
HOUSE BILL 1222

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Morris and Lytton

Read first time 01/17/11. Referred to Committee on Local Government.

1 AN ACT Relating to limited expansions of urban growth areas into
2 one hundred year floodplains in areas adjacent to a freeway interchange
3 or interstate in counties wholly or partially bordering salt waters
4 with more than one hundred thousand but fewer than one hundred fifty
5 thousand residents; and amending RCW 36.70A.110.

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

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

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

1 (2) Based upon the growth management population projection made for
2 the county by the office of financial management, the county and each
3 city within the county shall include areas and densities sufficient to
4 permit the urban growth that is projected to occur in the county or
5 city for the succeeding twenty-year period, except for those urban
6 growth areas contained totally within a national historical reserve.
7 As part of this planning process, each city within the county must
8 include areas sufficient to accommodate the broad range of needs and
9 uses that will accompany the projected urban growth including, as
10 appropriate, medical, governmental, institutional, commercial, service,
11 retail, and other nonresidential uses.

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

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

1 the department shall attempt to resolve the conflicts, including the
2 use of mediation services.

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

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

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

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

36 (7) An urban growth area designated in accordance with this section
37 may include within its boundaries urban service areas or potential

1 annexation areas designated for specific cities or towns within the
2 county.

3 (8)(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)(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: ~~((A))~~ Urban governmental services cannot be
14 physically provided to serve areas outside the floodplain; or ~~((B)~~
15 ~~Expansions outside the floodplain))~~ accessing the expansion would
16 require a river or estuary crossing ~~((to access the expansion))~~; or

17 (iii) Urban growth area expansions where:

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

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

26 (C) The expansion is authorized by a county that is wholly or
27 partially bordered by salt waters and has more than one hundred
28 thousand but fewer than one hundred fifty thousand residents. Urban
29 growth area expansions authorized in accordance with this subsection
30 (8)(b)(iii)(C) must be a single parcel or contiguous parcels, may not
31 exceed seven acres, and must be limited to areas that are adjacent to
32 an urban growth area and entirely surrounded by a freeway interchange
33 right-of-way; or

34 (D) The land is owned by a jurisdiction planning under this chapter
35 or the rights to the development of the land have been permanently
36 extinguished, and the following criteria are met:

37 (I) The permissible use of the land is limited to one of the
38 following: Outdoor recreation; environmentally beneficial projects,

1 including but not limited to habitat enhancement or environmental
2 restoration; storm water facilities; flood control facilities; or
3 underground conveyances; and

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

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

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