

HOUSE BILL REPORT

HB 1265

As Reported by House Committee On:
Local Government

Title: An act relating to land use planning in qualifying unincorporated portions of urban growth areas.

Brief Description: Limiting residential densities of certain unincorporated portions of urban growth areas.

Sponsors: Representatives Kagi, Ryu, Rodne, Lias, Takko, Roberts, Smith and Upthegrove.

Brief History:

Committee Activity:

Local Government: 2/11/11, 2/16/11 [DPS].

Brief Summary of Substitute Bill

- Specifies that a permit or other form of development approval may not be issued for qualifying unincorporated portions of urban growth areas until the county and the surrounding city or cities enter into an interlocal agreement meeting prescribed requirements.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Smith, Springer and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA

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establishes land use designation and environmental protection requirements for all Washington counties and cities, and a significantly wider array of planning duties for the 29 counties and the cities within that are obligated to satisfy all planning requirements of the GMA.

The GMA directs jurisdictions that fully plan under the GMA to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are implemented through locally-adopted development regulations, both of which are subject to review and revision requirements prescribed in the GMA.

Among other requirements, counties that fully plan under the GMA must designate urban growth areas (UGAs), areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Fully planning counties and each city 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.

Interlocal Cooperation Act.

Under the Interlocal Cooperation Act, public agencies, including local governments, are authorized to contract with one another to provide services either through cooperative action or when one or more agencies pays another for a service. A "public agency" for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government. The term specifically includes municipal corporations, special purpose districts, local service districts, state agencies, federal agencies, recognized Indian tribes, and other states' political subdivisions.

Summary of Substitute Bill:

Prior to issuing a permit or other form of development approval, the county and the city or cities surrounding the unincorporated portion of the UGA must enter into an interlocal agreement that: stipulates the density that will be allowed in the unincorporated portion of the UGA; specifies mitigation of transportation impacts on roads of the surrounding city or cities; and stipulates how urban governmental services will be funded and provided in the unincorporated portion of the UGA. The prepermitting, predevelopment approval requirements apply only to unincorporated portions of UGAs that:

- border the Puget Sound;
- are surrounded on the landward side entirely by one or more cities;
- are one or more miles from any other portion of an UGA that is in unincorporated territory; and
- are 50 or more acres in size.

Substitute Bill Compared to Original Bill:

The substitute bill removes all provisions of the underlying bill that proposed a maximum density in qualifying unincorporated portions of UGAs and inserts language specifying that, for qualifying unincorporated portions of UGAs, a permit or other form of development approval may not be issued until the county and the surrounding city or cities enter into an interlocal agreement meeting prescribed requirements. The substitute bill specifies that the permitting and development approval provisions apply only to unincorporated portions of UGAs that border Puget Sound, are surrounded on the landward side entirely by one or more cities, are 50 or more acres in size, and meet other requirements.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Last May, Snohomish County designated the Point Wells area an urban center. This designation allows the county to site a maximum of 3,500 units in the area, but the development impacts will fall upon the City of Shoreline. This bill is an attempt to ensure that urban governmental services and transportation impacts are addressed. The bill addresses an important issue to the people and council of Shoreline. Point Wells is a 61-acre site that can only be accessed through a two-lane road in Shoreline. Without this bill, Shoreline will be required to absorb all of the impacts of the development, but it will have no ability to control development on the site. Shoreline has a long-term interest in annexing the area. The goals of the GMA call for conflicts between jurisdictions to be resolved.

Woodway is a small town of 1,200 people to the north of Point Wells. Woodway has long-expected development in Point Wells, but Woodway and Shoreline, even though they have attempted to work with the county, have been told that their influence on development in Point Wells will be minimal. Although local members have tried to engage in the development process, the county is not required to listen to city and town voices. If, as proposed by the developer, 3,000 850-square foot units are developed, Woodway may not be interested in annexing the area, so Shoreline might have to conduct an annexation. Richmond Beach residents have tried the good neighbor approach with the county, but it has not worked. It is appropriate to require the city and town to expeditiously annex the area.

(Opposed) The bill extends the jurisdiction of Shoreline and Woodway into the county; there is no precedent for this extension and the state Constitution is clear that counties have authority within their own jurisdictions. The bill creates regulation without representation, creates uncertainty for the developer, and would probably kill the proposed project. The county is planning a mixed-use development on a brownfield and is very interested in an interlocal agreement with Shoreline and Woodway.

A local process, that can and should be used, is available to address issues associated with Point Wells. State involvement in Point Wells matters is not warranted. The local process includes provisions for the development of urban centers. A dialog between supporters and opponents of the bill is ongoing.

Persons Testifying: (In support) Representative Kagi, prime sponsor; Representative Ryu; Scott Maccoll, Keith McGlashan, and Joe Tovar, City of Shoreline; Elizabeth Mitchell, Town of Woodway; and D.J. Wilson, City of Edmonds.

(Opposed) Briahna Taylor, Snohomish County; and Dave Somers, Snohomish County Council.

Persons Signed In To Testify But Not Testifying: None.