

HOUSE BILL REPORT

HB 1698

As Reported by House Committee On:
Local Government

Title: An act relating to urban growth area capital facilities plans.

Brief Description: Requiring changes to certain urban growth area capital facilities plans.

Sponsors: Representatives Simpson, Dickerson and B. Sullivan.

Brief History:

Committee Activity:

Local Government: 2/8/07, 2/23/07 [DPS].

Brief Summary of Substitute Bill

- Requires counties that designate or expand urban growth areas, or that approve new or modified fully contained communities, to develop urban growth area capital facilities plans.
- Specifies criteria and consultation requirements for facilities plans.
- Specifies that facilities plans must be adopted as amendments to the jurisdiction's comprehensive plan.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross, B. Sullivan and Takko.

Staff: Thamas Osborn (786-7129).

Background:

Growth Management Act (GMA) Comprehensive Plan Requirements

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.

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. Comprehensive plans must address specified planning elements, each of which is a subset of a comprehensive plan. Planning jurisdictions must also adopt development regulations that implement and conform with the comprehensive plan. Except in limited circumstances, comprehensive plan amendments may be considered by the governing body of the planning jurisdiction no more frequently than once per year.

Planning Requirements for Urban Growth Areas

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. Among the developments permitted outside of UGAs, but which have infrastructure/facilities needs and other characteristics which are urban in nature, are the following:

- fully contained communities;
- industrial land banks; and
- master planned resorts.

Planning Requirements for the Development of Fully Contained Communities

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

- new infrastructure is provided for and impact fees are established;
- transit and traffic planning programs are implemented;
- buffers are provided between a FCC and an adjacent urban development;
- a mix of uses is planned, including jobs, housing, and services to FCC residents;
- affordable housing is provided for a broad range of income levels;
- environmental protection measures are included in the planning;
- development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas; and
- the plan for the new FCC is consistent for with the development regulations established to protect critical areas.

A county that authorizes a new FCC must also comply with population allocation requirements specified in statute.

Summary of Substitute Bill:

Capital Facilities Plans and Changes Related to UGAs or FCCs

A county that designates or expands an UGA, or that approves a new or modified FCC, must develop an urban growth area capital facilities plan (facilities plan) that identifies:

- the public facilities and urban governmental services needed to serve the designated or expanded UGA, or the new or modified FCC, needed to comply with the level of service standard adopted by the applicable jurisdiction;
- the projected funding sources to pay for identified facilities and services ; and
- a schedule for providing the identified facilities and services.

Consultation With Providers of Facilities and/or Services

Other requirements that must be met by a county in capital facilities planning for FCC development, or for the designation/expansion of an UGA, include:

- consultation with providers of facilities or services with respect to facilities or services to be provided by entities other than the county; and
- consultation with the pertinent public entity in the event the implementation of the FCC plan, or UGA designation or expansion, would result in increased transportation demand upon facilities owned by such public entity.

A public entity owning a public transportation facility is encouraged to analyze the impacts of the creation or expansion of an UGA, or the creation or modification of a fully contained community, if such development is likely to increase traffic on the transportation facility owned by the entity. The public entity is also encouraged to suggest measures that would mitigate any adverse impacts on the transportation facility or bring the facility into compliance with its level of service standards.

In addition, an early consultation process is encouraged between counties and impacted transportation facilities with respect to proposals for the designation or expansion of an UGA or the creation of a new or modified fully contained community.

Miscellaneous Provisions

The facilities plan may be prepared prior to or concurrent with the designation or expansion of an UGA or the approval of a new or modified FCC. Additionally, the facilities plan must be adopted as an amendment to the county's comprehensive plan.

Substitute Bill Compared to Original Bill:

- Encourages a public entity owning a public transportation facility to analyze the impacts of the creation or expansion of an UGA, or the creation or modification of a fully contained community, if such development is likely to increase traffic on the transportation facility owned by the entity. The public entity is also encouraged to suggest measures that would mitigate any adverse impacts on the transportation facility or bring the facility into compliance with its level of service standards;
- encourages an early consultation process between counties and impacted transportation facilities with respect to proposals for the designation or expansion of an UGA or the creation of a new or modified fully contained community; and

- deletes all of Section 5 of the original bill, which prohibited activities related to the development of UGA or fully contained communities where the resultant increases in transportation demands would have specified adverse impacts.

Appropriation: None.

Fiscal Note: Requested on February 5, 2007.

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

Staff Summary of Public Testimony:

(In support) This is a good bill because it addresses the inadequacy of current law with respect to facilities planning to accommodate growth. It is essential that growth planning include planning for the capital facilities and services necessary to accommodate anticipated growth. The bill attempts to mandate proper transportation concurrency policies. Requiring the appropriate entities to consult with each other during the planning process is a positive step. Farsighted transportation planning is needed to accommodate increased facilities needs created by UGA expansion or the creation of a FCC.

(Opposed) The bill's provisions regarding transportation facility requirements would reduce the availability of buildable land. The transportation concurrency requirements will create problems and be very burdensome on counties and developers.

Persons Testifying: (In support) Tim Tronimovich, Futurewise; Kirk Kirkland; and Val Alexander, Friends of Clark County Futurewise.

(Opposed) Andrew Cook, Building Industry Association of Washington; and Eric Johnson, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.