

# HOUSE BILL REPORT

## HB 1727

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### As Reported by House Committee On: Local Government

**Title:** An act relating to growth management planning to ensure sufficient land and densities available to accommodate growth.

**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 History:**

##### **Committee Activity:**

Local Government: 2/1/07, 2/23/07 [DPS].

#### **Brief Summary of Substitute Bill**

- Establishes new requirements for the land use and housing elements of comprehensive plans adopted under the Growth Management Act.
- Expands the statutory list of innovative land use management techniques that should be provided for in comprehensive plans to include zoning for mixed-use development and accessory dwelling units.
- Authorizes cities and counties to establish subregions of adjacent cities and counties for specific purposes, including ensuring the existence of a sufficient amount of housing to meet the needs of projected population growth.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking

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*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.*

Minority Member; Schindler, Assistant Ranking Minority Member; Ross, B. Sullivan and Takko.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Growth Management Act

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 GMA (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. 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.

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.

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, counties that fully plan under the GMA (planning 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 Office of Financial Management, and subject to statutory provisions, planning 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.

Interlocal Agreements

Interlocal agreements allow two or more public agencies, political subdivisions, or units of local government, subject to statutory requirements, to enter into agreements to jointly exercise powers, privileges or authorities exercised or capable of being exercised singularly.

## **Summary of Substitute Bill:**

### *Comprehensive Plans/Innovative Techniques*

The land use element of a comprehensive plan must designate a sufficient quantity of land suitable for development to accommodate projected population and anticipated commercial and industrial land use growth.

The housing element must ensure the availability of a variety of residential densities and housing types. Planning jurisdictions must, through an inventory and analysis, identify the number of housing units necessary to accommodate, rather than manage, projected growth. The housing element must also identify a sufficient quantity of zoned land suitable for providing the needed housing units to accommodate existing housing needs and projected population growth.

The statutory list of innovative land use management techniques that should be provided for in comprehensive plans is expanded to include zoning for mixed-use development and accessory dwelling units.

### *Establishment of Subregions*

Urban growth area provisions are modified to specify that cities and counties may establish subregions comprised of adjacent cities and counties. As specified, these subregions would be the basis for ensuring the existence of a sufficient amount of housing to meet the needs of projected population growth and the demands from anticipated commercial and industrial land uses within the subregion.

The subregion, through an interlocal agreement, would identify how best to accommodate projected population growth for jurisdictions comprising the subregion. The projected population growth would be established for participating jurisdictions using existing processes to establish the subregion target. The interlocal agreement would identify the adjusted and agreed upon projected population growth for each participating jurisdiction.

## **Substitute Bill Compared to Original Bill:**

The substitute bill modifies amendatory provisions for the land use element of a comprehensive plan and requires the element to designate a sufficient quantity of land suitable for development to accommodate anticipated commercial and industrial land use growth. The substitute bill also:

- modifies amendatory provisions for the housing element and requires, through an inventory and analysis, planning jurisdictions to identify a sufficient quantity of zoned land suitable for providing the needed housing units to satisfy specific housing and population growth requirements;
- deletes an amendatory provision specifying that innovative land use management techniques include impact fee waivers for affordable housing projects and priority review for affordable housing projects;

- deletes an amendatory provision obligating planning jurisdictions to adopt innovative land use management techniques if certain requirements are not satisfied;
- deletes an amendatory provision specifying, in part, that planning counties and each city within these counties 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 20-year period;
- deletes an amendatory provision specifying that a UGA determination, and any subsequent revision to a UGA obligated by certain review and revision requirements, must include a reasonable land market supply factor and must permit a range of urban densities and uses;
- modifies amendatory provisions pertaining to the optional establishment of subregions between two or more adjacent local governments;
- deletes an amendatory provision specifying that 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; and
- deletes all amendatory provisions pertaining to the schedules and composition of reviews and revisions of comprehensive plans, development regulations, and UGAs.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) These bills are before the Legislature because we aren't building enough housing: particularly in the urban cores in the Puget Sound area. This lack of building is causing housing costs to escalate. If you want your children to be able to afford a house, action should be taken now. Are cities and counties doing what they need to do to accommodate projected job growth? Cities have restricted buildable land through local political decisions. This bill requires jurisdictions to accommodate growth when capacity is lost through these decisions. The issues the bill addresses are complicated, but they are not intended to alter the GMA. They are intended, however, to require cities and counties to take another look at their planning actions.

(Opposed) The bill will not add value to the planning process. The bill will make the planning process more complex and expensive, and it does not respect the value of housing markets. This bill should be turned into a study. Cities are doing all they can to accommodate growth. This bill will add bureaucratic requirements and it will not do anything for affordable housing.

**Persons Testifying:** (In support) Representative Springer, prime sponsor.

(Opposed) Paul Roberts, Everett City Council; and Stephanie Warden, King County Planning Director.

**Persons Signed In To Testify But Not Testifying:** Wolfgang Opitz, Office of Financial Management; Phil Harlan, Washington Realtors; Kaleen Cottingham, Futurewise; Sam Pace, Jeannette McKague, and Bryan Wahl, Washington Realtors; Dave Williams, Association of Washington Cities; Megan Lynch, Cascade Land Conservancy; and Gayle Broadbent, Adams Cove Group.