

SENATE BILL REPORT

SB 6301

As Reported by Senate Committee On:
Government Operations & Elections, February 4, 2010

Title: An act relating to designation of urban growth areas outside the one hundred year floodplain by counties.

Brief Description: Concerning the designation of urban growth areas outside the hundred year floodplain by counties.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Government Operations & Elections: 2/04/10 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6301 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

Staff: Karen Epps (786-7424)

Background: 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.

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. UGAs should be located:

- first, in areas already characterized by urban growth that have adequate existing public facility and service capabilities to serve such development;

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- second, in areas already characterized by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources; and
- third, in the remaining portions of the urban growth area.

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.

Summary of Bill (Recommended Substitute): A county that has completed a subarea plan through a state-funded pilot project based on a watershed characterization and local habitat assessment may designate new UGAs consistent with that subarea plan. Those UGAs may include territory not already characterized by urban growth or adjacent to territory already characterized by urban growth if:

- the entire newly designated urban growth area is outside the 100 year floodplain;
- population is allocated for the UGAs;
- the necessary urban levels of service are identified in the subarea plan and can be provided, and provisions for the services are included within a capital facilities, utilities, or other comprehensive plan element adopted by the county; and
- the newly designated UGAs are otherwise consistent with the GMA.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Establishes that a county that has completed a subarea plan based on a watershed characterization and local habitat assessment may designate new UGAs consistent with that subarea plan. Allows those UGAs to include territory not already characterized by urban growth or adjacent to territory already characterized by urban growth under certain circumstances.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This is very specific to Lewis County. The subarea plan includes a utilities component to assist the City of Vader by setting up a regional water and sewer plan. This bill will allow Lewis County to set up a UGA outside the 100 year floodplain. The new flood maps that are being prepared by FEMA are going to put Lewis County in the situation that they are more restricted than they currently are because of the expansion of the floodway. The County would like to designate a UGA along the I-5 corridor that is outside of the floodplain and has been studied significantly in order to protect the critical areas, habitat, and agricultural lands.

CON: This is bad public policy. Legislation passed last year that would prohibit UGAs from expanding into floodplains. The language in the original bill is too broad and goes beyond the situation in Lewis County. The Department of Commerce (Commerce) has worked with

Lewis County on its subarea plan. Commerce supports the amendment that was brought before the committee. The amendment addresses the concerns of Commerce. The original bill has potential for expanding conversion of natural resource areas. The loss of natural resource land is a concern in Washington.

Persons Testifying: PRO: Bob Johnson, Lewis County.

CON: April Putney, Futurewise; Leonard Bauer, Commerce; Steve Saunders, Department of Natural Resources.