

HOUSE BILL REPORT

HB 2822

As Passed House:

February 12, 1996

Title: An act relating to the Columbia River Gorge commission.

Brief Description: Limiting Columbia River Gorge commission authority to prohibit property development.

Sponsors: Representatives Honeyford, Benton, Boldt, Mastin, Scott, Schoesler, Lisk, Sheldon, Elliot and Mulliken.

Brief History:

Committee Activity:

Government Operations: 2/2/96 [DP].

Floor Activity:

Passed House: 2/12/96, 57-37.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Goldsmith, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Conway; R. Fisher; Scheuerman and Wolfe.

Staff: Steve Lundin (786-7127).

Background:

1. Interstate compacts.

The United States Constitution prohibits any state from entering into a compact with any other state without the consent of Congress. (Article I, Section 10, Clause 3, United States Constitution.)

When two states consent to an interstate compact that has been approved by Congress, the interstate compact becomes binding on the consenting states and assumes the status of federal law.

2. Columbia River Gorge Compact.

The Columbia River Gorge Compact, which was approved by Congress and consented to by the state of Washington and state of Oregon, creates the Columbia River Gorge Commission with the authority to

- disapprove a land use ordinance adopted by a county within the gorge, if the ordinance is inconsistent with the management plan developed under the compact;
- enact a land use ordinance setting standards for the use of non-federal land in a county within the scenic area of the gorge if a county fails to adopt a land use ordinance consistent with the management plan; and
- review all proposals for major development action and new residential development in each county within the gorge, except in urban areas, and to disapprove such development if the commission finds that the development is inconsistent with the compact.

Under the compact, the state of Washington agrees to provide the funding necessary to effectuate the commission, and the commission's budget is apportioned equally between the state of Washington and state of Oregon.

Summary of Bill: If the Columbia River Gorge Commission has zoned an existing property or parcel in such a way as to prohibit development and the property or parcel is within a city's boundaries or was purchased before January 1, 1987, the commission shall grant a single building permit for that property or parcel, or compensate the owner for the value of the property or parcel at its current, residential, fair market value as if the permit had been granted. The county assessor shall determine the amount of the compensation.

If the commission fails to grant the permit or provide the compensation, the Legislature shall not renew the commission's appropriation for the next biennium.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a mild approach. Some people have problems getting a building permit.

Testimony Against: This removes protection. This is a curious way to bind the next Legislature.

Testified: Representative Honeyford, prime sponsor.