

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5834**

Chapter 26, Laws of 2024

68th Legislature  
2024 Regular Session

URBAN GROWTH AREAS—REVISION

EFFECTIVE DATE: June 6, 2024

Passed by the Senate February 6, 2024  
Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House February 27, 2024  
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved March 13, 2024 11:13 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5834** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

March 14, 2024

**Secretary of State  
State of Washington**

---

**SUBSTITUTE SENATE BILL 5834**

---

Passed Legislature - 2024 Regular Session

**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Short, Lovelett, Billig, Gildon, Mullet, Padden, and Torres)

READ FIRST TIME 01/26/24.

1       AN ACT Relating to urban growth areas; and amending RCW  
2 36.70A.110.

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

4       **Sec. 1.** RCW 36.70A.110 and 2022 c 252 s 4 are each amended to  
5 read 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  
9 occur only if it is not urban in nature. Each city that is located in  
10 such 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  
15 already characterized by urban growth, or is a designated new fully  
16 contained community as defined by RCW 36.70A.350. When a federally  
17 recognized Indian tribe whose reservation or ceded lands lie within  
18 the county or city has voluntarily chosen to participate in the  
19 planning process pursuant to RCW 36.70A.040, the county or city and  
20 the tribe shall coordinate their planning efforts for any areas

1 planned for urban growth consistent with the terms outlined in the  
2 memorandum of agreement provided for in RCW 36.70A.040(8).

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

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

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

1 Where appropriate, the department shall attempt to resolve the  
2 conflicts, including the 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  
9 that are provided by either public or private sources, and third in  
10 the remaining portions of the urban growth areas. Urban growth may  
11 also be located in designated new fully contained communities as  
12 defined by RCW 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  
17 to be necessary to protect basic public health and safety and the  
18 environment and when such services are financially supportable at  
19 rural 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  
23 chapter. Within three years and three months of the date the county  
24 legislative authority of a county adopts its resolution of intention  
25 or of certification by the office of financial management, all other  
26 counties that are required or choose to plan under RCW 36.70A.040  
27 shall adopt development regulations designating interim urban growth  
28 areas under this chapter. Adoption of the interim urban growth areas  
29 may only occur after public notice; public hearing; and compliance  
30 with the state environmental policy act, chapter 43.21C RCW, and  
31 under this section. Such action may be appealed to the growth  
32 management hearings board under RCW 36.70A.280. Final urban growth  
33 areas shall be adopted at the time of comprehensive plan adoption  
34 under this chapter.

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

37 (7) An urban growth area designated in accordance with this  
38 section may include within its boundaries urban service areas or  
39 potential annexation areas designated for specific cities or towns  
40 within the county.

1       (8) If, during the county's annual review under RCW  
2 36.70A.130(2)(a), the county determines revision of the urban growth  
3 area is not required to accommodate the population projection for the  
4 county made by the office of financial management for the succeeding  
5 20-year period, but does determine that patterns of development have  
6 created pressure for development in areas exceeding the amount of  
7 available developable lands within the urban growth area, then the  
8 county may revise the urban growth area or areas based on identified  
9 patterns of development and likely future development pressure if the  
10 following requirements are met:

11       (a) The revised urban growth area would not result in a net  
12 increase in the total acreage or development capacity of the urban  
13 growth area or areas;

14       (b) The areas added to the urban growth area are not designated  
15 by the county as agricultural, forest, or mineral resource lands of  
16 long-term commercial significance;

17       (c) If the areas added to the urban growth area have previously  
18 been designated as agricultural, forest, or mineral resource lands of  
19 long-term commercial significance, either an equivalent amount of  
20 agricultural, forest, or mineral resource lands of long-term  
21 commercial significance must be added to the area outside of the  
22 urban growth area, or the county must wait a minimum of two years  
23 before another swap may occur;

24       (d) Less than 15 percent of the areas added to the urban growth  
25 area are critical areas other than critical aquifer recharge areas.  
26 Critical aquifer recharge areas must have been previously designated  
27 by the county and be maintained per county development regulations  
28 within the expanded urban growth area and the revised urban growth  
29 area must not result in a net increase in critical aquifer recharge  
30 areas within the urban growth area;

31       (e) The areas added to the urban growth areas are suitable for  
32 urban growth;

33       (f) The transportation element and capital facility plan element  
34 of the county's comprehensive plan have identified the transportation  
35 facilities and public facilities and services needed to serve the  
36 urban growth area and the funding to provide the transportation  
37 facilities and public facilities and services;

38       (g) The areas removed from the urban growth area are not  
39 characterized by urban growth or urban densities;

1 (h) The revised urban growth area is contiguous, does not include  
2 holes or gaps, and will not increase pressures to urbanize rural or  
3 natural resource lands;

4 (i) The county's proposed urban growth area revision has been  
5 reviewed according to the process and procedure in the countywide  
6 planning policies adopted and approved according to RCW 36.70A.210;  
7 and

8 (j) The revised urban growth area meets all other requirements of  
9 this section.

10 (9) (a) At the earliest possible date prior to the revision of the  
11 county's urban growth area authorized under subsection (8) of this  
12 section, the county must engage in meaningful consultation with any  
13 federally recognized Indian tribe that may be potentially affected by  
14 the proposed revision. Meaningful consultation must include  
15 discussion of the potential impacts to cultural resources and tribal  
16 treaty rights.

17 (b) A county must notify the affected federally recognized Indian  
18 tribe of the proposed revision using at least two methods, including  
19 by mail. Upon receiving a notice, the federally recognized Indian  
20 tribe may request a consultation to determine whether an agreement  
21 can be reached related to the revision of the county's urban growth  
22 area. If an agreement is not reached, the parties must enter  
23 mediation pursuant to RCW 36.70A.040.

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

30 (b) Subsection (~~((8))~~) (10) (a) of this section does not apply to:

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

33 (ii) Urban growth areas where expansions are precluded outside  
34 floodplains because:

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

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

39 (iii) Urban growth area expansions where:

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

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

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

12 (I) The permissible use of the land is limited to one of the  
13 following: Outdoor recreation; environmentally beneficial projects,  
14 including but not limited to habitat enhancement or environmental  
15 restoration; stormwater facilities; flood control facilities; or  
16 underground conveyances; and

17 (II) The development and use of such facilities or projects will  
18 not decrease flood storage, increase stormwater runoff, discharge  
19 pollutants to fresh or salt waters during normal operations or  
20 floods, or increase hazards to people and property.

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

24 (~~((9))~~) (11) If a county, city, or utility has adopted a capital  
25 facility plan or utilities element to provide sewer service within  
26 the urban growth areas during the twenty-year planning period,  
27 nothing in this chapter obligates counties, cities, or utilities to  
28 install sanitary sewer systems to properties within urban growth  
29 areas designated under subsection (2) of this section by the end of  
30 the twenty-year planning period when those properties:

31 (a)(i) Have existing, functioning, nonpolluting on-site sewage  
32 systems;

33 (ii) Have a periodic inspection program by a public agency to  
34 verify the on-site sewage systems function properly and do not  
35 pollute surface or groundwater; and

36 (iii) Have no redevelopment capacity; or

37 (b) Do not require sewer service because development densities  
38 are limited due to wetlands, floodplains, fish and wildlife habitats,  
39 or geological hazards.

Passed by the Senate February 6, 2024.  
Passed by the House February 27, 2024.  
Approved by the Governor March 13, 2024.  
Filed in Office of Secretary of State March 14, 2024.

--- **END** ---