

MEMORANDUM

From: Mark Personius, AICP
Growth Management Consultant

To: Skagit Council of Governments
GMA Technical Advisory Committee

cc: File

Date: May 23, 2006

Subject: **Evaluation of UGA Expansion Criteria (Phase II)**

This memo summarizes the issues and identifies the broad themes and/or techniques regarding UGA expansion that the GMA Technical Committee agreed should be further explored based on discussion at their April 24, 2006 meeting. It also identifies issues that may need further discussion or refinement from the Technical Committee before proceeding with preparation of preliminary draft implementing regulations and/or policy amendments.

The issues identified in the *UGA Expansion Criteria Discussion Paper* that the Steering Committee considered for further evaluation include:

- Timing of UGA expansions
- Requirements for land capacity analyses
- Use of “thresholds” for UGA expansion (based on land capacity analyses)
- Consideration of reasonable alternatives to UGA expansion
- Use of the “Urban Reserve” approach to UGA expansion needs
- Joint city/county planning for UGA expansion

Timing of UGA Expansions

This approach would set a time-interval limit on future UGA expansions. For example, limiting UGA boundary expansions to once every (*fill-in the blank*) years. The statutory time range to alter UGA boundaries is from once every year [RCW 36.70A.130(2)(a)] to once every ten years [RCW 36.70A.130(3)]. Only one county surveyed for this project (King County) utilizes a time-certain interval for UGA expansion *exclusively*. The potential selection of a time-interval for UGA expansion at the local level would be reasonably likely to range from four (4) to seven (7) years. King County, for example, utilizes two CP amendment cycles: 1) the annual amendment cycle for CP map amendments that involve corrections to a technical mapping error and any other changes that do not require a substantive policy change or alter a UGA boundary (meaning that internal UGA land use designation changes may be considered annually); and 2) a four (4) year CP amendment cycle for all other changes (including UGA boundary alterations). An alternative interval (for a slower-growing county) could be once every seven (7) years since the GMA requires CP updates every seven years. No county surveyed has adopted a seven year limitation on UGA alterations, however. Limiting UGA expansion to once every ten (10) years would be the maximum time interval allowed by statute. No other county surveyed has adopted a minimum ten-year time interval on UGA boundary expansions or alterations either—it is viewed as a maximum under the statute by all other counties surveyed.

Issues to Consider

Adopting a time-certain interval between UGA expansions is predictable, straightforward and easy to understand. However, it also places the greatest restriction on the local discretion to alter UGA boundaries. Also, by itself it is not particularly responsive to changing market conditions (e.g., what if ten years of projected UGA growth occurs in, say, the first four years of the planning period?). If adopted, it should be used in concert with establishing specific conditions (or alternative criteria) so that UGA expansion/alteration could occur *prior to* the established minimum time interval, only if the specific conditions are met (e.g., if land capacity analyses indicated a shortage of available land, or UGA expansion was needed for a specific public use for which a suitable site was not available within the UGA, etc.).

Requirements for Land Capacity Analyses

The purpose of land capacity analyses is to monitor the pace of growth and the remaining capacity for growth within particular UGAs at any given time. It is mandated for counties planning under the buildable lands statutes [RCW 36.70A.215] and it is understood to be required by the “*show your work*” test for all communities planning under RCW 36.70A.130 to expand or otherwise alter UGA boundaries. The goal is to identify net

available developable land for residential, commercial and industrial uses (and possibly other “public” uses not otherwise typically accounted for in land capacity analyses).

Issues to Consider

Growth monitoring and land capacity analyses are valuable tools to stay abreast of growth conditions and trends. The challenge is to establish criteria by which all jurisdictions responsible for UGA planning—towns, cities and the county—can conduct meaningful and easily understandable analyses for their respective communities. Given the variables of staff size and capabilities, resources available to conduct the analyses and the rate of growth in jurisdictions across the county, it’s important to adopt minimum methodology requirements for land capacity analyses and growth monitoring that all communities—large and small—can meet. One approach would be to identify the factors to be considered in all communities’ land capacity analyses, such as accounting for critical areas, lands needed for public purposes, parameters to define underutilized or redevelopable lands, market factors to account for lands likely to be held off the market, etc. Then allow each community to conduct their land capacity analysis independently (with their own assumptions about how to measure those factors) but with a common easily understandable reporting format. An alternative approach would be to have one definitive commonly agreed-upon land capacity methodology that all jurisdictions would agree to implement (including all assumptions about what lands to exclude from the buildable land capacity and how to measure them).

Thresholds for UGA Expansion (Based on Land Capacity Analyses)

Thresholds are used most often in concert with land capacity analyses. Several counties define minimum land capacity thresholds that must be met before UGA expansion can occur. Clark County, for example, requires that at least 75% of the residential or commercial land capacity within a particular UGA be utilized (with limited exceptions) prior to a UGA expansion to accommodate more land. Snohomish County requires a minimum 50% developable land utilization rate prior to UGA expansion (again, with limited exceptions). In Snohomish County, reaching the 50% utilization rate triggers initiation of joint city/county planning for expansion of affected UGAs. Clark County goes even further in restricting the timing of UGA expansions to occur only during a periodic review and update to the county comprehensive plan (i.e., a minimum of every five years according to Clark County implementing regulations).

