

SENATE BILL REPORT

SB 5995

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, January 30, 2012

Title: An act relating to urban growth area boundary modifications for industrial land.

Brief Description: Authorizing urban growth area boundary modifications for industrial land.

Sponsors: Senators Delvin and Hewitt.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/16/12, 1/30/12 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Benton, Chase and Roach.

Minority Report: Do not pass.

Signed by Senator Nelson.

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under GMA. It also establishes a reduced number of directives for all other counties and cities.

GMA includes numerous requirements relating to the use or development of land in urban and rural areas. GMA directs jurisdictions that fully plan under GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally-adopted development regulations, both of which are subject to review and revision requirements prescribed in GMA.

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.

Additionally, counties that fully plan under GMA (planning counties) 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. Planning counties and the cities within these counties must include areas and densities within their UGAs that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority. A public agency for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government.

Summary of Bill (Recommended Substitute): A city planning under GMA may request that a county amend the UGA within which the city is located. A city's request to the county to amend the UGA should be done as part of the county's annual comprehensive plan amendment process and must meet the county's application deadline for that year's comprehensive plan amendment process. The county must make a decision regarding the request as part of the county's annual comprehensive plan amendment process. These requests are subject to certain conditions, including that the request:

- may only occur in counties located east of the crest of the Cascade Mountains with a population of more than 100,000 and less than 180,000;
- must be for the purpose of increasing the amount of territory within the amended UGA that is zoned for industrial purposes and the additional land is needed to meet the city's and county's documented needs for additional industrial land to serve their planned population growth;
- may not increase the amount of territory within the amended UGA more than 7 percent of the total area within the city;
- must be preceded by a completed development proposal and phased master plan for the area to be added to UGA and a capital facilities plan with identified funding sources to provide the public facilities and services needed to serve the area; and
- are null and void if the development proposal has not been partially or wholly implemented within five years of the amendment or if the area has not been annexed within five years of the amendment to the UGA.

Counties and cities may enter into interlocal agreements for planning costs incurred by the county in accordance with a request to amend UGA for this purpose. Requests by a city to a county to amend the UGA must be done before December 31, 2015.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Establishes that a city's request to the county to amend the UGA should be done as part of the county's annual comprehensive plan amendment process and must meet the county's application deadline for that year's comprehensive plan amendment process. Requires the county to make a decision regarding the request as part of the county's annual comprehensive plan amendment process. Provides, in addition to the limitations on these UGA amendments currently within the bill, these UGA amendment requests:

- may only occur in a county located east of the crest of the Cascades with a population of more than 100,000 and less than 180,000;
- must show that the additional land is needed to meet the city's and county's documented needs for additional industrial land to serve their planned population growth; and
- must have a capital facilities plan with identified funding sources to provide the public facilities and services needed to serve the area.

Establishes an expiration date of December 31, 2015. Amends the title.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill is specific to a city in our state and tries to fix an issue that is facing the city. The bill is designed to apply to one city that would like to increase the size of its industrial zone in order to encourage new jobs and new employers. The city of Kennewick is in a unique situation in that the clean-up at the Hanford site is going much faster than originally expected. It is a good thing in that the site is getting cleaned up much quicker, but it is a bad thing when it comes to jobs. Less than 6 percent of the land in the city of Kennewick is available for job creation. This bill is about job creation.

CON: There is a faster, easier local fix available. Benton County has adopted policies that say the county will consider UGA expansions once every five years. There is nothing in state law that requires them to do that. This policy is in the county's development regulations and can be changed at any time. The state statute allows for changes every year. Even if the Legislature passed this bill, the county will still need to amend its development regulations. The changes proposed in this bill have broader impacts than just the city of Kennewick. This bill would affect all cities in three counties in eastern Washington, Yakima, Spokane, and Benton Counties. There is flexibility within the GMA to accommodate this kind of decision. This should be handled on a local level.

OTHER: With amendments to this bill, this bill would be more acceptable to the counties.

Persons Testifying: PRO: Senator Delvin, prime sponsor; Phil Watkins, Steve Young, Greg McCormick, city of Kennewick.

CON: April Putney, Futurewise; Leonard Bauer, Department of Commerce.

OTHER: Josh Weiss, WA Assn. of Counties.