
HOUSE BILL 2353

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hinkle, Hudgins, O'Brien and Armstrong

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Committee on Local Government.

1 AN ACT Relating to the extension or expansion of urban governmental
2 services when necessary to protect basic public health, safety, and the
3 environment; amending RCW 36.70A.110; creating a new section; and
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the
7 Washington state supreme court held in *Thurston County v. Western*
8 *Washington Growth Management Hearings Board*, 148 Wn.2d 1 (2002), that
9 a more restrictive interpretation of the term "necessary" is
10 appropriate and consistent with the legislative policy of the growth
11 management act when interpreting a provision that specifies, in part,
12 that urban governmental services may only be extended or expanded in
13 rural areas in those limited circumstances shown to be necessary to
14 protect basic public health and safety and the environment. The
15 legislature also recognizes that appropriate extensions or expansions
16 of urban governmental services must be financially supportable and must
17 not permit urban development.

18 The legislature further recognizes that coordinated planning and
19 growth, including appropriate and locally approved extensions or

1 expansions of urban governmental services, are in the public interest
2 and are consistent with stated policy goals of citizen participation
3 and protecting basic public health, safety, and the environment.

4 The legislature, therefore, intends to provide new policy guidance
5 and mechanisms by which, for a specified amount of time, urban
6 governmental services may be appropriately extended or expanded in
7 response to local level actions and consent.

8 **Sec. 2.** RCW 36.70A.110 and 2003 c 299 s 5 are each amended to read
9 as follows:

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

21 (2) Based upon the growth management population projection made for
22 the county by the office of financial management, the county and each
23 city within the county shall include areas and densities sufficient to
24 permit the urban growth that is projected to occur in the county or
25 city for the succeeding twenty-year period. Each urban growth area
26 shall permit urban densities and shall include greenbelt and open space
27 areas. An urban growth area determination may include a reasonable
28 land market supply factor and shall permit a range of urban densities
29 and uses. In determining this market factor, cities and counties may
30 consider local circumstances. Cities and counties have discretion in
31 their comprehensive plans to make many choices about accommodating
32 growth.

33 Within one year of July 1, 1990, each county that as of June 1,
34 1991, was required or chose to plan under RCW 36.70A.040, shall begin
35 consulting with each city located within its boundaries and each city
36 shall propose the location of an urban growth area. Within sixty days
37 of the date the county legislative authority of a county adopts its

1 resolution of intention or of certification by the office of financial
2 management, all other counties that are required or choose to plan
3 under RCW 36.70A.040 shall begin this consultation with each city
4 located within its boundaries. The county shall attempt to reach
5 agreement with each city on the location of an urban growth area within
6 which the city is located. If such an agreement is not reached with
7 each city located within the urban growth area, the county shall
8 justify in writing why it so designated the area an urban growth area.
9 A city may object formally with the department over the designation of
10 the urban growth area within which it is located. Where appropriate,
11 the department shall attempt to resolve the conflicts, including the
12 use of mediation services.

13 (3) Urban growth should be located first in areas already
14 characterized by urban growth that have adequate existing public
15 facility and service capacities to serve such development, second in
16 areas already characterized by urban growth that will be served
17 adequately by a combination of both existing public facilities and
18 services and any additional needed public facilities and services that
19 are provided by either public or private sources, and third in the
20 remaining portions of the urban growth areas. Urban growth may also be
21 located in designated new fully contained communities as defined by RCW
22 36.70A.350.

23 (4)(a) In general, cities are the units of local government most
24 appropriate to provide urban governmental services. In general, it is
25 not appropriate that urban governmental services be extended to or
26 expanded in rural areas except as follows:

27 (i) In those limited circumstances shown to be necessary to protect
28 basic public health and safety and the environment ((and));

29 (ii) When such services are financially supportable at rural
30 densities; and

31 (iii) When such services do not permit urban development.

32 (b)(i) For the purposes of this subsection (4), circumstances shall
33 be deemed as necessary to protect basic public health and safety and
34 the environment upon compliance with one or more of the following:

35 (A) The issuance of findings by a local health officer specifying
36 the necessity for the urban governmental service extension or expansion
37 and approval of a concurring vote by the majority of the local board of
38 health;

1 (B) The filing of a sufficient petition with the county legislative
2 authority specifying the necessity for the urban governmental service
3 extension or expansion signed by the owners of not less than ten
4 percent of the acreage in the area proposed for the service extension
5 or expansion and approval of a concurring resolution by the county
6 legislative authority;

7 (C) The certification of an election in the area proposed for the
8 urban governmental service extension or expansion conducted according
9 to the general election laws of the state whereby a majority of the
10 voters casting ballots on a ballot measure to allow the service
11 extension or expansion in the subject area approve the measure; or

12 (D) The approval of a resolution allowing an urban governmental
13 service extension or expansion in the subject area by the county
14 legislative authority.

15 (ii) In accordance with the provisions of this subsection (4), any
16 urban governmental service extensions or expansions deemed as necessary
17 to protect basic public health and safety and the environment shall not
18 be considered urban growth or development and shall be considered in
19 compliance with the requirements of (a)(iii) of this subsection.

20 (iii) This subsection (4)(b) shall expire December 31, 2010.

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

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

37 (7) An urban growth area designated in accordance with this section

1 may include within its boundaries urban service areas or potential
2 annexation areas designated for specific cities or towns within the
3 county.

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