

HOUSE BILL REPORT

ESHB 1727

As Passed House:

March 10, 2007

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: By House Committee on Local Government (originally sponsored by 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].

Floor Activity:

Passed House: 3/10/07, 97-0.

Brief Summary of Engrossed Substitute Bill

- Establishes new requirements for the land use and housing elements of comprehensive plans adopted under the Growth Management Act (GMA).
- Expands the statutory list of innovative land use management techniques that should be provided for in comprehensive plans to include mixed-use development and accessory dwelling units.
- Authorizes counties and cities to establish subregions to address housing and employment markets that cross jurisdictional boundaries.
- Requires counties fully planning under the GMA with at least 175,000 residents to satisfy new planning requirements pertaining to urban growth areas and to provide a related report to the appropriate committees of the Legislature by December 1, 2007.

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.

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 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 Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

Comprehensive Plans/Innovative Techniques

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.

County-wide Planning Policies

The legislative authority of each county fully planning under the GMA (planning 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.

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, 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 Engrossed Substitute Bill:

Comprehensive Plans/Innovative Techniques

The land use element of a comprehensive plan must designate, as appropriate, a sufficient quantity of land needed for residential, commercial, and industrial uses.

The housing element of a comprehensive plan must, through an inventory and analysis required of planning jurisdictions, 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 meeting the existing and projected housing needs identified through the jurisdiction's inventory and analysis.

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

Establishment of Subregions

A county and one or more of its cities, or two or more counties sharing a common border and their cities, may adopt CPPs or multicounty planning policies (MPPs) establishing subregions to address housing and employment markets that cross jurisdictional boundaries. These CPPs or MPPs may include, but are not limited to:

policies that reallocate the population growth established for each local government among the counties and cities in the subregion;

policies that provide for a sufficient number of housing units to accommodate the existing housing needs and projected population growth in the subregion; and

policies that provide for sufficient land suitable for development to meet the needs for commercial and industrial growth in the subregion.

Local governments within the subregion may use the CPPs or MPPs, interlocal agreements, or other appropriate mechanisms to implement these CPPs and MPPs.

Urban Growth Areas

New requirements pertaining to UGAs are established. Planning counties with at least 175,000 residents must:

consult and cooperate with each city within a UGA proposed for modification prior to and concurrent with actions to modify the UGA within which the city or cities are located;

consult and cooperate with each city within each UGA to adopt development regulations for unincorporated territory within UGAs that are consistent with each applicable city; adopt development regulations for new development in unincorporated territory within a UGA that is, as of the effective date of the act, entirely surrounded by incorporated territory. Development regulations adopted in accordance with this requirement must be consistent with the city or cities surrounding the unincorporated territory; and report to the appropriate committees of the House of Representatives and the Senate by December 1, 2007, on the implementation of, and any impediments related to, the consultation and cooperation requirements described above.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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.