

SENATE BILL REPORT

EHB 1223

As of March 17, 2011

Title: An act relating to hearings for street vacations.

Brief Description: Authorizing use of hearing examiners for street vacation hearings.

Sponsors: Representatives Fitzgibbon, Green, Darneille, Jinkins, Ladenburg and Takko.

Brief History: Passed House: 3/07/11, 93-3.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/17/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Karen Epps (786-7424)

Background: An owner of property that abuts a street or alley may petition to have the street or alley vacated and acquire that portion of the vacated street or alley that abuts their property. The petition must include a legal description of the area to be vacated and be signed by more than two-thirds of the abutting property owners. A city or town (city) may also initiate a vacation procedure. The petition or resolution must be filed with the city.

After the petition or resolution is filed, the legislative authority for the city schedules a hearing of the petition or resolution. The hearing may be held before the legislative authority for the city or a subcommittee of its members. If the subcommittee holds the hearing, they must report their recommendation to the legislative authority and it is not necessary for the legislative authority to hold a hearing. If the legislative authority grants the petition, the legislative authority must adopt an ordinance to vacate the street or alley. The legislative authority may provide that the ordinance become effective when the owners of the property abutting the street or alley compensate the city.

A city may receive the full appraised value for street right-of-way property if it has been owned by the city for more than 25 years or the property was acquired at public expense. For property held less than 25 years or that was not acquired at public expense, the city may receive one-half of the appraised value. Half of the revenue from vacating street rights-of-way must be used for open space or transportation capital projects within the city.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The hearing on a petition to have a street or alley vacated may be held before a hearing examiner. If the hearing is before a hearing examiner, the hearing examiner must report its recommendation on the petition to the legislative authority. The hearing examiner must include in its report to the legislative authority an explanation of the facts and reasoning underlying a recommendation to deny a petition. The legislative authority may adopt or reject the recommendation. If a hearing is held before a hearing examiner, it is not necessary to hold a hearing on the petition before the legislative authority.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill will allow street vacation hearings to be held before a hearing examiner. This will save time for the city councils and remove this land use process, which can sometimes be political, from the city councils. Ultimately, the city councils will have the final say on street vacations. The city councils will still vote on the decision whether to approve or deny a street vacation. This will save some time for cities. Counties already have this authority. This bill came forward when cities realized that they do not have express statutory authority to use hearing examiners to conduct these hearings. Many cities currently use hearing examiners in this manner. There is implied authority for this, and this bill clarifies that and gives cities express authority. This is voluntary and cities are not required to use hearing examiners for street vacation hearings.

Persons Testifying: PRO: Representative Fitzgibbon, prime sponsor; Briahna Taylor, City of Tacoma.