
SENATE BILL 6190

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 urban growth areas; and amending RCW 36.70A.110.

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

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

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

16 (2) Based upon the growth management population projection made for
17 the county by the office of financial management, the county and each
18 city within the county shall include areas and densities sufficient to
19 permit the urban growth that is projected to occur in the county or

1 city for the succeeding twenty-year period, except for those urban
2 growth areas contained totally within a national historical reserve.
3 As part of this planning process, each city within the county must
4 include areas sufficient to accommodate the broad range of needs and
5 uses that will accompany the projected urban growth including, as
6 appropriate, medical, governmental, institutional, commercial, service,
7 retail, and other nonresidential uses.

8 Each urban growth area shall permit urban densities and shall
9 include greenbelt and open space areas. In the case of urban growth
10 areas contained totally within a national historical reserve, the city
11 may restrict densities, intensities, and forms of urban growth as
12 determined to be necessary and appropriate to protect the physical,
13 cultural, or historic integrity of the reserve. An urban growth area
14 determination may include a reasonable land market supply factor and
15 shall permit a range of urban densities and uses. In determining this
16 market factor, cities and counties may consider local circumstances.
17 Cities and counties have discretion in their comprehensive plans to
18 make many choices about accommodating growth.

19 Within one year of July 1, 1990, each county that as of June 1,
20 1991, was required or chose to plan under RCW 36.70A.040, shall begin
21 consulting with each city located within its boundaries and each city
22 shall propose the location of an urban growth area. Within sixty days
23 of the date the county legislative authority of a county adopts its
24 resolution of intention or of certification by the office of financial
25 management, all other counties that are required or choose to plan
26 under RCW 36.70A.040 shall begin this consultation with each city
27 located within its boundaries. The county shall attempt to reach
28 agreement with each city on the location of an urban growth area within
29 which the city is located. If such an agreement is not reached with
30 each city located within the urban growth area, the county shall
31 justify in writing why it so designated the area an urban growth area.
32 A city may object formally with the department over the designation of
33 the urban growth area within which it is located. Where appropriate,
34 the department shall attempt to resolve the conflicts, including the
35 use of mediation services.

36 (3) Urban growth should be located first in areas already
37 characterized by urban growth that have adequate existing public
38 facility and service capacities to serve such development, second in

1 areas already characterized by urban growth that will be served
2 adequately by a combination of both existing public facilities and
3 services and any additional needed public facilities and services that
4 are provided by either public or private sources, and third in the
5 remaining portions of the urban growth areas. Urban growth may also be
6 located in designated new fully contained communities as defined by RCW
7 36.70A.350.

8 (4) In general, cities are the units of local government most
9 appropriate to provide urban governmental services. In general, it is
10 not appropriate that urban governmental services be extended to or
11 expanded in rural areas except in those limited circumstances shown to
12 be necessary to protect basic public health and safety and the
13 environment and when such services are financially supportable at rural
14 densities and do not permit urban development.

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

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

31 (7) An urban growth area designated in accordance with this section
32 may include within its boundaries urban service areas or potential
33 annexation areas designated for specific cities or towns within the
34 county.

35 (8) Designation of an urban growth area generally establishes
36 certainty that: (a) The development of the land within it will be
37 urban in nature; (b) the land will ultimately be provided with adequate

1 urban facilities and services within the planning horizon; and (c) the
2 land will ultimately be developed at urban densities and intensities.

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

9 (b) Subsection ~~((+8+))~~ (9)(a) of this section does not apply to:

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

12 (ii) Urban growth areas where expansions are precluded outside
13 floodplains because:

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

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

18 (iii) Urban growth area expansions where:

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

23 (B) Urban development already exists within a floodplain as of July
24 26, 2009, and is adjacent to, but outside of, the urban growth area,
25 and the expansion of the urban growth area is necessary to include such
26 urban development within the urban growth area; or

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

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

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

1 (c) For the purposes of this subsection (~~(+8+)~~) (9), "one hundred
2 year floodplain" means the same as "special flood hazard area" as set
3 forth in WAC 173-158-040 as it exists on July 26, 2009.

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