FINAL BILL REPORT
ESHB 1576

FULL VETO

Brief Description: Modifying buildable lands under growth management.

Sponsors: By House Committee on Government Reform & Land Use (originally sponsored by Representatives Sherstad, Cairnes, Mulliken, Reams, Koster, Mielke, Dunn, McMorris, Pennington, Sheahan and Thompson).

House Committee on Government Reform & Land Use
House Committee on Appropriations
Senate Committee on Government Operations

Background: The Growth Management Act (GMA) was enacted in 1990 and 1991. A county meeting certain population and growth criteria is required to plan under the GMA. A county may also bring itself within the GMA planning requirements by resolution.

The primary planning requirement under the GMA is the adoption of a comprehensive plan. A plan must include, among other things, a land use element, a housing element, and a transportation element. Goals are set forth to guide the adoption of comprehensive plans. These include the encouragement of development in urban areas and the reduction of sprawl.

A comprehensive plan must include designations of urban growth areas within which urban growth is to be encouraged and outside of which growth may occur only if it is non-urban. Urban growth areas in the county must include land areas and densities sufficient to accommodate the projected 20-year urban growth. A county may consider a reasonable land market supply and other local factors when designating urban growth areas.

Each county must review its urban growth areas at least every 10 years. The comprehensive plan and densities permitted must be revised to accommodate the projected urban growth. At least once every 10 years, the Office of Financial Management prepares 20-year population projections for each county.

Summary: The Legislature finds that land use planning needs to ensure that an adequate supply of land appropriate for development is actually available for development. Merely regulating land to allow for development is insufficient. Further, local governments need to analyze whether sufficient land exists to provide for both residential and nonresidential needs.

The responsibility to accommodate urban growth is placed on cities as well as counties.

Upon the 10 year review of an urban growth area or any other review, but at least by July 1, 1999, specified counties must:

- inventory the supply of lands available for development within the urban growth area;
- determine the density of development likely to occur on the inventoried lands;
- determine the actual density and the actual average mix of types of development that have occurred within the urban growth area since the last review or five years, whichever is greater;
- analyze housing need by type and density range to determine the amount of land needed for each needed housing type for the next 20 years;
- conduct an analysis of nonresidential development needed to serve the commercial, office, retail, industrial, and public service and facility needs for the next 20 years; and
- compare the inventory with the needs.

The provisions apply to King, Pierce, Snohomish, Clark, Kitsap, and Thurston counties.

Land available for development include both vacant land and developed land that is likely to be redeveloped. Land which is developed with a building occupied and habitable with an assessed value greater than the assessed value of the land may not be considered developed land likely to be redeveloped. To be considered suitable for development, land must be 1) outside critical areas; 2) serviced by necessary utilities or the capital facilities element of the comprehensive plan; and 3) capable of being developed without causing the service level of a transportation facility to decline below the transportation element in the comprehensive plan.

If a review indicates that the urban growth area does not contain sufficient lands to accommodate the needs, the county must either (a) amend its urban growth area; (b) adopt new, incentive-based measures that demonstrably increase the likelihood that development will occur at densities sufficient to accommodate the projected needs without expansion of the urban growth area; or (c) any combination of (a) or (b). If the county adopts incentive-based measures and monitoring shows that development has not occurred at densities sufficient to accommodate the needs, the county must amend its urban growth area.

If a review indicates the urban growth area within a city or town does not contain sufficient lands to accommodate the needs, the city or town must also adopt new, incentive-based measures.

Counties, cities, or towns choosing incentive-based measures must monitor and record the level of development activity and density by housing type. At a minimum, the county, city, or town must ensure that land zoned for development is in locations appropriate for the types of development identified and is zoned at density ranges that are likely to be achieved by the market.

Incentive-based measures must be part of development regulations, available to all applicable properties within the zone, not negotiated on a case-by-case basis, and may include:

- Financial incentives for higher density development, including removal of impact fees;
- Removal or easing of approval standards or procedures;
- Redevelopment and infill strategies; and
- Authorization of housing types not previously allowed.

A county must annually update the inventory and determinations. At least every five years, a county and city must take any steps required if the lands are insufficient to accommodate the needs.

The Office of Financial Management must prepare 20-year population projections every five years beginning in 2001, rather than every 10 years.

Votes on Final Passage:

House 62 36
Senate 29 20