

SENATE BILL REPORT

SSB 6543

As Passed Senate, February 12, 1996

Title: An act relating to making technical corrections to the omnibus 1995 legislation that integrates growth management planning and environmental review, and conforming the terminology and provisions of subdivision, zoning, and other laws to the provisions of such legislation.

Brief Description: Making adjustments to provisions integrating growth management planning and environmental review.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Haugen and Swecker).

Brief History:

Committee Activity: Ecology & Parks: 1/24/96, 2/2/96 [DPS].
Passed Senate, 2/12/96, 48-0.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6543 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Kari Guy (786-7437)

Background: In the 1995 legislative session, ESHB 1724 was adopted based on the recommendations of the Regulatory Reform Task Force. The bill addressed coordination of planning and environmental review, coordination of shoreline planning and growth management planning, streamlining of the local permit process, coordination of state permitting, and streamlining of the land use appeals process.

In implementing the legislation, a number of technical problems arose and some provisions were found to need clarification.

Summary of Bill: Boards of Adjustment. The statute governing the operation of local boards of adjustment are amended to conform to the land use appeal provisions of ESHB 1724.

Local Permit Review. The definition of closed record appeals is modified to distinguish between pre-decision and post-decision appeals. Only post-decision appeals may be excluded from the 120-day time limit for local government decisions.

The period of time during which an applicant fails to post the property is excluded from the 120-day time limit for decisions. Projects requiring a rezone are exempt from the 120-day time period.

Non-GMA jurisdictions may adopt any of the local government permit review provisions.

Development Agreements. The authority to enter a development agreement is in addition to other authorities of local governments to enter agreement with a property owner. The amendment or termination of an agreement is controlled by the terms of the agreement. The parties of a development agreement may voluntarily agree to financial contributions or mitigation measures that the local government could not otherwise require.

Land Use Appeals. A person who does not want to be a party to a land use appeal may provide a statement indicating that the person does not want to participate in the proceeding.

Hearings on land use petitions must commence within 60 days of the date set for submitting the local jurisdiction's record.

The appeal proceeding on a SEPA procedural determination may occur before the agency's final decision on a proposed action if the appeal is of a public project or a non-project action. Public agencies acting as lead agencies may conduct environmental review prior to applying for local permits.

Subdivision and Platting. Provisions of the subdivision and platting statute are amended to use terminology consistent with ESHB 1724.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill resolves uncertainty about the intent of some sections of the land use regulatory reform legislation passed last year. Public agencies are currently unable to resolve SEPA appeals until after an ordinance is adopted; this bill will help public agencies resolve SEPA appeals earlier in the planning process.

Testimony Against: None.

Testified: Paul Parker, WSAC (pro); Dave Williams, AWC (pro); Sally Clarke, AWB; Harry Reinert, Land Use Study Commission.

House Amendment(s): Further technical changes are made. In addition, changes are made to the SEPA subdivision and permit review statutes.

Subdivision and Platting. The number of lots resulting from a division of land that is defined as a short subdivision and subject to lesser review requirements is increased from four to nine within an urban growth area.

SEPA Categorical Exemptions. The Department of Ecology must adopt rules increasing SEPA categorical exemptions for minor new construction and minor new land use decisions within urban growth areas and to allow counties and cities to further expand these exemptions within urban growth areas. In addition, by statute a few categorical exemptions were increased within urban growth areas relating to minor new construction and minor new land use decisions. Among other express increases, the division of land into ten or fewer parcels and the construction of residential structures of ten or fewer units in an urban growth area are categorically exempt.

State Agency Development Permits. On or after April 1, 1997, a state agency that issues project permits is required to complete its review within 120 days under the same requirements and exemptions as counties and cities planning under the GMA. This requirement terminates on June 30, 1999.