
HOUSE BILL 2031

State of Washington

62nd Legislature

2011 Regular Session

By Representative Anderson

Read first time 03/23/11. Referred to Committee on Local Government.

1 AN ACT Relating to industrial manufacturing sites in counties with
2 fewer than fifty thousand persons; amending RCW 36.70A.110; and adding
3 a new section to chapter 36.70A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
6 to read as follows:

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

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

1 **Sec. 2.** RCW 36.70A.110 and 2010 c 211 s 1 are each amended to read
2 as follows:

3 (1) Each county that is required or chooses to plan under RCW
4 36.70A.040 shall designate an urban growth area or areas within which
5 urban growth shall be encouraged and outside of which growth can occur
6 only if it is not urban in nature. Each city that is located in such
7 a county shall be included within an urban growth area. An urban
8 growth area may include more than a single city. An urban growth area
9 may include territory that is located outside of a city only if such
10 territory already is characterized by urban growth whether or not the
11 urban growth area includes a city, or is adjacent to territory already
12 characterized by urban growth, or is a designated new fully contained
13 community as defined by RCW 36.70A.350.

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

25 Each urban growth area shall permit urban densities and shall
26 include greenbelt and open space areas. In the case of urban growth
27 areas contained totally within a national historical reserve, the city
28 may restrict densities, intensities, and forms of urban growth as
29 determined to be necessary and appropriate to protect the physical,
30 cultural, or historic integrity of the reserve. An urban growth area
31 determination may include a reasonable land market supply factor and
32 shall permit a range of urban densities and uses. In determining this
33 market factor, cities and counties may consider local circumstances.
34 Cities and counties have discretion in their comprehensive plans to
35 make many choices about accommodating growth.

36 Within one year of July 1, 1990, each county that as of June 1,
37 1991, was required or chose to plan under RCW 36.70A.040, shall begin
38 consulting with each city located within its boundaries and each city

1 shall propose the location of an urban growth area. Within sixty days
2 of the date the county legislative authority of a county adopts its
3 resolution of intention or of certification by the office of financial
4 management, all other counties that are required or choose to plan
5 under RCW 36.70A.040 shall begin this consultation with each city
6 located within its boundaries. The county shall attempt to reach
7 agreement with each city on the location of an urban growth area within
8 which the city is located. If such an agreement is not reached with
9 each city located within the urban growth area, the county shall
10 justify in writing why it so designated the area an urban growth area.
11 A city may object formally with the department over the designation of
12 the urban growth area within which it is located. Where appropriate,
13 the department shall attempt to resolve the conflicts, including the
14 use of mediation services.

15 (3) Urban growth should be located first in areas already
16 characterized by urban growth that have adequate existing public
17 facility and service capacities to serve such development, second in
18 areas already characterized by urban growth that will be served
19 adequately by a combination of both existing public facilities and
20 services and any additional needed public facilities and services that
21 are provided by either public or private sources, and third in the
22 remaining portions of the urban growth areas. Urban growth may also be
23 located in designated new fully contained communities as defined by RCW
24 36.70A.350.

25 (4) In general, cities are the units of local government most
26 appropriate to provide urban governmental services. In general, it is
27 not appropriate that urban governmental services be extended to or
28 expanded in rural areas except as follows:

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

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

35 (5) On or before October 1, 1993, each county that was initially
36 required to plan under RCW 36.70A.040(1) shall adopt development
37 regulations designating interim urban growth areas under this chapter.
38 Within three years and three months of the date the county legislative

1 authority of a county adopts its resolution of intention or of
2 certification by the office of financial management, all other counties
3 that are required or choose to plan under RCW 36.70A.040 shall adopt
4 development regulations designating interim urban growth areas under
5 this chapter. Adoption of the interim urban growth areas may only
6 occur after public notice; public hearing; and compliance with the
7 state environmental policy act, chapter 43.21C RCW, and under this
8 section. Such action may be appealed to the growth management hearings
9 board under RCW 36.70A.280. Final urban growth areas shall be adopted
10 at the time of comprehensive plan adoption under this chapter.

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

13 (7) An urban growth area designated in accordance with this section
14 may include within its boundaries urban service areas or potential
15 annexation areas designated for specific cities or towns within the
16 county.

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

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

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

26 (ii) Urban growth areas where expansions are precluded outside
27 floodplains because:

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

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

32 (iii) Urban growth area expansions where:

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

37 (B) Urban development already exists within a floodplain as of July

1 26, 2009, and is adjacent to, but outside of, the urban growth area,
2 and the expansion of the urban growth area is necessary to include such
3 urban development within the urban growth area; or

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

7 (I) The permissible use of the land is limited to one of the
8 following: Outdoor recreation; environmentally beneficial projects,
9 including but not limited to habitat enhancement or environmental
10 restoration; storm water facilities; flood control facilities; or
11 underground conveyances; and

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

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

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