
Government Reform and Land Use Committee

BILL ANALYSIS

HB 2344

Title of the Bill: Local government land use permitting.

What this Bill Does: Makes a number of changes to land use permitting procedures to provide consistency with 1995 legislation, ESHB 1724. Authorizes counties to raise the number of lots regulated as short subdivisions up to nine in urban growth areas.

Sponsors: Representatives Reams

Hearing Date: January 13, 1998

Fiscal Note: Requested 1/7/98

Analysis Prepared By: Joan Elgee, 786-7135

BACKGROUND:

Growth Management Act (GMA). Under the GMA, counties meeting specified growth criteria must adopt comprehensive plans to 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 twenty 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.

Land Use Regulatory Reform. 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 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 fourteen to thirty days. All counties and cities must limit hearings and appeals to no more than one open record hearing and one closed record appeal. Administrative appeals must generally be filed within fourteen 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.

Procedures for subdivision of land. 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 which 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.

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

SUMMARY:

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.

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

Counties planning under the Growth Management Act 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.