
SENATE BILL 6077

State of Washington

65th Legislature

2018 Regular Session

By Senators Palumbo and Takko

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1 AN ACT Relating to minimum density standards for comprehensive
2 plans adopted by cities required to plan under chapter 36.70A RCW;
3 amending RCW 36.70A.110; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the
6 availability of affordable housing within urban growth areas
7 established under RCW 36.70A.115 is not keeping pace with demand. The
8 legislature further finds that minimum density standards should be
9 included within municipal comprehensive plans adopted under chapter
10 36.70A RCW to help meet the housing needs of cities planning under
11 chapter 36.70A RCW.

12 **Sec. 2.** RCW 36.70A.110 and 2017 c 305 s 1 are each amended to
13 read as follows:

14 (1) Each county that is required or chooses to plan under RCW
15 36.70A.040 shall designate an urban growth area or areas within which
16 urban growth shall be encouraged and outside of which growth can
17 occur only if it is not urban in nature. Each city that is located in
18 such a county shall be included within an urban growth area. An urban
19 growth area may include more than a single city. An urban growth area
20 may include territory that is located outside of a city only if such

1 territory already is characterized by urban growth whether or not the
2 urban growth area includes a city, or is adjacent to territory
3 already characterized by urban growth, or is a designated new fully
4 contained community as defined by RCW 36.70A.350.

5 (2) Based upon the growth management population projection made
6 for the county by the office of financial management, the county and
7 each city within the county shall include areas and densities
8 sufficient to permit the urban growth that is projected to occur in
9 the county or city for the succeeding twenty-year period, except for
10 those urban growth areas contained totally within a national
11 historical reserve. As part of this planning process, each city
12 within the county must include areas sufficient to accommodate the
13 broad range of needs and uses that will accompany the projected urban
14 growth including, as appropriate, medical, governmental,
15 institutional, commercial, service, retail, and other nonresidential
16 uses.

17 Each urban growth area shall permit urban densities of no less
18 than six dwelling units per acre for areas designated as residential
19 and shall include greenbelt and open space areas. In the case of
20 urban growth areas contained totally within a national historical
21 reserve, the city may restrict densities, intensities, and forms of
22 urban growth as determined to be necessary and appropriate to protect
23 the physical, cultural, or historic integrity of the reserve. An
24 urban growth area determination may include a reasonable land market
25 supply factor and shall permit a range of urban densities and uses.
26 In determining this market factor, cities and counties may consider
27 local circumstances. Cities and counties have discretion in their
28 comprehensive plans to make many choices about accommodating growth.

29 Within one year of July 1, 1990, each county that as of June 1,
30 1991, was required or chose to plan under RCW 36.70A.040, shall begin
31 consulting with each city located within its boundaries and each city
32 shall propose the location of an urban growth area. Within sixty days
33 of the date the county legislative authority of a county adopts its
34 resolution of intention or of certification by the office of
35 financial management, all other counties that are required or choose
36 to plan under RCW 36.70A.040 shall begin this consultation with each
37 city located within its boundaries. The county shall attempt to reach
38 agreement with each city on the location of an urban growth area
39 within which the city is located. If such an agreement is not reached
40 with each city located within the urban growth area, the county shall

1 justify in writing why it so designated the area an urban growth
2 area. A city may object formally with the department over the
3 designation of the urban growth area within which it is located.
4 Where appropriate, the department shall attempt to resolve the
5 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
12 that are provided by either public or private sources, and third in
13 the remaining portions of the urban growth areas. Urban growth may
14 also be located in designated new fully contained communities as
15 defined by RCW 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
20 to be necessary to protect basic public health and safety and the
21 environment and when such services are financially supportable at
22 rural 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
26 chapter. Within three years and three months of the date the county
27 legislative authority of a county adopts its resolution of intention
28 or of certification by the office of financial management, all other
29 counties that are required or choose to plan under RCW 36.70A.040
30 shall adopt development regulations designating interim urban growth
31 areas under this chapter. Adoption of the interim urban growth areas
32 may only occur after public notice; public hearing; and compliance
33 with the state environmental policy act, chapter 43.21C RCW, and
34 under this section. Such action may be appealed to the growth
35 management hearings board under RCW 36.70A.280. Final urban growth
36 areas shall be adopted at the time of comprehensive plan adoption
37 under this chapter.

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

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

5 (8)(a) Except as provided in (b) of this subsection, the
6 expansion of an urban growth area is prohibited into the one hundred
7 year floodplain of any river or river segment that: (i) Is located
8 west of the crest of the Cascade mountains; and (ii) has a mean
9 annual flow of one thousand or more cubic feet per second as
10 determined by the 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
13 floodplain 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
26 July 26, 2009, and is adjacent to, but outside of, the urban growth
27 area, and the expansion of the urban growth area is necessary to
28 include such urban development within the urban growth area; or

29 (C) The land is owned by a jurisdiction planning under this
30 chapter or the rights to the development of the land have been
31 permanently 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; stormwater facilities; flood control facilities; or
36 underground conveyances; and

37 (II) The development and use of such facilities or projects will
38 not decrease flood storage, increase stormwater runoff, discharge
39 pollutants to fresh or salt waters during normal operations or
40 floods, or increase hazards to people and property.

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

4 (9) If a county, city, or utility has adopted a capital facility
5 plan or utilities element to provide sewer service within the urban
6 growth areas during the twenty-year planning period, nothing in this
7 chapter obligates counties, cities, or utilities to install sanitary
8 sewer systems to properties within urban growth areas designated
9 under subsection (2) of this section by the end of the twenty-year
10 planning period when those properties:

11 (a)(i) Have existing, functioning, nonpolluting on-site sewage
12 systems;

13 (ii) Have a periodic inspection program by a public agency to
14 verify the on-site sewage systems function properly and do not
15 pollute surface or groundwater; and

16 (iii) Have no redevelopment capacity; or

17 (b) Do not require sewer service because development densities
18 are limited due to wetlands, flood plains, fish and wildlife
19 habitats, or geological hazards.

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