

# SENATE BILL REPORT

## SB 5325

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As Reported By Senate Committee On:  
State & Local Government, March 3, 1999

**Title:** An act relating to unincorporated area councils.

**Brief Description:** Establishing unincorporated area councils.

**Sponsors:** Senators Haugen, McCaslin, Rasmussen, Stevens, Goings, Winsley, Patterson, Spanel and Roach.

**Brief History:**

**Committee Activity:** State & Local Government: 2/11/99, 3/3/99 [DPS].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

**Staff:** Eugene Green (786-7405)

**Background:** In 1991, legislation passed allowing the formation of community councils in the unincorporated areas of Island County. The councils were a governmental mechanism that allowed people who set up the councils to have direct input on the planning and zoning of their community. In 1998, the Washington Supreme Court ruled that because the Community Council Act applied only to Island County, the act is special legislation which violates the state Constitution.

**Summary of Substitute Bill:** Voters of unincorporated areas of any county planning under the Growth Management Act may establish an unincorporated area council to develop a proposed subarea plan consistent with the county's comprehensive plan. The area council may also serve as a forum for local issues.

An unincorporated area council must consist of at least 1,000 residents when the council is created. A council must consist of at least 5,000 residents when created in a county with a population of over 1,000,000.

The unincorporated area council is created by circulation of a petition, which sets the boundaries and number of members on the council. The petition must contain the signatures of at least 10 percent of the voters residing in the community who voted at the last general election. After certification of petitions, the county legislative authority must hold a public hearing and boundaries of the area council may be altered, but the alteration may not reduce the number of persons living in the community by more than 10 percent or below the minimum number of residents required to create an area council. The county legislative

authority must call a special election to elect from five to nine area council members at the next general election. Terms are for four years, after initial staggering of terms, and the positions are nonpartisan.

The unincorporated area council may develop and transmit a proposed subarea plan to the county legislative authority for its review. The council has the same powers and duties within its boundaries as a planning commission. The subarea plan must be consistent with the county's comprehensive plan and county shoreline master program. The subarea plan must address all the mandatory elements of a comprehensive plan and optional elements selected by the county. The proposed subarea plan must be based on the growth management projection made for the county by OFM, as allocated to the area served by the council by the county planning agency. Within 90 days of submittal to the county legislative authority, the county or the planning commission must hold a hearing, at which the council's proposed subarea plan is the only item on the agenda. The hearing must be conducted by the county legislative authority unless specifically delegated to the planning commission. To the extent possible, any county hearings held on the subarea plan must be held within the boundaries of the council.

An area council may not take quasi-judicial actions or decide permit applications.

The county may provide administrative and staff support for each area council.

Procedures are established for the dissolution of area councils and for a vote approximately every 12 years on the question of retention of the area council.

**Substitute Bill Compared to Original Bill:** The unincorporated area council may submit a proposed subarea plan (not zoning ordinance).

County acceptance of a subarea plan and administrative and staff support for council are permissive. The maximum number of members on the council is decreased from 11 to nine.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This is a bottoms up– approach. Elected members will develop expertise. Unincorporated citizens are powerless against the desires of cities within an urban growth area. Without this kind of council, citizens will never have a level playing field. This will allow citizens to provide a quality planning product.

**Testimony Against:** Planning is already difficult without another layer of government. We don't want the prerogatives of the county legislative authority erupted. County commissioners must represent and balance the interests and desires of the whole county. Funding is also a concern.

**Testified:** PRO: Phil Lewis, Camano for a Rural Environment; Bill Thorn, Island County Commissioners; Steve Wills, CTED (w/clarification); David Osterberg, citizen; Mike

Shelton, Gary Lowe, Island County Commission and Association of Cities (w/amend); Jim  
Evernham, citizen.