

HOUSE BILL REPORT

SSB 6597

As Passed House - Amended:

March 1, 1996

Title: An act relating to development regulations for preapplication meetings and reasonable use exceptions.

Brief Description: Adopting development regulations for preapplication and reasonable use exceptions.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Heavey, Sheldon, Hale, Snyder, Wood, McAuliffe, Finkbeiner, Goings, Pelz, Franklin, Loveland, Thibaudeau, Smith, Drew, Kohl, Fraser, Rasmussen, Fairley, Sutherland and Bauer).

Brief History:

Committee Activity:

Government Operations: 2/20/96, 2/23/96 [DPA].

Floor Activity:

Passed House - Amended: 3/1/96, 68-29.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Scheuerman and Wolfe.

Staff: Steve Lundin (786-7127).

Background: Several planning enabling statutes permit counties and cities to adopt comprehensive plans and zoning ordinances.

The Legislature enacted the Growth Management Act (GMA) in 1990 and 1991, which establishes a number of planning requirements for all counties and cities, and a larger number of planning requirements for counties and cities planning under all of the requirements of the GMA. Among other requirements, all counties and cities

must identify and adopt development regulations protecting six types of critical areas, including wetlands, fish and wildlife habitat conservation areas, and geologically hazardous areas. Counties and cities planning under all GMA requirements must identify natural resource lands with long-term commercial significance for timber, agricultural, or mineral resource production, and adopt development regulations to conserve the designated natural resource lands.

Summary of Bill:

1. Pre-permit application meetings.

Development regulations adopted by counties and cities must allow voluntary pre-permit application meetings with a potential permit applicant, adjacent property owners, and other groups of individuals. This requirement does not preclude a county or city from also establishing or using a process involving only a potential permit applicant and the local government.

2. Reasonable use exception.

By January 1, 1997, development regulations adopted by a county or city that restrict the use of private property must include a "reasonable use" exception. A reasonable use exception must be granted if the regulation precludes the type or intensity of uses allowed by the zoning ordinance and the development regulations do not preclude a nuisance. A reasonable use exception must be granted if the regulation precludes the reasonable economic use of any part of the property and the development regulations do not preclude a nuisance. All reasonable economic use is defined to be uses of property that are more than nominal or passive and are proportionate to and compatible with actual uses of property in the immediate area.

The reasonable use exception is established to avoid unreasonable burdens on property owners because government has no right to treat people unreasonably in regard to their rights in real property.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: Reasonable use exceptions are allowed in some cities now. This is a tool for local governments and a matter of fairness.

Testimony Against: None.

Testified: Senator Mary Margaret Haugen, prime sponsor; Dave Williams, Karen Reed and Bob Mack with the Association of Washington Cities; and Suzi Rao, Building Industry Association of Washington (with concerns).