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**SUBSTITUTE HOUSE BILL 1576**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

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

Read first time 02/26/97.

1 AN ACT Relating to buildable lands; amending RCW 43.62.035; and  
2 adding a new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares land  
5 use planning needs to ensure that an adequate supply of land  
6 appropriate for development is actually available for development.  
7 Land use planning that restricts the supply of developable land tends  
8 to cause land prices to rise, making affordable housing impossible and  
9 economic growth difficult.

10 (2) Comprehensive plans and development regulations may identify  
11 undeveloped land for particular uses. However, those uses may never be  
12 realized and the assumption that land will actually be used for such  
13 purposes may be misplaced.

14 (3) The legislature finds and declares local governments planning  
15 under chapter 36.70A RCW need to analyze whether sufficient available  
16 land for development exists in order to provide for both residential  
17 and nonresidential needs of the population in those jurisdictions.  
18 Merely regulating land so as to allow for the development is  
19 insufficient. Specifically, local jurisdictions planning under chapter

1 36.70A RCW must inventory lands available for development and adjust  
2 plans or development regulations if insufficient land is available to  
3 meet the population projections for the following twenty years.

4 NEW SECTION. **Sec. 2.** This chapter applies to counties with a  
5 population of seventy-five thousand or more population which plan under  
6 all the requirements of chapter 36.70A RCW and the cities within such  
7 counties.

8 NEW SECTION. **Sec. 3.** Unless the context clearly requires  
9 otherwise, the definitions in this section apply throughout this  
10 chapter.

11 (1) "Lands available for development" are lands that are suitable  
12 for development and likely to be on the market within the time period  
13 provided in RCW 36.70A.110. "Lands available for development" include  
14 both vacant land and developed land likely to be redeveloped. Land  
15 that is developed with a building currently occupied and determined  
16 habitable by the local jurisdiction may not be considered developed  
17 land likely to be redeveloped.

18 (2) "Suitable for development" means the lands:

19 (a) Are not within any critical area or governed by any development  
20 regulation designed to protect critical areas adopted under RCW  
21 36.70A.060, regardless of whether any development may occur on the  
22 lands;

23 (b) Are serviced by all utilities necessary for development or the  
24 capital facilities element of the county, city, or town's comprehensive  
25 plan adopted under RCW 36.70A.070 within the following five years; and

26 (c) May be developed without causing the level of service on a  
27 transportation facility to decline below the standards adopted in the  
28 transportation element of the comprehensive plan.

29 NEW SECTION. **Sec. 4.** (1) A comprehensive plan must provide  
30 sufficient lands available for development within the urban growth  
31 areas established under RCW 36.70A.110 to accommodate estimated  
32 residential and nonresidential needs for the following twenty years.

33 (2) Beginning with the next periodic review under RCW 36.70A.130 or  
34 any other review of an urban growth area or comprehensive plan, but at  
35 least by July 1, 1999, a county shall:

1 (a) Inventory the supply of lands available for development within  
2 the urban growth area;

3 (b) Determine the density of development likely to occur on lands  
4 inventoried under (a) of this subsection, by considering all  
5 regulations applicable to the lands and the market for land available  
6 for development;

7 (c) Determine the actual density and the actual average mix of  
8 types of residential and nonresidential development which have occurred  
9 within the urban growth area since the last periodic review or five  
10 years, whichever is greater;

11 (d) Conduct an analysis of housing need by type and density range  
12 to determine the amount of land needed for each needed housing type for  
13 the next twenty years;

14 (e) Conduct an analysis of nonresidential development needed to  
15 serve the commercial, office, retail, industrial, and public service  
16 and facility needs of the population for the next twenty years; and

17 (f) Compare the inventory in (a) and (b) of this subsection with  
18 the needs determined in (d) and (e) of this subsection.

19 (3) If the determination required by subsection (2) of this section  
20 indicates the urban growth area does not contain sufficient lands  
21 available for development to accommodate projected needs for twenty  
22 years at the actual developed density that has occurred since the last  
23 periodic review, the county shall take one or more of the following  
24 actions:

25 (a) Amend its urban growth area to include sufficient land  
26 available for development to accommodate projected needs for twenty  
27 years at the actual developed density during the period since the last  
28 periodic review or within the last five years, whichever is greater.  
29 As a part of this process, the amendment shall include sufficient land  
30 reasonably necessary to accommodate the siting of new public school  
31 facilities;

32 (b) Amend its comprehensive plan or development regulations to  
33 include new, incentive-based measures that demonstrably increase the  
34 likelihood that development will occur at densities sufficient to  
35 accommodate the projected needs for twenty years without expansion of  
36 the urban growth area; or

37 (c) Any combination of actions in (a) or (b) of this subsection.

