

SENATE BILL REPORT

HB 1009

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
APRIL 4, 1991

Brief Description: Authorizing community councils for unincorporated areas.

SPONSORS: Representatives Haugen, Wilson, Zellinsky, Wood, Pruitt, Winsley, Van Luven, Brough, Mitchell, Wynne and Rayburn.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Staff: Martin Lovinger (786-7443)

Hearing Dates: April 4, 1991

BACKGROUND:

Community municipal corporations may be created in an area that is annexed to a city or town. 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 authority, either positive or negative, and are formed to provide a forum in the area and serve in an advisory capacity to the county.

SUMMARY:

Community councils are authorized to be formed in the unincorporated areas of a county and authorized to adopt comprehensive plans and zoning ordinances. They 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. The laws relating to ad hoc community councils are repealed.

The area 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 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. Approval requires a simple majority of the votes cast.

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. Community comprehensive plans and community zoning ordinances that are adopted by the council are submitted to the county legislative authority for its review. 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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill gives people in the community a chance to have control over land use. People will get the opportunity to vote for those who decide how their community will develop. This is a well-crafted bill that fills a gap in the law that should have been filled before. The proposed councils do not have final decision-making authority, so there is no liability problem. The community council is elected and that increases public involvement.

TESTIMONY AGAINST: None

TESTIFIED: Representative Mary Margaret Haugen, prime sponsor; Dwain Colby, Island County Commissioner (pro); Gary Lowe, Washington State Association of Counties (neutral)