

Overview of State Requirements and Local Policies

Appendix A

This appendix summarizes relevant state requirements for buildable lands inventories and land needs analyses. It draws from relevant sections of the Growth Management Act (GMA) and Washington State law, the *Buildable Lands Program Guidelines* of the State Community, Trade, and Economic Development Department (CTED), and Snohomish County policies adopted to implement the state requirements.

STATE REQUIREMENTS

GROWTH MANAGEMENT ACT GOALS AND REQUIREMENTS

The GMA established 14 goals to guide local government planning. These goals address sprawl reduction, concentrated urban growth, economic development, environmental protection, adequate infrastructure, affordable housing, and regional transportation, among others. [RCW 36.70A.020 and RCW 36.70A.480(1)]. Implementation occurs primarily at the local level through a framework that includes:

1. County-wide planning policies
2. Comprehensive plans
3. Development regulations
4. Capital budgets and other ongoing local activities
5. Optional incentive programs.

The GMA requires establishment of urban growth areas (UGAs) for incorporated towns and cities that are defined so as to contain a 20-year supply of buildable land for urban growth. Urban growth is not allowed outside UGAs. Development within UGAs must be at urban densities (generally, a minimum of four residential units per acre), with some exceptions for areas with significant critical area constraints. Natural resource lands outside UGAs are designated for long-term commercial agriculture, forestry, and mineral extraction. Certain environmentally sensitive lands are designated as critical areas.

THE BUILDABLE LANDS PROGRAM

In 1997, ESB 6094 (codified as RCW 36.70A.215) established specific reporting requirements for development. These requirements are commonly referred to as the “buildable lands program.”

The Buildable Lands Program is required for six Western Washington counties (Clark, King, Kitsap, Pierce, Snohomish, and Thurston) and all 101 cities and towns within their boundaries. The program requires local governments to compare anticipated growth against actual development over time to answer two questions: (1) Do local governments have enough suitable land inside the UGA to accommodate the growth anticipated during the remaining portion of the 20-year planning period? and (2) Are urban densities being achieved in urban growth areas?

The primary purposes of the Buildable Lands Program, as described in the statute, are to:

- Determine whether a county and its cities are achieving urban densities within UGAs by comparing growth and development assumptions, targets, and objectives with actual growth and development that has occurred in the county and its cities.
- Identify reasonable measures, other than adjusting UGAs, that will be taken to comply with the Growth Management Act (GMA), including increasing consistency between actual development and plan assumptions.

STATE RECOMMENDED PROCESS FOR ADDRESSING STATE REQUIREMENTS

The Buildable Lands Program Guidelines document produced by CTED describes how communities can implement the Buildable Lands Program requirements. The Guidelines suggest jurisdictions follow a five-step process for review to evaluate land supply and compare them with local plans and policies:

1. Preparation

- Have a comprehensive plan and development regulations in place, reflecting growth needs and targets, consistent with the GMA;
- Adopt county-wide planning policies to establish a review and evaluation program;
- Provide for methods to resolve inconsistencies in collection and analysis of data.

2. Annual Data Collection

- Identify types of key data (i.e., data "on urban and rural land uses, development, critical areas, and capital facilities" to evaluate land supply), and how they will be collected within each county;
- Collect key data annually, using procedures and methods, as

appropriate, to be able to conduct an evaluation every five years.

3. Evaluation

- Gather other data that will be needed for evaluating local progress.
- Evaluate the relevant data at five-year intervals, with the first evaluation completed by September 1, 2002;
- Determine whether the data show inconsistencies in how growth and development occurred, compared to what was envisioned in the local plans and policies, especially for urban densities and land supply;
- Summarize the results of the evaluation.

