

HOUSE BILL REPORT

ESSB 5727

*As Passed House - Amended
March 3, 1992*

Title: An act relating to the imposition of moratorium or interim zoning by permit-granting agencies.

Brief Description: Altering interim zoning by permit-granting agencies.

Sponsor(s): By Senate Committee on Governmental Operations (originally sponsored by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson).

Brief History:

Reported by House Committee on:
Local Government, February 28, 1992, DPA;
Passed House, March 3, 1992, 96-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: General purpose government, including the state, counties, cities, and towns, possess the general authority to adopt measures promoting or protecting the public health, safety, and welfare. Counties, cities, and towns are authorized to plan and zone.

Summary of Bill: The governing body of a county, city, or town that adopts a moratorium or interim zoning control without holding a public hearing shall hold a public hearing on the matter within at least 60 days after it has adopted the moratorium or interim zoning control. This requirement exists whether or not the governing body of the county, city, or town received a recommendation on the moratorium or interim zoning control from its planning commission.

If the governing body does not adopt findings of fact justifying its action before this hearing, it shall adopt findings of fact immediately after the public hearing.

A moratorium or interim zoning control may be effective for no longer than six months, but may be effective for up to one year if a work plan is developed providing for related studies that will take that long. A moratorium or interim zoning control may be renewed for one or more six-month period if a subsequent public hearing is held and findings of fact are made prior to each renewal.

A local board of health is subject to the same procedural requirements and limitations when it establishes a moratorium that the governing body of a county, city, or town is under when it establishes a moratorium.

Fiscal Note: Not requested.

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

Testimony For: Some local governments have abused their authority to establish moratoria. We need clear procedural standards and limitations on establishing moratoria.

Testimony Against: (Original bill): Not one example of abuse has been given. Local governments rarely use their authority to impose a moratorium. Moratoria are imposed only when an emergency situation exists, such as around a threatened municipal water supply. The local governments always make specific findings justifying their actions and handle the situation with dispatch. Given vesting rule in this state, we need to be able to use moratoria, when circumstances warrant it.

Witnesses: Glen Hudson and Nick Adams, Washington Association of Realtors; Paul Parker, Washington State Association of Counties; Tom Bjorgen, Landuse Committee of the Washington Association of Prosecuting Attorneys; Ed Larsen, Snohomish County; and Dave Williams, Association of Washington Cities.