

# HOUSE BILL REPORT

## HB 1222

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with more than one hundred thousand but fewer than one hundred fifty thousand residents.

**Brief Description:** Authorizing limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with more than one hundred thousand but fewer than one hundred fifty thousand residents.

**Sponsors:** Representatives Morris and Lytton.

**Brief History:**

**Committee Activity:**

Local Government: 1/25/11 [DP].

**Brief Summary of Bill**

- Creates an exception to provisions prohibiting the expansion of urban growth areas into the 100-year floodplain of any qualifying western Washington river or river segment.
- Specifies that the exception may only be authorized by a county meeting specific geographic and population requirements, and that exception must be limited to areas of seven or fewer acres that are adjacent to an urban growth area and entirely surrounded by a freeway interchange right-of-way.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives Takko, Chair; Tharinger, Vice Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Fitzgibbon, Rodne, Springer and Upthegrove.

**Minority Report:** Do not pass. Signed by 1 member: Representative Smith.

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*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.*

**Staff:** Heather Emery (786-7136).

**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.

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. Planning counties and the cities within these counties must include within their UGAs and densities that are sufficient to permit the urban growth projected to occur in the county or city for the succeeding 20-year period.

In 2009 the Legislature adopted Engrossed House Bill 1967 (enacted as chapter 342, Laws of 2009 and codified at RCW 36.70A.110 (8)). This legislation established limited prohibitions on the expansions of UGAs into the 100-year floodplain of any western Washington river or river segment meeting specified water flow criteria.

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**Summary of Bill:**

Provisions prohibiting the expansions of UGAs into the 100-year floodplain of any qualifying western Washington river or river segment are modified. A county with more than 100,000 but fewer than 150,000 residents that is wholly or partially bordered by salt waters may authorize the expansion of a UGA into the 100-year floodplain of any western Washington river or river segment meeting specified water flow criteria if the expansion area is: (1) adjacent to a UGA; (2) entirely surrounded by a freeway interchange right-of-way; and (3) a single parcel or contiguous parcels with a total land area of seven acres or less.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) This bill implements an agreement between parties following the passage of 2009 legislation that adversely affected two property owners, who, as a result of that

legislation, cannot get services to develop their property. While there is a local option available to address the situation, it is far more expensive than a legislative fix. Additionally, even if the local option were employed to re-zone the property in question for commercial use, that process would not allow for expansion of the UGA boundary. Therefore, the property would be unavailable for annexation, and a nearby municipality would be deprived of a potential revenue base to support services to residential development.

(Opposed) This is a problem that should be addressed at the local level. If county procedures are followed, the property owner could develop this property commercially. This bill does not represent a technical fix; instead, it represents a deviation from legislated policy not to encourage growth in this kind of floodplain area.

**Persons Testifying:** (In support) Representative Morris, prime sponsor; and Dave Williams, Association of Washington Cities.

(Opposed) April Putney, Futurewise.

**Persons Signed In To Testify But Not Testifying:** None.