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HOUSE BILL 2006

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Moeller, Curtis and Nixon

Read first time 02/15/2005. Referred to Committee on Local Government.

1            AN ACT Relating to urban governmental services in rural areas; and  
2 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 2004 c 206 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 growth management population projection made for  
18 the county by the office of financial management, the county and each  
19 city within the county shall include areas and densities sufficient to

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

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

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

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

1 remaining portions of the urban growth areas. Urban growth may also be  
2 located in designated new fully contained communities as defined by RCW  
3 36.70A.350.

4 (4) In general, cities are the units of local government most  
5 appropriate to provide urban governmental services. In general, it is  
6 not appropriate that urban governmental services be extended to or  
7 expanded in rural areas except in those limited circumstances shown to  
8 be necessary to protect basic public health and safety and the  
9 environment and when such services are financially supportable at rural  
10 densities and do not permit urban development. A parcel in a rural  
11 area may receive domestic water supply, storm, or sanitary sewer  
12 service if it abuts a street that is located in or adjacent to the  
13 urban growth area and that contains a domestic water supply, storm, or  
14 sanitary sewer line.

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 RCW 36.70A.110.  
26 Such action may be appealed to the appropriate growth management  
27 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
28 adopted 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.

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