4. Actions for consistency

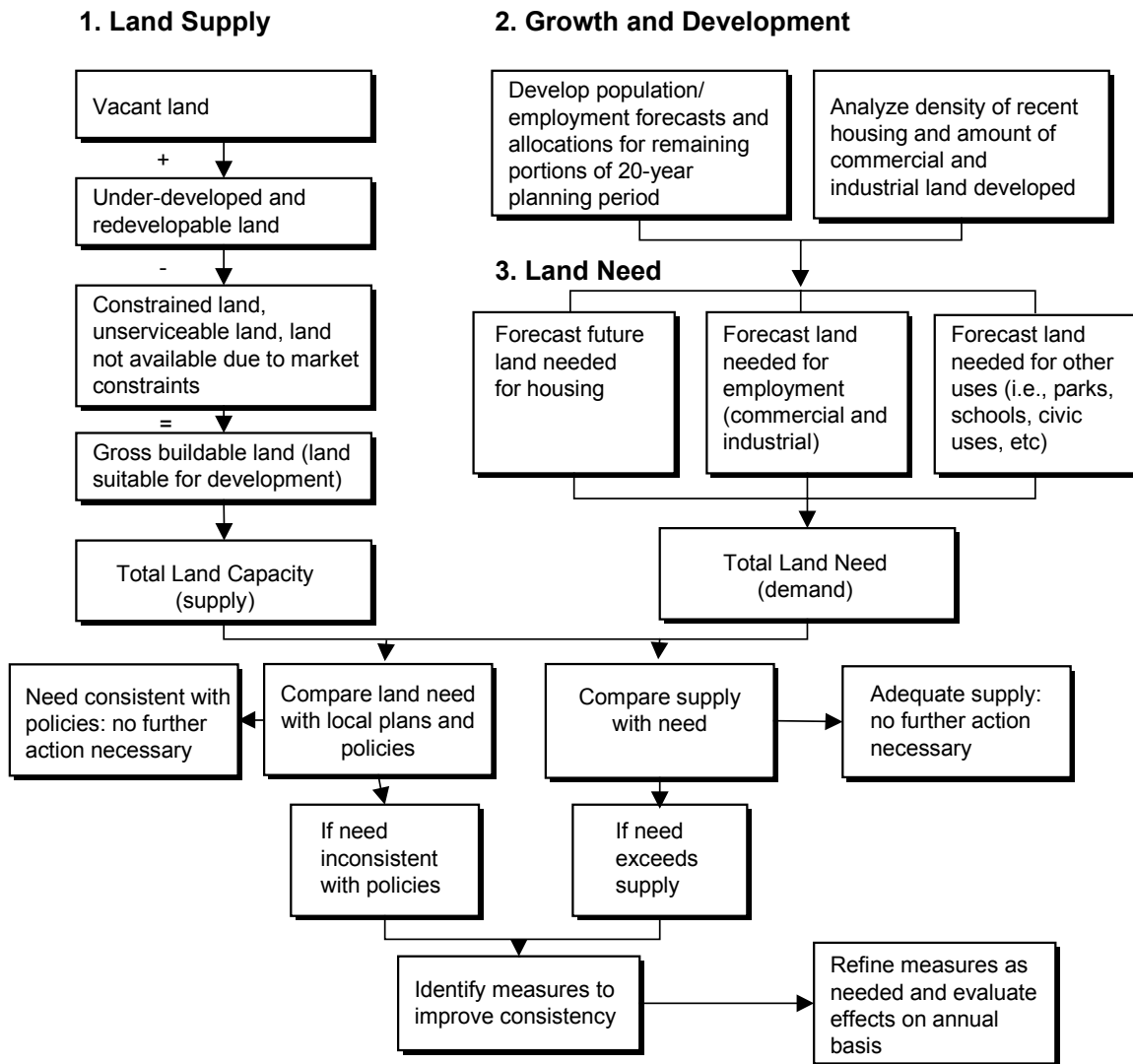
- Consider the reasons for any inconsistencies and identify possible actions (other than expanding urban growth areas) to be taken;
- Adopt and implement any necessary actions that are reasonably likely to increase consistency;
- Determine, annually, whether the actions taken to increase consistency have been effective and make necessary changes.

5. Maintenance

- Make any necessary adjustments to data collection methods for the next phase;
- Continue the review and evaluation cycle.

In summary, the GMA requires communities to develop growth targets and to monitor how close development is to those targets. Figure A-1 provides a flow diagram of steps 2-4 of the process.

Figure A-1. Overview of GMA buildable land program requirements



Requirements of RCW 36.70A.215

Purposes: Determine whether a county and its cities are achieving urban densities in urban growth areas, and to identify reasonable measures, other than adjusting UGAs, to comply with GMA.

Step 1. Land capacity analysis - estimate supply of buildable land and buildable land capacity

Step 2. Determine the actual density of housing and the amount of land developed for commercial and industrial use within the UGA since Comprehensive Plan approval or last periodic review

Step 3. Estimate land need based on information developed in step 2.

Step 4. Compare land need and land supply. If need exceeds supply, identify measures, if not, review land need for consistency with local plans and policies

Step 5. If inconsistencies exist, implement measures to address inconsistencies, conduct annual monitoring and evaluation.

