

HOUSE BILL REPORT

HB 2408

As Reported by House Committee On: Local Government & Housing

Title: An act relating to notifying property owners of proposals to modify zoning requirements.

Brief Description: Requiring notice to property owners when a county, city, or town modifies its zoning requirements.

Sponsors: Representatives Angel, Haler, Schmick, Short, Fagan, McCune, Campbell, Rolfes, Chase and Warnick.

Brief History:

Committee Activity:

Local Government & Housing: 1/11/10, 1/18/10, 1/27/10 [DPS].

Brief Summary of Substitute Bill

- Requires local governments considering modifications of zoning requirements to notify affected real property owners.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Becca Kenna-Schenk (786-7291) and Ethan Moreno (786-7386).

Background:

State zoning and land use statutes affecting local governments include various provisions for public participation and notification. For example, counties and cities planning under the Growth Management Act (GMA) are required to adopt procedures that are reasonably calculated to notify property owners and others affected by or interested in amendments to a comprehensive plan and development regulations. The procedures may include, but are not limited to, publishing notice in a newspaper of general circulation or in other publications,

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posting property for site specific proposals, notifying individuals or interest groups with a known interest in a certain type of proposal, and sending notices to mailing lists.

Summary of Substitute Bill:

Local governments considering a proposal to modify zoning requirements must notify the owners of the real property for which the modification would apply of proposed zoning changes.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- removes the specification that notifications must be sent by mail;
 - removes specifications pertaining to the content of the notification; and
 - removes intent language.
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Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Property owners need to know about consideration of zoning changes that affect their property so they can make informed decisions, such as whether to sell their property. Many property owners have suffered due to zoning changes that result in property tax increases. Some counties and cities are already doing this, but not all. Local governments need to establish a more honest and transparent method for this type of notification. The cost of these notifications would be small compared to benefits.

(With concerns) An amendment is needed to clarify what zoning notifications means.

(Opposed) Public participation is a fundamental pillar to any planning or zoning process, but there is already a process for public participation in place under the Growth Management Act. This requirement would have a serious fiscal impact on local governments, which would ultimately be passed on to citizens. The fiscal impacts could be mitigated by allowing the notification to be posted or mailed electronically. The bill is very broad, and clarification is needed to define what types of zoning changes would require notification. This issue can be addressed at the local level rather than through state statute. The bill would be difficult to implement. For example, it is often difficult to identify property owners without conducting title research.

Persons Testifying: (In support) Representative Angel, prime sponsor; Jeanette McKague, Washington Realtors; Jackie Rossworn; Tim Matthes and Vivian Henderson, Kitsap Alliance of Property Owners; and John M. Taylor.

(With concerns) Brian Enslow, Washington State Association of Counties.

(Opposed) Brynn Brady, Pierce County; Dave Williams, Association of Washington Cities; and Scott Greenberg, American Planning Association.

Persons Signed In To Testify But Not Testifying: None.