

SENATE BILL REPORT

SB 5727

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
MARCH 5, 1991

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

SPONSORS: 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

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 on 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 75 percent of the governing body of the agency approve it; and
- in the event of a facilities, resource-based, or land use emergency, the agency documents various specific findings with regard to the emergency.

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 municipality shall document any decision made in this act as required by SEPA. If the initial action is exempt from SEPA, the municipality shall not extend a moratorium or interim zoning without an environmental assessment as required by SEPA.

When a permit-granting agency adopts a moratorium or interim zoning it shall also, within 60 days, adopt a program to correct the problem creating the moratorium or interim zoning.

Any ordinance regulating a moratorium or interim zoning shall identify the criteria by which the permit-granting agency will determine vested projects. The ordinance shall provide that all applications on file, for which the initial fee has been paid, shall be processed to completion under existing rules.

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

EFFECT OF PROPOSED SUBSTITUTE:

Technical drafting errors are corrected.

Notice and hearing and findings are required within 30 days of adoption of a moratorium or interim zoning or the moratorium or interim zoning will be of no force or effect.

The following provisions are deleted: (a) requirement that 75 percent of governing body approve any moratorium or interim zoning; (b) provision requiring compliance with SEPA for exempt projects; (c) requirement that permit-granting agency commence corrective program addressing the cause of the interim zoning or moratorium within 60 days of adopting the moratorium or interim zoning; and (d) requirement that ordinance regulating a moratorium or interim zoning identify criteria by which the permit-granting agency will determine vested projects.

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)