
ENGROSSED SUBSTITUTE SENATE BILL 5907

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Kastama, McCaslin and Rasmussen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to affirming that cities and counties planning
2 under chapter 36.70A RCW retain the ability to accommodate state
3 projected population growth within urban growth areas without requiring
4 a minimum residential density; amending RCW 36.70A.110; and creating a
5 new section.

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

7 NEW SECTION. **Sec. 1.** The purpose of this act is to affirm that
8 cities and counties planning under the growth management act have
9 flexibility within their granted land use authority to choose
10 appropriate urban residential densities within their jurisdiction
11 within urban growth areas that are sufficient to accommodate, at a
12 minimum, population projections allocated pursuant to RCW 43.62.035
13 within urban growth areas. It is the intent of the legislature to
14 affirm that such accommodation does not require jurisdictions to
15 establish a uniform minimum residential density.

16 **Sec. 2.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
17 as follows:

18 (1) Each county that is required or chooses to plan under RCW

1 36.70A.040 shall designate an urban growth area or areas within which
2 urban growth shall be encouraged and outside of which growth can occur
3 only if it is not urban in nature. Each city that is located in such
4 a county shall be included within an urban growth area. An urban
5 growth area may include more than a single city. An urban growth area
6 may include territory that is located outside of a city only if such
7 territory already is characterized by urban growth whether or not the
8 urban growth area includes a city, or is adjacent to territory already
9 characterized by urban growth, or is a designated new fully contained
10 community as defined by RCW 36.70A.350.

11 (2) Based upon the growth management population projection made for
12 the county by the office of financial management, the county and each
13 city within the county shall include areas and densities sufficient to
14 permit the urban growth that is projected to occur in the county or
15 city for the succeeding twenty-year period, except for those urban
16 growth areas contained totally within a national historical reserve.

17 Each urban growth area shall permit urban densities and shall
18 include greenbelt and open space areas. In the case of urban growth
19 areas contained totally within a national historical reserve, the city
20 may restrict densities, intensities, and forms of urban growth as
21 determined to be necessary and appropriate to protect the physical,
22 cultural, or historic integrity of the reserve. An urban growth area
23 determination may include a reasonable land market supply factor and
24 shall permit a range of urban densities and uses. In determining this
25 market factor, cities and counties may consider local circumstances.
26 Cities and counties have discretion in their comprehensive plans to
27 make many choices about accommodating growth. In counties meeting the
28 definition of "rural county" under RCW 82.14.370(5) cities and counties
29 have discretion to make choices about appropriate urban residential
30 densities within urban growth areas, as long as an overall pattern of
31 urban density is established within urban growth areas. Cities and
32 counties shall not be required to establish a uniform minimum
33 residential density applicable to each and every property within an
34 urban growth area within a county meeting the definition of "rural
35 county" under RCW 82.14.370(5).

36 Within one year of July 1, 1990, each county that as of June 1,
37 1991, was required or chose to plan under RCW 36.70A.040, shall begin
38 consulting with each city located within its boundaries and each city

1 shall propose the location of an urban growth area. Within sixty days
2 of the date the county legislative authority of a county adopts its
3 resolution of intention or of certification by the office of financial
4 management, all other counties that are required or choose to plan
5 under RCW 36.70A.040 shall begin this consultation with each city
6 located within its boundaries. The county shall attempt to reach
7 agreement with each city on the location of an urban growth area within
8 which the city is located. If such an agreement is not reached with
9 each city located within the urban growth area, the county shall
10 justify in writing why it so designated the area an urban growth area.
11 A city may object formally with the department over the designation of
12 the urban growth area within which it is located. Where appropriate,
13 the department shall attempt to resolve the conflicts, including the
14 use of mediation services.

15 (3) Urban growth should be located first in areas already
16 characterized by urban growth that have adequate existing public
17 facility and service capacities to serve such development, second in
18 areas already characterized by urban growth that will be served
19 adequately by a combination of both existing public facilities and
20 services and any additional needed public facilities and services that
21 are provided by either public or private sources, and third in the
22 remaining portions of the urban growth areas. Urban growth may also be
23 located in designated new fully contained communities as defined by RCW
24 36.70A.350.

25 (4) In general, cities are the units of local government most
26 appropriate to provide urban governmental services. In general, it is
27 not appropriate that urban governmental services be extended to or
28 expanded in rural areas except in those limited circumstances shown to
29 be necessary to protect basic public health and safety and the
30 environment and when such services are financially supportable at rural
31 densities and do not permit urban development.

32 (5) On or before October 1, 1993, each county that was initially
33 required to plan under RCW 36.70A.040(1) shall adopt development
34 regulations designating interim urban growth areas under this chapter.
35 Within three years and three months of the date the county legislative
36 authority of a county adopts its resolution of intention or of
37 certification by the office of financial management, all other counties
38 that are required or choose to plan under RCW 36.70A.040 shall adopt

1 development regulations designating interim urban growth areas under
2 this chapter. Adoption of the interim urban growth areas may only
3 occur after public notice; public hearing; and compliance with the
4 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
5 Such action may be appealed to the appropriate growth management
6 hearings board under RCW 36.70A.280. Final urban growth areas shall be
7 adopted at the time of comprehensive plan adoption under this chapter.

8 (6) Each county shall include designations of urban growth areas in
9 its comprehensive plan.

10 (7) An urban growth area designated in accordance with this section
11 may include within its boundaries urban service areas or potential
12 annexation areas designated for specific cities or towns within the
13 county.

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