
HOUSE BILL 1576

State of Washington

55th Legislature

1997 Regular Session

By Representatives Sherstad, Cairnes, Mulliken, Reams, Koster, Mielke, Dunn, McMorris, Pennington, Sheahan and Thompson

Read first time 01/31/97. Referred to Committee on Government Reform & Land Use.

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 housing for the
17 population in those jurisdictions. Merely regulating land so as to
18 allow for the development is insufficient. Specifically, local
19 jurisdictions planning under chapter 36.70A RCW must inventory lands

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

4 NEW SECTION. **Sec. 2.** This chapter applies to local governments
5 planning under chapter 36.70A RCW.

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

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

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

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

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

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

27 NEW SECTION. **Sec. 4.** (1) Upon periodic review under RCW
28 36.70A.130 or any other review of an urban growth area or comprehensive
29 plan, a comprehensive plan must provide sufficient lands available for
30 development within the urban growth areas established under RCW
31 36.70A.110 to accommodate estimated housing needs for the following
32 twenty years.

33 (2) As part of the next periodic review under RCW 36.70A.130 or any
34 other review of an urban growth area or comprehensive plan, a county
35 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 housing types or residential development which have occurred within the
9 urban growth area since the last periodic review or five years,
10 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; and

14 (e) Compare the inventory in (a) and (b) of this subsection with
15 the needs determined in (d) of this subsection.

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

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

29 (b) Amend its comprehensive plan or development regulations to
30 include new, incentive-based measures that demonstrably increase the
31 likelihood that residential development will occur at densities
32 sufficient to accommodate housing needs for twenty years without
33 expansion of the urban growth area. A county that takes this action
34 shall monitor and record the level of development activity and
35 development density by housing type following the date of the adoption
36 of the new measures; or

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

38 (4) If the determination required by subsection (2) of this section
39 indicates the urban growth area within a city or town does not contain

1 sufficient lands available for development to accommodate housing needs
2 for twenty years at the actual developed density that has occurred
3 since the last periodic review, the city or town shall amend its
4 comprehensive plan or development regulations to include new,
5 incentive-based measures that demonstrably increase the likelihood that
6 residential development will occur at densities sufficient to
7 accommodate housing needs for twenty years without expansion of the
8 urban growth area. A city or town that takes this action must monitor
9 and record the level of development activity and development density by
10 housing type following the date of the adoption of the new measures.

11 (5) Amendments must comply with the requirements of chapter 36.70A
12 RCW.

13 (6) In establishing that actions and measures adopted under
14 subsections (3) and (4) of this section demonstrably increase the
15 likelihood of higher density residential development, the county, city,
16 or town shall at a minimum ensure that land zoned for needed housing is
17 in locations appropriate for the housing types identified under
18 subsection (2) of this section and is zoned at density ranges that are
19 likely to be achieved by the housing market using the analysis in
20 subsection (2) of this section. Actions or incentive-based measures,
21 or both, are adopted as part of development regulations and are
22 available to all applicable properties within the zone, are not
23 negotiated on a case-by-case basis, and may include, but are not
24 limited to:

25 (a) Financial incentives for higher density housing, including, but
26 not limited to removal of fees associated with development;

27 (b) Removal or easing of approval standards or procedures;

28 (c) Redevelopment and infill strategies; and

29 (d) Authorization of housing types not previously allowed by the
30 comprehensive plan or development regulations.

31 NEW SECTION. **Sec. 5.** Notwithstanding RCW 36.70A.130, the actions
32 required under this chapter must be conducted at least annually.

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

35 The office of financial management shall determine the population
36 of each county of the state annually as of April 1st of each year and
37 on or before July 1st of each year shall file a certificate with the

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

22 A comprehensive plan adopted or amended before December 31, 1995,
23 shall not be considered to be in noncompliance with the twenty-year
24 growth management planning population projection if the projection used
25 in the comprehensive plan is in compliance with the range later adopted
26 under this section.

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

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