

SENATE BILL REPORT

SB 5834

As of January 9, 2024

Title: An act relating to urban growth areas.

Brief Description: Concerning urban growth areas.

Sponsors: Senators Short, Lovelett, Billig, Gildon, Mullet, Padden and Torres.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/09/24.

Brief Summary of Bill

- Authorizes a county to revise its urban growth area (UGA) or areas during its annual review of proposed amendments to its comprehensive plan if the revised UGA meets certain criteria.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

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 establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA. These jurisdictions are sometimes said to be fully planning under the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision

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requirements prescribed in the GMA. Comprehensive plans must be reviewed and, if necessary, revised every ten years to ensure it complies with the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

Urban Growth Areas. Counties that fully plan under the GMA must designate Urban Growth Areas (UGAs), within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. UGAs must contain sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. Fully planning counties must review the designated UGAs, patterns of development within the UGAs, and the densities permitted within the incorporated and unincorporated portions of each UGA during the regularly scheduled comprehensive review update cycle.

If, during the jurisdiction's 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 if the revised UGA meets certain criteria, including but not limited to:

- the revised UGA does not result in an increase in the total surface areas of any UGA;
- the areas added to the UGA are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance; and
- less than 15 percent of the areas added to the UGA are critical areas.

Summary of Bill: A fully planning county may, as part of its annual review of proposed amendments, updates, or revisions of its comprehensive plan, review its designated UGAs and the patterns of development and densities permitted within each UGA. If, during the county's regularly scheduled annual 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 if:

- the revised UGA does not result in an increase in the total surface areas of the UGA;
- the areas added to the UGA are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;
- less than 15 percent of the areas added to the UGA are critical areas;
- the areas added to the UGA are suitable for urban growth;
- the county's transportation element and capital facility plan element have identified the transportation facilities and public facilities and services needed to serve the UGA and the funding to provide the transportation facilities and public facilities and services;
- the areas removed from the UGA does not include urban growth or urban densities; and
- the revised UGA is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

Appropriation: None.

Fiscal Note: Requested on January 2, 2024.

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: PRO: This bill grants flexibility for minor UGA adjustments and allows counties to be more reactive to the market and where the growth needs to go rather than waiting for this adjustment until the ten year comprehensive plan review cycle. This bill would help reduce development pressure near some critical areas by allowing those areas to be moved out of UGA so that other areas may be development. We would like to see a provision that requires a county to first consult with its affected cities before conducting a UGA revision.

CON: We are concerned that by making this an annual review process, counties would be able to revise UGA without consulting cities. We would like to see language added that states that any land added to the UGA as a part of this revision cannot be de-designated agricultural lands.

OTHER: The bill needs to be amended that clarify UGA revisions should include consultation with tribes. Additionally, the amended version of RCW 36.70A.110 should mirror RCW 36.70A.130.

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; Brett Lucas, City of Cheney; Rod Higgins, Councilmember, City of Spokane Valley; Paul Jewell, Washington State Association of Counties; Jan Himebaugh, Building Industry Association of Washington.

CON: Bryce Yadon, Futurewise ; John Worthington.

OTHER: Joe Tovar, Washington Chapter of the American Planning Association.

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