LOCAL BUILDABLE LANDS POLICIES

Snohomish County has completed a considerable amount of work towards addressing the GMA Buildable Lands Program requirements. Prior to the passage of the Buildable Lands Program requirements,

the County completed the *Urban Growth Area Residential Land Capacity Analysis* and the *Employment Land Capacity Analysis* (unincorporated areas) in 1995.

Subsequent to the passage of the Buildable Lands Program requirements, Snohomish County Tomorrow (SCT) accepted state grant funds to begin implementation of the state requirements. As a part of the implementation process, SCT developed and implemented a work program designed to address the requirements of the GMA. The products of that work included Countywide Planning Policies intended to implement the GMA requirements.

The County-wide Planning Policies UG-2c and HO-9 require that SCT develop and implement a coordinated, long-term growth and housing monitoring program. Policy UG-2c1 lists the data indicators that need to be analyzed annual as part of the program:

- (a) Estimated population and employment growth;
- (b) Annexations and incorporations;
- (c) Residential and non-residential land consumption;
- (d) Land supply and land values relative to demographic changes;
and
- (e) Availability and affordability of housing.

The SCT 1999 Growth Monitoring Report provides a detailed analysis of these data indicators.

IMPLICATIONS FOR THIS STUDY

The GMA requirements for a Buildable Lands Program can be stated in a single sentence. Their purpose is to ensure that counties and cities make some estimate, for 20 years, of how much growth they expect, how much land that growth will need, how much land that growth has already consumed, the pattern (location and density) of that land consumption, and how much land is available to accommodate the growth that is still expected over the planning period.

Once one moves beyond the purposes into the details of the methods by which a county and its cities would develop consistent estimates of those variables of interest, things quickly get more complicated. Figure A-1 hints at those complications.

For the purposes of this project, and the development of methods for buildable land analysis, we make the following assumptions relating to state and local policy:

- *The County's interpretation of the relevant state statutory requirements is that the 1992-2012 forecasts do not need to be updated for this study.* State law requires the OFM to update population forecasts at the County level every five or when decennial Census data are available. The present coordinated population forecast for Snohomish County is for the period between 1992 and 2012. The Census was initiated in April 2000; the preliminary Summary Tape File 1A data will probably be available sometime in 2001.

This study will not prepare new demand forecasts, which will be developed as part of the County's required 10-year review that will occur after this buildable lands study is completed. Instead, it will compare the amount of growth since the last official forecast to an estimate of the amount of growth that has occurred since that forecast to determine whether there is enough land to accommodate the growth that is expected during the remaining portion of the GMA planning period.

STATE AND COUNTY BUILDABLE LAND POLICIES

Following are excerpts of the relevant sections of the state buildable lands statute (RCW 36.70A.21), and policies that Snohomish County adopted in response to the state requirements

WASHINGTON BUILDABLE LANDS STATUTE

RCW 36.70A.215 Review and evaluation program.

- (1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, county-wide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:
 - (a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and
 - (b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

- (2) The review and evaluation program shall:
 - (a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;
 - (b) Provide for evaluation of the data collected under (a) of this subsection every five years as provided in subsection (3) of this section. The first evaluation shall be completed not later than September 1, 2002. The county and its cities may establish in the county-wide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;
 - (c) Provide for methods to resolve disputes among jurisdictions relating to the county-wide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and
 - (d) Provide for the amendment of the county-wide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the requirements of this chapter.
- (3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:
 - (a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;
 - (b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and
 - (c) Based on the actual density of development as determined under (b) of this subsection, 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 twenty-year

planning period used in the most recently adopted comprehensive plan.

- (4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the county-wide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to county-wide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.
- (5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.
 - (b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the county-wide planning policies and the comprehensive plans and development regulations of the counties and cities.
- (6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.
- (7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section. [1997 c 429 § 25.]

SNOHOMISH COUNTY BUILDABLE LANDS COUNTYWIDE PLANNING POLICIES

UG-14 Establish a review and evaluation program, which includes an annual data collection component, pursuant to RCW 36.70A.215 ("Buildable Lands Program"). The evaluation component required by the Buildable Lands Program will be completed no later than September 1, 2002. Subsequent evaluations shall occur at least once every five years. This evaluation may be combined with the review and evaluation of county and city comprehensive land use plans and development regulations required by RCW 36.70A.130(1), and the review of urban growth areas required by RCW 36.70A.130(3).

