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SENATE BILL 6193

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State of Washington

62nd Legislature

2012 Regular Session

By Senator Ericksen

Read first time 01/13/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to using population projections for growth  
2 management purposes; and amending RCW 36.70A.110.

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

4 **Sec. 1.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to read  
5 as follows:

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

17 (2) Based upon the middle range growth management population  
18 projection made for the county by the office of financial management,  
19 the county and each city within the county shall include areas and

1 densities sufficient to permit the urban growth that is projected to  
2 occur in the county or city for the succeeding twenty-year period,  
3 except for those urban growth areas contained totally within a national  
4 historical reserve. The middle range projection provided by the office  
5 of financial management, as required by RCW 43.62.035, represents the  
6 state's estimate of the most likely population projection for the  
7 county. A county choosing to project future growth by deviating from  
8 the middle range, within the high and low bands of uncertainty, shall  
9 adopt a written explanation justifying the reason for the deviation  
10 especially in terms of how the deviation enhances the ability of the  
11 county and its cities to achieve the goals of this chapter. As part of  
12 this planning process, each city within the county must include areas  
13 sufficient to accommodate the broad range of needs and uses that will  
14 accompany the projected urban growth including, as appropriate,  
15 medical, governmental, institutional, commercial, service, retail, and  
16 other nonresidential uses.

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.

28 Within one year of July 1, 1990, each county that as of June 1,  
29 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
30 consulting with each city located within its boundaries and each city  
31 shall propose the location of an urban growth area. Within sixty days  
32 of the date the county legislative authority of a county adopts its  
33 resolution of intention or of certification by the office of financial  
34 management, all other counties that are required or choose to plan  
35 under RCW 36.70A.040 shall begin this consultation with each city  
36 located within its boundaries. The county shall attempt to reach  
37 agreement with each city on the location of an urban growth area within  
38 which the city is located. If such an agreement is not reached with

1 each city located within the urban growth area, the county shall  
2 justify in writing why it so designated the area an urban growth area.  
3 A city may object formally with the department over the designation of  
4 the urban growth area within which it is located. Where appropriate,  
5 the department shall attempt to resolve the conflicts, including the  
6 use of mediation services.

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

17 (4) In general, cities are the units of local government most  
18 appropriate to provide urban governmental services. In general, it is  
19 not appropriate that urban governmental services be extended to or  
20 expanded in rural areas except in those limited circumstances shown to  
21 be necessary to protect basic public health and safety and the  
22 environment and when such services are financially supportable at rural  
23 densities and do not permit urban development.

24 (5) On or before October 1, 1993, each county that was initially  
25 required to plan under RCW 36.70A.040(1) shall adopt development  
26 regulations designating interim urban growth areas under this chapter.  
27 Within three years and three months of the date the county legislative  
28 authority of a county adopts its resolution of intention or of  
29 certification by the office of financial management, all other counties  
30 that are required or choose to plan under RCW 36.70A.040 shall adopt  
31 development regulations designating interim urban growth areas under  
32 this chapter. Adoption of the interim urban growth areas may only  
33 occur after public notice; public hearing; and compliance with the  
34 state environmental policy act, chapter 43.21C RCW, and under this  
35 section. Such action may be appealed to the growth management hearings  
36 board under RCW 36.70A.280. Final urban growth areas shall be adopted  
37 at the time of comprehensive plan adoption under this chapter.

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

3 (7) An urban growth area designated in accordance with this section  
4 may include within its boundaries urban service areas or potential  
5 annexation areas designated for specific cities or towns within the  
6 county.

7 (8)(a) Except as provided in (b) of this subsection, the expansion  
8 of an urban growth area is prohibited into the one hundred year  
9 floodplain of any river or river segment that: (i) Is located west of  
10 the crest of the Cascade mountains; and (ii) has a mean annual flow of  
11 one thousand or more cubic feet per second as determined by the  
12 department of ecology.

13 (b) Subsection (8)(a) of this section does not apply to:

14 (i) Urban growth areas that are fully contained within a floodplain  
15 and lack adjacent buildable areas outside the floodplain;

16 (ii) Urban growth areas where expansions are precluded outside  
17 floodplains because:

18 (A) Urban governmental services cannot be physically provided to  
19 serve areas outside the floodplain; or

20 (B) Expansions outside the floodplain would require a river or  
21 estuary crossing to access the expansion; or

22 (iii) Urban growth area expansions where:

23 (A) Public facilities already exist within the floodplain and the  
24 expansion of an existing public facility is only possible on the land  
25 to be included in the urban growth area and located within the  
26 floodplain; or

27 (B) Urban development already exists within a floodplain as of July  
28 26, 2009, and is adjacent to, but outside of, the urban growth area,  
29 and the expansion of the urban growth area is necessary to include such  
30 urban development within the urban growth area; or

31 (C) The land is owned by a jurisdiction planning under this chapter  
32 or the rights to the development of the land have been permanently  
33 extinguished, and the following criteria are met:

34 (I) The permissible use of the land is limited to one of the  
35 following: Outdoor recreation; environmentally beneficial projects,  
36 including but not limited to habitat enhancement or environmental  
37 restoration; storm water facilities; flood control facilities; or  
38 underground conveyances; and

1           (II) The development and use of such facilities or projects will  
2 not decrease flood storage, increase storm water runoff, discharge  
3 pollutants to fresh or salt waters during normal operations or floods,  
4 or increase hazards to people and property.

5           (c) For the purposes of this subsection (8), "one hundred year  
6 floodplain" means the same as "special flood hazard area" as set forth  
7 in WAC 173-158-040 as it exists on July 26, 2009.

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