
HOUSE BILL 2898

State of Washington

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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 01/21/98. Referred to Committee on House Government Reform & Land Use.

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, critical areas, and capital
8 facilities to the extent necessary to determine the quantity and type
9 of land suitable for development, both for residential and employment-
10 based activities;

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

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

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

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

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

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

38 (c) Based on the actual density of development as determined under
39 (b) of this subsection, review commercial, industrial, and housing

1 needs by type and density range to determine the amount of land needed
2 for commercial, industrial, and housing for the remaining portion of
3 the twenty-year planning period used in the most recently adopted
4 comprehensive plan.

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

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

27 (b) Amend its urban growth area to include sufficient land suitable
28 for development to accommodate residential, commercial, and industrial
29 needs for twenty years at the actual developed density during the
30 period since the last periodic review or within the last five years,
31 whichever is greater. As part of this process, the amendment must
32 include sufficient land reasonably necessary to accommodate the siting
33 of public facilities or other urban infrastructure that is or will be
34 needed by new development within the expanded urban growth area; or

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

36 (5) A county that amends its comprehensive plan or development
37 regulations to include new, incentive-based measures shall annually
38 monitor and record the level of development activity and development
39 density following the date of the adoption of the new measures and may

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

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

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

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

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

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

38 (c) Redevelopment and infill strategies; and

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

3 ~~((+5))~~ (9)(a) Not later than July 1, 1998, the department shall
4 prepare a list of methods used by counties and cities in carrying out
5 the types of activities required by this section. The department shall
6 provide this information and appropriate technical assistance to
7 counties and cities required to or choosing to comply with the
8 provisions of this section.

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

15 ~~((+6))~~ (10) From funds appropriated by the legislature for this
16 purpose, the department shall provide grants to counties, cities, and
17 regional planning organizations required under subsection ~~((+7))~~ (11)
18 of this section to conduct the review and perform the evaluation
19 required by this section.

20 ~~((+7))~~ (11) The provisions of this section shall apply to
21 counties, and the cities within those counties, that were greater than
22 one hundred fifty thousand in population in 1995 as determined by
23 office of financial management population estimates and that are
24 located west of the crest of the Cascade mountain range. Any other
25 county planning under RCW 36.70A.040 may carry out the review,
26 evaluation, and amendment programs and procedures as provided in this
27 section.

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

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

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

38 (c) Is available for development, including both vacant land and
39 developed land likely to be redeveloped. However, land that is

1 developed with a building currently occupied and determined habitable
2 by the local jurisdiction with an assessed value greater than the
3 assessed value of the land on which the building is located may not be
4 considered developed land likely to be redeveloped; and

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.

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