
Local Government Committee

HB 1727

Brief Description: Planning to ensure sufficient land and densities available to accommodate growth.

Sponsors: Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan.

Brief Summary of Bill

- Establishes new requirements for the land use and housing elements of comprehensive plans adopted under the Growth Management Act (GMA).
- Requires jurisdictions fully planning under the GMA (planning jurisdictions) to adopt innovative land use management techniques if the comprehensive plan or development regulations of the jurisdiction do not meet certain requirements.
- Includes new and modified requirements for urban growth areas (UGAs) adopted by counties fully planning under the GMA.
- Requires planning jurisdictions to recapture their capacity to accommodate allocated housing and employment growth when adopted land use regulations reduce this capacity.
- Includes new and modified requirements pertaining to the schedules and composition of reviews and revisions of comprehensive plans, development regulations, and UGAs.

Hearing Date: 2/1/07

Staff: Ethan Moreno (786-7386).

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 or Act) 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 Act (planning jurisdictions) and a reduced number of directives for all other counties and cities. Twenty-nine of 39 counties, and the cities within those counties, are planning jurisdictions.

Comprehensive Plans

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, including land use and housing, 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.

A comprehensive plan should also provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and the transfer of development rights.

Comprehensive plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Among other requirements, this review and analysis must include an analysis of the population allocated to a city or county from the most recent 10-year population forecast by the Office of Financial Management (OFM). Except as otherwise provided, all planning jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a recurring seven-year statutory schedule.

County-wide Planning Policies

The legislative authority of a county fully planning under the GMA (GMA county) must adopt a county-wide planning policy (CPP) in cooperation with the cities located wholly or partially within the county. A CPP is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted.

Capacity Requirements - Land Suitable for Development

Planning jurisdictions must ensure that, taken collectively, actions to adopt or amend comprehensive plans or development regulations provide sufficient capacity of land suitable for development within their jurisdictions. The requirement for sufficient capacity refers to accommodating a jurisdiction's allocated housing and employment growth as adopted in the applicable CPP and consistent with a 20-year population forecast.

Urban Growth Areas

The GMA includes numerous requirements relating to the use or development of land in urban and rural areas. Among other planning requirements, GMA counties 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.

Counties and cities must satisfy specific requirements pertaining to UGAs. Using population projections made by the OFM, and subject to statutory provisions, GMA counties and each city within these counties must include within UGAs, 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. A UGA

determination may include a reasonable land market supply factor and must permit a range of urban densities and uses. GMA counties must review their UGA designations "and the densities permitted within them" at least every 10 years. In conjunction with this county review, cities within UGAs must review the densities permitted within their incorporated boundaries.

Buildable Lands Program

The GMA requires six western Washington counties (*i.e.*, Clark, King, Kitsap, Pierce, Snohomish, and Thurston counties) and the cities within those counties to establish a review and evaluation "buildable lands" program. The purpose of the program is to determine whether a county and its cities are achieving urban densities, and identify reasonable measures, subject to statutory provisions, that will be taken to comply with requirements of the GMA.

Residential Density

Although the GMA includes provisions pertaining to density and the reduction of sprawling low-density development, neither "density" nor "residential density" is defined within the Act. The Department of Community, Trade, and Economic Development, in its September 2004 guidance paper, *Urban Densities - Central Puget Sound Edition*, partially defined "residential density" as the number of dwelling units over a specified land area.

The GMA does not prescribe a uniform minimum residential density, nor does the Act require jurisdictions to establish uniform minimum residential densities.

Summary of Bill:

Comprehensive Plans/Innovative Techniques

The land use element of a comprehensive plan must designate a sufficient quantity of land suitable for development or densities to accommodate anticipated population and economic growth.

The housing element must ensure the availability of a variety of residential densities and housing types. An inventory and analysis required of planning jurisdictions must identify the number of housing units necessary to accommodate, rather than manage, projected growth. The housing element must also:

- Identify a sufficient quantity of land suitable for housing development or densities sufficient to accommodate existing housing needs and projected population growth;
- Identify the existing zoning of this land and demonstrate either that existing development regulations will allow the densities and housing types for which the land was identified or identify changes to development regulations proposed to achieve the necessary densities and housing types; and
- Ensure that development regulations applicable to the identified land suitable for development allow development at densities sufficient to accommodate existing and projected housing needs.

