
HOUSE BILL 1088

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Angel, Haler, and McCune

Read first time 01/11/11. Referred to Committee on Local Government.

1 AN ACT Relating to limiting the moratoria authority of counties and
2 cities in the ordinary course of comprehensive plan and shoreline
3 master program amendment processes; and amending RCW 36.70A.390 and
4 90.58.590.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read
7 as follows:

8 (1) A county or city governing body that adopts a moratorium,
9 interim zoning map, interim zoning ordinance, or interim official
10 control without holding a public hearing on the proposed moratorium,
11 interim zoning map, interim zoning ordinance, or interim official
12 control, shall hold a public hearing on the adopted moratorium, interim
13 zoning map, interim zoning ordinance, or interim official control
14 within at least sixty days of its adoption, whether or not the
15 governing body received a recommendation on the matter from the
16 planning commission or department. If the governing body does not
17 adopt findings of fact justifying its action before this hearing, then
18 the governing body shall do so immediately after this public hearing.
19 A moratorium, interim zoning map, interim zoning ordinance, or interim

1 official control adopted under this section may be effective for not
2 longer than six months, but may be effective for up to one year if a
3 work plan is developed for related studies providing for such a longer
4 period. A moratorium, interim zoning map, interim zoning ordinance, or
5 interim official control may be renewed for one or more six-month
6 periods if a subsequent public hearing is held and findings of fact are
7 made prior to each renewal.

8 (2) This section does not apply to the designation of critical
9 areas, agricultural lands, forest lands, and mineral resource lands,
10 under RCW 36.70A.170, and the conservation of these lands and
11 protection of these areas under RCW 36.70A.060, prior to such actions
12 being taken in a comprehensive plan adopted under RCW 36.70A.070 and
13 implementing development regulations adopted under RCW 36.70A.120, if
14 a public hearing is held on such proposed actions.

15 (3) Counties and cities, in exercising moratoria authority under
16 this section, may not adopt one or more consecutive moratoria during a
17 comprehensive plan amendment process to prevent lawful activities under
18 the comprehensive plan in anticipation of a change of law by those
19 amendments. This subsection does not apply to comprehensive plan
20 amendments that are in response to a court decision or a decision of
21 the growth management hearings board. Nothing in this subsection may
22 be construed to modify county and city moratoria powers conferred
23 outside this chapter.

24 **Sec. 2.** RCW 90.58.590 and 2009 c 444 s 2 are each amended to read
25 as follows:

26 (1) Local governments may adopt moratoria or other interim official
27 controls as necessary and appropriate to implement this chapter.

28 (2)(a) A local government adopting a moratorium or control under
29 this section must:

30 (i) Hold a public hearing on the moratorium or control;

31 (ii) Adopt detailed findings of fact that include, but are not
32 limited to, justifications for the proposed or adopted actions and
33 explanations of the desired and likely outcomes;

34 (iii) Notify the department of the moratorium or control
35 immediately after its adoption. The notification must specify the
36 time, place, and date of any public hearing required by this
37 subsection;

1 (iv) Provide that all lawfully existing uses, structures, or other
2 development shall continue to be deemed lawful conforming uses and may
3 continue to be maintained, repaired, and redeveloped, so long as the
4 use is not expanded, under the terms of the land use and shoreline
5 rules and regulations in place at the time of the moratorium.

6 (b) The public hearing required by this section must be held within
7 sixty days of the adoption of the moratorium or control.

8 (3) A moratorium or control adopted under this section may be
9 effective for up to six months if a detailed work plan for remedying
10 the issues and circumstances necessitating the moratorium or control is
11 developed and made available for public review. A moratorium or
12 control may be renewed for two six-month periods if the local
13 government complies with subsection (2)(a) of this section before each
14 renewal. If a moratorium or control is in effect on the date a
15 proposed master program or amendment is submitted to the department,
16 the moratorium or control must remain in effect until the department's
17 final action under RCW 90.58.090; however, the moratorium expires six
18 months after the date of submittal if the department has not taken
19 final action.

20 (4) Local governments, in exercising moratoria authority under this
21 section, may not adopt one or more consecutive moratoria during a
22 shoreline master program amendment process to prevent lawful activities
23 under the master program in anticipation of a change of law by those
24 amendments. This subsection does not apply to shoreline master program
25 amendments that are in response to a court decision or a decision of
26 the shorelines hearings board.

27 (5) Nothing in this section may be construed to modify county and
28 city moratoria powers conferred outside this chapter.

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