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## Local Government & Housing Committee

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### HB 2494

**Brief Description:** Concerning the purchase or construction of public facilities in one hundred year floodplains.

**Sponsors:** Representatives White, Springer, Goodman, Chase, Dickerson, Carlyle, Williams, Miloscia, Nelson, Dunshee and Darneille.

#### Brief Summary of Bill

- Prohibits the purchase or construction of public facilities in a 100-year floodplain located outside of an urban growth area (UGA).
- Establishes an exception to this general prohibition for transportation facilities, public safety facilities, and water management facilities, provided the applicable county or city legislative authority takes specific actions to authorize the purchase or construction.
- Specifies that the purchase or construction of public facilities in a 100-year floodplain within a UGA may only be authorized through findings and an affirmative vote of the applicable county or city legislative authority.

**Hearing Date:** 1/13/10

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous planning requirements for counties and cities obligated by mandate or choice to fully plan under the GMA (planning jurisdictions) and a reduced number of directives for all other counties and cities.

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The GMA includes numerous requirements relating to the use or development of land in urban and rural areas. Among other requirements, counties that fully plan under the GMA (planning counties) must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Planning counties and the cities within these counties must include within their UGAs areas and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

The GMA defines various terms that are relevant to its implementation. For example, "public facilities" is defined in the GMA to include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

#### Recent Legislative Action.

In 2009 the legislature adopted EHB 1967 (enacted as ch. 342, Laws of 2009). This legislation established limited prohibitions on the expansions of UGAs into the 100-year floodplain of any western Washington river or river segment meeting specified water flow criteria.

#### **Summary of Bill:**

##### Provisions Applicable Outside of a UGA.

The purchase or construction of public facilities in a 100-year floodplain located outside of a UGA is prohibited. Exceptions to this prohibition are established for transportation facilities, public safety facilities, storm water facilities, flood control facilities, and underground conveyances, provided the legislative authority of the applicable county or city adopts findings and affirmatively votes to authorize the proposed purchase or construction.

##### Provisions Applicable Within a UGA.

The purchase or construction of public facilities in a 100-year floodplain within a UGA may only be authorized through findings and an affirmative vote of the applicable county or city legislative authority.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.