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**SUBSTITUTE SENATE BILL 5604**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Liiias and Roach)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to the review and evaluation of countywide  
2 planning policies under the growth management act; and amending RCW  
3 36.70A.215.

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

5 **Sec. 1.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to  
6 read as follows:

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

16 (a) Determine whether a county and its cities are achieving urban  
17 densities within urban growth areas by comparing growth and  
18 development assumptions, targets, and objectives contained in the  
19 countywide planning policies and the county and city comprehensive  
20 plans with actual growth and development that has occurred in the  
21 county and its 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, critical areas, and capital  
8 facilities to the extent necessary to determine the quantity and type  
9 of land available and suitable for development, both for residential  
10 and employment-based activities;

11 (b) Provide for evaluation of the data collected under (a) of  
12 this subsection as provided in subsection (3) of this section. The  
13 evaluation shall be completed no later than one year prior to the  
14 deadline for review and, if necessary, update of comprehensive plans  
15 and development regulations as required by RCW 36.70A.130. The county  
16 and its cities may establish in the countywide planning policies  
17 indicators, benchmarks, and other similar criteria to use in  
18 conducting the evaluation;

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

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

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

30 (a) Determine through a land capacity analysis whether there is  
31 sufficient suitable land to accommodate the countywide population  
32 projection established for the county pursuant to RCW 43.62.035 and  
33 the subsequent population allocations within the county and between  
34 the county and its cities and the requirements of RCW 36.70A.110;

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

1 (c) Based on the actual density of development as determined  
2 under (b) of this subsection, review commercial, industrial, and  
3 housing needs by type and density range to determine the amount of  
4 land needed for commercial, industrial, and housing for the remaining  
5 portion of the twenty-year planning period used in the most recently  
6 adopted 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 countywide planning policies and the county and city  
10 comprehensive plans and development regulations and what was  
11 envisioned in those policies and plans and the planning goals and the  
12 requirements of this chapter, as the inconsistency relates to the  
13 evaluation factors specified in subsection (3) of this section, the  
14 county and its cities shall adopt and implement measures that (~~are~~  
15 ~~reasonably likely to increase consistency~~) bring them into  
16 compliance with the requirements of this chapter during the  
17 subsequent five-year period. If necessary, a county, in consultation  
18 with its cities as required by RCW 36.70A.210, shall adopt amendments  
19 to countywide planning policies to increase consistency. The county  
20 and its cities shall annually monitor the measures adopted under this  
21 subsection to determine their effect and may revise or rescind them  
22 as appropriate.

23 (5)(a) Not later than July 1, 1998, the department shall prepare  
24 a list of methods used by counties and cities in carrying out the  
25 types of activities required by this section. The department shall  
26 provide this information and appropriate technical assistance to  
27 counties and cities required to or choosing to comply with the  
28 provisions of this section.

29 (b) By December 31, 2007, the department shall submit to the  
30 appropriate committees of the legislature a report analyzing the  
31 effectiveness of the activities described in this section in  
32 achieving the goals envisioned by the countywide planning policies  
33 and the comprehensive plans and development regulations of the  
34 counties and cities.

35 (6) From funds appropriated by the legislature for this purpose,  
36 the department shall provide grants to counties, cities, and regional  
37 planning organizations required under subsection (~~(7)~~) (8) of this  
38 section to conduct the review and perform the evaluation required by  
39 this section.

1       (7) For purposes of this section, available and suitable land for  
2 development shall not include lands in areas where building is likely  
3 to be unavailable for development or building is otherwise  
4 constrained by current or future public and quasi-public facilities  
5 or critical areas ordinances.

6       (8) ~~The provisions of this section shall apply to ((counties, and~~  
7 ~~the cities within those counties, that were greater than one hundred~~  
8 ~~fifty thousand in population in 1995 as determined by office of~~  
9 ~~financial management population estimates and that are located west~~  
10 ~~of the crest of the Cascade mountain range. Any other county planning~~  
11 ~~under RCW 36.70A.040 may carry out the review, evaluation, and~~  
12 ~~amendment programs and procedures as provided in this section)) every~~  
13 local jurisdiction planning under this chapter.

14       (9) In any action brought under chapter 7.24 RCW to ensure  
15 compliance with this section, the prevailing party may be entitled to  
16 reasonable costs and attorneys' fees.

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