

SENATE BILL REPORT

HB 1222

As of March 21, 2011

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: Passed House: 3/01/11, 68-29.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/21/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

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 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 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.

In 2009 the Legislature adopted Engrossed House Bill 1967 that generally prohibits a county, city, or town from expanding a UGA into the 100-year floodplain of any river or river

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segment that is located west of the crest of the Cascade Mountains and has a mean annual flow of 1000 or more cubic feet per second, except under certain specified circumstances.

Summary of Bill: 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:

- a single parcel or contiguous parcel;
- not exceeding seven acres;
- adjacent to a UGA; and
- entirely surrounded by a freeway interchange right-of-way.

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: PRO: In 2009 this issue was discussed when HB 1967, dealing with not extending UGAs into flood zones, was going through the Legislature. It was determined that there was an anomaly in Skagit County around one highway interchange on the edge of Mount Vernon. The city had initially decided to include this area in its UGA and then decided not to pursue that. When the 2009 legislation was adopted, it stranded some business zoned property in a no-person's land. It meant that these property owners cannot develop their property for those things you would see at highway interchanges. The plan had been to address this issue in a trailer bill later, but last year's bill did not make it out of the Senate, so the bill has been reintroduced this session.

CON: There is a local option available through the county commissioners. This bill would convey special rights and privileges to two landowners within Skagit County. This bill starts to create spot zoning by the Legislature.

Persons Testifying: PRO: Representative Morris, prime sponsor.

CON: Tim Knue, Skagitonians to Preserve Farmland.