

January 4, 1995

Introduced By: Louise Miller
Larry Phillips

LEGPRO.95 RA/ltc

Proposed No.:

95 - 013

MOTION NO. 9468

A MOTION establishing the 1995 State
Legislation Program for King County

WHEREAS, The Metropolitan King County council and the
King County executive desire to bring their positions on
issues facing the 1995 Washington State Legislature to the
attention of Washington State Legislators, and

WHEREAS, King County desires to work cooperatively with
other local governments and other organizations such as the
Washington State Association of Counties, the Washington
Association of County Officials, the Suburban Cities
Association, and the Association of Washington Cities to
achieve its 1995 legislative goals, and

WHEREAS, counties have been recognized by the
legislature as partners with the state in the delivery of
such critical services as criminal justice, health, and human
services, and

WHEREAS, beginning in 1994, the Executive and the
Council began a substantial reorganization of King County
government involving consolidation with Metro and other
measures intended to strengthen King County's role as a
regional government, and

1 WHEREAS, the King County council and the King County
2 executive will continue to review legislative developments
3 for possible revisions of King County's 1995 State
4 Legislative Program;

5 NOW, THEREFORE BE IT MOVED by the Council of King
6 County:

7 The specific objectives set forth in Attachment A to this
8 motion are King County's highest priorities for passage
9 during the 1995 session of the Washington State Legislature.

10 PASSED this 17th day of January, 1995.

11 KING COUNTY COUNCIL
12 KING COUNTY, WASHINGTON

Passed by a vote of 12-1

Kent Pullen
Chair

15 ATTEST:

16 Gerald A. Peterson
17 Clerk of the Council
18

19 Attachments:
20 Attachment A

21
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Clerk amended 1/17/95

ATTACHMENT A
1995 King County Legislative Program Recommendations
As of January 17, 1995

A. Major Issues

1. Economic Development

The Executive, Council Chair and other Councilmembers have been participating on the Steering Committee of the Duwamish Coalition, a major Council initiative in 1994. The Coalition was convened in April, 1994 to create a more unified approach to solving the environmental and economic issues confronting businesses and homeowners in the Duwamish industrial corridor. The 1994 Legislature adopted important amendments to the state Model Toxic Control Act (MTCA) directing the Department of Ecology to adopt and implement rules to facilitate industrial cleanup and for negotiating prospective purchaser settlements. However, the sentiment of the Coalition is that certain obstacles to development remain, such as the cost, risk and clean-up of contaminated land in industrial areas, lack of necessary infrastructure, and governmental regulations which discourage businesses from locating in such areas. There is a desire to have the county support legislation that would further assist both existing major and light industrial businesses to continue and expand in such areas.

Recommendation: Seek opportunities for further amendments to state laws to facilitate cleanup of industrial sites. Such legislation should provide incentives: 1) to encourage property owners to clean up their property; 2) to make use of property economically viable; and 3) to establish partnerships between the private sector and regulatory agencies. Support targeting of appropriations for infrastructure improvements for state facilities to high-wage job producing areas, emphasizing prime industrial areas. Support the regulatory reform needed to remove obstacles to maximizing economic benefits from industrial land.

2. Growth Management

There are several issues likely to come before the 1995 Legislature in this area.

- **OFM population forecasts.** City and county association staffs are seeking an administrative solution to the Central Puget Sound Growth Board ruling that OFM population estimates are the maximum population for which counties must plan under GMA. City and county officials have asked the Governor to direct OFM to adopt population ranges instead of one population estimate. Legislation ultimately may be necessary to accomplish King County's goals.
- **Recent Growth Board rulings.** In the Kitsap case, the Central Puget Sound Growth Board stated that "UGA's need not be drawn outside existing city limits if the cities within a county are capable of accommodating the population growth projected for that county." There is disagreement among counties, cities and interested parties as to the correct interpretation of this and other statements in the Kitsap ruling; however, some counties strongly believe this ruling demonstrates the need to clarify the Board's rulings in statute. Some counties also desire restricting the Growth Boards' authority.
- **"Opt-out" option for counties.** Some counties within the Washington State Association of Counties (WSAC) who originally chose to plan under GMA, as well as others have recently been required to plan, desire the ability to "opt out" of growth management.

Recommendation: Seek administrative solution to OFM population forecast issue and pursue legislation if necessary. Allow any county with population less than 75,000 to adopt a resolution by December 31, 1995 to opt-out of the planning requirements of GMA. Clarify that urban growth should occur first in areas already characterized by urban growth, whether or not such areas are located within a city.

