

# HOUSE BILL REPORT

## SSB 5602

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### As Passed House - Amended:

April 11, 2003

**Title:** An act relating to accommodating housing and employment growth for local jurisdictions planning under RCW 36.70A.040.

**Brief Description:** Concerning the accommodation of housing and employment growth under local comprehensive plans.

**Sponsors:** By Senate Committee on Land Use & Planning (originally sponsored by Senators Kline, Mulliken, Shin, Reardon, T. Sheldon, Esser, Oke, Sheahan, Hewitt, Prentice, Doumit, Keiser and Kohl-Welles).

### Brief History:

#### Committee Activity:

Local Government: 3/26/03, 3/31/03 [DPA].

#### Floor Activity:

Passed House - Amended: 4/11/03, 89-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Requires local governments planning under the Growth Management Act to ensure that, taken collectively, adoption of and amendments to comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development to accommodate allocated housing and employment growth.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Romero, Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

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

### Background:

*Growth Management Act “ Comprehensive Plans*

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major GMA requirements. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required or have chosen to comply with the major GMA requirements (GMA jurisdictions).

GMA jurisdictions must adopt comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are required to include provisions for specific planning elements, including separate housing and economic development elements. The *housing element* of a comprehensive plan must include:

- an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth;
- a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences;
- an identification of sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and
- adequate provisions for existing and projected needs for all economic segments of the community.

Under current law, local governments are not required to include the *economic development* element of a comprehensive plan, which includes summaries of the local economy and policies to foster economic growth, until state funding is provided.

#### Comprehensive Plan Reviews

Comprehensive land use plans and development regulations are subject to continuing review and evaluation by the adopting county or city. Any amendments or revisions of development regulations must comply with GMA requirements and must be consistent with and implement comprehensive plans. Schedule and criteria information for counties and cities reviewing and/or revising comprehensive plans and development regulations are specified in RCW 36.70A.130.

#### Urban Growth Areas - Accommodating Projected Growth

GMA jurisdictions also must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

Using population projections by the Office of Financial Management (OFM), GMA jurisdictions must include within their UGAs densities and areas 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.

Each county designating UGAs must review its designated UGAs and permitted densities in incorporated and unincorporated areas at least once every 10 years. City reviews of permitted densities and other factors must occur in conjunction with county UGA reviews. As a result of county UGA reviews, the county comprehensive plan designating UGAs and the densities permitted in the UGAs by the county and cities located within the UGAs must be revised to accommodate the urban growth projected for the succeeding 20-year period.

*Review and Evaluation - Urban Densities and Adjustment Measures*

The GMA also requires six western Washington counties and the cities within those counties to establish a review and evaluation program to:

- determine whether a county and its cities are achieving urban densities within UGAs by comparing growth and development assumptions of county-wide planning policies and comprehensive plans with actual county and city growth and development; and
- identify reasonable measures, other than adjusting UGAs, that will be taken to comply with the requirements of the GMA.

Among other provisions, the evaluation component of the required program must:

- determine whether there is sufficient suitable land to accommodate the applicable county-wide population projection provided by the OFM;
- determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the UGA since the adoption of a comprehensive plan under the GMA; and
- using actual density data, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the 20-year planning period used in the most recently adopted comprehensive plan.

If the evaluation demonstrates an inconsistency between what has occurred since the adoption of county-wide planning policies, comprehensive plans, development regulations, and what was envisioned, the local government must adopt and implement measures to increase consistency during the subsequent five-year period. These measures may include amending county-wide planning policies and local government comprehensive plans.

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**Summary of Amended Bill:**

GMA jurisdictions must ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth as adopted in applicable countywide planning policies and consistent with the 20-year population forecast from the OFM.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Because the GMA focuses growth within intercity urban growth areas (UGAs) and limits growth and development outside the UGAs, the Legislature has a political and moral obligation to make sure that the building industry is given development advantages within UGAs. Good growth management requires density to be focused in cities. The provisions of this bill will require GMA cities to update their comprehensive plans and development regulations to reflect updated population forecasts from the OFM. This bill will help ensure that the high population cities and counties - the jurisdictions that are not currently addressing this issue sufficiently - provide adequate land supplies for housing. This bill is a modest attempt to ensure that when comprehensive plans and development regulations are amended, the local government's capacity to accommodate growth is not compromised. Presently, "down zones" can lead to a lessening of density and infill within UGAs. Supporting this bill will help to address the problems resulting from the significant shortage of affordable housing in the south sound area. Current statutory provisions exist for measuring capacities and jurisdictional compliance as required by this bill.

**Testimony Against:** The bill is redundant to existing GMA provisions as a comprehensive framework for accommodating growth is already in place. This bill may be interpreted to require that individual amendments to comprehensive plans and development regulations be accompanied by a capacity impact test requiring a more formal quantitative analysis. The requirements of the bill may bog down the process of incrementally amending plans and development regulations, by creating additional potential for appeals, et cetera. The language of the companion bill, SHB 1608, is preferable and offers a better approach for accommodating growth for industry and housing.

**Testified:** Senator Kline, prime sponsor; Senator Mulliken, sponsor; Larry Stout, Phil

Harlan, and Bryan Wahl, Washington Association of Realtors; Kris Tefft, Building Industry Association of Washington; Michael Hubner, Suburban Cities Association of King County; Mike Ryherd, American Planning Association; and Dave Williams, Association of Washington Cities.