
SENATE BILL 5070

State of Washington

55th Legislature

1997 Regular Session

By Senators Haugen and McCaslin

Read first time 01/14/97. Referred to Committee on Government Operations.

1 AN ACT Relating to development regulations for reasonable use
2 exceptions; amending RCW 36.70B.080 and 36.70B.080; adding a new
3 section to chapter 35.22 RCW; adding a new section to chapter 35.63
4 RCW; adding a new section to chapter 35A.63 RCW; adding a new section
5 to chapter 36.70 RCW; creating a new section; providing an effective
6 date; and providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 36.70B.080 and 1995 c 347 s 409 are each amended to
9 read as follows:

10 (1) Development regulations adopted pursuant to RCW 36.70A.040
11 shall establish time periods consistent with RCW 36.70B.090 for local
12 government actions on specific project permit applications and provide
13 timely and predictable procedures to determine whether a completed
14 project permit application meets the requirements of those development
15 regulations. Such development regulations shall specify the contents
16 of a completed project permit application necessary for the application
17 of such time periods and procedures.

18 (2) Development regulations adopted under RCW 36.70A.040 for the
19 protection of critical areas and agricultural, forest, and mineral

1 resource lands shall provide for the use of a reasonable use exception
2 in accordance with this subsection.

3 (a) A reasonable use exception is intended as a tool for use in the
4 discretion of the permitting authority to address those cases in which
5 the application of development regulations unreasonably restricts all
6 economic use of a parcel of land and the restriction cannot be remedied
7 by other authorized techniques or conditions.

8 (b) A reasonable use exception for a specific use of a parcel may
9 be granted only under the following circumstances:

10 (i) The inability to derive reasonable economic use is not the
11 result of the applicant's action;

12 (ii) The use sought will pose no threat to the public safety and
13 health; and

14 (iii) There is no other reasonable use of the land that would have
15 a lesser impact than the use for which the permit is sought.

16 (c) The relief granted by a reasonable use exception shall be the
17 minimum necessary to permit the reasonable use of the parcel and to
18 ensure that the interests promoted by the development regulations are
19 not harmed.

20 **Sec. 2.** RCW 36.70B.080 and 1995 c 347 s 410 are each amended to
21 read as follows:

22 (1) Development regulations adopted pursuant to RCW 36.70A.040
23 shall establish time periods for local government actions on specific
24 project permit applications and provide timely and predictable
25 procedures to determine whether a completed project permit application
26 meets the requirements of those development regulations. Such
27 development regulations shall specify the contents of a completed
28 project permit application necessary for the application of such time
29 periods and procedures.

30 (2) Development regulations adopted under RCW 36.70A.040 for the
31 protection of critical areas and agricultural, forest, and mineral
32 resource lands shall provide for the use of a reasonable use exception
33 in accordance with this subsection.

34 (a) A reasonable use exception is intended as a tool for use in the
35 discretion of the permitting authority to address those cases in which
36 the application of development regulations unreasonably restricts all
37 economic use of a parcel of land and the restriction cannot be remedied
38 by other authorized techniques or conditions.

1 (b) A reasonable use exception for a specific use of a parcel may
2 be granted only under the following circumstances:

3 (i) The inability to derive reasonable economic use is not the
4 result of the applicant's action;

5 (ii) The use sought will pose no threat to the public safety and
6 health; and

7 (iii) There is no other reasonable use of the land that would have
8 a lesser impact than the use for which the permit is sought.

9 (c) The relief granted by a reasonable use exception shall be the
10 minimum necessary to permit the reasonable use of the parcel and to
11 ensure that the interests promoted by the development regulations are
12 not harmed.

13 NEW SECTION. Sec. 3. A new section is added to chapter 35.22 RCW
14 to read as follows:

15 (1) In jurisdictions planning under this chapter that have adopted
16 regulations for the protection of critical areas under RCW
17 36.70A.060(2), those regulations shall provide for the use of a
18 reasonable use exception in accordance with this section.

19 (2) A reasonable use exception is intended as a tool for use in the
20 discretion of the permitting authority to address those cases in which
21 the application of development regulations unreasonably restricts all
22 economic use of a parcel of land and the restriction cannot be remedied
23 by other authorized techniques or conditions.