3. Human Services - Community Public Health and Safety Networks

The Family Policy Council recently approved seven networks in King County, subject to certain conditions. Most importantly, an "Internetwork Council" is to serve as a coordinating mechanism and develop a plan for long-term regional coordination and administration in the county. However, some legislators and King County Councilmembers continue to raise concerns about network legal status, expenditure authority, and coordination with existing county programs. WSAC will aggressively seek greater county control over networks.

Recommendation: King County does not want to take over networks, but desires greater coordination of networks with existing mandated county programs. At a minimum, pursue legislation requiring review and approval by the county of network plans for consistency with existing mandated county services. There may be interest in the Legislature in scaling back the networks; a compromise position could be to make the networks into planning/advisory entities.

4. Local Health Governance and Financing

The 1993 Health Services Act mandated that effective July 1, 1995, counties would have complete authority over local health departments, and that a portion of city revenues would be transferred to counties to fund local health. The state county and city associations were directed in the Act to study the impact of the local public health governance and financing changes mandated in the bill. The associations have been unable to agree on changes to the law. However, the recommendation of a work group consisting of staff from Seattle and King County is to allow the 1993 changes to take effect with minor modifications.

Recommendation:

- Delay implementation date of changes from July 1, 1995 to January 1, 1996 to coincide with county fiscal year; and
- Allow local public health governance and financing changes enacted in 1993 law to take effect. Include option for counties containing cities with population greater than 100,000 to form a combined health board with city representation.

5. Juvenile Justice/Criminal Justice

a. Juvenile Sentencing Reform

The 1994 Legislature directed the Juvenile Justice Task Force to review the juvenile justice system over the interim and to recommend changes for the 1995 session. The Task Force has not yet developed recommendations for the 1995 session. However, juvenile sentencing reform will be a big issue this session, with potential for sentencing changes that could increase county detention costs.

Recommendation: Support legislation to reform the sentencing grid to provide early accountability and intermediate sanctions, restore parental involvement in proceedings and treatment, provide for secure juvenile mental health and substance

abuse treatment, and clarify the role of probation officers. Work with state to ensure adequate funding for impact of reform of juvenile system.

b. Supervision of Misdemeanants

Current law requires the state Department of Corrections (DOC) to supervise offenders convicted in Superior Court of misdemeanor or gross misdemeanor offenses. DOC obtained a budget proviso last session directing the department not to expend any funds for the supervision of misdemeanants, except in the case of agreements entered into by the department with units of government. DOC was to cease all supervision effective July 1, 1994, but Governor Lowry intervened and extended supervision until the end of the year. A work group consisting of DOC, county, and court representation worked over the interim and proposed a solution to ensure DOC's ability to continue to supervise misdemeanor offenders. Part of this is to allow collection of fees to cover the costs of supervision. The Governor has included continued funding for DOC supervision in his 1995-1997 budget submittal.

Recommendation: Work with King County Superior Court officials to ensure that the Legislature directs DOC to provide appropriate levels of supervision and funding for supervision of misdemeanants.

6. Kingdome KINGDOME FINANCING COMMISSION LEGISLATIVE PROPOSAL

Legislation needed:

- Rebate sales and B&O taxes paid on construction (\$2.6 million one time).
- Distribute excess county sales tax equalization account revenue to the counties on a per capita basis (\$1.3 million per year).
- Authorize King County to collect a 3% admissions tax on Kingdome events. (\$1.2 million per year).
- Authorize King County to collect an additional 1% hotel/motel tax beginning in the year 2000, to be credited against the state sales tax (\$5.2 million per year after 2000).
- Postpone the county hotel/motel tax sunset date from the year 2012 to 2020 (\$0.6 million per year in debt capacity).

Conditions:

- The total of admissions taxes collected at the Kingdome will not exceed 8%.
- Admissions taxes collected at the Kingdome will be used only for Kingdome repairs, maintenance and improvements.
- Postponement of the hotel/motel tax sunset date is contingent upon securing additional hotel/motel tax authorization for suburban cities.

7. Open Space Issues

The Evergreen Alliance, a consortium of non-profit organizations and local governments seeking non-regulatory tools to preserve open space, is developing legislation containing the following elements:

a. State Real Estate Excise Tax Exemption.

As part of a comprehensive revenue package, the 1993 Legislature repealed the exemption from the state real estate excise tax for sellers of real property to governmental agencies.

