

HOUSE BILL REPORT

HB 1009

*As Passed House
March 19, 1991*

Title: An act relating to community councils in unincorporated areas.

Brief Description: Authorizing community councils for unincorporated areas.

Sponsor(s): Representatives Haugen, Wilson, Zellinsky, Wood, Pruitt, Winsley, Van Luven, Brough, Mitchell, Wynne and Rayburn.

Brief History:

Reported by House Committee on:
Local Government, February 15, 1991, DP;
Passed House, March 19, 1991, 98-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 14 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; and Wynne.

Staff: Steve Lundin (786-7127).

Background: Community municipal corporations may be created in an area that is annexed to a city or town under either the petition/election or resolution/election methods of annexation if authorized by the city or town and approved by the voters of the area that is annexed to the city or town. At the same election, a five member community council is elected. Such a community council has only negative authorities. Within 60 days of adoption of any of the following actions by the city or town council, that apply within the community municipal corporation, the community council may disapprove the action: (1) Alteration of the comprehensive plan; (2) Alteration of a zoning ordinance; (3) Issuance or authorization of a conditional use permit, special exception or variance; (4) Alteration of a subdivision ordinance; (5) Approval of a plat of a subdivision; or (6) Approval of a planned unit development.

Community municipal corporations have been established in portions of Bellevue, Kirkland, and Des Moines.

Nothing similar to a community municipal corporation is authorized to be formed in the unincorporated area of a county. However, state law provides for the formation of ad hoc community councils in the unincorporated area of a county. Ad hoc community councils have no authorities, either positive or negative, and are formed to provide a forum in the area and serve in an advisory capacity to the county. It does not appear that any ad hoc community councils have been formed.

Summary of Bill: Community councils are authorized to be formed in the unincorporated areas of a county and authorized to adopt community comprehensive plans and community zoning ordinances for the community that must be consistent with those portions of the county's comprehensive plan and zoning ordinances that the county legislative authority designates as having area-wide applicability and importance throughout all of the unincorporated area of the county. The laws relating to ad hoc community councils are repealed.

The community for which a community council is created must have at least 1,000 persons residing within it, or at least 300 persons if the community is an entire island. Any portion of a community that is annexed by a city or town, or incorporated as a city or town, is removed from the community.

The process to create a community council is initiated by the filing of a petition requesting the creation of a community council, that has been signed by voters residing within the community equal in number to at least 10 percent of the number of voters residing within the community who voted at the last general state election. A public hearing on the proposal is held by the county legislative authority. Then, an election is held at which a ballot proposition authorizing the creation of the community council is submitted to the voters of the community.

The initial members of the community council are elected at the same election as when the voters consider the creation of the community council. Council members serve four year terms of office, except for the initial council members whose terms are varied to provide staggered terms. The council consists of five, seven, nine, or 11 members, as specified in the petition initiating the creation of the community council.

Within 90 days of the creation of a community council, the county legislative authority must designate which portions of its comprehensive plan have area-wide applicability and importance throughout all the unincorporated area of the county. These designated components or portions serve as an overall guide for the development of community comprehensive plans and community zoning ordinances. Community comprehensive plans and community zoning ordinances that are adopted by a community council are submitted to the county legislative authority for its review of the consistency of the plans and ordinances with the components or portions of the county comprehensive plan that have been designated as having area-wide applicability and importance. The county must approve the plans or ordinances, or return them with written findings of noncompliance, within 90 days of the submission of the plans or ordinances. If approved, the plans and ordinances are enforced by the county as if the county legislative authority had adopted them.

The county is required to finance the activities and provide administrative and staff services for each community council within its boundaries.

Provisions are made for annexation of territory by a community council.

Provisions are made for the dissolution of a community council, if the population of the community is reduced to less than 500 persons, or less than 200 persons, if the community is an entire island. In addition, a ballot proposition can be submitted to the voters of the community to authorize the dissolution of the community council.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This allows a community to determine its own comprehensive plan and zoning, subject to overall county control. This does not involve the vetoing of actions, like in city community councils. Some areas are unique, like islands and need this sort of flexibility. The community council members are elected and can speak for their community.

Testimony Against: None.

Witnesses: Gary Lowe, Washington State Association of Counties (neutral).