

HOUSE BILL REPORT

ESHB 2344

As Passed House:

February 10, 1998

Title: An act relating to local government land use permitting.

Brief Description: Attempting to integrate planning, review, and terminology among growth management, environmental and ecological protection, and other related areas.

Sponsors: By House Committee on House Government Reform & Land Use (originally sponsored by Representatives Reams, Dyer and Sullivan).

Brief History:

Committee Activity:

Government Reform & Land Use: 1/13/98, 1/22/98 [DPS].

Floor Activity:

Passed House: 2/10/98, 95-0.

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Fisher; Gardner; Mielke; Mulliken and Thompson.

Staff: Joan Elgee (786-7135).

Background: In 1995, as part of regulatory reform, the Legislature passed major legislation (ESHB 1724) designed to integrate growth management planning and environmental review and streamline local permitting and land use appeals.

Under the local project review procedures of ESHB 1724, counties and cities planning under the Growth Management Act (GMA) must establish an integrated and consolidated development permit process for projects involving two or more permits. These counties and cities must also generally provide a public comment period on permits of 14 to 30 days. All counties and cities must limit hearings and appeals to no more than one "open record hearing" and one "closed record appeal." The open record hearing is the hearing that creates the local government's record. A closed record appeal is an administrative

appeal on the record following an open record hearing. Administrative appeals must generally be filed within 14 days after the decision.

ESHB 1724 also established a new land use petition procedure (LUPA) for court appeals of land use decisions. This new procedure replaced the previous writ procedure for many quasi-judicial decisions of local governments.

In some counties and cities, boards of adjustment hear applications for variances, and conditional uses, and other land use decisions. Some counties use zoning adjusters.

Under the GMA, counties meeting specified growth criteria must adopt comprehensive plans that include a land use element, a rural element, a transportation element and several other elements. A county that does not meet the growth criteria may choose to plan under the GMA. Each county that plans under the GMA must designate an urban growth area sufficient to permit the urban growth expected to occur for the succeeding 20 year period. Counties must encourage urban growth within the urban growth areas, and may allow growth outside of the urban growth areas only if it is not urban in nature. Counties must also adopt development regulations consistent with their comprehensive plans.

In general, property owners wishing to divide land must submit the proposed subdivision to the applicable local government for review. If the division is into four or fewer lots, it is considered a short subdivision. A city or town, but not a county, may increase the number of lots treated as short subdivisions up to nine. Short subdivisions are approved by administrative personnel. Subdivisions which are not short subdivisions must be submitted to the legislative body of the local government and require the filing of a preliminary plat and other procedures that are not required for short subdivisions.

Land in short subdivisions may not be further divided within five years except that if the short plat contains fewer than four parcels, a property owner may further subdivide to create up to four lots.

Summary of Bill: The terminology in the subdivision provisions is made consistent with the use of terms "open record hearing" and "closed record appeal" in the local project review procedures. Time periods are also made consistent with the local project review procedures.

The board of adjustment and zoning adjuster time periods and other procedures are made subject to the procedures on local project review. Appeals from board of adjustment decisions are made by land use petition under LUPA rather than by writ.

Counties planning under the GMA that have adopted comprehensive plans and development regulations in compliance with the GMA may increase the number of lots to be regulated as short subdivisions up to nine in urban growth areas.

Land in short subdivisions may be further subdivided up to the maximum number of lots permitted by local ordinance.

A double amendment is corrected by reenacting and amending language to achieve the intent of both previous amendments.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Once the decision has been made to have urban density, it makes sense to streamline the process and allow nine lot short subdivisions. The uniformity on procedural time lines will help promote development. This bill will reduce the costs of permitting and therefore the costs of housing. It is clean-up legislation.

Testimony Against: None.

Testified: (Pro) Paul Parker, Washington State Association of Counties; John Woodring, Washington Association of Realtors; Dave Williams, Association of Washington Cities; Scott Hazlegrove, Association of Washington Business; and (concerns) Mike Ryherd, American Planning Association .