

SENATE BILL REPORT

SB 5604

As Reported by Senate Committee On:
Government Operations & Security, February 19, 2015

Title: An act relating to the review and evaluation of countywide planning policies under the growth management act.

Brief Description: Addressing the review and evaluation of countywide planning policies under the growth management act.

Sponsors: Senators Liias and Roach.

Brief History:

Committee Activity: Government Operations & Security: 2/03/15, 2/19/15 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 5604 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; McCoy.

Minority Report: Do not pass.

Signed by Senator Dansel.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton, Vice Chair.

Staff: Karen Epps (786-7424)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, GMA establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 28 counties and the cities within them that fully plan under GMA. GMA directs counties and cities that fully plan under GMA to adopt internally consistent comprehensive plans that are generalized, coordinated land use policy statements of the governing body.

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.

Six western Washington counties – Clark, King, Kitsap, Pierce, Snohomish, and Thurston – and the cities within those counties must adopt countywide planning policies and establish a review and evaluation process known as the Buildable Lands Program (BLP). The purpose of the BLP is to determine whether a county and its cities are achieving appropriate urban densities within urban growth areas (UGAs) and to identify measures, other than adjusting UGAs, that will be taken to comply with GMA.

The evaluation component of the BLP – Buildable Lands Reports – must:

- determine whether there is sufficient suitable land to accommodate the countywide population projection and the population allocations between the county and the cities;
- determine the actual density of housing constructed and the actual amount of land developed for commercial and industrial uses within the UGA since the adoption of the comprehensive plan; and
- using the actual density of development, 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 on the most recent comprehensive plan.

If the Buildable Lands Reports demonstrate an inconsistency between what has occurred since adoption of countywide planning policies and the county and city comprehensive plans, the county and its cities must adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period.

Summary of Bill (Recommended Substitute): The BLP must encompass land uses and activities necessary to determine the quantity and type of land available and suitable, rather than only suitable, for development, both for residential and employment-based activities. Counties must use a land capacity analysis when making determinations in their Buildable Lands Report.

If the Buildable Lands Reports demonstrate an inconsistency between what has occurred since the adoption of countywide planning policies and county and city comprehensive plans, the county and its cities must adopt and implement measures that bring them into compliance with GMA during the subsequent five-year period, rather than measures that are reasonably likely to increase consistency.

Available and suitable land for development must not include land in areas where building is likely to be unavailable for development or building is otherwise constrained by current or future public and quasi-public facilities or critical areas ordinances.

The BLP applies to every local jurisdiction planning under GMA. In any action brought under the Uniform Declaratory Judgments Act to ensure compliance with the BLP, the prevailing party may be entitled to reasonable costs and attorneys' fees.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & SECURITY COMMITTEE (Recommended Substitute): Removes the provision to establish that one of the measures that can be used by counties that are not achieving appropriate urban densities within UGAs includes adjusting UGAs. Removes the requirement that jurisdictions

must meet the requirements of the BLP before being eligible to apply for GMA grant funds. Provides that available and suitable land for development must not include lands where building is likely to be unavailable for development or building is otherwise constrained by current or future public and quasi-public facilities or critical areas ordinances – removing sewer and water availability and current or future roads and rights-of-way.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: There is a growing crisis in available lots for building homes especially in the more urban areas, including east King County, south Snohomish County, and elsewhere. As time goes on, if we do not get lots online, it is going to continue to force people to move north, south, east, and west and affect more and more communities. This will lead to transportation gridlocks and the commute times people will experience in order to get to work. Communities need to provide diversity in housing types and jobs. People vote with their feet and find housing types and styles where they feel comfortable and sometimes it is a long distance from their jobs. The largest employer in Skagit County is Boeing in Everett. There needs to be better data in the planning process so that local policymakers do a better job with their buildable lands analysis. A robust land capacity analysis can be a very useful tool providing much better data to policymakers and also providing that data into the buildable lands reports in terms of making better policy choices so that communities get diversity of housing near the jobs. There needs to be better data in order to make the land analysis map reality.

CON: Moving the urban growth area boundary out to accomplish greater density is a backward way to do things. Moving the UGA would not be a reasonable assumption in helping these plans to be met. The definition of available creates some issues, especially considering that it cannot include places where sewer and water are not already available. Moving the UGA out wouldn't accomplish that considering those areas would not have sewer and water service. Requiring all counties that are fully planning to do the full buildable lands reports would be a little bit of overkill and it might make more sense to add Benton, Franklin, Spokane, Yakima, and Whatcom counties because they are all pretty fast-growing counties. There are also issues regarding the prevailing party section of the bill. Since the requirements of the Growth Management Act are not currently funded by the state when counties do their comprehensive plan updates, requiring all fully planning counties to prepare buildable lands reports would be an unfunded mandate. The cost of preparing buildable lands reports is very high and it is unclear if there would be a benefit based on the high cost if the state decides all planning counties should prepare buildable lands reports. There are some counties that have very flat growth and some counties have a loss of growth. The costs to counties to get this type of report up and running would be astronomical. These reports are a collection of data that informs the comprehensive plan updates and this data would need interpretation and assumptions which makes compliance for a data-driven report sometimes challenging. The most critical problem with SB 5604 is that local governments

cannot start up a BLP while the periodic update is already underway. By weakening the requirement to adopt reasonable measures, the bill discourages local governments from taking a harder look at how to make better use of existing urban land.

Persons Testifying: PRO: Art Castle, Building Industry Assn. of WA.

CON: Bryce Yadon, Futurewise; Laura Merrill, WA State Assn. of Counties.

Signed In, Unable to Testify & Submitted Written Testimony: CON: Jeff Wilson, Dept. of Commerce.