

# HOUSE BILL REPORT

## SSB 5995

---

### As Passed House - Amended:

February 27, 2012

**Title:** An act relating to urban growth area boundary modifications for industrial land by certain counties.

**Brief Description:** Authorizing urban growth area boundary modifications for industrial land by certain counties.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Delvin and Hewitt).

### Brief History:

#### Committee Activity:

Local Government: 2/15/12, 2/21/12 [DPA].

#### Floor Activity:

Passed House - Amended: 2/27/12, 94-2.

### Brief Summary of Substitute Bill (As Amended by House)

- Allows certain qualifying cities to request that an applicable county planning under the Growth Management Act change the city's urban growth area (UGA) designation in order to increase the amount of territory within the UGA that is zoned for industrial purposes.

---

## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Rodne, Smith, Springer, Tharinger and Upthegrove.

**Staff:** Kelly Pfundheller (786-7289).

### Background:

Growth Management Act.

---

*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 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 requirements for local governments obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

#### Urban Growth Areas.

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 are implemented through locally-adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA. Among other obligations, planning jurisdictions must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. "Urban growth" is defined by the GMA, in part, as a reference to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for specified agricultural, mineral resource, and rural purposes.

The GMA includes many requirements pertaining to UGAs that planning jurisdictions must satisfy. Using population projections made by the Office of Financial Management (OFM), UGAs must include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period. Each city that is located within a planning jurisdiction must be included within a designated UGA. The UGAs must include areas sufficient 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 residential uses. The UGAs must permit urban densities and include greenbelts and open space areas.

#### County Population.

Benton County is currently the only county east of the crest of the Cascade Mountain range with a population between 100,000 and 200,000. In 2011 the OFM estimated that Benton County has a population of 177,900 residents.

#### **Summary of Amended Bill:**

Until December 31, 2015, a city within a county planning under the GMA may request that the county amend an UGA in order to increase the amount of territory within the UGA that is zoned for industrial purposes. The increase must be needed to meet the city and county's documented needs for industrial land to serve their planned population growth. The additional land may not increase the amount of territory within the amended UGA by an amount exceeding 7 percent of the total area within the city.

A request must comply with the following:

- may only occur in counties located east of the crest of the Cascade mountain range that have a population between 120,000 and 200,000;
- must meet the county's application deadline for the annual comprehensive plan amendment process; and

- must be preceded by a completed development proposal and phased master plan for the area to which the amendment applies and a capital facilities plan with identified funding sources to provide the public facilities and services needed to serve the area.

A request is null and void if the applicable development proposal has not been wholly or partially implemented or if the applicable area has not been annexed within five years of the amendment. Requests for a change to an UGA do not limit or otherwise modify the authority of counties and cities to enter into interlocal agreements relating to planning costs incurred by the county when fulfilling such a request.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The bill addresses the need for an increase in industrial land within the City of Kennewick in order to encourage job growth. Government contractors with Hanford comprise the top three employers in the area. The city wants to attract more businesses, but there are less than 100 acres currently available for industrial development. As a result, the city has turned away multiple major developers and businesses that required additional industrial land. Benton County reviews its UGAs on a five year cycle, but Kennewick needs to make changes quickly. Time is of the essence, and the bill allows the city to request changes on an annual basis. By expanding the applicable UGA and increasing industrial land, the bill could help create 1,500 to 2,000 jobs.

The Senate amended the bill in order to limit the number of affected counties. The bill applies to counties with a population between 100,000 and 180,000, which currently includes only Benton County. However, a small increase in population could push Benton County outside this range. The bill should be amended to increase the upper threshold of the population limit to 200,000.

(Opposed) None.

**Persons Testifying:** Senator Delvin, prime sponsor; Phil Watkins and Sharon Brown, City of Kennewick; and Leo Bowman, Benton County.

**Persons Signed In To Testify But Not Testifying:** None.