

5070

Sponsor(s): Senators Haugen and McCaslin

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

SB 5070 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

Declares that development regulations adopted under RCW 36.70A.040 for the protection of critical areas and agricultural, forest, and mineral resource lands shall provide for the use of a reasonable use exception.

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

Provides that a reasonable use exception for a specific use of a parcel may be granted only under the following circumstances:

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

(2) the use sought will pose no threat to the public safety and health; and

(3) there is no other reasonable use of the land that would have a lesser impact than the use for which the permit is sought.

Declares that the relief granted by a reasonable use exception shall be the minimum necessary to permit the reasonable use of the parcel and to ensure that the interests promoted by the development regulations are not harmed.