

# SENATE BILL REPORT

## SHB 2860

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As Reported By Senate Committee On:  
Government Operations, February 23, 1996

**Title:** An act relating to limiting development regulations for utilities.

**Brief Description:** Limiting development regulations for utilities.

**Sponsors:** House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Reams and Blanton).

**Brief History:**

**Committee Activity:** Government Operations: 2/23/96 [DPA].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

**Staff:** Diane Smith (786-7410)

**Background:** Each county and city that plans under the Growth Management Act (GMA) is required to adopt comprehensive plans and development regulations to implement the comprehensive plans. "Development regulations" are defined as "controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances."

Each county and city that plans under the GMA must also adopt development regulations that ensure the conservation of agricultural, forest, and mineral resource lands. The regulations must ensure that the use of lands adjacent to these agricultural, forest, and mineral resource lands does not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, timber, or for the extraction of minerals. Counties and cities planning under the GMA must also adopt development regulations that protect critical areas.

There are no statutory exemptions from these development regulations for certain utility work.

**Summary of Amended Bill:** Counties and cities are given the discretion to exempt certain utility activities from their development regulations adopted pursuant to the Growth Management Act to ensure the conservation of agricultural, forest, and mineral resource lands, and to protect critical areas. Examples of these utility activities include routine maintenance or repair, replacement, or expansion of existing utilities; the relocation or

extension of utility service in the improved portions of the public or private rights of way; and may include restrictions to minimize harm to the impacted critical area.

The proposed exemptions must be considered at a public hearing during the course of adoption or re adoption of the regulations.

The bill does not apply to facilities that transmit or distribute oil.

**Amended Bill Compared to Substitute Bill:** The striking amendment gives local jurisdictions the discretion to exempt certain utility activities from critical areas regulations if the exemptions are considered at a public hearing where the regulations are adopted or readopted. Examples of what these utility activities could be are stated. Also stated is the local jurisdiction's authority to include qualifying restrictions to minimize harm to the critical area.

The substitute bill is an absolute prohibition of local jurisdictions from applying critical areas regulations to utility activity that is conducted pursuant to best management practices, as defined.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This allows local control of the disposition of this issue and establishes uniformity, consistency and reliability for the utility. The public hearing provision is important because it addresses directly the problem created in Snohomish County.

**Testimony Against:** None.

**Testified:** Scott Merriman, WA Environmental Council; Charlie Brown, WA Natural Gas; Kristen Harte, Snohomish County PUD; Dave Williams, Cities.