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**SUBSTITUTE HOUSE BILL 2898**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Sherstad, O'Brien, Schoesler, Sheahan, Hatfield, Pennington, Grant, McMorris, Mulliken, Reams, Cairnes, Thompson, Benson, Koster, Dunn, Bush, Alexander and Mielke)

Read first time . Referred to Committee on .

1 AN ACT Relating to buildable lands; amending RCW 36.70A.215; and  
2 creating a new section.

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

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

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

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

1 actual growth and development that has occurred in the county and its  
2 cities; and

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

6 (2) The review and evaluation program shall:

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

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

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

23 (d) Provide for the amendment of the county-wide 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 required  
29 by subsection (1) of this section shall:

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

35 (b) Determine the actual density of housing that has been  
36 constructed and the actual amount of land developed for commercial and  
37 industrial uses within the urban growth area since the adoption of a  
38 comprehensive plan under this chapter or since the last periodic  
39 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 accommodate residential, commercial, and industrial  
31 needs for twenty years at the actual developed density during the  
32 period since the last periodic review or within the last five years,  
33 whichever is greater. As part of this process, the amendment must  
34 include sufficient land reasonably necessary to accommodate the siting  
35 of public facilities or other urban infrastructure that is or will be  
36 needed by new development within the expanded urban growth area; or

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

38 (5) A county that amends its comprehensive plan or development  
39 regulations to include new, incentive-based measures shall annually

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

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

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

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

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

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

1        (c) Redevelopment and infill strategies; and  
2        (d) Authorization of housing types not previously allowed by the  
3 comprehensive plan or development regulations.

4        ~~((+5+))~~ (9)(a) Not later than July 1, 1998, the department shall  
5 prepare a list of methods used by counties and cities in carrying out  
6 the types of activities required by this section. The department shall  
7 provide this information and appropriate technical assistance to  
8 counties and cities required to or choosing to comply with the  
9 provisions of this section.

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

16        ~~((+6+))~~ (10) From funds appropriated by the legislature for this  
17 purpose, the department shall provide grants to counties, cities, and  
18 regional planning organizations required under subsection ~~((+7+))~~ (11)  
19 of this section to conduct the review and perform the evaluation  
20 required by this section.

21        ~~((+7+))~~ (11) The provisions of this section shall apply to  
22 counties, and the cities within those counties, that were greater than  
23 one hundred fifty thousand in population in 1995 as determined by  
24 office of financial management population estimates and that are  
25 located west of the crest of the Cascade mountain range. Any other  
26 county planning under RCW 36.70A.040 may carry out the review,  
27 evaluation, and amendment programs and procedures as provided in this  
28 section.

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

31        (a) Is not within any critical area or governed by any development  
32 regulation designed to protect critical areas adopted under RCW  
33 36.70A.060, regardless of whether any development may occur on the  
34 lands;

35        (b) Is serviced by all public facilities necessary for development  
36 or needed public facilities are provided for in the capital facilities  
37 element of the county or city's comprehensive plan adopted under RCW  
38 36.70A.070 within the following twenty years;

1       (c) Is available for development, including both vacant land and  
2 developed land likely to be redeveloped. However, land that is  
3 developed with a building currently occupied and determined habitable  
4 by the local jurisdiction with an assessed value greater than the  
5 assessed value of the land on which the building is located may not be  
6 considered developed land likely to be redeveloped; and

7       (d) May be developed without causing the level of service on a  
8 transportation facility to decline below the standards adopted in the  
9 transportation element of the comprehensive plan.

10       NEW SECTION. Sec. 2. If specific funding for the purposes of this  
11 act, referencing this act by bill or chapter number, is not provided by  
12 June 30, 1998, in the omnibus appropriations act, this act is null and  
13 void.

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