
SENATE BILL 6420

State of Washington

64th Legislature

2016 Regular Session

By Senators Roach and Takko

Read first time 01/20/16. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to land capacity review and evaluation; and
2 amending RCW 36.70A.215.

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

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

6 (1) Subject to the limitations in subsection (7) of this section,
7 a county shall adopt, in consultation with its cities, countywide
8 planning policies to establish a review and evaluation program. This
9 program shall be in addition to the requirements of RCW 36.70A.110,
10 36.70A.130, and 36.70A.210. In developing and implementing the review
11 and evaluation program required by this section, the county and its
12 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
17 development assumptions, targets, and objectives contained in the
18 countywide planning policies and the county and city comprehensive
19 plans with actual growth and development that has occurred in the
20 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, including allowing the division of lands within urban
4 growth areas not yet served by sewer systems.

5 (2) The review and evaluation program shall:

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

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

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

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

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

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

36 (b) Determine through a land capacity analysis the actual density
37 of housing that has been constructed and the actual amount of land
38 developed for commercial and industrial uses within the urban growth
39 area since the adoption of a comprehensive plan under this chapter or

1 since the last periodic evaluation as required by subsection (1) of
2 this section; and

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

9 (4) If the evaluation required by subsection (3) of this section
10 demonstrates an inconsistency between what has occurred since the
11 adoption of the countywide planning policies and the county and city
12 comprehensive plans and development regulations and what was
13 envisioned in those policies and plans and the planning goals and the
14 requirements of this chapter, as the inconsistency relates to the
15 evaluation factors specified in subsection (3) of this section, the
16 county and its cities shall adopt and implement measures that (~~are~~
17 ~~reasonably likely to increase consistency~~) bring them into
18 compliance with the requirements of this chapter during the
19 subsequent five-year period. If necessary, a county, in consultation
20 with its cities as required by RCW 36.70A.210, shall adopt amendments
21 to countywide planning policies to (~~increase consistency~~) bring
22 them into compliance with the requirements of this chapter. The
23 county and its cities shall annually monitor the measures adopted
24 under this subsection to determine their effect and may revise or
25 rescind them as appropriate.

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

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

38 (6) From funds appropriated by the legislature for this purpose,
39 the department shall provide grants to counties, cities, and regional
40 planning organizations required under subsection (7) of this section

1 to conduct the review and perform the evaluation required by this
2 section.

3 (7)(a) For purposes of this section, available and suitable land
4 for development does not include lands that are unlikely to be
5 available for development or the following lands:

6 (i) Lands where building is constrained by: Critical areas
7 ordinances; wetlands; slopes greater than fifteen percent; landslide
8 areas that have active or historically unstable slopes; one hundred
9 year floodplains; lands within two hundred feet of a shoreline
10 buffer; hydric soils with fifty foot buffers; habitat areas with one
11 hundred foot buffers; species areas with three hundred foot buffers;
12 riparian stream buffers by stream type: Shoreline two hundred fifty
13 feet, fish bearing two hundred feet, perennial nonfish bearing one
14 hundred feet, and seasonal nonfish bearing seventy-five feet; sewer
15 and water availability; current or future roads and rights-of-way;
16 current or future public and quasi-public facilities; and

17 (ii) Parcels containing a building on the property that is valued
18 at over thirteen thousand dollars, is tax exempt, or is a mobile home
19 park.

20 (b) Parcels that may not be considered available and suitable for
21 commercial construction include all of the lands in (a)(i) of this
22 subsection, parcels where the building value is more than sixty-seven
23 thousand five hundred dollars, and parcels that are assessed with
24 other parcels, tax exempt, less than five thousand square feet, or
25 state assessed or institutional.

26 (8) Lands designated as underutilized do not include:

27 (a) For residential construction, lands that are constrained by
28 subsection (7)(a) of this section and lands with a building value per
29 acre above the twentieth percentile of building value per acre for
30 all residential parcels within all urban growth areas in the county.

31 (b) For commercial construction, lands that are constrained by
32 subsection (7)(a)(i) and (c) of this section and lands with a
33 building value per acre of fifty thousand dollars or more.

34 (9) The provisions of this section shall apply to (~~counties, and~~
35 ~~the cities within those counties, that were greater than one hundred~~
36 ~~fifty thousand in population in 1995 as determined by office of~~
37 ~~financial management population estimates and that are located west~~
38 ~~of the crest of the Cascade mountain range. Any other county planning~~
39 ~~under RCW 36.70A.040 may carry out the review, evaluation, and~~

1 ~~amendment programs and procedures as provided in this section))~~ every
2 local jurisdiction planning under this chapter.

3 (10) The requirements of subsections (2), (3), and (4) of this
4 section must be met before jurisdictions are eligible to receive
5 growth management grant funds administered by the department of
6 commerce, except for grant funds expressly related to buildable
7 lands.

8 (11) In any action brought under chapter 7.24 RCW to ensure
9 compliance with this section, the prevailing party may be entitled to
10 reasonable costs and attorneys' fees. If the requirements of this
11 section are not met in full, there is no presumption of validity.

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