

HOUSE BILL REPORT

ESHB 1000

As Passed House:

February 16, 2004

Title: An act relating to metropolitan municipal corporations.

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

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon).

Brief History:

Committee Activity:

Local Government: 1/20/03, 2/27/03 [DPS].

Floor Activity:

Passed House: 2/16/04, 89-5.

Brief Summary of Engrossed Substitute Bill

- Prohibits a metropolitan municipal corporation that has not initiated review under the State Environmental Policy Act from condemning lands for an essential public facility outside its component county boundaries without first completing a specific city or county siting process.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Ethan Moreno (786-7386).

Background:

A "Metropolitan Municipal Corporation" is a municipal corporation of the state, and 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 in 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.

A component county of metropolitan municipal corporation is a county, all or part of which is included within the boundaries of the corporation or an area proposed to be such a corporation.

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.

The Growth Management Act (GMA) requires counties and cities fully planning under the Act to establish a process for identifying and siting essential public facilities. "Essential public facilities," as provided in the GMA, include those facilities that are typically difficult to site, such as airports, state and local correctional facilities, and solid waste handling facilities.

Summary of Engrossed Substitute Bill:

Metropolitan municipal corporations are prohibited from exercising eminent domain for essential public facilities outside its component county boundaries without first completing the city or county siting process for an essential public facility where the proposed facility is to be located. A metropolitan municipal corporation that has initiated review under the State Environmental Policy Act for an essential public facility by December 31, 2003, is exempt from the provisions of the act.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is designed to close a loophole allowing a jurisdiction to use the power of eminent domain in areas outside its borders without having to complete the city or county essential public facility siting process. The issue was raised in response to the Brightwater project to site a new wastewater treatment plant in Snohomish County.

The plant will serve both Snohomish and King counties and is meant to be a regional essential public facility, but Snohomish County residents were not represented in the siting process. Does a metropolitan municipal corporation have the right to cross boundaries and make decisions for those it does not represent? The bill will establish a clear procedure for a metropolitan municipal corporation by establishing a guideline that complies with the Growth Management Act (GMA) and the process for siting an essential public facility. This will promote local control, and bring the metropolitan municipal corporation statute into harmony with local comprehensive plans.

Testimony Against: The Brightwater project has already undergone an extensive three-year process to site a new treatment plant, pipelines, and outfall that will serve both Snohomish and King County. Sixty-three percent of the sewage to be treated at Brightwater will come from Snohomish County. The project is needed to meet the needs of a growing region. King County has provided wastewater treatment to south Snohomish County residents and businesses for 40 years at its treatment plants in Seattle and Renton. The treatment system is expected to reach capacity in 2010. If King County cannot demonstrate that it is ready to begin construction by 2005, the Washington State Department of Ecology may impose a system-wide building moratorium to ensure that public health and safety and water quality will be protected. Delaying the condemnation process will add on months or even years, and cost the ratepayers millions of dollars.

The siting advisory committee that located the current site included 24 members who were appointed by the King and Snohomish County executives, and was made up of locally elected officials. The King County Council reduced the number of sites from four to two sites.

The GMA requires that comprehensive plans not preclude the siting of essential public facilities. Yet this bill provides that an essential public facility outside the boundary of a metropolitan municipal corporation has to be approved by the local jurisdiction. This bill would conflict with the intent of the GMA.

Testified: (In support) Representative Sullivan, prime sponsor; Senator Shin; Gary Nelson, Snohomish County Council; Robert Freeman, John Quast, Laurie Dressler, and Jim Orvis, Washington Tea Party; Jamie Gravelle, Mayor Pro Tem of the City of Mountlake Terrace; Duane Bowman, City of Edmonds; and John Zambrano, Concerned Citizens of Mountlake Terrace.

(Opposed) Maureen Welch and Christie True, King County; and Peter Coates, Seattle Building Trades Council.