

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6367

Chapter 206, Laws of 2004

58th Legislature
2004 Regular Session

NATIONAL HISTORICAL RESERVES

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 11, 2004
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2004
YEAS 94 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6367 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 29, 2004 - 3:05 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6367

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Land Use & Planning (originally sponsored by
Senators Haugen, Spanel and Winsley)

READ FIRST TIME 02/04/04.

1 AN ACT Relating to protecting the integrity of national historical
2 reserves in the urban growth area planning process; and amending RCW
3 36.70A.110.

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

5 **Sec. 1.** RCW 36.70A.110 and 2003 c 299 s 5 are each amended to read
6 as follows:

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

18 (2) Based upon the growth management population projection made for
19 the county by the office of financial management, the county and each

1 city within the county shall include areas and densities sufficient to
2 permit the urban growth that is projected to occur in the county or
3 city for the succeeding twenty-year period, except for those urban
4 growth areas contained totally within a national historical reserve.

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

16 Within one year of July 1, 1990, each county that as of June 1,
17 1991, was required or chose to plan under RCW 36.70A.040, shall begin
18 consulting with each city located within its boundaries and each city
19 shall propose the location of an urban growth area. Within sixty days
20 of the date the county legislative authority of a county adopts its
21 resolution of intention or of certification by the office of financial
22 management, all other counties that are required or choose to plan
23 under RCW 36.70A.040 shall begin this consultation with each city
24 located within its boundaries. The county shall attempt to reach
25 agreement with each city on the location of an urban growth area within
26 which the city is located. If such an agreement is not reached with
27 each city located within the urban growth area, the county shall
28 justify in writing why it so designated the area an urban growth area.
29 A city may object formally with the department over the designation of
30 the urban growth area within which it is located. Where appropriate,
31 the department shall attempt to resolve the conflicts, including the
32 use of mediation services.

33 (3) Urban growth should be located first in areas already
34 characterized by urban growth that have adequate existing public
35 facility and service capacities to serve such development, second in
36 areas already characterized by urban growth that will be served
37 adequately by a combination of both existing public facilities and
38 services and any additional needed public facilities and services that

1 are provided by either public or private sources, and third in the
2 remaining portions of the urban growth areas. Urban growth may also be
3 located in designated new fully contained communities as defined by RCW
4 36.70A.350.

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

12 (5) On or before October 1, 1993, each county that was initially
13 required to plan under RCW 36.70A.040(1) shall adopt development
14 regulations designating interim urban growth areas under this chapter.
15 Within three years and three months of the date the county legislative
16 authority of a county adopts its resolution of intention or of
17 certification by the office of financial management, all other counties
18 that are required or choose to plan under RCW 36.70A.040 shall adopt
19 development regulations designating interim urban growth areas under
20 this chapter. Adoption of the interim urban growth areas may only
21 occur after public notice; public hearing; and compliance with the
22 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.
23 Such action may be appealed to the appropriate growth management
24 hearings board under RCW 36.70A.280. Final urban growth areas shall be
25 adopted at the time of comprehensive plan adoption under this chapter.

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

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

Passed by the Senate February 11, 2004.

Passed by the House March 5, 2004.

Approved by the Governor March 29, 2004.

Filed in Office of Secretary of State March 29, 2004.