

HOUSE BILL REPORT

HB 2340

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to metropolitan municipal corporations.

Brief Description: Regulating the authority of metropolitan municipal corporations to acquire property.

Sponsors: Representatives Sullivan and Cooper.

Brief History:

Committee Activity:

Local Government & Housing: 2/5/02, 2/6/02 [DP].

Brief Summary of Bill

- Prohibits a metropolitan municipal corporation from condemning lands for an essential public facility outside its established service area without findings by the city and county where the land is located that the location is consistent with that jurisdiction's comprehensive plans.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 8 members: Representatives Mulliken, Ranking Minority Member; Berkey, Crouse, DeBolt, Hatfield, Kirby, Mielke and Sullivan.

Minority Report: Do not pass. Signed by 3 members: Representatives Dunshee, Chair; Edwards, Vice Chair; and Dunn.

Staff: Scott MacColl (786-7106).

Background:

Metropolitan Municipal Corporations can be formed in any area of the state containing two or more cities, at least one of which is of 10,000 or more population. A Metropolitan Municipal Corporation may perform any one or more of the following functions: water pollution abatement, water supply, public transportation, garbage disposal, parks and parkways, and comprehensive planning.

Any county with a population of 210,000 or more in which a metropolitan municipal corporation has been established countywide may, by ordinance or resolution of the county legislative authority, assume the rights, powers, functions, and obligations of such metropolitan municipal corporation. Any county assuming a Metropolitan Municipal Corporation retains any existing rights acquired under the original provisions.

Metropolitan Municipal Corporations have the power of eminent domain both within and outside its boundaries for its purposes in the same manner and procedure as cities.

Summary of Bill:

Metropolitan Municipal Corporations are prohibited from exercising eminent domain for essential public facilities outside its boundaries without a finding of the legislative authority of the city and county in which the land is located that the facility is consistent with that city or county's comprehensive plan.

This prohibition is to be applied retroactively.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: METRO provides sewer service to King County, and now has proposed a new site in Edmonds. The Growth Management Act (GMA) allows local jurisdictions to have control over local zoning and land use. In this instance, and outside agency is imposing eminent domain on another entity, without representation. Not having representation is unlawful.

The Snohomish County Council realizes that the new sewage treatment facility will be in Snohomish County, but as is specified in the GMA, any site chosen should have the ability to hold public hearings, and the residents should have the opportunity to be heard. The issue is really local representation - and the fact that Edmonds residents do not have any representation on the King County Council. King County should have to answer to the voters, and get official concurrence from the local communities.

Edmonds residents will receive no benefit from the site, and will receive no service when the site opens. While over 60 percent of the effluence for the new plant will come from Snohomish County, Edmonds is not in Metro's service area. The city of Edmonds has entered into an interlocal agreement to establish a siting process for essential public facilities with Snohomish County, and they are just asking that King County go through

that process. However, the GMA also says that essential public facilities be distributed evenly around the county, and the city of Edmonds already is home to two such treatment plants. Edmonds feels like it has taken its fair share of treatment plans.

Testimony Against: This bill will derail a comprehensive siting process that has happened over the last two years. The King County sewage treatment rate payers have paid \$15.7 million for the siting process to date, and this bill will cost them another \$3 to \$5 million to find another site. The siting advisory committee that located the current site included 24 members, who were appointed by the King and Snohomish County Executives, and made up of locally elected officials. The King County Council reduced the sites from four to two sites.

Without this new sewage treatment plant, the current plants will run out of capacity soon. King County has capacity until 2020 without serving Snohomish County residents under contract. The only way King County can be released from these contracts is if the county is legally blocked from building a new plant. Cost was not the only criteria for choosing the existing Brightwater site in the city of Edmonds.

In order to support regional growth, the region needs a third sewage treatment plant. Regional projects need eminent domain authority to be completed, and regional problems require a regional solution.

This is legislation just to fix one instance, but has broader regional impacts. Eminent domain is a very important tool. The GMA talks about siting public facilities, but this adds a large roadblock to siting those facilities. The retroactive clause would have a large impact on statewide projects, and the Brightwater project is a health and safety issue.

Testified: (In support) Representative Sullivan, prime sponsor; Senator Paul Shin; Gary Nelson, Snohomish County; Don Henderson, Washington Tea Party; Vern Chase, Washington Tea Party; Representative Chase; Jim Orvis, Washington Tea Party; Peggy Pritchard Olson, Washington Tea Party; Robert Freeman, Washington Tea Party; Duane Bowman, City of Edmonds; Barbara F. Chase; Washington Tea Party; Carl Kellar, Union Oil Company; Mayor Gary Haakenson, city of Edmonds; Stepten Cliften, City of Edmonds; and T.J. Wilsen, Washington Tea Party.

(Opposed) Scott Hildebrand, Master Builders Association of King County and Snohomish County; Ed Thorpe, Coalition for Clean Water; Councilmember King Parker, Renton City Council; Dave Christensen, city of Renton; Councilmember Carolyn Edmonds, King County Council; and Christie True, King County Department of Natural Resources and Parks.