
ENGROSSED SUBSTITUTE HOUSE BILL 1265

State of Washington

62nd Legislature

2011 Regular Session

By House Local Government (originally sponsored by Representatives Kagi, Ryu, Rodne, Lias, Takko, Roberts, Smith, and Upthegrove)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to land use planning in qualifying unincorporated
2 portions of urban growth areas; adding a new section to chapter 43.21C
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C RCW
2 to read as follows:

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

7 (b) If the agencies are unable to agree to the division of lead
8 agency responsibilities, the director shall designate the division of
9 responsibilities within fifteen days of receiving a written request to
10 do so by one or more agencies. Designations made by the director under
11 this subsection must identify the lead agency for each segment of the
12 proposed project action based on a determination of which agency's
13 facilities and residents will receive the majority of the impacts from
14 that segment of the proposed project action.

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

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

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

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

26 (a) Border Puget Sound;

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

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

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

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

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

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

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

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