
HOUSE BILL 1635

State of Washington 56th Legislature 1999 Regular Session

By Representatives Mulliken, Mielke, Quall, Grant, Koster, Sullivan, Pennington, Ericksen, Benson, Bush and Dunn

Read first time 02/01/1999. Referred to Committee on Local Government.

1 AN ACT Relating to buildable lands; and amending RCW 36.70A.215.

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

3 **Sec. 1.** RCW 36.70A.215 and 1997 c 429 s 25 are each amended to
4 read as follows:

5 (1) Subject to the limitations in subsection (~~((7))~~) (11) of this
6 section, a county shall adopt, in consultation with its cities, county-
7 wide planning policies to establish a review and evaluation program.
8 This program shall be in addition to the requirements of RCW
9 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing
10 the review and evaluation program required by this section, the county
11 and its cities shall consider information from other appropriate
12 jurisdictions and sources. The purpose of the review and evaluation
13 program shall be to:

14 (a) Determine whether a county and its cities are achieving urban
15 densities within urban growth areas by comparing growth and development
16 assumptions, targets, and objectives contained in the county-wide
17 planning policies and the county and city comprehensive plans with
18 actual growth and development that has occurred in the county and its
19 cities; and

1 (b) Identify reasonable measures(~~((, other than adjusting urban~~
2 ~~growth areas,))~~) that will be taken to comply with the requirements of
3 this chapter.

4 (2) The review and evaluation program shall:

5 (a) Encompass land uses and activities both within and outside of
6 urban growth areas and provide for annual collection of data on urban
7 and rural land uses, development including the issuance of building
8 permits and certificates of occupancy, critical areas, and capital
9 facilities to the extent necessary to determine the quantity and type
10 of land suitable for development, both for residential and employment-
11 based activities;

12 (b) Provide for evaluation of the data collected under (a) of this
13 subsection every (~~(five))~~ two years as provided in subsection (3) of
14 this section. The first evaluation shall be completed not later than
15 September 1, 2002. The county and its cities may establish in the
16 county-wide planning policies indicators, benchmarks, and other similar
17 criteria to use in conducting the evaluation;

18 (c) Provide for methods to resolve disputes among jurisdictions
19 relating to the county-wide planning policies required by this section
20 and procedures to resolve inconsistencies in collection and analysis of
21 data; and

22 (d) Provide for the amendment of the county-wide policies and
23 county and city comprehensive plans as needed to remedy an
24 inconsistency identified through the evaluation required by this
25 section, or to bring these policies into compliance with the
26 requirements of this chapter.

27 (3) At a minimum, the evaluation component of the program required
28 by subsection (1) of this section shall:

29 (a) Determine whether there is sufficient land suitable (~~(land))~~
30 for development to accommodate the county-wide population projection
31 established for the county pursuant to RCW 43.62.035 and the subsequent
32 population allocations within the county and between the county and its
33 cities and the requirements of RCW 36.70A.110;

34 (b) Determine the actual density of housing that has been
35 constructed and the actual amount of land developed for commercial and
36 industrial uses within the urban growth area since the adoption of a
37 comprehensive plan under this chapter or since the last periodic
38 evaluation as required by subsection (1) of this section; and

1 (c) Based on the actual density of development as determined under
2 (b) of this subsection, review commercial, industrial, and housing
3 needs by type and density range to determine the amount of land needed
4 for commercial, industrial, and housing for the remaining portion of
5 the twenty-year planning period used in the most recently adopted
6 comprehensive plan.

7 (4) If the evaluation required by subsection (3) of this section
8 demonstrates (~~(an inconsistency between what has occurred since the~~
9 ~~adoption of the county-wide planning policies and the county and city~~
10 ~~comprehensive plans and development regulations and what was envisioned~~
11 ~~in those policies and plans and the planning goals and the requirements~~
12 ~~of this chapter, as the inconsistency relates to)) the urban growth
13 area does not contain sufficient land suitable for development to
14 accommodate residential, commercial, and industrial needs for twenty
15 years based on the evaluation factors specified in subsection (3) of
16 this section, the county ((and its cities shall adopt and implement
17 measures that are reasonably likely to increase consistency during the
18 subsequent five-year period. If necessary, a county, in consultation
19 with its cities as required by RCW 36.70A.210, shall adopt amendments
20 to county-wide planning policies to increase consistency. The county
21 and its cities shall annually monitor the measures adopted under this
22 subsection to determine their effect and may revise or rescind them as
23 appropriate)) shall take one or more of the following actions:~~

24 (a) Amend its comprehensive plan or development regulations to
25 include new, incentive-based measures that demonstrably increase the
26 likelihood that development will occur at densities sufficient to
27 accommodate residential, commercial, and industrial needs for twenty
28 years without expansion of the urban growth area;

29 (b) Amend its urban growth area to include sufficient land suitable
30 for development to achieve consistency with county-wide planning
31 policies under RCW 36.70A.210(3)(a) and to accommodate residential,
32 commercial, and industrial needs for twenty years at the actual
33 developed density during the period since the last periodic review or
34 within the last five years, whichever is greater. As part of this
35 process, the amendment must include sufficient land reasonably
36 necessary to accommodate the siting of public facilities or other urban
37 infrastructure that is or will be needed by new development within the
38 expanded urban growth area; or

