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SENATE BILL 6597

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State of Washington

54th Legislature

1996 Regular Session

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

Read first time 01/18/96. Referred to Committee on Government Operations.

1 AN ACT Relating to development regulations for preapplication  
2 meetings and reasonable use exceptions; amending RCW 36.70B.080 and  
3 36.70B.080; providing an effective date; and providing an expiration  
4 date.

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

6 **Sec. 1.** RCW 36.70B.080 and 1995 c 347 s 409 are each amended to  
7 read as follows:

8 (1) Development regulations adopted pursuant to RCW 36.70A.040  
9 shall establish time periods consistent with RCW 36.70B.090 for local  
10 government actions on specific project permit applications and provide  
11 timely and predictable procedures to determine whether a completed  
12 project permit application meets the requirements of those development  
13 regulations. Such development regulations shall specify the contents  
14 of a completed project permit application necessary for the application  
15 of such time periods and procedures.

16 (2) Development regulations adopted under RCW 36.70A.040 shall  
17 include procedures to facilitate the conduct of voluntary  
18 preapplication meetings between a potential permit applicant, involved  
19 governmental entities, adjacent property owners, or other classes of

1 groups and individuals deemed appropriate by the city or county.  
2 Participation or nonparticipation in such a meeting does not affect an  
3 individual's or group's standing in a legal action that might be  
4 brought concerning a subsequent permit application.

5 (3) Development regulations adopted under RCW 36.70A.040 for the  
6 protection of critical areas and agricultural, forest, and mineral  
7 resource lands shall provide for the use of a reasonable use exception  
8 in accordance with this subsection.

9 (a) A reasonable use exception is intended as a tool for use by the  
10 permitting authority to address those cases in which the application of  
11 development regulations unreasonably restricts all economic use of a  
12 parcel of land and the restriction cannot be remedied by other  
13 authorized techniques or conditions.

14 (b) A reasonable use exception for a specific use of a parcel may  
15 be granted only under the following circumstances:

16 (i) The inability to derive reasonable economic use is not the  
17 result of the applicant's action;

18 (ii) The use sought will pose no threat to the public safety and  
19 health; and

20 (iii) There is no other reasonable use of the land that would have  
21 a lesser impact than the use for which the permit is sought.

22 (c) The relief granted by a reasonable use exception shall be the  
23 minimum necessary to permit the reasonable use of the parcel and to  
24 ensure that the interests promoted by the development regulations are  
25 not harmed.

26 **Sec. 2.** RCW 36.70B.080 and 1995 c 347 s 410 are each amended to  
27 read as follows:

28 (1) Development regulations adopted pursuant to RCW 36.70A.040  
29 shall establish time periods for local government actions on specific  
30 project permit applications and provide timely and predictable  
31 procedures to determine whether a completed project permit application  
32 meets the requirements of those development regulations. Such  
33 development regulations shall specify the contents of a completed  
34 project permit application necessary for the application of such time  
35 periods and procedures.

36 (2) Development regulations adopted under RCW 36.70A.040 shall  
37 include procedures to facilitate the conduct of voluntary  
38 preapplication meetings between a potential permit applicant, involved

1 governmental entities, adjacent property owners, or other classes of  
2 groups and individuals deemed appropriate by the city or county.  
3 Participation or nonparticipation in such a meeting does not affect an  
4 individual's or group's standing in a legal action that might be  
5 brought concerning a subsequent permit application.

6 (3) Development regulations adopted under RCW 36.70A.040 for the  
7 protection of critical areas and agricultural, forest, and mineral  
8 resource lands shall provide for the use of a reasonable use exception  
9 in accordance with this subsection.

10 (a) A reasonable use exception is intended as a tool for use by the  
11 permitting authority to address those cases in which the application of  
12 development regulations unreasonably restricts all economic use of a  
13 parcel of land and the restriction cannot be remedied by other  
14 authorized techniques or conditions.

15 (b) A reasonable use exception for a specific use of a parcel may  
16 be granted only under the following circumstances:

17 (i) The inability to derive reasonable economic use is not the  
18 result of the applicant's action;

19 (ii) The use sought will pose no threat to the public safety and  
20 health; and

21 (iii) There is no other reasonable use of the land that would have  
22 a lesser impact than the use for which the permit is sought.

23 (c) The relief granted by a reasonable use exception shall be the  
24 minimum necessary to permit the reasonable use of the parcel and to  
25 ensure that the interests promoted by the development regulations are  
26 not harmed.

27 NEW SECTION. Sec. 3. Section 1 of this act shall expire July 1,  
28 1998.

29 NEW SECTION. Sec. 4. Section 2 of this act shall take effect July  
30 1, 1998.

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