

SENATE BILL REPORT

SB 5070

As Reported By Senate Committee On:
Government Operations, February 13, 1997

Title: An act relating to development regulations for reasonable use exceptions.

Brief Description: Allowing for reasonable use exceptions in the development of certain lands.

Sponsors: Senators Haugen and McCaslin.

Brief History:

Committee Activity: Government Operations: 2/6/97, 2/13/97 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Anderson, Haugen, Horn and Patterson.

Staff: Kathleen Healy (786-7403)

Background: The Growth Management Act (GMA) was enacted in 1990 and 1991, establishing a variety of requirements for counties and cities. A few requirements are established for all counties and cities, and additional requirements are established for those counties and cities that are required to plan under all GMA requirements.

Two sets of population and growth factors are established to determine whether a county, and the cities within such a county, are required to plan under all GMA requirements.

Each county planning under all GMA requirements, in cooperation with the cities located within its boundaries, develops a countywide planning policy to guide the comprehensive plans that the county and those cities develop. Counties are recognized as being regional governments. Cities are recognized as the primary providers of urban government services within urban growth areas.

Among other requirements, a county planning under all GMA requirements must designate urban growth areas within the county inside of which urban growth must occur and outside of which urban growth must not occur. Every city must be included within an urban growth area. Other areas may be included in an urban growth area if they are already characterized by urban growth or are adjacent to such areas. The county uses a 20-year population forecast prepared by the Office of Financial Management as the basis for designating its urban growth areas.

A county planning under all GMA requirements must adopt a comprehensive plan with a rural element that includes lands not located within an urban growth area and which have not been designated for agriculture, forests, or mineral resources. The rural element must

permit land uses compatible with the rural character of these lands and must provide for a variety of densities.

Every county and city in the state is required to designate agricultural lands with long-term commercial significance for agriculture, forest lands with long-term commercial production of timber, and mineral resource lands with long-term significance for mineral extraction. Counties and cities planning under all GMA requirements are required to adopt development regulations assuring the protection of each of these types of designated lands.

Three separate growth management hearings boards, covering different geographic areas, are established to hear appeals on challenges that actions of counties and cities are not in compliance with the GMA.

Summary of Substitute Bill: A reasonable use exception is included in development regulations designed to protect critical areas and agricultural, forest, and mineral resource lands. The reasonable use exception is granted in limited circumstances when the application of development regulations unreasonably and substantially restricts economic use of a parcel and no other remedy is available.

The applicant may not cause the loss of economic use of the property, the use sought must pose no threat to the public safety and health, and no other reasonable use of the land exists which would have a lesser impact than the use sought. The relief granted is the minimum necessary to accommodate both the reasonable use of the property and to protect the interests promoted by the regulations.

The affected cities and counties must adopt the development regulations with a reasonable use exception substantially in compliance with these requirements by January 1, 1998.

Substitute Bill Compared to Original Bill: The original bill required the unreasonable restriction of all economic use of a parcel. The substitute bill changes this to a more flexible requirement of an unreasonable and substantial restriction of economic use. The cities and counties may adopt reasonable use exceptions which are substantially in compliance in order to allow local jurisdictions to accommodate local needs.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill acts as a tool to allow the permitting authority some flexibility. The cities support the concept of reasonable use exceptions, as long as the idea is not one size fits all.– Local jurisdictions need to be allowed to tailor their requirements. No standards should be reduced.

Testimony Against: There are some safety concerns on the environment part. There cannot be impacts on significant state resources, so caution is urged.

Testified: PRO: Pat Schneider, Seattle; Perry Gillman, Lucy Steers, LWV; George Tyler; Paul Parker, WA Counties; Ron Shultz, National Audubon Society (con).