

Review and Evaluation Program 2019 Issue Paper - 1

Introduction

The Review & Evaluation Program, commonly referred to as the Buildable Lands Program, is part of Washington State's Growth Management Act (GMA) and is codified in RCW 36.70A.215 and WAC 365-195-315. In 2017, E2SSB 5254 (Exhibit A), a bill to ensure adequacy of buildable lands and zoning in urban growth areas and providing funding for low-income housing and homelessness programs, was passed by the Washington State Legislature and constitutes the first major revision to the Program since its inception in 1997. The 2018 Buildable Lands Guidelines (Exhibit B), resulting from E2SSB 5254, is also the first update since the original Buildable Lands Guidelines was published in 2000. The purpose of the Program per 36.70A.215(1)(a)(b) and (3)(a) is to:

- a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets and objectives contained in the county wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and
- b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns.
- a) Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110.

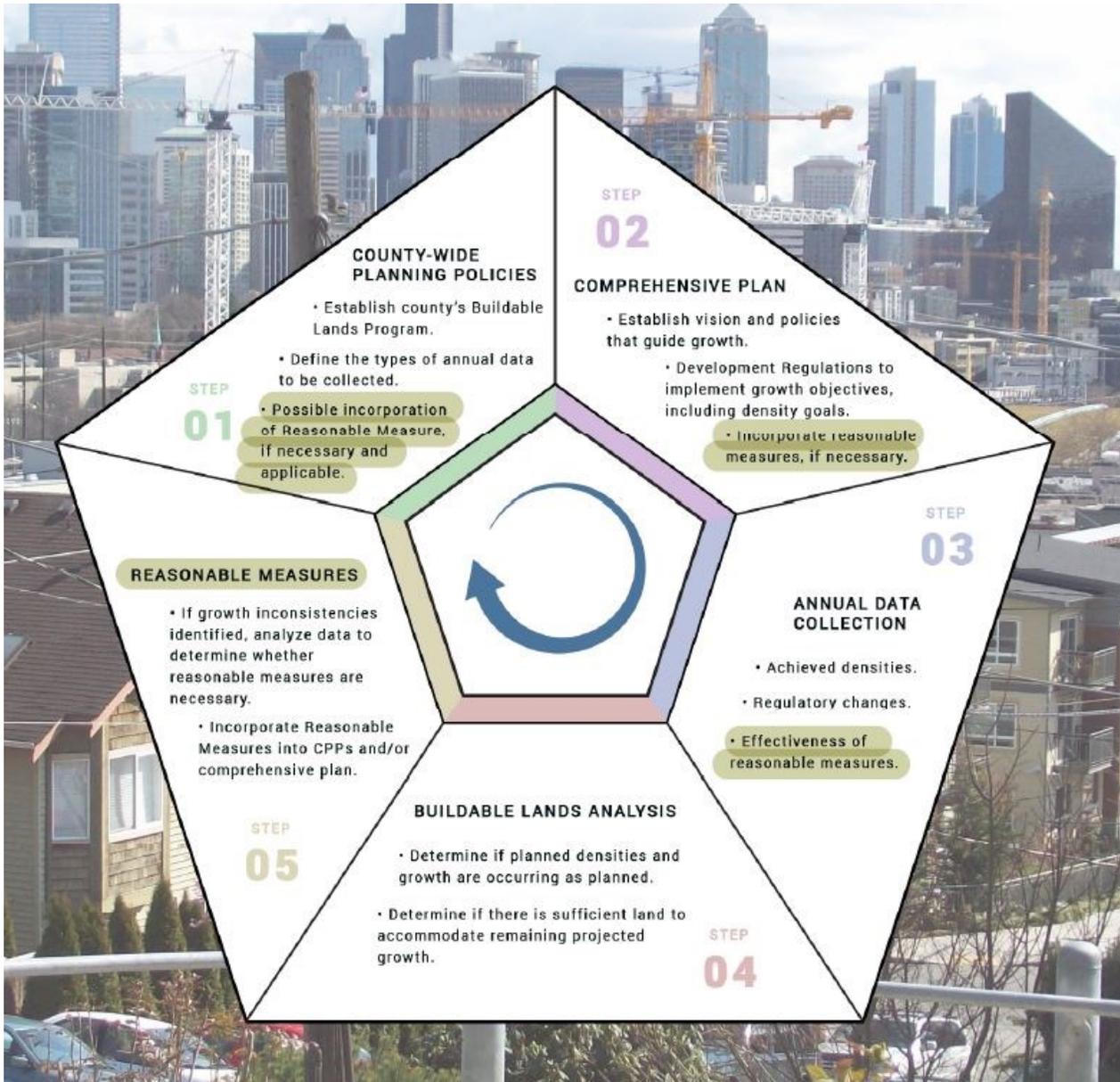
Background

In 2000, the county amended the comprehensive plan to establish the review and evaluation program (ORD. 2000-12-16). The county has completed three review and evaluation cycles culminating with the issuance of Buildable Lands Reports in 2002, 2007 and 2015, which informed the 2004, 2007 and 2016 Comprehensive Plan updates, respectively. The Vacant Buildable Lands Model (VBLM) is the tool the county uses to perform the buildable lands analysis. The VBLM analyzes potential residential and employment capacity of each urban growth area based on vacant and underutilized land classifications. This potential capacity is used to determine the amount of urban land needed to accommodate projected population and job growth for the next 20 years during plan updates and to analyze land consumption or conversion rates on an annual basis for plan monitoring purposes.

Process

The graphic below depicts the steps in the review and evaluation program and the relationship between the components of the program. The five steps identified form the structure of the review and evaluation program that has been in place since 2000. Reasonable measures are the fifth step in the process. However, if the evaluation identifies a difference between the growth and development assumptions, it may trigger additional action in steps one through three, as highlighted.

Figure 1. Procedural Overview



Source: Buildable Lands Guidelines 2018, Department of Commerce

Updated Guidelines

