
HOUSE BILL 1961

State of Washington 65th Legislature 2017 Regular Session

By Representatives Graves, Springer, and Taylor

Read first time 02/06/17. Referred to Committee on Environment.

1 AN ACT Relating to urban growth area amendments; and amending RCW
2 36.70A.110 and 36.70A.215.

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

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

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

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

1 those urban growth areas contained totally within a national
2 historical reserve. As part of this planning process, each city
3 within the county must include areas sufficient to accommodate the
4 broad range of needs and uses that will accompany the projected urban
5 growth including, as appropriate, medical, governmental,
6 institutional, commercial, service, retail, and other nonresidential
7 uses.

8 Each urban growth area shall permit urban densities and shall
9 include greenbelt and open space areas. In the case of urban growth
10 areas contained totally within a national historical reserve, the
11 city may restrict densities, intensities, and forms of urban growth
12 as determined to be necessary and appropriate to protect the
13 physical, cultural, or historic integrity of the reserve. An urban
14 growth area determination may include a reasonable land market supply
15 factor and shall permit a range of urban densities and uses. In
16 determining this market factor, cities and counties may consider
17 local circumstances. Cities and counties have discretion in their
18 comprehensive plans to make many choices about accommodating growth.

19 ~~((Within one year of July 1, 1990,))~~ Each legislative body of a
20 planning county ~~((that as of June 1, 1991, was required or chose to~~
21 ~~plan under RCW 36.70A.040, shall begin consulting))~~ shall consult
22 with each city located within its boundaries and each city shall
23 propose the location of an urban growth area. Within sixty days of
24 the date the county legislative authority of a county adopts its
25 resolution of intention or of certification by the office of
26 financial management, all other counties that are required or choose
27 to plan under RCW 36.70A.040 shall begin this consultation with each
28 city located within its boundaries. The county shall attempt to reach
29 agreement with each city on the location of an urban growth area
30 within which the city is located. If such an agreement is not reached
31 with each city located within the urban growth area, the county shall
32 justify in writing why it so designated the area an urban growth
33 area. A city may object formally with the department over the
34 designation of the urban growth area within which it is located.
35 Where appropriate, the department shall attempt to resolve the
36 conflicts, including the use of mediation services.

37 (3) Urban growth should be located ~~((first))~~ in areas already
38 characterized by urban growth that have adequate existing public
39 facility and service capacities to serve such development, ~~((second))~~
40 in areas already characterized by urban growth that will be served

1 adequately by a combination of both existing public facilities and
2 services and any additional needed public facilities and services
3 that are provided by either public or private sources, in areas
4 adjacent to highways of statewide significance as defined in RCW
5 47.05.022, and (~~third~~) in the remaining portions of the urban
6 growth areas. Urban growth may also be located in designated new
7 fully contained communities as defined by RCW 36.70A.350.

8 (4) In general, cities are the units of local government most
9 appropriate to provide urban governmental services. In general, it is
10 not appropriate that urban governmental services be extended to or
11 expanded in rural areas except in those limited circumstances shown
12 to be necessary to protect basic public health and safety and the
13 environment and when such services are financially supportable at
14 rural densities and do not permit urban development.

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

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

32 (7) An urban growth area designated in accordance with this
33 section may include within its boundaries urban service areas or
34 potential annexation areas designated for specific cities or towns
35 within the county.

36 (8)(a) Except as provided in (b) of this subsection, the
37 expansion of an urban growth area is prohibited into the one hundred
38 year floodplain of any river or river segment that: (i) Is located
39 west of the crest of the Cascade mountains; and (ii) has a mean

1 annual flow of one thousand or more cubic feet per second as
2 determined by the department of ecology.

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

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

6 (ii) Urban growth areas where expansions are precluded outside
7 floodplains because:

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

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

12 (iii) Urban growth area expansions where:

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

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

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

24 (I) The permissible use of the land is limited to one of the
25 following: Outdoor recreation; environmentally beneficial projects,
26 including but not limited to habitat enhancement or environmental
27 restoration; storm water facilities; flood control facilities; or
28 underground conveyances; and

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

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

36 (9)(a) The legislative body of a city planning under RCW
37 36.70A.040 may request as part of the county's annual comprehensive
38 plan amendment process that the county legislative body adjust the
39 boundary of an existing urban growth area within which the city is
40 located. The city's request must be presented in accordance with the

1 county's application deadline for that year's comprehensive plan
2 amendment process. The applicable county legislative body shall make
3 a written determination supported by substantial evidence to approve,
4 modify, or reject a city's request to adjust the urban growth area as
5 part of the county's annual comprehensive plan amendment process
6 during which the city's request was received.

7 (b) Urban growth area amendment requests by a city are
8 appropriate to provide land for medical, governmental, institutional,
9 commercial, industrial, service, retail, or other nonresidential uses
10 needed to meet the requesting city's existing or planned population
11 growth; to preserve neighborhoods and communities; to correspond to
12 physical boundaries (including but not limited to bodies of water,
13 highways, and land contours); to preserve logical road or utility
14 service areas; or to correct impractical or prevent abnormally
15 irregular boundaries.

16 (c) If the proposed area has not been annexed within five years,
17 a city may request amendment of the urban growth area.