The statutory list of innovative land use management techniques is expanded to include zoning for mixed use development, accessory dwelling units, impact fee waivers for affordable housing projects, and priority review for affordable housing projects.

If it is determined that the comprehensive plan or development regulations of a planning jurisdiction do not provide sufficient land suitable for development or densities to accommodate

its projected housing and employment growth, the jurisdiction must adopt innovative land use management techniques.

Capacity Requirements - Land Suitable for Development

When land use regulations are adopted that reduce a jurisdiction's capacity to accommodate their allocated housing and employment growth, the jurisdiction must recapture that reduced capacity.

Urban Growth Areas/Establishment of Subregions

Based upon the growth management population projection made for a GMA county by the OFM, the county and each city within the county must identify within UGAs a sufficient quantity of land suitable for development to accommodate the urban growth that is projected to occur in the county or city, at the densities indicated in the land use element, for the succeeding twenty-year period. A UGA determination, and any subsequent revision to a UGA obligated by specific review and revision requirements, must include a reasonable land market supply factor and must permit a range of urban densities and uses.

Planning jurisdictions may establish subregions in one or more GMA counties that are comprised of qualifying adjacent cities and counties. These subregions may be used to ensure a balance of jobs and housing within the subregion. The jurisdictions of the subregion may, through formal agreements, identify how best to accommodate the OFM's projected growth targets for the jurisdictions comprising the subregion.

County-wide Planning Policies

Each GMA county must, within one year of this legislation becoming effective, ensure that county-wide planning policies are amended to provide for the establishment subregions.

Reviews and Revisions of Comprehensive Plans, Development Regulations, and UGAs

Comprehensive plan and development regulation reviews and evaluations for planning jurisdictions must include an analysis of the population allocated to a city or county from the most recent 10-year population forecast by the OFM, including adjustments to the comprehensive plan and development regulations to ensure that sufficient capacity of land suitable for development within their jurisdiction is available to accommodate the projected population growth target. This review may be combined with the review and evaluation required of buildable lands jurisdictions, and, if applicable, must include the adoption of reasonable measures identified to accommodate the projected population growth target.

Planning jurisdictions must ensure that adoption of and amendments to their comprehensive plans and development regulations provide sufficient capacity of land suitable for development or densities within their jurisdictions to accommodate their allocated housing and employment growth. When actions are taken that reduce their capacity to accommodate planned growth, the jurisdiction must adopt reasonable measures to increase the capacity lost by the actions.

In conjunction with the required reviews and revisions of comprehensive plans and development regulations, planning counties must review their UGAs and the densities permitted within them, according to a five or 10 year recurring schedule for each county. Also in conjunction with these reviews and revisions, county comprehensive plans designating UGAs, and the densities permitted in UGAs by planning jurisdictions, must be revised to ensure [the existence of] a quantity of land suitable for development that is sufficient to accommodate the urban growth projected to occur in the county for the succeeding 20-year period. This revised UGA determination must include a

reasonable land market supply factor and must permit a range of densities and uses. Furthermore, comprehensive plan and development regulation reviews and revisions may be combined with the "buildable lands" review and evaluation and, if applicable, must include the adoption of reasonable measures identified to accommodate the projected population growth target.

The recurring seven-year statutory schedule specifying compliance deadlines for comprehensive plan and development regulation reviews and revisions is modified into a five and 10-year schedule. The recurring five-year cycle is as follows:

- On or before December 1, 2004, and every five years thereafter, for Clark, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties.

The recurring 10-year cycle is as follows:

- On or before December 1, 2005, and every ten years thereafter, for Clallam, Cowlitz, Island, Jefferson, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- On or before December 1, 2006, and every ten years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- On or before December 1, 2007, and every ten years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Appropriation: None.

Fiscal Note: Requested on 1/29/07.

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