
HOUSE BILL 3019

State of Washington 56th Legislature 2000 Regular Session

By Representatives Fortunato, Mulliken and Mielke

Read first time 01/25/2000. Referred to Committee on Local Government.

1 AN ACT Relating to incentives for jurisdictions to implement the
2 growth management act; adding new sections to chapter 36.70A RCW;
3 adding a new section to chapter 84.55 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that local
6 governments' experiences in implementing the growth management act,
7 chapter 36.70A RCW, have shown that significant tensions exist for
8 local governments attempting to satisfy its requirements. The
9 legislature also finds the growth management act's planning goals are
10 broad and diverse and that local governments are responsible to satisfy
11 these goals within the context of their local situations and the growth
12 management act's requirements.

13 (2) The legislature also finds that local governments across the
14 state face different pressures in implementing the growth management
15 act, such as: (a) Urban jurisdictions' attempts to increase densities
16 to accommodate substantial population growth; and (b) rural
17 jurisdictions with limited resources and concerns different from urban
18 areas' attempts to incorporate the growth management act's directives
19 into their planning systems.

1 (3) The legislature further finds that incentives for urban
2 jurisdictions to promote increased densities in urban growth areas and
3 for rural jurisdictions to have additional flexibility in meeting
4 growth management act requirements will encourage and promote full
5 implementation of the growth management act in both types of
6 jurisdictions.

7 (4) The legislature also finds that infrastructure is a critical
8 component for local governments to plan for and implement the actions
9 necessary to meet the population projections established for their
10 jurisdictions under the growth management act. Significant population
11 growth has been and will continue to be experienced by many
12 jurisdictions, and this growth has created the need for the development
13 of infrastructure to support it. Many local governments do not have
14 the resources to supply the needed infrastructure within their
15 jurisdictions. The inability of some jurisdictions to provide for the
16 projected population growth has created tension among some local
17 governments and between local governments and others. The legislature
18 therefore finds that creating incentives for local governments to
19 develop needed infrastructure to support their projected growth is in
20 the public interest and will enhance local governments' ability to
21 fully implement the growth management act's directives.

22 (5) The legislature also finds that some types of public employees,
23 such as teachers, police officers, and fire fighters, provide a vital
24 and valuable service to the citizens of the state and to the residents
25 of the areas in which they work. These types of public employees make
26 significant contributions to the areas that they serve and should be
27 able to reside within those areas. However, the compensation levels of
28 some of these employees impedes their ability to find affordable
29 housing in the areas in which they work, forcing some to commute
30 significant distances. The growth management act creates a system of
31 comprehensive planning that requires local governments to address the
32 availability of affordable housing. The legislature therefore finds it
33 is in the public interest to create incentives to allow these types of
34 public employees to live in the areas that they serve, as these
35 incentives will promote retention of valued employees and foster a
36 connection for these employees to the communities they serve.

37 (6) The legislature intends by this act to establish incentives for
38 jurisdictions planning under the growth management act to: (a)
39 Encourage urban jurisdictions to increase densities in urban growth

1 areas to accommodate substantial population growth; (b) offer rural
2 jurisdictions flexibility in meeting the growth management act's
3 requirements; (c) allow jurisdictions to develop the needed
4 infrastructure to support the growth associated with the population
5 projections established for those jurisdictions as required by the
6 growth management act; and (d) allow valuable public employees, such as
7 teachers, police officers, and fire fighters, to live in the
8 communities they serve. The legislature also intends that these
9 incentives will serve to promote full implementation of the growth
10 management act in all jurisdictions planning under the growth
11 management act and to provide greater opportunities for jurisdictions
12 planning under the growth management act to achieve the goals of the
13 growth management act.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW
15 to read as follows:

16 (1)(a) Urban counties and cities in urban counties may levy taxes
17 under this section upon each eligible residential improvement within
18 the city or county. The rate of the levy for each eligible residential
19 improvement on eligible designated land is equal to the state levy
20 rate. The rate of the levy for each eligible residential improvement
21 on eligible density land is equal to the state levy rate multiplied by
22 the lesser of the percentage of the zoning density increase for the
23 parcel or one hundred percent. The levy for improvements on eligible
24 designated land shall expire five years after the levy begins. The
25 levy for improvements on eligible density land shall expire five years
26 after the date the zoning change takes effect. However, if payments
27 for impact fees for schools are being made under (e) of this
28 subsection, the time period for expiration shall be seven years after
29 the levy begins or after the date the zoning change takes effect, as
30 applicable.

31 (b) Rural counties and cities in rural counties may levy taxes
32 under this section on each eligible residential, commercial, or
33 industrial improvement within the city or county. The rate of the levy
34 for each eligible residential, commercial, or industrial improvement on
35 eligible designated land is equal to the state levy rate. The rate of
36 the levy for each eligible residential, commercial, or industrial
37 improvement on eligible density land is equal to the state levy rate
38 multiplied by the lesser of the percentage of the zoning density

1 increase for the parcel or one hundred percent. The levy for
2 improvements on eligible designated land shall expire five years after
3 the levy begins. The levy for improvements on eligible density land
4 shall expire five years after the date the zoning change takes effect.
5 However, if payments for impact fees for schools are being made under
6 (e) of this subsection, the time period for expiration shall be seven
7 years after the levy begins or after the date the zoning change takes
8 effect, as applicable.

9 (c) The county treasurer shall reduce the levy for the state by
10 deducting amounts collected as tax under this section from amounts paid
11 to the state treasurer under RCW 84.56.280.

