

SHB 1265 - H AMD 253

By Representative Kagi

ADOPTED 03/03/2011

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "NEW SECTION. Sec. 1. (1) The legislature recognizes that land
5 use planning actions deliberated in and approved and mitigated by one
6 jurisdiction can significantly affect one or more neighboring
7 jurisdictions. The impacts of the land use planning actions of a
8 neighboring jurisdiction can be especially pronounced when geographic
9 and public infrastructure limitations substantially affect permitted
10 development and the resulting impacts upon neighboring jurisdictions.

11 (2) The legislature, therefore, in the spirit of cooperation and
12 collaboration, intends to promote shared responsibilities under the
13 state environmental policy act in those extraordinary instances where
14 geographic and public infrastructure limitations create circumstances
15 in which the land use planning actions of one jurisdiction
16 significantly impact one or more neighboring jurisdictions.

17
18 NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW
19 to read as follows:

20 (1)(a) If a proposed project action significantly impacts two or
21 more agencies, the agencies, except as provided otherwise by this
22 section, must jointly divide all lead agency responsibilities
23 prescribed in accordance with this chapter.

24 (b) If the agencies are unable to agree to the division of lead
25 agency responsibilities, the director shall designate the division of
26 responsibilities within fifteen days of receiving a written request to
27 do so by one or more agency. Designations made by the director under

1 this subsection must identify the lead agency for each segment of the
2 proposed project action based on a determination of which agency's
3 facilities and residents will receive the majority of the impacts from
4 that segment of the proposed project action.

5 (2) An agency that would be significantly impacted by a proposed
6 project action may elect to:

7 (a) Forego lead agency responsibilities otherwise required under
8 this section by notifying in writing the other affected agency or
9 agencies and the department; or

10 (b) Transfer lead agency responsibilities otherwise required under
11 this section to another agency through a written agreement approved by
12 both agencies and transmitted to the department.

13 (3) Subsections (1) and (2) of this section apply only to project
14 actions in or affecting unincorporated portions of urban growth areas
15 designated under RCW 36.70A.110 that:

16 (a) Border Puget Sound;

17 (b) Are surrounded on the landward side entirely by one or more
18 cities;

19 (c) Are one or more miles from any other portion of an urban
20 growth area that is in unincorporated territory; and

21 (d) Are fifty or more acres in size.

22 (4) Unless the context clearly requires otherwise, for purposes of
23 this section, the following definitions apply:

24 (a) "Agency" or "agencies" means a county, city, or town;

25 (b) "Department" means the department of ecology; and

26 (c) "Director" means the director of the department of ecology."
27

28 Correct the title.
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EFFECT: (1) Deletes all underlying provisions of the bill
pertaining to permit issuances in qualifying unincorporated portions
of urban growth areas (UGAs). (2) Specifies that if a proposed
project action affects two or more agencies, the agencies, except as
provided otherwise, must jointly divide all lead agency
responsibilities prescribed in accordance with the State

Environmental Policy Act. (3) Requires the Director of the Department of Ecology (Director), at the request of an agency, to designate the division of lead agency responsibilities when the agencies cannot agree on the division. (4) Establishes provisions related to the designation of lead agency responsibilities by the Director. (5) Limits the provisions of the amendment to project actions in or affecting qualifying unincorporated portions of UGAs designated under the Growth Management Act. (6) Allows an agency that would be affected by a proposed project action to forego or transfer lead agency responsibilities. (7) Defines "agency" or "agencies" to mean a county, city, or town. (8) Adds intent language.

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