

SENATE BILL REPORT

SB 5586

As of February 19, 2011

Title: An act relating to the effect of zoning ordinances on motor vehicle collection and restoration.

Brief Description: Concerning the effect of zoning ordinances on motor vehicle collection and restoration.

Sponsors: Senators Carrell and Becker.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/15/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: Residential zoning regulations are promulgated by local governments such as counties, cities, and towns to encourage patterns of residential development that serve community goals with respect to population density, neighborhood development, environmental quality, transportation, land use, and utility systems, among other goals.

Summary of Bill: A city, town, or county must not enact, enforce, or maintain an ordinance, development, regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the hobby of collecting and restoring motor vehicles, including the following:

- repairing or modifying motor vehicles that are undergoing restoration; or
- maintaining motor vehicles as a source of parts for motor vehicle undergoing restoration.

A city, town, or county is not prohibited from enacting, enforcing, or maintaining an ordinance; development regulation; zoning regulation; or official control, policy, or administrative practice that regulates noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of the property. Additionally, a city, town, or county is not prohibited from requiring parts, motor vehicles, or like activities to be screened from view by fencing, vegetation, or other means.

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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: As a homeowner and a person who restores vehicles, the law should allow me to pursue my hobbies without being ticketed by the county. I don't restore vehicles as a commercial business but as a hobby. I have spent thousands of dollars fighting the county in court to allow me to pursue my hobby. The law needs to be changed to be clear to allow people to have a small number of vehicles on their property for restoration purposes. The current system does not allow for common sense.

CON: This bill blurs the regulation of junk yards. If the landowner or tenant claimed they were engaging in the hobby of collecting motor vehicles, the county would be prohibited from enforcing development regulations adopted by the county council to implement the county's comprehensive plan and citizen developed community plans. County's have the authority to set and enforce their own regulations. This bill does not establish a clear linkage between the hobby and the underlying principal land use.

Persons Testifying: PRO: Frank Ham, Auto Business Home Owner.

CON: Scott Merriman, Association of Washington Counties.