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SENATE BILL 6137

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State of Washington

60th Legislature

2007 Regular Session

By Senators Roach and Swecker

Read first time 02/27/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the designation and modification of urban growth  
2 areas; amending RCW 36.70A.110; and declaring an emergency.

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, in cooperation with each city or cities as described  
8 in subsection (2) of this section, designate and modify, as  
9 appropriate, an urban growth area or areas within which urban growth  
10 shall be encouraged and outside of which growth can occur only if it is  
11 not urban in nature. Each city that is located in such a county shall  
12 be included within an urban growth area. An urban growth area may  
13 include more than a single city. An urban growth area may include  
14 territory that is located outside of a city only if such territory  
15 already is characterized by urban growth whether or not the urban  
16 growth area includes a city, or is adjacent to territory already  
17 characterized by urban growth, or is a designated new fully contained  
18 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 Each urban growth area shall permit urban densities and shall  
8 include greenbelt and open space areas. In the case of urban growth  
9 areas contained totally within a national historical reserve, the city  
10 may restrict densities, intensities, and forms of urban growth as  
11 determined to be necessary and appropriate to protect the physical,  
12 cultural, or historic integrity of the reserve. An urban growth area  
13 determination may include a reasonable land market supply factor and  
14 shall permit a range of urban densities and uses. In determining this  
15 market factor, cities and counties may consider local circumstances.  
16 Cities and counties have discretion in their comprehensive plans to  
17 make many choices about accommodating growth.

18 Within one year of July 1, 1990, each county that as of June 1,  
19 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
20 consulting with each city located within its boundaries and each city  
21 shall propose the location of an urban growth area. Within sixty days  
22 of the date the county legislative authority of a county adopts its  
23 resolution of intention or of certification by the office of financial  
24 management, all other counties that are required or choose to plan  
25 under RCW 36.70A.040 shall begin this consultation with each city  
26 located within its boundaries. Beginning after the effective date of  
27 this section:

28 (a) The county shall ~~((attempt to))~~ reach agreement with each city  
29 on the location of an urban growth area within which the city is  
30 located, including adoption of development standards that are  
31 consistent with those of the city or cities within each urban growth  
32 area within the county; and

33 (b) The county or counties shall reach agreement with each city on  
34 the location of an urban growth area that contains no city, but is  
35 located within one mile of the city boundary, including adoption of  
36 development standards that are consistent with those of the city or  
37 cities within one mile of such an urban growth area. ~~((If such an~~  
38 ~~agreement is not reached with each city located within the urban growth~~

1 ~~area, the county shall justify in writing why it so designated the area~~  
2 ~~an urban growth area. A city may object formally with the department~~  
3 ~~over the designation of the urban growth area within which it is~~  
4 ~~located. Where appropriate, the department shall attempt to resolve~~  
5 ~~the conflicts, including the use of mediation services.))~~

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

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

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

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

1 (7) An urban growth area designated in accordance with this section  
2 may include within its boundaries urban service areas or potential  
3 annexation areas designated for specific cities or towns within the  
4 county.

5 (8) Where rural unincorporated islands of territory contained  
6 entirely within a single city are designated as an urban growth area,  
7 such unincorporated islands must immediately be annexed to the  
8 surrounding city.

9 (a) The annexation of unincorporated islands into the surrounding  
10 city under this subsection is subject to referendum forty-five days  
11 after the approval of the agreement designating such rural  
12 unincorporated islands of territory as an urban growth area, in  
13 accordance with the process for referenda under RCW 35.13.1821.

14 (b) Cities annexing unincorporated islands under this subsection  
15 may contract with the county or special purpose districts to provide  
16 protections and services to the territory annexed until the city's  
17 legislative authority declares by resolution that it can provide the  
18 annexed territory with protections and services.

19 NEW SECTION. Sec. 2. This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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