
Local Government Committee

HB 1402

Brief Description: Adjusting urban growth boundaries to account for situations where property owners have not developed property as expected in comprehensive plans and development regulations.

Sponsors: Representatives Jacobsen, Griffey, Chapman, Goehner, Volz, Couture, Abbarno, Chambers, Klicker, Barkis, Christian and Stokesbary.

Brief Summary of Bill

- Allows an urban growth area (UGA) to include an area outside of a city that is not already characterized by urban growth.
- Allows counties and cities to assume that properties within a UGA that are in a flood plain or that have remained undeveloped or underdeveloped for 20 years will not be developed as was anticipated, and to therefore expand the UGA to include more buildable land to satisfy projected future needs.
- Provides that the Growth Management Hearings Board does not have authority to hear or decide petitions related to such UGA expansions.

Hearing Date: 2/1/23

Staff: Kellen Wright (786-7134).

Background:

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 encouraging development in

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urban areas, reducing sprawl, providing for 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.

One aspect of the comprehensive plan that must be reviewed and revised every 10 years is the designation of urban growth areas (UGAs). Urban growth is growth that makes such intensive use of land for buildings, structures, and impermeable surfaces that is it unsuitable to be used primarily for agriculture, natural resource use and management, or for rural uses. Counties planning under the GMA are required to designate UGAs. A UGA is an area in which urban growth is encouraged. Outside of a designated UGA, urban growth is prohibited. Each city must be included in an urban growth area, and a UGA can include more than one city within its boundaries. Areas outside of a city can also be included within a UGA, but only if the areas are already characterized by urban growth. When a federally recognized Indian tribe that has a reservation or cede lands in the county has chosen to participate in the planning process and has reached a planning agreement with the county, the county and the tribe must coordinate their planning efforts for areas planned for urban growth.

The Office of Financial Management provides population projections to counties. Using these projections, each county and each city within the county must ensure that areas and densities within a UGA are sufficient to permit the urban growth that is projected to occur in the county or city over the next 20 years. Each UGA must permit urban densities and provide for greenbelts and open spaces. Each city must include areas sufficient to accommodate the broad range of needs and uses that will accompany the population growth, including government, medical, commercial, and other nonresidential uses.

In determining whether a UGA can accommodate growth over the succeeding 20-year period, counties and cities conduct a land capacity analysis. This is an analysis of the vacant, underused, and redevelopment potential of land with the UGA. Counties and cities use this information to try and ensure that there is sufficient land supply within the UGA to accommodate the projected future growth. In general, this analysis identifies vacant or underutilized lands within the UGA that could potentially accommodate future growth. In identifying these lands, counties and cities are authorized to consider unique local circumstances. Once the analysis is complete, counties and cities may apply a reasonable land market supply factor. A land market supply factor is a percentage deduction from the identified vacant or underutilized land to account for land that, though available for development, will not be developed within the 20-year planning horizon. These factors vary by jurisdiction. For example, as of 2016, Clark County applied a 10 percent vacant and a 30 percent underutilized market supply factor, while Kitsap County applied a 5 percent vacant and 15 percent underutilized factor.

When a county is conducting its 10-year review and revision, it must also review the patterns of development occurring within its urban growth areas, and the densities permitted within each

UGA. Cities must also review the densities permitting within its boundaries and the extent that urban growth is occurring within each city as compared with the unincorporated areas of the county.

As part of this review, the county comprehensive plan that designated the UGAs and the densities permitting within them must be revised to accommodate the projected growth over the next 20-year period. This growth should be located first in areas already characterized by urban growth that possess adequate public facilities and services to accommodate the growth; second, in areas with urban growth that may need additional services to accommodate the growth; and finally, in the remaining portions of a UGA.

A UGA may also be revised when the revision is not needed to accommodate future growth, in limited circumstances. If patterns of development have created pressures in areas that exceed the developable land within the UGA, then the UGA can be revised to accommodate those patterns of development, and the likely pressure over the next 20-year period, if the revision will not increase the surface area of the UGA; the areas added to the UGA are not agricultural, mineral resource, or natural resource lands; not more than 15 percent of the added area is designated as critical areas; areas removed from the UGA do not include areas of urban growth or density; the new UGA is contiguous, without gaps, and will not increase pressure to urbanize rural or natural resource lands; and the public facilities, services, and funding for the facilities and services have been identified in the transportation element and capital facilities element of the county's comprehensive plan.

In general, urban government services are provided by cities, and cannot be extended into rural areas. These services include those services that are typically provided in cities, including storm and sewer systems, domestic water systems, public transit, public safety, and other services associated with urban areas and not associated with rural areas.

The Growth Management Hearings Board (GMHB) hears petitions and resolves disputes concerning the GMA. If the GMHB finds that a city or county is out of compliance with the GMA, 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 is back in compliance.

Summary of Bill:

An urban growth area can include an area outside of a city even if the area is not already characterized by urban growth.

If there are properties within a UGA that are in a flood plain, or have remained undeveloped or underdeveloped for at least 20 years, the county or city may assume those properties will not be developed as was anticipated in the development regulations or comprehensive plan, and may

expand the UGA to include more buildable land to satisfy the projected future need.

When reviewing and revising its UGA designations in order to accommodate future growth, a county may make adjustments for properties or areas that are in a flood plain, or that are underdeveloped or undeveloped.

The GMHB does not have authority to hear or decide any petition related to compliance with the GMA that is based on adjustments to a UGA made because of a county's or city's determination that properties within the UGA that are in a flood plain, or that have remained undeveloped or underdeveloped for at least 20 years, will not be developed as anticipated and that more buildable land was required to satisfy the future projected need.

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.