

# Memo

**Date** : September 22, 2016  
**To** : Pierce County Regional Council  
**From** : Growth Management Coordinating Committee  
**Re** : **Countywide Planning Amendments – Urban Growth Area Expansion**

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## **PURPOSE:**

The purpose of this memorandum is to provide information to the Pierce County Regional Council regarding the ability to amend the Countywide Planning Policies (CPPs) to allow for expansion of the urban growth area for an individual city or town without demonstrating a countywide need for the expansion.

## **BACKGROUND:**

The existing CPPs allow for the expansion of the urban growth area if there is a demonstrated need for additional residential or employment capacity within an urban growth area affiliated with an individual jurisdiction and a demonstrated need countywide. The existing policy was established through the Vision 2040 consistency amendment package, which was approved by the Pierce County Regional Council (PCRC) at its April 21, 2011 meeting. On June 26, 2012, 60 percent of Pierce County jurisdictions representing 75 percent of the County's population ratified this amendment package. The Puget Sound Regional Council (PSRC) certified the Vision 2040 consistency amendment package on September 27, 2012.

In October 2013, the PCRC directed the Growth Management Coordinating Committee (GMCC) to analyze options to amend the CPPs regarding the expansion of UGAs for individual cities and towns. This directive stemmed from the PCRC's discussion of a text amendment being considered for the Pierce County Comprehensive Plan during the 2013 comprehensive plan amendment cycle.

On April 3, 2013, the GMCC voted to move forward three options for consideration by the PCRC: two options that would have amended the CPP criteria for UGA expansions and a third option to leave the CPPs unchanged.

On May 15, 2014, the GMCC chair briefed the PCRC on the three options developed and moved forward by the GMCC. Following discussion of the three options, the PCRC choose the third option leaving the CPPs unchanged.

This issue came up again in 2015 during the discussion of proposed amendments to the *Pierce County Comprehensive Plan* in response to proposals from the Cities of Bonney Lake and Buckley. Both had proposed UGA expansions as part of the 2015 comprehensive plan amendment cycle.

During the PCRC discussion of these amendments, Bonney Lake's representative moved that PCRC recommend denial of Bonney Lake's applications, in part because the proposed expansion would increase the capacity of the UGA without a corresponding reduction in the UGA. The PCRC voted to recommend denial of Bonney Lake's applications.

The PCRC recommended that Buckley's application to expand the UGA to provide additional lands for commercial purposes be held in abeyance by the County. PCRC requested that GMCC explore options for amending the CPPs to allow Buckley to expand the UGA to provide additional commercial lands for economic development.

#### **DISCUSSION:**

**Question:** Can the CPP's be amended to allow for expansion of the urban growth area for an individual city or town without demonstrating a countywide need for the expansion?

**Response:** No. Based on the legal framework discussed below the CPPs cannot be amended in a way that would allow a jurisdiction to expand its UGA without demonstrating that there is a countywide need for additional urban lands.

The Growth Management Act (GMA, RCW 36.70A) contains laws governing the sizing and location of an UGA. Washington State law states:

“Comprehensive Plans and development regulations must provide sufficient land capacity for development. Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and

consistent with the twenty-year population forecast from the office of financial management.” (RCW36.70A.115)

Washington State law further states:

RCW 36.70A.110(2) Based on the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty year period, except for those urban growth areas contained exclusively within a national historical reserve. As part of this planning process, each city within the county 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 nonresidential uses.

Decisions by the Growth Management Hearings Board (GMHB) have clarified these laws over the years. In the Central Puget Sound GMHB case *City of Snoqualmie v. King County*, the board discussed the meaning of whether GMA allows for a UGA expansion based on the need of “each city” or the need “countywide”. The GMHB concluded:

“RCW 36.70A.115 provides that cities and counties must ensure that “taken collectively” their comprehensive plans, development regulations, and amendments “provide sufficient capacity of developable lands within their jurisdictions” to accommodate projected growth.

In a parallel [SHB] 1825 amendment, the provision now specifies, “including, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth.”

RCW 36.70A.215, the buildable lands section, requires King County and its cities to monitor development patterns and take “reasonable measures” to ensure that urban growth occurs in existing urban areas and avoid expansion of UGAs. The buildable lands provisions already mandate consideration of sufficiency of commercial lands by cities and counties and were not amended by SHB 1825.

