
SENATE BILL 5834

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By Senators Short, Lovelett, Billig, Gildon, Mullet, Padden, and Torres

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

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

4 **Sec. 1.** RCW 36.70A.110 and 2022 c 252 s 4 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. When a federally
17 recognized Indian tribe whose reservation or ceded lands lie within
18 the county or city has voluntarily chosen to participate in the
19 planning process pursuant to RCW 36.70A.040, the county or city and
20 the tribe shall coordinate their planning efforts for any areas

1 planned for urban growth consistent with the terms outlined in the
2 memorandum of agreement provided for in RCW 36.70A.040(8).

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

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

26 Within one year of July 1, 1990, each county that as of June 1,
27 1991, was required or chose to plan under RCW 36.70A.040, shall begin
28 consulting with each city located within its boundaries and each city
29 shall propose the location of an urban growth area. Within sixty days
30 of the date the county legislative authority of a county adopts its
31 resolution of intention or of certification by the office of
32 financial management, all other counties that are required or choose
33 to plan under RCW 36.70A.040 shall begin this consultation with each
34 city located within its boundaries. The county shall attempt to reach
35 agreement with each city on the location of an urban growth area
36 within which the city is located. If such an agreement is not reached
37 with each city located within the urban growth area, the county shall
38 justify in writing why it so designated the area an urban growth
39 area. A city may object formally with the department over the
40 designation of the urban growth area within which it is located.

1 Where appropriate, the department shall attempt to resolve the
2 conflicts, including the 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
9 that are provided by either public or private sources, and third in
10 the remaining portions of the urban growth areas. Urban growth may
11 also be located in designated new fully contained communities as
12 defined by RCW 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 in those limited circumstances shown
17 to be necessary to protect basic public health and safety and the
18 environment and when such services are financially supportable at
19 rural densities and do not permit urban development.

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

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

37 (7) An urban growth area designated in accordance with this
38 section may include within its boundaries urban service areas or
39 potential annexation areas designated for specific cities or towns
40 within the county.

1 (8) If, during the county's annual review under RCW
2 36.70A.130(2)(a), the county determines revision of the urban growth
3 area is not required to accommodate the urban growth projected to
4 occur in the county for the succeeding 20-year period, but does
5 determine that patterns of development have created pressure in areas
6 that exceed available, developable lands within the urban growth
7 area, the urban growth area or areas may be revised to accommodate
8 identified patterns of development and likely future development
9 pressure if the following requirements are met:

10 (a) The revised urban growth area may not result in an increase
11 in the total surface areas of the urban growth area or areas;

12 (b) The areas added to the urban growth area are not
13 agricultural, forest, or mineral resource lands of long-term
14 commercial significance;

15 (c) Less than 15 percent of the areas added to the urban growth
16 area are critical areas;

17 (d) The areas added to the urban growth areas are suitable for
18 urban growth;

19 (e) The transportation element and capital facility plan element
20 have identified the transportation facilities and public facilities
21 and services needed to serve the urban growth area and the funding to
22 provide the transportation facilities and public facilities and
23 services;

24 (f) The areas removed from the urban growth area do not include
25 urban growth or urban densities; and

26 (g) The revised urban growth area is contiguous, does not include
27 holes or gaps, and will not increase pressures to urbanize rural or
28 natural resource lands.

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

35 (b) Subsection (~~(+8)~~) (9)(a) of this section does not apply to:

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

38 (ii) Urban growth areas where expansions are precluded outside
39 floodplains because:

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

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

5 (iii) Urban growth area expansions where:

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

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

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

17 (I) The permissible use of the land is limited to one of the
18 following: Outdoor recreation; environmentally beneficial projects,
19 including but not limited to habitat enhancement or environmental
20 restoration; stormwater facilities; flood control facilities; or
21 underground conveyances; and

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

26 (c) For the purposes of this subsection (~~((8))~~) (9), "one hundred
27 year floodplain" means the same as "special flood hazard area" as set
28 forth in WAC 173-158-040 as it exists on July 26, 2009.

29 (~~((9))~~) (10) If a county, city, or utility has adopted a capital
30 facility plan or utilities element to provide sewer service within
31 the urban growth areas during the twenty-year planning period,
32 nothing in this chapter obligates counties, cities, or utilities to
33 install sanitary sewer systems to properties within urban growth
34 areas designated under subsection (2) of this section by the end of
35 the twenty-year planning period when those properties:

36 (a)(i) Have existing, functioning, nonpolluting on-site sewage
37 systems;

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

1 (iii) Have no redevelopment capacity; or
2 (b) Do not require sewer service because development densities
3 are limited due to wetlands, floodplains, fish and wildlife habitats,
4 or geological hazards.

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