- a. Procedures Report: Using the Snohomish County Tomorrow process, develop a buildable lands analysis procedures report for the evaluation required by the Buildable Lands Program, that is accepted by the Snohomish County Tomorrow Steering Committee, and is used by all Snohomish County jurisdictions when conducting their buildable lands review and evaluation. The procedures report shall address the following issues:
 1. Multi-year work program and schedule;
 2. Jurisdictional responsibilities for data collection, analysis and reporting;
 3. Five-year buildable lands review and evaluation methodology, including a methodology for establishing an accurate countywide baseline inventory of commercial and industrial lands;
 4. Annual data collection requirements;
 5. Coordinated interjurisdictional data collection strategy; and
 6. Content of the five-year buildable lands review and evaluation report.

- b. Identification of Reasonable Measures:

A list of reasonable measures that may be used to increase residential, commercial and industrial capacity in UGAs, without adjusting UGA boundaries, shall be developed using the Snohomish County Tomorrow process. The Snohomish County Tomorrow Steering Committee will recommend to the County Council a list of such reasonable measures. The County Council will consider the recommendation of the Steering Committee and will add a new Appendix to the countywide planning policies that contains a list of reasonable measures. Once adopted, the County Council will use the list of reasonable measures to evaluate all UGA boundary expansion proposals consistent with UG-14(d).

c. Procedures for Resolving Inconsistencies in Collection and Analysis of Data:

In the event of a dispute among jurisdictions relating to inconsistencies in collection and analysis of data, the affected jurisdictions shall meet and discuss methods of resolving the dispute. In the event a successful resolution cannot be achieved, the Snohomish County Tomorrow Steering Committee shall be asked to meet and discuss resolution of the matter. In such instances, the Steering Committee co-chairs will make every effort to ensure that all Steering Committee jurisdictions are present and in attendance, and that the affected jurisdictions are provided with proper notice of such discussion. Nothing in this policy shall be construed to alter the land use power of any Snohomish County jurisdiction under established law.

d. Expansion of the Boundary of an Individual UGA: Expansion of the boundary of an individual UGA to include additional residential, commercial and industrial land shall not be permitted unless it complies with the Growth Management Act, and one of the following four conditions are met:

1. The expansion is a result of the five-year buildable lands review and evaluation required by RCW 36.70A.215.
2. The expansion is a result of the review of UGAs at least every 10 years to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).
3. All of the following conditions are met for expansion of the boundary of an individual UGA to include additional residential land:
 - (a) Population growth within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds 50% of the additional population capacity estimated for the UGA at the start of the planning period, as documented in the annual Snohomish County Tomorrow Growth Monitoring Report;
 - (b) An updated residential land capacity analysis conducted by city and county staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions; and
 - (c) The county and the city or cities within the UGA consider reasonable measures adopted as an appendix to the Countywide Planning Policies pursuant to UG-14(b) that could be taken to increase residential capacity inside the UGA without expanding the boundaries of

the UGA.

4. Both of the following conditions are met for expansion of the boundary of an individual UGA to include additional commercial and industrial land:
 - (a) The county and the city or cities within that UGA document that commercial or industrial land consumption within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds 50% of the developable commercial or industrial land supply within the UGA at the start of the planning period. In UGAs where this threshold has not yet been reached, the boundary of an individual UGA may be expanded to include additional commercial or industrial land if the expansion is based on an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA. Other parcel characteristics determined to be relevant to the assessment of the adequacy of the remaining commercial or industrial land base, as documented in the Procedures Report required by UG-14(a), may also be considered as a basis for expansion of the boundary of an individual UGA to include additional commercial or industrial land; and
 - (b) The county and the city or cities within the UGA consider reasonable measures adopted as an appendix to the Countywide Planning Policies pursuant to UG-14(b) that could be taken to increase commercial or industrial land capacity inside the UGA without expanding the boundaries of the UGA.

HO-9 Implement a coordinated monitoring program to evaluate progress towards achieving housing goals and objectives on a countywide and jurisdictional level. Such a monitoring program shall entail the preparation of a housing monitoring report every five years or more frequently if housing conditions warrant. The housing report will include an assessment of the adequacy of the jurisdictions' supply of developable residential building lots, the jurisdictions' supply of land for non-residential land uses, the location of urban growth boundaries, and an assessment of the jurisdictions' strategies for achieving their housing objectives. The preparation of the housing report may be combined with the review and evaluation program required by UG-14.

ED-3 Designate locations for commerce and industry in the land use element and in urban growth areas. Jurisdictions are encouraged to

adopt measures in their local comprehensive plans which help to preserve their designated industrial and commercial land base for long-term regional economic benefit.