38 (4) A county that adopts incentive-based measures under subsection  
39 (3)(b) of this section must monitor and record the level of development

1 activity and development density following the date of the adoption of  
2 the new measures. If the monitoring shows that development has not  
3 occurred at densities sufficient to accommodate the project needs, the  
4 county must, at its next review under subsection (2) of this section,  
5 amend its urban grown area as provided in subsection (3)(a) of this  
6 section.

7 (5) If the determination required by subsection (2) of this section  
8 indicates the urban growth area within a city or town does not contain  
9 sufficient lands available for development to accommodate residential  
10 and nonresidential needs for twenty years at the actual developed  
11 density that has occurred since the last periodic review, the city or  
12 town shall amend its comprehensive plan or development regulations to  
13 include new, incentive-based measures that demonstrably increase the  
14 likelihood that development will occur at densities sufficient to  
15 accommodate projected needs for twenty years without expansion of the  
16 urban growth area. A city or town that takes this action must monitor  
17 and record the level of development activity and development density  
18 following the date of the adoption of the new measures.

19 (6) Amendments must comply with the requirements of chapter 36.70A  
20 RCW.

21 (7) In establishing that actions and measures adopted under  
22 subsections (3) and (5) of this section demonstrably increase the  
23 likelihood of higher density development, the county, city, or town  
24 shall at a minimum ensure that land zoned for development is in  
25 locations appropriate for the types of development identified under  
26 subsection (2) of this section and is zoned at density ranges that are  
27 likely to be achieved by the market using the analysis in subsection  
28 (2) of this section. Actions or incentive-based measures, or both, are  
29 adopted as part of development regulations and are available to all  
30 applicable properties within the zone, are not negotiated on a case-by-  
31 case basis, and may include, but are not limited to:

- 32 (a) Financial incentives for higher density development, including,  
33 but not limited to removal of fees associated with development;  
34 (b) Removal or easing of approval standards or procedures;  
35 (c) Redevelopment and infill strategies; and  
36 (d) Authorization of housing types not previously allowed by the  
37 comprehensive plan or development regulations.

1        NEW SECTION.    **Sec. 5.** A county shall annually update the inventory  
2 and determinations required by section 4(2) of this act and take any  
3 steps required by section 4 (3) and (4) of this act. A city or town  
4 shall also take any steps required by section 4(5) of this act based on  
5 the annual inventory and determinations.

6        **Sec. 6.** RCW 43.62.035 and 1995 c 162 s 1 are each amended to read  
7 as follows:

8        The office of financial management shall determine the population  
9 of each county of the state annually as of April 1st of each year and  
10 on or before July 1st of each year shall file a certificate with the  
11 secretary of state showing its determination of the population for each  
12 county. The office of financial management also shall determine the  
13 percentage increase in population for each county over the preceding  
14 ten-year period, as of April 1st, and shall file a certificate with the  
15 secretary of state by July 1st showing its determination. At least  
16 once every (~~ten~~) five years beginning in 2001 the office of financial  
17 management shall prepare twenty-year growth management planning  
18 population projections required by RCW 36.70A.110 for each county that  
19 adopts a comprehensive plan under RCW 36.70A.040 and shall review these  
20 projections with such counties and the cities in those counties before  
21 final adoption. The county and its cities may provide to the office  
22 such information as they deem relevant to the office's projection, and  
23 the office shall consider and comment on such information before  
24 adoption. Each projection shall be expressed as a reasonable range  
25 developed within the standard state high and low projection. The  
26 middle range shall represent the office's estimate of the most likely  
27 population projection for the county. If any city or county believes  
28 that a projection will not accurately reflect actual population growth  
29 in a county, it may petition the office to revise the projection  
30 accordingly. The office shall complete the first set of ranges for  
31 every county by December 31, 1995.

32        A comprehensive plan adopted or amended before December 31, 1995,  
33 shall not be considered to be in noncompliance with the twenty-year  
34 growth management planning population projection if the projection used  
35 in the comprehensive plan is in compliance with the range later adopted  
36 under this section.

1        NEW SECTION.   **Sec. 7.**   Sections 1 through 5 of this act constitute  
2 a new chapter in Title 36 RCW to be codified to follow chapter 36.70D  
3 RCW.

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