

SHB 1601 - H AMD 226

By Representative Anderson

NOT CONSIDERED 04/22/2011

1 On page 13, after line 13, insert the following:

2 "NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70A
3 RCW to read as follows:

4 (1) A county planning under RCW 36.70A.040 with fifty thousand or
5 fewer persons as determined by the 2010 federal decennial may designate
6 one or more industrial manufacturing sites in areas that are not
7 designated urban growth areas and are not natural resource lands
8 designated under RCW 36.70A.170(1) (a) through (c). For purposes of
9 this section, an "industrial manufacturing site" is a site for one or
10 more industrial manufacturing facilities that, upon development, will
11 employ five hundred or more persons.

12 (2) A county designating an industrial manufacturing site is
13 encouraged to adopt developer incentives to promote development within
14 the site. Developer incentives adopted in accordance with this
15 subsection should include streamlined permitting and environmental
16 review strategies.

17 **Sec. 15.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to
18 read as follows:

19 (1) Each county that is required or chooses to plan under RCW
20 36.70A.040 shall designate an urban growth area or areas within which
21 urban growth shall be encouraged and outside of which growth can occur
22 only if it is not urban in nature. Each city that is located in such
23 a county shall be included within an urban growth area. An urban
24 growth area may include more than a single city. An urban growth area
25 may include territory that is located outside of a city only if such
26 territory already is characterized by urban growth whether or not the
27 urban growth area includes a city, or is adjacent to territory already
28 characterized by urban growth, or is a designated new fully contained
29 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 as follows:

17 (a) In those limited circumstances shown to be necessary to protect
18 basic public health and safety and the environment, and when such
19 services are financially supportable at rural densities and do not
20 permit urban development; or

21 (b) When such services are for an industrial manufacturing site
22 designated under section 1 of this act.

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 under this
34 section. Such action may be appealed to the growth management hearings
35 board under RCW 36.70A.280. Final urban growth areas shall be adopted
36 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)(a) Except as provided in (b) of this subsection, the expansion
6 of an urban growth area is prohibited into the one hundred year
7 floodplain of any river or river segment that: (i) Is located west of
8 the crest of the Cascade mountains; and (ii) has a mean annual flow of
9 one thousand or more cubic feet per second as determined by the
10 department of ecology.

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

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

14 (ii) Urban growth areas where expansions are precluded outside
15 floodplains because:

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

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

20 (iii) Urban growth area expansions where:

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

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

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

32 (I) The permissible use of the land is limited to one of the
33 following: Outdoor recreation; environmentally beneficial projects,
34 including but not limited to habitat enhancement or environmental
35 restoration; storm water facilities; flood control facilities; or
36 underground conveyances; and

37 (II) The development and use of such facilities or projects will

1 not decrease flood storage, increase storm water runoff, discharge
2 pollutants to fresh or salt waters during normal operations or floods,
3 or increase hazards to people and property.

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

7 Renumber the remaining section consecutively, correct any internal
8 references accordingly, and correct the title.

EFFECT: (1) Authorizes counties with 50,000 or fewer persons that fully plan under the Growth Management Act to designate one or more industrial manufacturing sites outside of urban growth areas and designated natural resource lands. (2) Defines "industrial manufacturing site" as a site for one or more industrial manufacturing facilities that, upon development, will employ 500 or more persons. (3) Encourages a county designating an industrial manufacturing site to adopt developer incentives to promote development within the site. (4) Allows cities to extend urban governmental services to rural areas for industrial manufacturing sites.

--- END ---