

SENATE BILL REPORT

ESHB 2344

As Reported By Senate Committee On:
Government Operations, February 27, 1998

Title: An act relating to local government land use permitting.

Brief Description: Attempting to integrate planning, review, and terminology among growth management, environmental and ecological protection, and other related areas.

Sponsors: House Committee on House Government Reform & Land Use (originally sponsored by Representatives Reams, Dyer and Sullivan).

Brief History:

Committee Activity: Government Operations: 2/24/98, 2/27/98 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and T. Sheldon.

Staff: Genevieve Pisarski (786-7488)

Background: Counties and cities that plan under the Growth Management Act must establish an integrated and consolidated permit process for development projects that require two or more permits. A permit process generally provides for a public comment period of 14 to 30 days and includes one "open record hearing," to create the local government's record, and one "closed record appeal," to provide administrative review, which must be requested within 14 days after a permit decision. There is also a land use petition procedure for review by a Court of Appeals.

Depending on the local jurisdiction, applications for variances, conditional uses, and the like are heard by a board of adjustment or by a zoning adjuster.

Proposals to subdivide land are generally subject to an approval process by a local government's legislative body. If the division is into four lots or fewer, it is considered a short subdivision and can be approved by administrative personnel.

Cities and towns, but not counties, may allow up to nine lots to be treated as a short subdivision. Short subdivisions may not be divided further for five years, except that a short subdivision of fewer than four parcels may be further subdivided to create up to four lots.

Summary of Amended Bill: Board of adjustment and zoning adjuster processes are subject to local development permit processes and to land use petition procedures for judicial review.

The terminology and time periods in subdivision provisions are made consistent with local development permit processes.

Counties that plan under the Growth Management Act, whose comprehensive plans and development regulations are in compliance with the Growth Management Act, may allow up to nine lots to be treated as a short subdivision.

Land in short subdivisions may be further subdivided into the maximum number of lots allowed by local ordinance. Regulations must provide for considering adequacy of roads and surface water drainage.

Provisions relating to local development permit processes that were amended twice in 1997 are reenacted to merge the two amendments and amended to make a technical correction.

The time between a local government's final decision and a community council's final decision, but not more than 60 days, is excluded from the 120-day limit for local permit processes.

Amended Bill Compared to Substitute Bill: A requirement that adequacy of roads and surface water drainage be considered is added to provisions for short subdivisions. An exclusion from the 120-day limit for local permit processes is added for community council review.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Allowing a determination of nonsignificance before notice of application should probably be changed. Time for community council review should be excluded from the 120-day limit. Short plats are simple and cost effective, but only cities are allowed to do them by local ordinance now. Although some jurisdictions treat short plats more casually, they do not have to do so. This is technical cleanup on land use regulatory reform.

Testimony Against: None.

Testified: PRO: Faith Lumsden, City of Bellevue; Scott Hazlegrove, AWB.