

SENATE BILL REPORT

ESSB 5593

As Passed Senate, February 15, 2022

Title: An act relating to urban growth area boundaries.

Brief Description: Concerning urban growth area boundaries.

Sponsors: Senate Committee on Housing & Local Government (originally sponsored by Senators Short, Lovelett, Gildon, Hasegawa and Mullet).

Brief History:

Committee Activity: Housing & Local Government: 1/12/22, 1/27/22 [DPS, w/oRec].

Floor Activity: Passed Senate: 2/15/22, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Amends the current standards for jurisdictions to revise a designated urban growth area (UGA) or areas to include revisions based on patterns of development.
- Provides that any revision to the existing boundaries of a jurisdiction's UGA or areas may not result in an expansion of total surface area of the UGA if the revision is to accommodate patterns of development and anticipated urban growth.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Cleveland, Lovelett, Sefzik, Trudeau, Warnick and Wilson, J.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Salomon.

Staff: Maggie Douglas (786-7279)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA sets forth three broad planning obligations for those counties and cities who plan fully under the GMA:

- the county legislative authority must adopt a countywide planning policy;
- the county, and the cities within the county, must adopt comprehensive plans and designate critical areas, agricultural lands, forestlands, and mineral resource lands, and adopt development regulations accordingly; and
- the county must designate and take other actions related to urban growth areas (UGAs).

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 locally adopted development regulations.

Urban Growth Areas. Counties that fully plan under the GMA must designate UGAs, within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Cities must include sufficient areas to accommodate the broad range of needs and uses that will accompany the projected urban growth, including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Summary of Engrossed First Substitute Bill: Each county that designates UGAs under the GMA shall review its designated UGAs, patterns of development within the UGA, and the densities permitted within the incorporated and unincorporated portions of each UGA during the jurisdiction's regularly scheduled comprehensive review update cycle.

If, during the jurisdiction's regularly scheduled review, the county determines the patterns of development have created pressure in areas that exceed the available and developable lands within the UGA, the county may revise the UGA to accommodate identified patterns of development and future development pressure for the succeeding 20-year period. Areas added to the UGA must not be designated as long-term commercial significance or contain more than 15 percent critical areas. The areas added must be suitable for urban growth and contiguous. The revision may not result in an increase in the total surface area of the existing UGA.

A jurisdiction's transportation element and capital facility plan element must identify the transportation facilities, public facilities, and related services needed to serve the added areas to the UGA.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: Small and large jurisdictions often find that certain areas aren't as developable as initially projected during the initial development of the comprehensive plans. Jurisdictions need greater tools to revise the areas so that they could meet growth targets and provide additional opportunities for developing affordable housing options for those located in the region. Some jurisdictions are experiencing growth patterns in unpredictable ways and want to meet the needs for public transportation and access to other public goods. This bill allows jurisdictions to better meet the need of their residents.

CON: This removes language regarding the protection of the size of UGAs. While it allows for the same surface areas in the revision, many existing UGAs are already oversized that were never appropriately sized down. We also have concerns about the protection of agricultural, forest, and mineral resource lands during the revision of UGA boundaries. Additionally, there needs to be a review and appeal process included in the bill so that we don't lose protection of the agricultural, forest, and mineral resource lands.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Mark Schuller, City of Cheney; Paul Jewell, Washington State Association of Counties; Jan Himebaugh, Building Industry Association of Washington; Jeanette McKague, Washington REALTORS.

CON: Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.