
SUBSTITUTE SENATE BILL 6597

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Government Operations (originally sponsored 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 02/02/96.

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; adding new sections to chapter 35.22 RCW; adding new
4 sections to chapter 35.63 RCW; adding new sections to chapter 35A.63
5 RCW; adding new sections to chapter 36.70 RCW; creating a new section;
6 providing an effective date; and providing an expiration date.

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

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

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

18 (2) Development regulations adopted under RCW 36.70A.040 shall
19 include procedures to facilitate the conduct of voluntary

1 preapplication meetings between a potential permit applicant, involved
2 governmental entities, adjacent property owners, or other classes of
3 groups and individuals deemed appropriate by the city or county.
4 Participation or nonparticipation in such a meeting does not affect an
5 individual's or group's standing in a legal action that might be
6 brought concerning a subsequent permit application. Nothing in this
7 section precludes development regulations from also establishing or
8 using a process involving only a potential permit applicant and the
9 local government.

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

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

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

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

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

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

27 (c) The relief granted by a reasonable use exception shall be the
28 minimum necessary to permit the reasonable use of the parcel and to
29 ensure that the interests promoted by the development regulations are
30 not harmed.

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

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

1 project permit application necessary for the application of such time
2 periods and procedures.

3 (2) Development regulations adopted under RCW 36.70A.040 shall
4 include procedures to facilitate the conduct of voluntary
5 preapplication meetings between a potential permit applicant, involved
6 governmental entities, adjacent property owners, or other classes of
7 groups and individuals deemed appropriate by the city or county.
8 Participation or nonparticipation in such a meeting does not affect an
9 individual's or group's standing in a legal action that might be
10 brought concerning a subsequent permit application. Nothing in this
11 section precludes development regulations from also establishing or
12 using a process involving only a potential permit applicant and the
13 local government.

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

18 (a) A reasonable use exception is intended as a tool for use in the
19 discretion of the permitting authority to address those cases in which
20 the application of development regulations unreasonably restricts all
21 economic use of a parcel of land and the restriction cannot be remedied
22 by other authorized techniques or conditions.

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

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

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

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

31 (c) The relief granted by a reasonable use exception shall be the
32 minimum necessary to permit the reasonable use of the parcel and to
33 ensure that the interests promoted by the development regulations are
34 not harmed.

35 NEW SECTION. Sec. 3. A new section is added to chapter 35.22 RCW
36 to read as follows:

37 Development regulations adopted under this chapter shall include
38 procedures to facilitate the conduct of voluntary preapplication

1 meetings between a potential permit applicant, involved governmental
2 entities, adjacent property owners, or other classes of groups and
3 individuals deemed appropriate by the first class city. Participation
4 or nonparticipation in such a meeting does not affect an individual's
5 or group's standing in a legal action that might be brought concerning
6 a subsequent permit application. Nothing in this section precludes
7 development regulations from also establishing or using a process
8 involving only a potential permit applicant and the local government.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.22 RCW
10 to read as follows:

11 (1) In jurisdictions planning under this chapter that have adopted
12 regulations for the protection of critical areas under RCW
13 36.70A.060(2), those regulations shall provide for the use of a
14 reasonable use exception in accordance with this section.

15 (2) A reasonable use exception is intended as a tool for use in the
16 discretion of the permitting authority to address those cases in which
17 the application of development regulations unreasonably restricts all
18 economic use of a parcel of land and the restriction cannot be remedied
19 by other authorized techniques or conditions.

20 (3) A reasonable use exception for a specific use of a parcel may
21 be granted only under the following circumstances:

22 (a) The inability to derive reasonable economic use is not the
23 result of the applicant's action;

24 (b) The use sought will pose no threat to the public safety and
25 health; and

26 (c) There is no other reasonable use of the land that would have
27 a lesser impact than the use for which the permit is sought.

28 (4) The relief granted by a reasonable use exception shall be the
29 minimum necessary to permit the reasonable use of the parcel and to
30 ensure that the interests promoted by the development regulations are
31 not harmed.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.63 RCW
33 to read as follows:

34 Development regulations adopted under this chapter shall include
35 procedures to facilitate the conduct of voluntary preapplication
36 meetings between a potential permit applicant, involved governmental
37 entities, adjacent property owners, or other classes of groups and

1 individuals deemed appropriate by the city. Participation or
2 nonparticipation in such a meeting does not affect an individual's or
3 group's standing in a legal action that might be brought concerning a
4 subsequent permit application. Nothing in this section precludes
5 development regulations from also establishing or using a process
6 involving only a potential permit applicant and the local government.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 35.63 RCW
8 to read as follows:

9 (1) In jurisdictions planning under this chapter that have adopted
10 regulations for the protection of critical areas under RCW
11 36.70A.060(2), those regulations shall provide for the use of a
12 reasonable use exception in accordance with this section.

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

18 (3) A reasonable use exception for a specific use of a parcel may
19 be granted only under the following circumstances:

20 (a) The inability to derive reasonable economic use is not the
21 result of the applicant's action;

22 (b) The use sought will pose no threat to the public safety and
23 health; and

24 (c) There is no other reasonable use of the land that would have
25 a lesser impact than the use for which the permit is sought.

26 (4) The relief granted by a reasonable use exception shall be the
27 minimum necessary to permit the reasonable use of the parcel and to
28 ensure that the interests promoted by the development regulations are
29 not harmed.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 35A.63 RCW
31 to read as follows:

32 Development regulations adopted under this chapter shall include
33 procedures to facilitate the conduct of voluntary preapplication
34 meetings between a potential permit applicant, involved governmental
35 entities, adjacent property owners, or other classes of groups and
36 individuals deemed appropriate by the code city. Participation or
37 nonparticipation in such a meeting does not affect an individual's or

1 group's standing in a legal action that might be brought concerning a
2 subsequent permit application. Nothing in this section precludes
3 development regulations from also establishing or using a process
4 involving only a potential permit applicant and the local government.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.63 RCW
6 to read as follows:

7 (1) In jurisdictions planning under this chapter that have adopted
8 regulations for the protection of critical areas under RCW
9 36.70A.060(2), those regulations shall provide for the use of a
10 reasonable use exception in accordance with this section.

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

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

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

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

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

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

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70 RCW
29 to read as follows:

30 Development regulations adopted under this chapter shall include
31 procedures to facilitate the conduct of voluntary preapplication
32 meetings between a potential permit applicant, involved governmental
33 entities, adjacent property owners, or other classes of groups and
34 individuals deemed appropriate by the county. Participation or
35 nonparticipation in such a meeting does not affect an individual's or
36 group's standing in a legal action that might be brought concerning a
37 subsequent permit application. Nothing in this section precludes

1 development regulations from also establishing or using a process
2 involving only a potential permit applicant and the local government.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70 RCW
4 to read as follows:

5 (1) In jurisdictions planning under this chapter that have adopted
6 regulations for the protection of critical areas under RCW
7 36.70A.060(2), those regulations shall provide for the use of a
8 reasonable use exception in accordance with this section.

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

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

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

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

20 (c) 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 (4) 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 NEW SECTION. **Sec. 11.** Development regulations providing for a
27 reasonable use exception under this act shall be adopted by the
28 appropriate county or city no later than January 1, 1997.

29 NEW SECTION. **Sec. 12.** Section 1 of this act shall expire July 1,
30 1998.

31 NEW SECTION. **Sec. 13.** Section 2 of this act shall take effect
32 July 1, 1998.

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