
Local Government Committee

HB 2217

Brief Description: Changing provisions relating to growth management.

Sponsors: Representative Simpson.

Brief Summary of Bill

- Includes new and modified requirements pertaining to county-wide planning policies adopted by counties fully planning under the Growth Management Act (GMA).
- Includes new and modified requirements pertaining to the "buildable lands" review and evaluation program of the GMA.
- Requires counties and cities fully planning under the GMA to adopt reasonable measures to increase the jurisdiction's capacity to accommodate planned growth when actions reducing the capacity are taken.
- Establishes definitions within the GMA for "land suitable for development," "performance measures," "reasonable measures," and "rural counties."

Hearing Date: 1/25/06

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act - Introduction

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

Planning jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Planning jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

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 in whole or part within

the county. A CPP is described as 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.

A CPP must address certain planning and analysis provisions, including:

- policies to implement urban growth area requirements;
- policies that consider the need for affordable housing; and
- policies for county-wide economic development and employment.

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 many requirements pertaining to UGAs. Using population projections made by the Office of Financial Management, 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.

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 GMA requirements.

The buildable lands program must comply with certain requirements, including:

- encompass land uses and activities within and outside of UGAs and provide for the annual collection of specified data to the extent necessary to determine the quantity and type of land suitable for development;
- provide for the evaluation of the collected data every five years; and
- provide for the amendment of CPPs and comprehensive plans as needed to remedy an identified inconsistency, or to bring these polices into compliance with the GMA.

The evaluation component must satisfy specific minimum requirements, including:

- determining whether there is sufficient land suitable to accommodate county-wide population projections and subsequent population allocations within the county and between the county and its cities; and
- determining the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within a UGA, subject to specified requirements.

If the evaluation demonstrates an inconsistency between what has occurred since the adoption of the CPPs, comprehensive plans, and development regulations, and what was envisioned in those policies, plans, and specific provisions of the GMA, the county and its cities must adopt and

implement measures that are reasonably likely to increase consistency during the subsequent five-year period.

The Department of Community, Trade, and Economic Development (DCTED) must, by December 31, 2007, submit to the appropriate committees of the Legislature a buildable lands report analyzing the effectiveness of certain activities in achieving the goals envisioned by CPPs and the comprehensive plans and development regulations of counties and cities.

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.

Summary of Bill:

New definitions are established in the Growth Management Act, as follows:

- "land suitable for development" means all vacant, partially used, and underutilized parcels that are: (1) designated for commercial, industrial, or residential use; (2) not intended for public use; (3) not constrained by critical areas in a way that limits development potential and makes new construction unfeasible; and (4) served by infrastructure currently available and adequate or planned for within the 20-year planning period;
- "performance measures" means an indicator providing consistent and reliable information to determine how a jurisdiction is achieving specified performance results. "Indicator" means a quantifiable measurement or index;
- "reasonable measures" means comprehensive planning policies and development regulations that are reasonably likely to increase consistency with the GMA and the county-wide planning policies and comprehensive plans; and
- "rural counties" is defined through a statutory cross reference as counties with a population density of less than 100 persons per square mile or counties smaller than 225 square miles.

County-wide Planning Policies

County-wide planning policies (CPPs) adopted by jurisdictions must address the following additional requirements:

- policies for the allocation of projected population and employment growth, and the number of residential units necessary to accommodate growth, by jurisdiction, in the urban and rural areas;
- policies establishing appropriate densities for urban and rural areas;
- performance measures to annually review progress towards accommodating the 20-year population and employment growth projections established in the CPPs; and
- policies that plan for and achieve a supply of housing sufficient to accommodate employment growth.

Buildable Lands Program

Numerous new and modified requirements pertaining to the buildable lands review and evaluation program are specified. One of two purpose statements for the program is changed to indicate that a

purpose of the program is to identify and adopt reasonable measures, other than adjusting UGAs, that will be taken to comply with the requirements of the GMA, which are sufficient to accommodate residential and nonresidential growth.

The buildable lands program must comply with certain modified requirements, including:

- providing for the annual collection and reporting of specified data to the county to the extent necessary to determine the quantity and type of land suitable for development; and
- providing for the amendment of CPPs, comprehensive plans, and development regulations, subject to specified provisions.

New and modified minimum requirements for the evaluation component of the buildable lands program are provided, including:

- requiring a joint report from each county and its cities satisfying numerous and specific reporting requirements regarding, in part, regional growth patterns, trends, employment, housing growth, and market conditions;
- determining whether there is sufficient land suitable for development to accommodate the county-wide population projections established and the subsequent population allocations; and
- determining the net number and types of new residential dwelling units, the estimated net number of new jobs created county-wide, and the amount of known environmentally sensitive lands that cannot be built upon within a UGA, subject to specified provisions.

The buildable lands provisions pertaining to remedies for certain planning inconsistencies are modified. If, in accordance with information from the joint reports, the evaluation demonstrates that the county or any city is not achieving the land use designations and densities planned for in its comprehensive plan, the county or city must identify and adopt reasonable measures to accommodate the demand for residential units and nonresidential growth during the subsequent five-year period.

If actions to achieve greater consistency between certain planning requirements are necessary, the county or city must revise its comprehensive plan and development regulations or take other actions necessary to increase consistency and satisfy certain requirements. The county or city must adopt and implement appropriate measures within a specified one-year time frame that are reasonably likely to increase consistency during the subsequent five-year period. A county or city adopting actions must demonstrate that it has considered whether the urban land designated for residential and nonresidential uses is zoned at density ranges with applicable development regulations that are reasonably likely to be achieved by the market.

Actions to increase consistency in planned and achieved growth may include, but are not limited to, the following:

- providing incentives to encourage new development that is consistent with the local plan;
- funding infrastructure and amenities to attract development;
- changing land use regulations and zoning designations to encourage development at densities sufficient to accommodate projected residential and nonresidential growth;
- developing outreach programs to encourage the type of development sought in the jurisdiction's plan or development regulations; and

- developing improved procedures to reduce the amount of time necessary to issue permits.

A new buildable lands provision states that CPPs may include incentive provisions and enforcement measures to accommodate growth and achieve goals.

A new criteria for the buildable lands report that the DCTED must submit to the Legislature is added. The report must analyze the effectiveness of certain activities and measures taken by counties and cities to achieve the goals envisioned by CPPs and the comprehensive plans and development regulations of counties and cities.

Capacity Requirements - Land Suitable for Development

A new land capacity requirement for planning jurisdictions is specified. When actions are taken that reduce capacity to accommodate planned growth, the jurisdiction must adopt reasonable measures to increase the capacity lost by such actions.

Appropriation: None.

Fiscal Note: Available.

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