

# SENATE BILL REPORT

## SHB 2408

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As of February 25, 2010

**Title:** An act relating to notifying property owners of proposals to modify zoning requirements.

**Brief Description:** Requiring notice to property owners when a county, city, or town modifies its zoning requirements.

**Sponsors:** House Committee on Local Government & Housing (originally sponsored by Representatives Angel, Haler, Schmick, Short, Fagan, McCune, Campbell, Rolfes, Chase and Warnick).

**Brief History:** Passed House: 2/15/10, 98-0.

**Committee Activity:** Government Operations & Elections: 2/25/10.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Edward Redmond (786-7471)

**Background:** State zoning and land use statutes affecting local governments include various provisions for public participation and notification. Counties and cities planning under the Growth Management Act (GMA), for example, are required to adopt procedures that are reasonably calculated to notify property owners and others affected by or interested in amendments to comprehensive plans and development regulations. Such procedures may include, but are not limited to, publishing notice in a newspaper of general circulation or in other publications; posting property for site specific proposals; notifying individuals or interest groups with a known interest in a certain type of proposal; and sending notices to mailing lists.

**Summary of Bill:** Additional notifications requirements are stipulated. Local governments considering a proposal to rezone private property must notify affected property owners of the initial proposal prior to the adoption of the rezone.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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

**Staff Summary of Public Testimony:** PRO: This is a simple notification bill stating that if the property is going to be considered for rezoning or rezoning classification changes, the property owner must be notified. The county, town, or city may choose the type of notification. As a county commissioner, I often had people say they did not know about rezoning until after the decision was made. It is very important to know about rezoning decisions because it can affect your property up or down.

CON: The issues that the county elected officials have with this bill are that it will impose additional costs and liability at a time when counties are struggling to meet even basic obligations. The economic crisis the state is experiencing is also impacting local governments. For some counties, this is a new notice requirement; it will impose new costs, as estimated by the fiscal note. There is also a potential liability here. Terms in this bill are vague and open for interpretation, which may well lead to litigation.

**Persons Testifying:** PRO: Representative Angel, prime sponsor.

CON: Josh Weiss, Washington State Association of Counties.