24 (3) A reasonable use exception for a specific use of a parcel may
25 be granted only under the following circumstances:

26 (a) The inability to derive reasonable economic use is not the
27 result of the applicant's action;

28 (b) The use sought will pose no threat to the public safety and
29 health; and

30 (c) There is no other reasonable use of the land that would have
31 a lesser impact than the use for which the permit is sought.

32 (4) The relief granted by a reasonable use exception shall be the
33 minimum necessary to permit the reasonable use of the parcel and to
34 ensure that the interests promoted by the development regulations are
35 not harmed.

36 NEW SECTION. Sec. 4. A new section is added to chapter 35.63 RCW
37 to read as follows:

1 (1) In jurisdictions planning under this chapter that have adopted
2 regulations for the protection of critical areas under RCW
3 36.70A.060(2), those regulations shall provide for the use of a
4 reasonable use exception in accordance with this section.

5 (2) A reasonable use exception is intended as a tool for use in the
6 discretion of the permitting authority to address those cases in which
7 the application of development regulations unreasonably restricts all
8 economic use of a parcel of land and the restriction cannot be remedied
9 by other authorized techniques or conditions.

10 (3) A reasonable use exception for a specific use of a parcel may
11 be granted only under the following circumstances:

12 (a) The inability to derive reasonable economic use is not the
13 result of the applicant's action;

14 (b) The use sought will pose no threat to the public safety and
15 health; and

16 (c) There is no other reasonable use of the land that would have
17 a lesser impact than the use for which the permit is sought.

18 (4) The relief granted by a reasonable use exception shall be the
19 minimum necessary to permit the reasonable use of the parcel and to
20 ensure that the interests promoted by the development regulations are
21 not harmed.

22 NEW SECTION. Sec. 5. A new section is added to chapter 35A.63 RCW
23 to read as follows:

24 (1) In jurisdictions planning under this chapter that have adopted
25 regulations for the protection of critical areas under RCW
26 36.70A.060(2), those regulations shall provide for the use of a
27 reasonable use exception in accordance with this section.

28 (2) A reasonable use exception is intended as a tool for use in the
29 discretion of the permitting authority to address those cases in which
30 the application of development regulations unreasonably restricts all
31 economic use of a parcel of land and the restriction cannot be remedied
32 by other authorized techniques or conditions.

33 (3) A reasonable use exception for a specific use of a parcel may
34 be granted only under the following circumstances:

35 (a) The inability to derive reasonable economic use is not the
36 result of the applicant's action;

37 (b) The use sought will pose no threat to the public safety and
38 health; and

1 (c) There is no other reasonable use of the land that would have
2 a lesser impact than the use for which the permit is sought.

3 (4) The relief granted by a reasonable use exception shall be the
4 minimum necessary to permit the reasonable use of the parcel and to
5 ensure that the interests promoted by the development regulations are
6 not harmed.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70 RCW
8 to read as follows:

9 (1) In jurisdictions planning under this chapter that have adopted
10 regulations for the protection of critical areas under RCW
11 36.70A.060(2), those regulations shall provide for the use of a
12 reasonable use exception in accordance with this section.

13 (2) A reasonable use exception is intended as a tool for use in the
14 discretion of the permitting authority to address those cases in which
15 the application of development regulations unreasonably restricts all
16 economic use of a parcel of land and the restriction cannot be remedied
17 by other authorized techniques or conditions.

18 (3) A reasonable use exception for a specific use of a parcel may
19 be granted only under the following circumstances:

20 (a) The inability to derive reasonable economic use is not the
21 result of the applicant's action;

22 (b) The use sought will pose no threat to the public safety and
23 health; and

24 (c) There is no other reasonable use of the land that would have
25 a lesser impact than the use for which the permit is sought.

26 (4) The relief granted by a reasonable use exception shall be the
27 minimum necessary to permit the reasonable use of the parcel and to
28 ensure that the interests promoted by the development regulations are
29 not harmed.

30 NEW SECTION. **Sec. 7.** Development regulations providing for a
31 reasonable use exception under this act shall be adopted by the
32 appropriate county or city no later than January 1, 1998.

33 NEW SECTION. **Sec. 8.** Section 1 of this act expires July 1, 1998.

1 NEW SECTION. **Sec. 9.** Section 2 of this act takes effect July 1,
2 1998.

--- END ---