteria for more intensive development outside of urban growth areas.

Sponsors: Representative Simpson.

Brief Summary of Bill
<ul style="list-style-type: none">• Establishes additional criteria that must be met by counties in authorizing the siting of new fully contained communities and master planned resorts.• Establishes definitions pertaining to master planned resorts.

Hearing Date: 2/8/07

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

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. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The Department of Community, Trade, and Economic Development (DCTED) is charged with providing technical and financial assistance to jurisdictions implementing the GMA.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Planning jurisdictions must also adopt development regulations that implement and conform with the comprehensive plan. Except in limited circumstances, comprehensive plan amendments may

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.

be considered by the governing body of the planning jurisdiction no more frequently than once per year.

Among other obligations, counties fully planning under the GMA 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. The GMA does, however, permit the authorization of certain development activity outside of UGAs in fully planning counties. Some of these development application approvals, however, are considered an amendment to the jurisdiction's comprehensive plan.

Fully Contained Communities

Counties that fully plan under the GMA may establish a process, as part of its UGAs, for reviewing proposals to authorize new fully contained communities (FCCs) outside of the initially designated UGAs. An FCC may be approved if specific criteria are met, including:

- New infrastructure is provided for and impact fees are established;
- Transit-oriented site planning and traffic demand management programs are implemented;
- Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; and
- A mix of uses is provided within the FCC to offer jobs, housing, and services to the residents of the new community.

A county that authorizes a new FCC must also comply with population allocation requirements specified in statute. Additionally, final approval of a new FCC is considered an adopted amendment to the comprehensive plan of the applicable jurisdiction.

Master Planned Resorts

Counties that fully plan under the GMA may also permit master planned resorts (MPRs) that may constitute urban growth outside of UGAs. An MPR is described in the GMA as:

"A self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities."

Capital facility and residential limitations for MPRs are specified in statute. Capital facilities, utilities, and, services provided on-site must be limited to meeting the needs of the MPR. Additionally, an MPR may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

An MPR may be authorized by a county only if specified criteria, including the following, are met:

- The comprehensive plan of the county specifically identifies policies to guide the development of MPRs;
- The comprehensive plan and development regulations of the county include restrictions that preclude new urban or suburban land uses in the vicinity of the MPR; and
- The county ensures that the resort plan is consistent with the development regulations established for critical areas.

Summary of Bill:

Additional Criteria for Siting Fully Contained Communities

Additional criteria that must be met by counties in authorizing the siting of FCCs are established. The new criteria specifies, in part, that:

- Transit-oriented site planning and traffic demand management programs must be given priority over plans to accommodate single occupant vehicles;
- The new FCC must not encourage further urban development of intervening rural areas or natural resource lands located between the FCC and UGAs or other urban development;
- Employment and commercial centers must be provided within FCCs;
- The new FCC must include a plan to assure that employment opportunities and services are made available concurrently with the construction of new housing;
- The new FCC must make its regional fair share of housing available to low and moderate income households and comply with certain affordability targets; and
- Development regulations must require the developer of the new FCC to purchase development rights from adjacent and nearby non-urban areas to assure that these areas are protected in perpetuity from urban development.

Criteria developed by a county to comply with new and existing siting requirements for FCCs must be reviewed and approved by the DCTED.

Additional Criteria for Siting Master Planned Resorts

Additional criteria that must be met by counties in authorizing the siting of MPRs are established. The new criteria specifies that:

- Any extensions of sewer or water services from a UGA to the resort must be completed in a manner that assures that these services are not made available for the development of intervening rural areas or natural resource lands;
- The MPR may allow up to 10 percent of the residential uses within its boundaries to be used for long-term or full-time occupancy if certain requirements are met;
- The county comprehensive plan specifically adopts and implements policies to guide the development of MPRs;
- New urban and suburban land uses in the vicinity of the MPR must be precluded, except in areas previously designated for urban growth;
- The county comprehensive plan must establish a transferable development rights program to assure that nearby rural areas are protected in perpetuity from urban development; and
- The county must incorporate measures into its comprehensive plan and development regulations to ensure that the MPR does not interfere with the continued use of nearby forest lands or agricultural lands.

Counties may not authorize MPRs within the following areas:

- Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;
- On a site with 50 or more contiguous acres of unique or prime farmland identified and mapped by the U.S. Natural Resources Conservation Service or its predecessor agency;
- In the Columbia River Gorge National Scenic Area; or

- In forested areas with high potential for catastrophic wildfires, as determined by the Department of Natural Resources.

New definitions for terms pertaining to MPRs are also specified. "A setting of significant natural amenities" means features formed through nature's actions that attract the public for recreational activities including, but not limited to, ocean beaches, natural lakes, rivers, mountains, deserts, and wetlands. "Self contained" means recreational development that can supply the daily needs of those who visit the development for recreation, food, accommodations, and entertainment.

Appropriation: None.

Fiscal Note: Not requested.

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