Table 1 below, provides a condensed summary of the major amendments to the buildable lands legislation that were addressed by the Department of Commerce in the revised 2018 Buildable Lands Guidelines and how they will affect Clark County. The underlined text indicates the changes to the statute. These items fall into three categories: Development standards and zoning, market factor analysis, and infrastructure gap assessment. These three areas of analysis may necessitate changes to the assumptions used to estimate capacity in the Vacant Buildable Lands Model (VBLM). The intent of the legislation is to require jurisdictions to show their work to demonstrate the factual basis for planning assumptions. The guidelines provide a variety of methods to accomplish this objective including evaluating existing sales data, surveying property owners, and real estate industry professionals.

Table 1. Summary of amendments to Buildable Lands Guidelines

| | Amendments to the Buildable Lands Guidelines | Effect on Clark County |
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| 1. | <p>Sec. 2(1)(b): The purpose of the review and evaluation program shall be to: Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter. <u>Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. The reasonable measures process in subsection (3) of this section shall be used as part of the next comprehensive plan update to reconcile inconsistencies.</u></p> | <p>Clarification on process.</p> |
| 2. | <p>Sec. 2 (2)(a): The review and evaluation program shall: Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, <u>zoning and development standards, environmental regulations including but not limited to critical areas, stormwater, shoreline, and tree retention;</u> and capital facilities to determine the quantity and type of land suitable for development, both for residential and employment-based activities;</p> | <p>New information to collect and evaluate as part of the program. May necessitate changes to the capacity estimates. (Vacant Buildable Lands Model)</p> |
| 3. | <p>Sec. 2 (2)(b): The review and evaluation program shall: Provide for evaluation of the data collected under (a) of this subsection as provided in subsection (3) of this section. The evaluation shall be completed no later than three years prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130. <u>For comprehensive plans required to be updated before 2024, the evaluation as provided in subsection (3) of this section shall be completed no later than two years prior to the deadline for review and, if necessary, update of comprehensive plans.</u> The county and its cities may establish in the countywide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;</p> | <p>Establishes timeline for update of the buildable lands report.</p> |