18 **Sec. 2.** RCW 36.70A.215 and 2011 c 353 s 3 are each amended to
19 read as follows:

20 (1) Subject to the limitations in subsection (7) of this section,
21 a county shall adopt, in consultation with its cities, countywide
22 planning policies to establish a review and evaluation program. This
23 program shall be in addition to the requirements of RCW 36.70A.110,
24 36.70A.130, and 36.70A.210. In developing and implementing the review
25 and evaluation program required by this section, the county and its
26 cities shall consider information from other appropriate
27 jurisdictions and sources. The purpose of the review and evaluation
28 program shall be to:

29 (a) Determine whether a county and its cities are achieving urban
30 densities within urban growth areas by comparing growth and
31 development assumptions, targets, and objectives contained in the
32 countywide planning policies and the county and city comprehensive
33 plans with actual growth and development that has occurred in the
34 county and its cities; and

35 (b) Identify reasonable measures(~~(, other than adjusting urban~~
36 ~~growth areas,)) that will be taken to comply with the requirements of~~
37 this chapter.

38 (2) The review and evaluation program shall:

1 (a) Encompass land uses and activities both within and outside of
2 urban growth areas and provide for annual collection of data on urban
3 and rural land uses, development, critical areas, and capital
4 facilities to the extent necessary to determine the quantity and type
5 of land suitable for development, both for residential and
6 employment-based activities;

7 (b) Provide for evaluation of the data collected under (a) of
8 this subsection as provided in subsection (3) of this section. The
9 evaluation shall be completed no later than one year prior to the
10 deadline for review and, if necessary, update of comprehensive plans
11 and development regulations as required by RCW 36.70A.130. The county
12 and its cities may establish in the countywide planning policies
13 indicators, benchmarks, and other similar criteria to use in
14 conducting the evaluation;

15 (c) Provide for methods to resolve disputes among jurisdictions
16 relating to the countywide planning policies required by this section
17 and procedures to resolve inconsistencies in collection and analysis
18 of data; and

19 (d) Provide for the amendment of the countywide policies and
20 county and city comprehensive plans as needed to remedy an
21 inconsistency identified through the evaluation required by this
22 section, or to bring these policies into compliance with the
23 requirements of this chapter.

24 (3) At a minimum, the evaluation component of the program
25 required by subsection (1) of this section shall:

26 (a) Determine whether there is sufficient suitable land to
27 accommodate the countywide population projection established for the
28 county pursuant to RCW 43.62.035 and the subsequent population
29 allocations within the county and between the county and its cities
30 and the requirements of RCW 36.70A.110, particularly with attention
31 to include facilities for medical, governmental, institutional,
32 commercial, service, retail, housing, and other nonresidential uses;

33 (b) Determine the actual density of housing that has been
34 constructed and the actual amount of land developed for commercial
35 and industrial uses within the urban growth area since the adoption
36 of a comprehensive plan under this chapter or since the last periodic
37 evaluation as required by subsection (1) of this section; and

38 (c) Based on the actual density of development as determined
39 under (b) of this subsection, review commercial, industrial, and
40 housing needs by type and density range to determine the amount of

1 land needed for commercial, industrial, and housing for the remaining
2 portion of the twenty-year planning period used in the most recently
3 adopted comprehensive plan.

4 (4) If the evaluation required by subsection (3) of this section
5 demonstrates an inconsistency between what has occurred since the
6 adoption of the countywide planning policies and the county and city
7 comprehensive plans and development regulations and what was
8 envisioned in those policies and plans and the planning goals and the
9 requirements of this chapter, as the inconsistency relates to the
10 evaluation factors specified in subsection (3) of this section, the
11 county and its cities shall adopt and implement measures that are
12 reasonably likely to increase consistency during the subsequent five-
13 year period. If necessary, a county, in consultation with its cities
14 as required by RCW 36.70A.210, shall adopt amendments to countywide
15 planning policies to increase consistency. The county and its cities
16 shall annually monitor the measures adopted under this subsection to
17 determine their effect and may revise or rescind them as appropriate.

18 (5)(a) Not later than July 1, 1998, the department shall prepare
19 a list of methods used by counties and cities in carrying out the
20 types of activities required by this section. The department shall
21 provide this information and appropriate technical assistance to
22 counties and cities required to or choosing to comply with the
23 provisions of this section.

24 (b) By December 31, 2007, the department shall submit to the
25 appropriate committees of the legislature a report analyzing the
26 effectiveness of the activities described in this section in
27 achieving the goals envisioned by the countywide planning policies
28 and the comprehensive plans and development regulations of the
29 counties and cities.

30 (6) From funds appropriated by the legislature for this purpose,
31 the department shall provide grants to counties, cities, and regional
32 planning organizations required under subsection (7) of this section
33 to conduct the review and perform the evaluation required by this
34 section.

35 (7) The provisions of this section shall apply to counties, and
36 the cities within those counties, that were greater than one hundred
37 fifty thousand in population in 1995 as determined by office of
38 financial management population estimates and that are located west
39 of the crest of the Cascade mountain range. Any other county planning

1 under RCW 36.70A.040 may carry out the review, evaluation, and
2 amendment programs and procedures as provided in this section.

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