

# HOUSE BILL REPORT

## SHB 2860

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### As Amended by the Senate:

**Title:** An act relating to limiting development regulations for utilities.

**Brief Description:** Limiting development regulations for utilities.

**Sponsors:** By House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Reams and Blanton).

### Brief History:

#### Committee Activity:

Government Operations: 1/31/96, 2/2/96 [DPS].

#### Floor Activity:

Passed House: 2/7/96, 98-0.

Senate Amended.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Scheuerman; D. Schmidt; Van Luven and Wolfe.

**Staff:** Bill Lynch (786-7092).

**Background:** Each county and city that plans under the Growth Management Act (GMA) is required to adopt comprehensive plans and development regulations to implement the comprehensive plans. "Development regulations" are defined as "controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances."

Each county and city that plans under the GMA must also adopt development regulations that ensure the conservation of agricultural, forest, and mineral resource lands. The regulations must ensure that the use of lands adjacent to these agricultural, forest, and mineral resource lands does not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, timber, or for

the extraction of minerals. Counties and cities planning under the GMA must also adopt development regulations that protect critical areas.

There are no statutory exemptions from these development regulations for certain utility work.

**Summary of Bill:** Development regulations adopted by cities and counties pursuant to the Growth Management Act to ensure the conservation of agricultural, forest, and mineral resource lands, and to protect critical areas do not apply to the normal and routine maintenance or repair, replacement, or expansion of existing utilities; or to the relocation or installation of utilities in existing utility corridors or improved public or private rights of way.

These exemptions from development regulations apply only when the activities are undertaken pursuant to best management practices. "Best management practices" are defined as physical, structural, or managerial practices that when used singly or in combination, minimize adverse environmental impacts and comply with all construction safety standards.

**EFFECT OF SENATE AMENDMENT(S):** The utility exception is rewritten. A county or city planning under the Growth Management Act is authorized to exempt certain utility activities from the regulations to protect critical areas or to conserve natural resource lands. Any proposed exemption must be considered at a public hearing. Such exemptions are allowed, rather than there being regulations that do not apply to certain utility activities.

Examples of the utility activities that could be exempted include routine maintenance, repair, replacement of existing utilities, or relocation or extension of utility service in the improved portions of the public or private rights of way. Utility activities may include qualifying restrictions that address methods of minimizing harm to critical areas being affected. Exemptions may not be provided for any facility for the transmission or distribution of oil or refined oil products.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Many local comprehensive plans already exempt certain utility work from development regulations. This is in response to a growth hearings board decision that is too restrictive.

**Testimony Against:** (original bill) The bill needs to be narrowed. The construction of utilities should not be exempted from development regulations.

**Testified:** Representative Dave Schmidt, prime sponsor; Scott Merriman, Washington Environmental Council; Charlie Brown, Washington Natural Gas; Molly Bork, Puget Power; and Collins Sprague, Washington Water Power Company.