

HOUSE BILL REPORT

HB 1957

As Reported by House Committee On:
Local Government

Title: An act relating to removing concurrency requirements under the growth management act.

Brief Description: Removing concurrency requirements under the growth management act.

Sponsors: Representative Moeller.

Brief History:

Committee Activity:

Local Government: 2/26/03, 3/5/03 [DPS].

Brief Summary of Substitute Bill

- Limits the Growth Management Act transportation concurrency requirements to projects located outside of designated urban growth areas.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Romero, Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Clibborn, Mielke and Moeller.

Minority Report: Do not pass. Signed by 4 members: Representatives Uptegrove, Vice Chair; Ahern, Berkey and Ericksen.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

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 requirements of the GMA. 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 to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

Comprehensive Land Use Plans - Required Elements

Among numerous planning requirements, GMA jurisdictions must adopt internally consistent comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Each comprehensive plan must include the following elements:

- land use;
- housing;
- capital facilities plan;
- utilities;
- rural;
- transportation;
- economic development; and
- park and recreation.

The economic development and park and recreation elements do not require jurisdictional compliance or action until state funding is provided.

Transportation Element/Concurrency

The transportation element of the comprehensive plan mandates numerous use, inventory, service, forecasting, and finance-related sub-elements for transportation planning. A provision of the sub-element for facilities and services needs requires GMA jurisdictions to adopt level of service standards for all locally owned arterials and transit routes. These standards are used to measure the performance of the transportation system and should be regionally coordinated.

The comprehensive plan transportation element further specifies that GMA jurisdictions must adopt and enforce ordinances that prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below adopted standards, unless improvements or accommodation strategies are made *concurrent with the development*. These strategies may include increased public transportation service, ride sharing programs, and others. "Concurrent with the development" means improvements or strategies in place at the time of development or a financial commitment is in place to complete the improvements or strategies within six years.

Urban Growth Areas

Comprehensive plans must also include designations of 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, GMA jurisdictions must include within their 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.

Summary of Substitute Bill:

Provisions related to the transportation element of a comprehensive plan required by the GMA are limited to projects outside of designated UGAs. More specifically, conditional development prohibitions that must be imposed on development that causes the level of service on a locally owned transportation facility to decline below adopted standards (unless improvements or accommodation strategies are made concurrent with the development) apply only to projects located outside of designated UGAs.

Substitute Bill Compared to Original Bill:

The substitute bill includes an additional provision eliminating concurrency requirements when a state intersection or corridor causes the level of service on a locally owned transportation facility to decline below adopted standards and state funding is not provided to address the deficiency.

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.

Testimony For: The concept of concurrency is laudable, but the implemented reality does not seem to work as originally intended. Concurrency has negatively impacted residential and commercial growth and has limited local abilities to generate tax revenue and jobs. In contrast, removing concurrency will enable important growth, increase city revenues, and create jobs. Removing concurrency requirements will also increase densities within cities. The problems of concurrency create dilemmas for cities throughout the state. Concurrency is counter-intuitive to the GMA goals of accommodating urban growth. Concurrency is not a perfect system and the originally anticipated partnership of funding solutions has not materialized.

Testimony Against: Concurrency is an important part of the GMA and how the Act coordinates transportation issues and planning. Concurrency is a tool for accommodating

growth in cities and counties. Levels of service standards established by local jurisdictions are adopted through a public process. There is a need for regional coordination of concurrency. Major concurrency studies with legislatively appropriated funds that will identify key concerns and ways to address pertinent issues are presently underway. Legislative action should wait until the conclusion of the ongoing studies.

Testified: Representative Moeller, prime sponsor; Sharon Wylie, Clark County; Bryan Wahl and Sam Pace, Washington Association of Realtors; and Dave Williams, Association of Washington Cities.

(Opposed) Leonard Bauer, Department of Community, Trade and Economic Development; and Genesee Adkins, 1000 Friends of Washington.