The proposal would restore this exemption, since it functions as an effective bargaining tool in negotiating open space acquisitions.

b. Current Use Taxation.

The proposal would amend the procedural requirements for designating property located in incorporated cities under the current use taxation program. Current statutes require that applications from incorporated areas be approved by a panel consisting of three county legislative members and three city legislative members. The proposed change would clarify the procedural requirements and would permit the legislative authority of the city in which the land is located to prepare a written recommendation to the county legislative authority before action is taken by the county.

Another proposed amendment would permit the transfer of land classified under the program as open space or agricultural land to a governmental agency to use for open space purposes without a monetary penalty. Finally, the proposal would eliminate monetary penalties for the reclassification of open space land to agricultural land under the current use taxation program provided that the land is permanently protected by deed restriction against further development.

c. Open Space Fund.

The proposal would provide authorization to counties and cities to establish an "open space fund" which would direct that a certain percentage of any moneys budgeted for capital construction be available for the acquisition of open space lands.

d. Salmon Protection Districts.

The proposal would create a local option for counties to establish a salmon protection district. The purpose of the salmon protection district is to address the threat of non-point pollution to water quality, provide for habitat protection, and to establish public education programs. These districts could be formed by motion of the county legislative authority or by election of the voters within the district. Counties are directed to cooperate with incorporated areas in establishing the districts and to coordinate their plans and programs with other counties where salmon growing, spawning, and fishing areas are located in more than one county.

e. Local government authority to contract with non-profit conservancies

The proposal provides greater latitude for cities and counties to contract with non-profit conservancies and organizations to negotiate for open space properties.

Recommendation: Support the above elements of the Evergreen Alliance's package.

8. Regulatory Reform

The Governor will introduce a bill this session based on the recommendations of the Task Force on Regulatory Reform. The major provisions of interest to local government include:

a. Integration of Planning and Environmental Review

- Environmental review of comprehensive plans, sub-area plans, neighborhood plans, and development regulations should be as comprehensive and detailed as is practicable.
- SEPA should be integrated into GMA such that comprehensive plans both recognize and address environmental concerns. The goal is to reduce the need for extensive environmental analysis at the project level, and to make policy decisions at the comprehensive planning stage rather than at the project decision level.

- GMA and SMA should be integrated into a single planning process, retaining the shoreline program as a separate element of the comprehensive plan and as a separate development regulation. The goals and policies of the SMA relating to shorelines of the state should be explicitly referenced in GMA.
- Funding for implementation of changes is proposed from three sources: 1) a state revolving loan fund from which local governments could borrow to prepare integrated plans and development regulations; 2) authorization for local governments to pass revenue bonds, create a public development authority, and to capitalize planning into capital costs; and 3) authority to charge fees to developers who benefit from the review to partly cover the costs of conducting the environmental review in the comprehensive plan.

b. *Permitting*

- Local governments planning under GMA are to provide applicants with a consolidated development permit process which integrates land use decisions, project review, and environmental review; promotes informed public participation; eliminates redundancy; and minimizes unnecessary delay and expense.
- Consolidate and standardize the public notice and comment period such that one notice period covers both environmental review and all land use permits included in the application. Consolidate all staff decisions and recommendations into one administrative report. Applicants should be given a notice of final action within one hundred and twenty days after a complete application has been submitted.

Recommendation: Support regulatory reform efforts, while monitoring for changes that may adversely affect King County.

9. *Transportation*

a. *Funding Package*

The Transportation Commission recently presented its recommendations regarding a 1995 Transportation Funding Package. The package includes increasing the gas tax 9 cents (5 cents for state needs, 4 cents for local), indexing the gas tax, increasing truck gross weight fees by 20%, and imposing a 0.51% refinery tax on the wholesale value of petroleum products. The Governor is not advocating any immediate action on a transportation revenue package, and the Legislature appears divided on the issue of whether a package is needed this session.

The Governor's recently released budget includes approximately \$32 million in current funds for multi-modal projects, specifically for Clark County and the RTA. The Governor's office has indicated a willingness to bond \$32 million, thus increasing the potential state commitment for the biennium. In addition, the RTA will propose several clarifying changes to RTA statutes regarding city annexation of territory outside of the RTA boundary and reformation of the RTA as a one-county RTA should the ballot measure fail in other counties.