RCW 36.70A.130(3) requires each county to periodically review its UGA designations and permitted urban densities. Each city is required to review, not the size of its UGA, but the “densities permitted within its boundaries.” If more capacity is needed to accommodate projected growth, both UGA and density revisions

must be considered. The UGA update provisions were not amended by SHB 1825.

Taken together, the GMA's UGA provisions require each city to project its land capacity for population and employment growth taking into consideration the need for commercial, institutional and other facilities. The County and cities must attempt to accommodate the projected growth, including non-residential uses, in the existing urban area through density revisions or other "reasonable measures." The County then adopts a UGA which may not be over-sized as a whole." (CPSGMHB *City of Snoqualmie v. King County*, Case No. 13-3-0002, FDO at 39-40)

In the Central Puget Sound GMHB case *North Clover Creek/Collins Community Council, et al v. Pierce County*, the board discussed whether marginal increases in housing or employment capacity are allowed when the County has adequate land to meet its target(s). In this case the GMHB found that an expansion of urban growth area amendment to add 5.2 acres that would have an insignificant effect on urban residential capacity violated the GMA. The GMHB concluded that:

With the UGA already substantially oversized, even marginal expansions violate the GMA requirement of RCW 36.70A.110(2) to size UGAs to accommodate forecasted growth and GMA Goal to reduce sprawl. (CPSGMHB *North Clover Creek/Collins Community Council, et al v. Pierce County*, Case No. 10-3-0003c, FDO at 46)

In the Central Puget Sound GMHB also discussed whether the GMA allows for the expansion of the UGA for economic development proposes in the *North Clover Creek/Collins Community Council, et al v. Pierce County* case. The GMHB found that Pierce County's expansion of the City of Eatonville's UGA for economic development purposes did not comply with the UGA. The GMHB concluded:

"Board decisions from the Eastern and Western Boards have wrestled with the question of whether land that has better characteristics for a desired economic purpose can be added to a UGA which is already oversized. In *Brodeur, et al v Benton County*, the Eastern Board found non-compliant a proposed commercial/retail UGA extension that would link the City of West Richland to a potential freeway interchange. The Board found no support in the record that additional commercial land was needed when the existing UGA contained hundreds of acres of vacant and under-developed land. In *Kittitas County Conservation v Kittitas County*, the Eastern Board found a proposed commercial extension of the UGA to link to the interstate and accommodate big-box

stores was not supported in the record, where ample vacant commercial land was already available in the UGA. ....

In each of these cases, the anti-sprawl/UGA sizing requirements of the GMA trump the economic development goals of the local jurisdiction. That is because the Boards, while giving deference to the planning choices of cities and counties consistent with the GMA, are tasked with determining compliance with the goals and requirements of the Act (CPSGMHB *North Clover Creek/Collins Community Council, et al v. Pierce County*, Case No. 10-3-0003c, FDO at 46)

Finally, any amendment to the CPPs must also be consistent with *Vision 2040*, the multi-county planning policies. *Vision 2040* address the establishment of UGAs and states,

“Counties must work with their cities to designate an urban growth area as the primary location for growth and future development. All four counties in the region designated such an urban growth area in the mid-1990s. Subsequently, only relatively minor adjustments to the urban growth area have been made. The Regional Growth Strategy was developed with the assumption that, with good planning and efficient land use, existing urban growth area designations can accommodate the population and employment growth expected by 2040. Any adjustments to the urban growth area in the coming decades should continue to be minor.”

*Vision 2040* further provides policies related to adjustment and amendments to the UGA:

“MPP-DP-1: Provide a regional framework for the designation and adjustment of the urban growth area to ensure long-term stability and sustainability of the urban growth area consistent with the regional vision.” (Page 47, *Vision 2040*)

In order to expand the UGA, a local jurisdiction would need to show that there is a countywide need for residential lands or for commercial lands, which includes medical, governmental, educational, institutional, commercial, and industrial facilities.

Local jurisdictions have the option of proposing to remove development capacity from the Pierce County UGA to offset a proposed UGA expansion in order to demonstrate that there is a no net gain in Pierce County UGA. This option is already allowed under the CPP 2.3.2.