
SENATE BILL 5693

State of Washington

59th Legislature

2005 Regular Session

By Senators Sheldon and Rockefeller

Read first time 02/02/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to aquatic rehabilitation zones; amending RCW
2 36.70A.110; adding a new chapter to Title 90 RCW; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** (1) Aquatic rehabilitation zones may be
6 designated by the legislature for areas whose surrounding marine or
7 fresh water bodies pose serious environmental or public health
8 concerns.

9 (2) Aquatic rehabilitation zone one is established. Aquatic
10 rehabilitation zone one includes all watersheds that drain to Hood
11 Canal south of a line projected from Tala Point in Jefferson county to
12 Foulweather Bluff in Kitsap county.

13 NEW SECTION. **Sec. 2.** If the provisions of this chapter conflict
14 with other statutory provisions, the provisions of this chapter shall
15 govern aquatic rehabilitation zones.

16 **Sec. 3.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read
17 as follows:

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

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

18 Each urban growth area shall permit urban densities and shall
19 include greenbelt and open space areas. In the case of urban growth
20 areas contained totally within a national historical reserve, the city
21 may restrict densities, intensities, and forms of urban growth as
22 determined to be necessary and appropriate to protect the physical,
23 cultural, or historic integrity of the reserve. An urban growth area
24 determination may include a reasonable land market supply factor and
25 shall permit a range of urban densities and uses. In determining this
26 market factor, cities and counties may consider local circumstances.
27 Cities and counties have discretion in their comprehensive plans to
28 make many choices about accommodating growth.

29 Within one year of July 1, 1990, each county that as of June 1,
30 1991, was required or chose to plan under RCW 36.70A.040, shall begin
31 consulting with each city located within its boundaries and each city
32 shall propose the location of an urban growth area. Within sixty days
33 of the date the county legislative authority of a county adopts its
34 resolution of intention or of certification by the office of financial
35 management, all other counties that are required or choose to plan
36 under RCW 36.70A.040 shall begin this consultation with each city
37 located within its boundaries. The county shall attempt to reach
38 agreement with each city on the location of an urban growth area within

1 which the city is located. If such an agreement is not reached with
2 each city located within the urban growth area, the county shall
3 justify in writing why it so designated the area an urban growth area.
4 A city may object formally with the department over the designation of
5 the urban growth area within which it is located. Where appropriate,
6 the department shall attempt to resolve the conflicts, including the
7 use of mediation services.

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

18 (4) In general, cities are the units of local government most
19 appropriate to provide urban governmental services. In general, it is
20 not appropriate that urban governmental services be extended to or
21 expanded in rural areas except in those limited circumstances shown to
22 be necessary to protect basic public health and safety and the
23 environment and when such services are financially supportable at rural
24 densities and do not permit urban development. Sewer service may be
25 extended to the rural area to serve existing development in the
26 watershed of Hood Canal. "Existing development" refers not only to
27 structures that have already been built on the effective date of this
28 act but also development for which a building permit has already been
29 issued. Sewer service may also be extended to such rural area if other
30 government services are financially supportable at rural densities and
31 that such services do not otherwise 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.

14 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act constitute a
15 new chapter in Title 90 RCW.

16 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

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