

SENATE BILL REPORT

SB 5421

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 21, 2011

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: Senators Chase, Shin and McAuliffe.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/15/11, 2/21/11 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5421 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

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. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

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:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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

The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority. A public agency for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government.

Summary of Bill (Recommended Substitute): Prior to issuing a permit or other form of development approval in an unincorporated portion of an urban growth area, 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 permitting and development approval provision apply only to unincorporated portions of UGAs that border Puget Sound, are surrounded on the landward side entirely by one or more cities, and are 50 or more acres in size.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The substitute specifies that, for qualifying UGAs, a permit or other form of development approval may not be issued until the county and the qualifying city or cities enter into an inter-local agreement meeting prescribed requirements. Additionally, the permitting and development approval provisions 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 50 or more acres in size and meeting additional requirements enumerated in the legislation.

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: The GMA provides that the comprehensive plan of each county or city must be coordinated with, and consistent with, the comprehensive plans of cities with which the county has common borders or regional issues. This bill would ensure that interjurisdictional conflicts are reconciled by amending the GMA. The conflict that this bill is trying to address is where a county is placing an intense urban center immediately abutting a single family home neighborhood. This area scheduled for development is not covered by high capacity transit. Unlike urban centers in other areas, this area is served by one two-lane road. This development project would allow 3500 proposed units. The cities and towns around this development project are concerned that the county is not giving them a meaningful role. This bill would give the local jurisdictions a process to address the issues around this development project.

CON: The county has been and continues to reach out to the cities and towns. There is a local process in place to provide for input from the cities and towns that have concerns with this development project. This bill is trying to circumvent or override that local process. The county is aware that there are issues with this development project, including traffic concerns, environmental concerns, and cultural impacts. Those issues will be discussed by an environmental impact statement under the State Environmental Policy Act. There are no provisions in the state Constitution to allow this, because the Constitution is clear that cities and counties have jurisdiction within their boundaries.

Persons Testifying: PRO: Senator Chase, prime sponsor; Scott MacColl, Joe Tovar, City of Shoreline; Carla Nichols, Town of Woodway.

CON: Dave Somers, Briahna Taylor, Snohomish County.