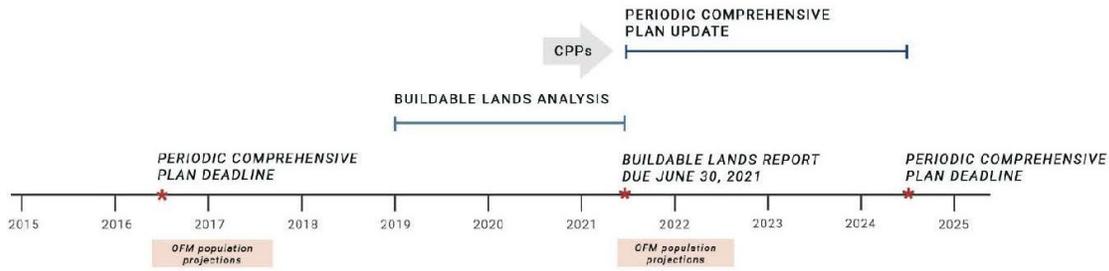
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| 4. | <p><u>Sec. 2 (2)(d): The review and evaluation program shall: Develop reasonable measures to use in reducing the differences between growth and development assumptions and targets contained in the countywide planning policies and county and city comprehensive plans, with the actual development patterns. The reasonable measures shall be adopted, if necessary, into the countywide planning policies and the county or city comprehensive plans and development regulations during the next scheduled update of the plans.</u></p> | <p>Procedural requirement to amend comp plan for adoption of reasonable measures, if necessary.</p> |
| 5. | <p>Sec. 2(3)(a): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: Determine whether there is sufficient suitable land to accommodate the countywide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110. <u>The zoned capacity of land alone is not a sufficient standard to deem land suitable for development or redevelopment within the twenty-year planning period;</u></p> | <p>Market factor required. See #8 below. Clark County already uses a market supply factor.</p> |
| 6. | <p><u>Sec. 2(3)(b)(i): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: A review and evaluation of the land use designation and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent assigned densities from being achieved; infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater);</u></p> | <p>In addition to #5 above, analysis of infrastructure gaps is required. Capital Facilities Plan's may be sufficient. Urban Holding analysis could also be used. Zoning/development regulations (i.e. could include infrastructure assumptions due to changes in stormwater regulations)</p> |

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| 7. | <p><u>Sec. 2(3)(b)(ii): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: An evaluation and identification of land suitable for development or redevelopment shall include: Use of a reasonable land market supply factor when evaluating land suitable to accommodate new development or redevelopment of land for residential development and employment activities. The reasonable market supply factor identifies reductions in the amount of land suitable for development and redevelopment. The methodology for conducting a reasonable land Market Supply Factor shall be determined through the guidance developed in section 3 of this act;</u></p> | <p>Market supply factor is already in use but will need to show work to demonstrate factual basis for planning assumptions. This can be addressed in many ways including property owner surveys, sales activity and ownership patterns, advisory committee input, etc. This will be a major focus of the advisory group.</p> |
| 8. | <p><u>Sec. 2(3)(c): At a minimum, the evaluation component of the program required by subsection (1) of this section shall: Provide an analysis of county and/or city development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved. It is not appropriate to make a finding that assumed growth contained in the countywide planning policies and the county or city comprehensive plans will occur at the end of the current comprehensive planning twenty-year planning cycle without rationale.</u></p> | <p>Additional analysis may be required to justify continued use of planning assumptions.</p> |
| 9. | <p><u>Sec. 2(6): The requirements of this section are subject to the availability of funds appropriated for this specific purpose. If sufficient funds are not appropriated consistent with the timelines in subsection (2) (b) of this section, counties and cities shall be subject to the review and evaluation program as it existed prior to the effective date of this section.</u></p> | <p>Requires state funding for the new requirements or new requirements go away and revert to the previous evaluation.</p> |

Timeline

Clark County's next Buildable Lands Report is due to Commerce by June 30, 2021, three years prior to the 2024 Comprehensive Plan update. The graphic below illustrates how the buildable lands analysis fits into the next periodic review.

Figure 2. Review & Evaluation Program Timeline - Clark County



Source: Buildable Lands Guidelines 2018, Department of Commerce

Next Steps

A request for proposal is anticipated to go out in June for the following scope of work: Review existing Clark County Vacant and Buildable Lands Model in relation to the new Buildable Lands guidelines and identify any necessary improvements; facilitate technical advisory committee meetings; and issue a final report and presentation to council.

A technical advisory committee, appointed by Council, will provide input to implement the updated buildable lands guidelines related to development standards and zoning, market factor analysis, and infrastructure gap assessment.

In 2000, the then Board of County Commissioners convened a Vacant Buildable Lands Model technical advisory committee to review definitions of land classifications and the assumptions that would be applied to them. The TAC was represented by the Responsible Growth Forum, Friends of Clark County, GIS Staff, Planning Staff and a City representative. The 2019 technical advisory committee should include representatives from those or similar organizations and representatives of two cities (Vancouver and one of the smaller cities) would be recommended.

Any recommendations to update the VBLM would go through the Type IV public process to include Planning Commission work session and public hearing, and council work session and a public hearing.