

HB 1967 - H AMD 201

By Representative White

ADOPTED 03/10/2009

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

22 Each urban growth area shall permit urban densities and shall
23 include greenbelt and open space areas. In the case of urban growth
24 areas contained totally within a national historical reserve, the city
25 may restrict densities, intensities, and forms of urban growth as
26 determined to be necessary and appropriate to protect the physical,
27 cultural, or historic integrity of the reserve. An urban growth area
28 determination may include a reasonable land market supply factor and
29 shall permit a range of urban densities and uses. In determining this

1 (5) On or before October 1, 1993, each county that was initially
2 required to plan under RCW 36.70A.040(1) shall adopt development
3 regulations designating interim urban growth areas under this chapter.
4 Within three years and three months of the date the county legislative
5 authority of a county adopts its resolution of intention or of
6 certification by the office of financial management, all other counties
7 that are required or choose to plan under RCW 36.70A.040 shall adopt
8 development regulations designating interim urban growth areas under
9 this chapter. Adoption of the interim urban growth areas may only
10 occur after public notice; public hearing; and compliance with the
11 state environmental policy act, chapter 43.21C RCW, and ((RCW
12 ~~36.70A.110~~)) under this section. Such action may be appealed to the
13 appropriate growth management hearings board under RCW 36.70A.280.
14 Final urban growth areas shall be adopted at the time of comprehensive
15 plan adoption under this chapter.

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

18 (7) An urban growth area designated in accordance with this section
19 may include within its boundaries urban service areas or potential
20 annexation areas designated for specific cities or towns within the
21 county.

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

28 (b) Subsection (8)(a) of this section does not apply to:

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

31 (ii) Urban growth areas where expansions are precluded outside
32 floodplains because:

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

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

37 (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;

5 (B) Urban development already exists within a floodplain as of the
6 effective date of this section and is adjacent to, but outside of, the
7 urban growth area, and the expansion of the urban growth area is
8 necessary to include such urban development within the urban growth
9 area;

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

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

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

22 (c) For the purposes of this subsection (8), "one hundred year
23 floodplain" means the same as "special flood hazard area" as set forth
24 in WAC 173-158-040 as it exists on the effective date of this section."

25 Correct the title.

EFFECT: (1) Deletes an exemption from the floodplain development prohibition which would have allowed the expansion of an urban growth area into a floodplain where an expansion outside the floodplain is impracticable because it would preclude the effective delivery of urban governmental services; (2) adds additional exemptions to the general floodplain development prohibition, including areas already subject to specified types of urban development, as well as specified lands owned by Growth Management Act planning jurisdictions that may undergo limited development for specified uses; (3) provides a definition of "100 year floodplain"; and (4) clarifies that the mean annual flow of the rivers that may be subject to the act is to be determined by the Department of Ecology.

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