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

1 (5) A county that amends its comprehensive plan or development
2 regulations to include new, incentive-based measures shall annually
3 monitor and record the level of development activity and development
4 density following the date of the adoption of the new measures and may
5 revise or rescind the measures as appropriate. If, after five years of
6 initial implementation of incentive-based measures and annual
7 monitoring, development is not occurring at densities sufficient to
8 accommodate residential, commercial, and industrial needs for twenty
9 years, the county shall amend its urban growth area as provided in
10 subsection (4)(b) of this section.

11 (6) If the evaluation required in subsection (3) of this section
12 demonstrates the urban growth area does not contain sufficient land
13 suitable for development to accommodate residential, commercial, and
14 industrial needs for twenty years based on the evaluation factors
15 specified in subsection (3) of this section, the city or cities within
16 the urban growth area shall amend their comprehensive plans or
17 development regulations to include new, incentive-based measures that
18 demonstrably increase the likelihood that development will occur at
19 densities sufficient to accommodate residential, commercial, and
20 industrial needs for twenty years without expansion of the urban growth
21 area. A city that takes this action shall annually monitor and record
22 the level of development activity and development density following the
23 date of the adoption of the new measures and may revise or rescind the
24 measures as appropriate.

25 (7) Amendments by the county and its cities to comprehensive plans
26 or development regulations must comply with this chapter.

27 (8) In establishing that actions and measures adopted under
28 subsections (4) and (5) of this section demonstrably increase the
29 likelihood of higher density residential, commercial, and industrial
30 development, the county, city, or town shall at a minimum ensure that
31 land zoned for needed housing and commercial and industrial structures
32 is in locations appropriate for such development and is zoned at
33 density ranges that are likely to be achieved by the market using the
34 analysis in subsection (3) of this section. Actions or incentive-based
35 measures, or both, are adopted as part of development regulations and
36 are available to all applicable properties within the zone, are not
37 negotiated on a case-by-case basis, and may include, but are not
38 limited to:

- 1 (a) Financial incentives for higher density housing, including, but
2 not limited to removal of fees associated with development;
3 (b) Removal or easing of approval standards or procedures;
4 (c) Redevelopment and infill strategies; and
5 (d) Authorization of housing types not previously allowed by the
6 comprehensive plan or development regulations.

7 ~~((+5))~~ (9)(a) Not later than July 1, 1998, the department shall
8 prepare a list of methods used by counties and cities in carrying out
9 the types of activities required by this section. The department shall
10 provide this information and appropriate technical assistance to
11 counties and cities required to or choosing to comply with the
12 provisions of this section.

13 (b) By December 31, ~~((2007))~~ 2002, the department shall submit to
14 the appropriate committees of the legislature a report analyzing the
15 effectiveness of the activities described and measures taken by the
16 counties and cities in this section in achieving the goals envisioned
17 by the county-wide planning policies and the comprehensive plans and
18 development regulations of the counties and cities.

19 ~~((+6))~~ (10) From funds appropriated by the legislature for this
20 purpose, the department shall provide grants to counties, cities, and
21 regional planning organizations required under subsection ~~((+7))~~ (11)
22 of this section to conduct the review and perform the evaluation
23 required by this section.

24 ~~((+7))~~ (11) The provisions of this section shall apply to
25 counties, and the cities within those counties, that were greater than
26 one hundred fifty thousand in population in 1995 as determined by
27 office of financial management population estimates and that are
28 located west of the crest of the Cascade mountain range. Any other
29 county planning under RCW 36.70A.040 may carry out the review,
30 evaluation, and amendment programs and procedures as provided in this
31 section.

32 (12) For the purposes of this section, "land suitable for
33 development" means the land:

34 (a) Is not within any critical area or governed by any development
35 regulation designed to protect critical areas adopted under RCW
36 36.70A.060 that makes the land unbuildable to existing zoning;

37 (b) Is not otherwise constrained by governmental regulations or
38 physical geography to the extent that it is unbuildable to existing
39 zoning;

1 (c) Is serviced by all public facilities necessary for development
2 or will be serviced by needed facilities within twenty years as
3 provided in the capital facilities element of the county or city's
4 comprehensive plan adopted under RCW 36.70A.070;

5 (d) May be developed without causing the level of service on a
6 transportation facility to decline below the standards adopted in the
7 transportation element of the comprehensive plan; and

8 (e) Is available for development, including both vacant, partially
9 used, and redevelopable land. Redevelopable land is land on which
10 development has already occurred but on which, due to present or
11 expected market forces, there exists the strong likelihood that
12 existing development will be converted to more intensive uses during
13 the planning period. However, land that is developed with a building
14 currently occupied and determined habitable by the local jurisdiction
15 with an assessed value greater than the assessed value of the land on
16 which the building is located may not be considered redevelopable land.

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