

HOUSE BILL REPORT

HB 2860

As Reported By House Committee On:
Government Operations

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

Brief Description: Limiting development regulations for utilities.

Sponsors: Representatives D. Schmidt, Reams and Blanton.

Brief History:

Committee Activity:

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

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 Substitute 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.

Substitute Bill Compared to Original Bill: A definition of "best management practices" is added. A reference to construction of utilities is deleted, and a reference to the replacement or expansion of utilities is added.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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.