
Environment & Energy Committee

HB 2206

Brief Description: Concerning equity by authorizing government services outside of urban growth areas.

Sponsors: Representatives MacEwen, Van Werven and Young.

Brief Summary of Bill

- Authorizes cities to extend or expand urban governmental services into rural areas.
- Modifies the definition of "rural character" within the Growth Management Act to remove a reference to patterns of land use and development that generally do not require the extension of urban governmental services.
- Modifies the definition of "rural governmental services" to include sanitary sewer systems.
- Modifies the types of uses that may be allowed in rural areas to remove a reference to uses that are not characterized by urban growth.

Hearing Date: 2/4/20

Staff: Robert Hatfield (786-7117).

Background:

Growth Management Act - Introduction.

The Growth Management Act (GMA) is the comprehensive land-use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land-use designation and environmental protection requirements for all Washington counties and cities.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 29 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the 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.

The GMA directs jurisdictions that fully plan under the GMA (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. Comprehensive plans under the GMA must contain a number of required elements, including a rural element that must protect the character of rural areas by guiding development in those areas. Counties and cities that plan under the GMA are required to adopt development regulations that assure the conservation of agricultural, forest, and mineral resource lands.

Growth Management Act - Urban Growth Areas.

Counties that fully plan under the GMA must designate Urban Growth Areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning jurisdictions must include within their UGAs sufficient areas and densities to accommodate projected urban growth for the succeeding 20-year period. In addition, cities must include sufficient areas 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 nonresidential uses.

The GMA provides that, in general, it is not appropriate for urban governmental services, such as public services and public facilities at an intensity historically and typically provided in cities, to be extended to or expanded outside of the UGA into rural areas. Extension or expansion may be permitted in limited circumstances where: (1) it is shown to be necessary to protect basic public health and safety and the environment; and (2) when such services are financially supportable at rural densities and do not permit urban development.

Growth Management Act - Limited Areas of More Intense Rural Development.

County comprehensive plans must include a rural element to plan for land that is not designated for urban growth, agriculture, forest, or mineral resources. In the rural element of the plan, counties must protect the rural character of the area by containing and controlling development, among other things.

The rural element of county comprehensive plans allows for the designation of limited areas of more intensive rural development (LAMIRDs), including public facilities and services. Counties may designate LAMIRDs under three general circumstances. The Department of Commerce, in rules adopted to implement the GMA, refers to these as Type 1, Type 2, and Type 3 LAMIRDs:

- Type 1 LAMIRD - The infill, development, or redevelopment of commercial, industrial, residential, or mixed-use areas.
- Type 2 LAMIRD - New and increased development of small-scale recreational or tourist uses that do not include new residential development. Type 2 LAMIRDs are not required to principally serve rural populations.
- Type 3 LAMIRD - New and increased development of isolated small-scale businesses and cottage industries that provide job opportunities for local residents, even though they need not primarily serve the existing population.

Summary of Bill:

The definition of "rural character" within the Growth Management Act is modified to remove a reference to patterns of land use and development that generally do not require the extension of urban governmental services.

The definition of "rural governmental services" is expanded to include sanitary sewer systems.

Within the rural element of comprehensive plans, the types of uses that may be allowed in rural areas are modified to remove a reference to uses that are not characterized by urban growth.

With regard to Limited Areas of More Intensive Rural Development (LAMIRD), the restriction that public services and public facilities be limited to those needed to serve the particular purposes of the LAMIRD is removed.

Cities may extend or expand urban governmental services into rural areas but are not required to do so.

Appropriation: None.

Fiscal Note: Not requested.

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