Issues to Consider

Establishing thresholds for land capacity consumption is a predictable, straightforward and an easily understood way to manage UGA expansion. However, it relies heavily on well-developed, easily understood and ground-truthed land capacity analyses. It also works more effectively when accompanied by an on-going growth monitoring system that reports annually so that there are no sudden “surprises” about UGA land deficiencies that might otherwise cast doubt as to the efficacy of the land capacity analyses.

Consideration of Reasonable Alternatives to UGA Expansion

This type of approach is based on the buildable lands statutory requirements (not presently applicable to Skagit County and its cities) that jurisdictions consider “reasonable measures” to UGA expansion in order to accommodate additional population allocation. Essentially, this approach would encourage/require jurisdictions with UGAs to “consider” other “reasonable” techniques—in lieu of UGA expansion—to accommodate additional growth. These could typically include a wide range of regulatory and non-regulatory actions addressing residential and commercial/industrial development, such as increasing zoning densities/intensities of use inside existing UGAs, allowing for accessory dwelling units, mixed-use development, small-lot or so-called “cottage housing” developments, density bonuses, mandating minimum densities (or maximum lot sizes), targeted public investments to promote higher density development, reallocating land within the existing UGA from one type of use to another, etc.

This strategy would be developed by creating a list or menu of “reasonable measures” that jurisdictions could consider for increasing existing UGA capacity prior to or as a part of any proposed UGA expansion. It would also include an explanatory process indicating “how” jurisdictions would have to “consider reasonable measures” as part of the record or documentation of the UGA expansion process.

If the Technical Committee agrees to pursue this approach further, we can develop a more in-depth list or menu of reasonable measures for jurisdictions to consider.

Issues to Consider

Reasonable measures are, in a sense, a self-diagnostic evaluation tool for UGAs. They require a more objective analysis of potential tools or techniques to accommodate urban growth. The use of the verb “consider” regarding implementation of such techniques means that some kind of documentation process must be completed as to the probable efficacy of such techniques at accommodating growth in any particular UGA considered

for expansion. However, the political discretion to define whether a particular measure is “reasonable” for a particular UGA should remain with the associated jurisdiction. Nevertheless, this approach could “set the bar” for UGA expansion by defining a minimum set of techniques that every community should/must consider (and evaluate) alongside any proposed UGA expansion. How high to set that bar would be subject to local discretion. Based on “buildable lands” counties’ experience to date, it appears that those reasonable measures should be given equal weight to UGA expansion when considering the need for UGA boundary modifications.

Urban Reserve Approach to UGA Expansion Needs

This technique is used by several faster-growing counties as a way to identify lands likely to be needed for *future* UGA expansion to accommodate additional *future* growth, typically beyond the initial 20-year GMA planning period. Lands meeting criteria for such an *urban reserve overlay* designation remain either in a rural or resource land designation until such time as they are needed to accommodate additional population or employment allocations. Re-designation to urban lands requires a formal comprehensive plan amendment. This serves as an “early warning” signal to property owners, utility providers, and public service and facility providers where future growth is (and is not) intended to be accommodated (i.e., beyond the initial 20-year plan designated UGA boundaries).

Issues to Consider

Clark County applied urban reserve overlay designations to some agricultural resource designated lands that abut existing UGAs. That action was appealed but upheld by the Western Washington Growth Management Hearings Board. The Hearings Board held that use of urban reserve designations was an appropriate means to identify lands likely to be needed to accommodate future urban growth and that petitioners had failed to show that such an overlay designation prevented or much less discouraged current use of the land for agricultural purposes. However, the Board also noted that at the time that the jurisdiction seeks to convert the land to actual UGA status, the conversion from agricultural resource land could still be challenged.

Joint City/County Planning for UGA Expansion

This technique creates a vehicle for addressing many of the growth-related concerns of both affected local government’s and residents when considering UGA expansion into current rural or resource lands. The framework policies for joint city/county UGA subarea planning already exist in the Skagit County CP. No truly joint UGA plans have been

initiated to date, although county-initiated subarea plans directly or indirectly affecting cities have been initiated with city coordination and involvement (e.g., Fidalgo Island and Bayview Ridge).

Issues to Consider

One way to commence joint planning would be to require initiation of joint city/county UGA expansion planning by adopting a land capacity utilization threshold figure—similar to the Snohomish County approach—that when reached would require initiation of joint city/county planning for UGA expansion. That joint planning process could also include, at the affected jurisdiction’s discretion, identification of “urban reserve” parcels that might be needed during the post-twenty year planning period for the particular UGA being planned. Joint city/county UGA expansion planning would also be an appropriate venue to address capital facility planning needs to provide urban services and facilities to newly converted unincorporated UGA parcels and “transformance of governance” issues (e.g., annexation, fiscal impacts from the delivery of public services, phasing of growth within the unincorporated portions of the UGA, etc.).

Conclusion

Discussion of the various issues and approaches to UGA expansion criteria discussed in this memo is scheduled for the June 2006 Technical Committee meeting. Our intent is for the Technical Committee to discuss and provide sufficient guidance to the consultant on which approaches and/or combination of approaches to pursue further. The consultant can then proceed with development of a preliminary first draft set of UGA expansion criteria implementing regulations and/or policy amendments for the Technical Committee to review and discuss at their subsequent meeting in July or August.