

SHB 1601 - H AMD 231

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 between one and five hundred 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 between 100 and 500 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.

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