Recommendation: Support a comprehensive transportation package that is balanced geographically and among modes, includes the expected state share of support for the RTA, and recognizes the significant unmet transportation needs of King County. Support changes proposed by the RTA that are needed to effectively implement the plan.

b. *Siting of Transportation Facilities*

The recent experience with airport siting in the Puget Sound area has increased the interest of some legislators in establishing a special state body with preemptive siting authority for

major transportation facilities. Representative Ruth Fisher is proposing creation of a transportation facility siting council with authority to recommend that the Governor issue a preemptive approval of all aspects of construction and operation of transportation facilities of statewide significance. Such facilities are defined quite broadly, and the definition includes high capacity transit projects in addition to interstate highways and airports. The Council would be convened whenever the Transportation Commission declares an impasse exists in siting a transportation facility covered by the bill.

Recommendation: Work to narrow the scope of the bill to airport siting decisions only, and establish a process more like the process used at the state level for siting energy facilities (the Energy Facility Site Evaluation Council). An argument could be made that although airports have been described as problematic, the bill applies to a large number of facilities which have been successfully sited without a special process.

c. State Level of Service Standards

During 1994, the Legislative Transportation Committee has conducted a study to determine how to implement level of service standards on state highways. WSDOT has advocated applying concurrency to state highways to prevent local governments from approving land uses which affect highways not meeting the standards. Many congested state facilities have no improvements scheduled nor financing for improvements, leading to the possibility of delay in local comprehensive plan goals if such level of service standards were adopted.

Recommendation: Work to ensure that state concurrency policies are implemented through a collaborative process with local planning efforts. Counties are just beginning the process of implementing major changes to their comprehensive plans, and should be allowed the chance to work these issues through the planning process.

10. Water Resources

WSAC is pursuing several pieces of legislation on water resources issues. The focus of the efforts will be on funding and implementation of the regional planning processes, but WSAC will also pursue:

- Funding to identify water availability, including an inventory of existing wells;
- Restoring funding for the water rights permitting program;
- Reauthorization of the Puget Sound Water Quality Authority;
- Expanding uses of the Centennial Clean Water Fund to include more general water resources planning and implementation; and
- Providing local authority to regulate, condition and restrict all wells, including those subject to the 5,000 gallon per day exemption.

Recommendation: Support WSAC recommendations with guarantee that expanding uses of Centennial Clean Water Fund not jeopardize existing commitment for METRO treatment project.

B. Other Issues

1. Issaquah Salmon Hatchery

The Issaquah Basin Plan, to be adopted by the Metropolitan King County Council Utilities and Natural Resources Committee in the near future, notes that there is a critical link between operation of the hatchery and use of habitat in the upper basin by spawning salmonids. A motion developed in conjunction with the Basin Plan supports the following goals for the hatchery:

- Maintaining the Governor's proposed level of funding for the hatchery, which includes operational funds for the next biennium, capital funding for a master facility plan, and \$500,000 to implement improvements to the hatchery;
- A research and educational role for the hatchery that could allow an increase in the passage of fish into the upper basin to spawn; and
- The proposed master facility plan for the hatchery, which is to serve as a vehicle for considering the long-term role of the hatchery and is to be developed in cooperation with the task force of interested parties identified in the basin plan.

Recommendation: Support the Governor's proposed level of funding for the Issaquah Hatchery and other legislation needed to accomplish the goals outlined in the basin plan for the hatchery.

2. Use of Real Estate Excise Tax (REET) for low-income housing

Current law allows King County, Snohomish County, and Seattle to use REET for low-income housing only until December 31, 1995. King County has introduced and lobbied legislation in the past to restore low-income housing as a permanent use for these funds, and some Councilmembers and the Executive are interested in pursuing such legislation this session.

KCLSC Recommendation: Seek extension of sunset date, permanent continuation of REET for low-income housing, or replacement source for these funds.

3. Board of Equalization: Limiting timeframe for stipulations

The Board of Equalization is requesting a change in property tax statutes to institute a deadline by which taxpayer and the Assessor's office must reach an agreement on revaluation by stipulation. The Board is concerned that the current stipulation process is costly and inefficient, since last minute negotiations and agreements lead to deletions of cases on the same day as the cases are scheduled to be heard. The Board would like an amendment limiting the timeframe for revaluations by stipulation to the period preceding the 14 days before a case's scheduled Board hearing. The Assessors, through the Washington Association of County Officials (WACO), are neutral on this proposal. Twelve other county boards support the legislation.

KCLSC Recommendation: Support legislation limiting the timeframe for revaluations by stipulation to the period preceding 5 working days before a case's scheduled Board hearing.