

SENATE BILL REPORT

ESSB 5727

AS PASSED SENATE, JANUARY 24, 1992

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

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

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5727 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 25, 1991; March 5, 1991

HOUSE COMMITTEE ON LOCAL GOVERNMENT

BACKGROUND:

Various state and local governmental agencies regulate the use of real estate through approval of subdivisions, issuance of building permits, enactment of zoning ordinances and adoption of land use regulations. A governmental agency may place a moratorium on the issuance of permits or the approval of subdivision plats, or enact interim zoning ordinances to:

- avoid the overtaxing of existing infrastructure;
- avoid a rush of development in anticipation of more restrictive land use regulations;
- allow time for the considered development of a master plan; or to
- prevent the despoliation of water or air.

It is felt that the use of moratoria on permits and approvals, and interim zoning ordinances may adversely and unfairly impact on economic interests and other state policies. It is felt that their use should be subject to some specific limitations.

SUMMARY:

The terms moratorium, permit-granting agency, facilities or resource-based emergency, land use emergency, interim zoning, and regulation are defined.

A permitting agency may adopt a rule or ordinance which imposes a moratorium or interim zoning in response to a facilities, resource-based, or land use emergency if:

- in cases where the agency deals through a planning commission, the commission recommends the action; and
- notice is given, the hearing is held and the required findings are adopted within 30 days.

Moratoria and interim zoning may not be imposed for longer than six months. This time limit may be extended for additional periods of six months when appropriate findings are made and a public hearing is held.

Any moratorium or interim ordinance adopted on an emergency basis is null and void unless adopted in accordance with this act.

The provisions of any moratorium or interim zoning ordinance enacted by initiative or referendum in a city or town are exempt from this act.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Limits abuse of moratorium and interim zoning by limiting duration and reducing surprise factor when adopted.

TESTIMONY AGAINST:

75 percent approval requirement too restrictive.

TESTIFIED: Nick Adams, WA Assn. of Realtors (pro); Dave Williams, Assn. of WA Cities (con); Ron Main, King County (con)

HOUSE AMENDMENT(S):

The amendment strikes the entire bill and provides that 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. 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.