12 (d) Cities and counties may not collect fees under RCW 43.21C.060
13 for system improvements or impact fees under RCW 82.02.050 through
14 82.02.090 on property on which levies are imposed under this section.

15 (e) The revenue from a levy under this section must be used as
16 provided in this subsection. At least three percent must be used for
17 developmentally disabled housing vouchers, including use for rental
18 vouchers or operating subsidies. At least seven percent must be used
19 for low-income rental vouchers, veterans' housing, or farmworker
20 housing. Up to two percent may be used for county treasurer and county
21 assessor costs associated with administration of the levy. The
22 remainder shall be for infrastructure improvements as directed by the
23 city or county for system improvements, as defined in RCW 82.02.050
24 through 82.02.090, and for impact fees. The city or county shall pay
25 an amount to the school district in which eligible density land is
26 located, equal to the impact fee for school facilities multiplied by
27 the lesser of the percentage of the zoning density increase for the
28 parcel or one hundred percent. The city or county shall pay an amount
29 to the school district in which eligible designated land is located,
30 equal to the impact fee for school facilities.

31 (2)(a) A rural county, after conferring with its cities, may
32 develop alternative methods of achieving the planning goals established
33 by RCW 36.70A.020.

34 (b) The authority provided by this subsection may not be used to
35 modify:

36 (i) Requirements for the designation and protection of critical
37 areas or for the designation of natural resource lands under RCW
38 36.70A.060(2), 36.70A.170, and 36.70A.172;

1 (ii) The requirement that wetlands be delineated consistent with
2 the requirements of RCW 36.70A.175; or

3 (iii) The requirement to establish a process for the siting of
4 essential public facilities pursuant to RCW 36.70A.200.

5 (c) Before adopting any alternative methods of achieving the
6 planning goals established by RCW 36.70A.020, a rural county shall
7 provide an opportunity for public review and comment. An ordinance or
8 resolution proposing or adopting alternative methods must be submitted
9 to the department in the same manner as provided in RCW 36.70A.106 for
10 submittal of proposed and adopted comprehensive plans and development
11 regulations.

12 (3) The definitions in this subsection apply for the purposes of
13 this section.

14 (a) "Eligible density land" means land for which there has been a
15 zoning density increase.

16 (b) "Eligible designated land" means land designated before January
17 1, 2008, by a city or county ordinance for which the city or county
18 will pay for infrastructure related to new development on the land.

19 (c) "Eligible residential improvement" means a building with at
20 least one dwelling unit that is constructed on eligible density land or
21 eligible designated land.

22 (d) "Eligible commercial or industrial improvement" means a
23 structure designed for commercial or industrial use constructed on
24 eligible density land or eligible designated land.

25 (e) "Infrastructure" means domestic and industrial water
26 facilities, sanitary sewer facilities, and public facilities as defined
27 in RCW 82.02.090(7).

28 (f) "Urban county" means a county that is not a rural county.

29 (g) "Rural county" is defined as provided in RCW 82.14.370.

30 (h) "State levy rate" means the rate of the state levy adjusted to
31 the state equalized value under RCW 84.52.065.

32 (i) "Zoning density increase" means an increase of thirty-three
33 percent or more in the maximum allowed residential density, under a
34 zoning change that took effect after December 31, 1999, and before
35 January 1, 2008.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
37 to read as follows:

1 (1) Notwithstanding other requirements of this chapter, a local
2 government planning under RCW 36.70A.040 shall designate in its
3 comprehensive plan and development regulations areas for development of
4 affordable housing incentive areas for eligible public employees. The
5 ordinance by which the affordable housing incentive area is designated
6 shall amend the zoning for the affordable housing incentive areas to
7 urban densities compatible with the adjacent urban growth area and
8 include findings that:

9 (a) A need exists for affordable housing for eligible public
10 employees who cannot afford to live within the areas that they serve;

11 (b) Available land either does not exist within the urban growth
12 area designated under RCW 36.70A.110 or cannot be developed at a cost
13 allowing for construction of affordable housing for eligible public
14 employees; and

15 (c) Infrastructure, as defined in section 2 of this act, is
16 available to serve the affordable housing incentive area or areas
17 designated by the local government.

18 (2) At least ten percent of the affordable housing developed in an
19 affordable housing incentive area shall first be made available to
20 public school teachers, with the remainder of the ten percent made
21 available to other eligible public employees. Until the property
22 included within the affordable housing incentive area is incorporated
23 into the urban growth area designated by the local government according
24 to RCW 36.70A.110, the remainder of the affordable housing developed in
25 the affordable housing incentive area shall be made available to
26 persons meeting the income requirements for housing financing through
27 the housing finance commission according to chapter 43.180 RCW.

28 (3) For the purposes of this section:

29 (a) "Affordable housing incentive area" means an area contiguous
30 with the urban growth area for which: (i) Infrastructure as defined in
31 section (2) of this act is available; and (ii) urban densities have
32 been established primarily for the purpose of allowing development of
33 affordable housing for eligible public employees.

34 (b) "Eligible public employee" means a school teacher, police
35 officer, or fire fighter, employed by a local government or other
36 public entity and who:

37 (i) Owns the property and no other real property;

1 (ii) Occupies the property as his or her primary residence, at
2 least until the property is incorporated into the urban growth area
3 established by the local government according to RCW 36.70A.110; and
4 (iii) Works within the jurisdiction of the local government
5 designating the affordable housing incentive area.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 84.55 RCW
7 to read as follows:

8 This chapter does not apply to levies under section 2 of this act.

9 NEW SECTION. **Sec. 5.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

--- END ---