

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 1013 HB	Title: Rezoning proposal notices
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Cities, towns and counties statewide would incur moderate (greater than \$50,000) to substantial (greater than \$500,000) annual expenditures to provide written notice of proposed “rezones” to property owners.
- ☒ Counties: As above
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: The number of proposals to modify zoning requirements that are considered or adopted by local governments, and the number of property owners that would need to be notified.

Estimated revenue impacts to:

Jurisdiction	FY 2012	FY 2013	2011-13	2013-15	2015-17
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

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Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/10/2011
OFM Review: Diamatris Winston	Phone: (360) 902-7657	Date: 01/11/2011

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

The proposed legislation would add new sections to RCWs 35.63, 35A.63, 36.70 and 36.70A, providing that a city, town or county "considering a proposal to rezone private property must ensure that, prior to any hearing at which the rezone will be considered, written notice of the proposal is provided to the owners of the real property for which the rezone would apply."

ASSUMPTIONS

The term "rezone" is not defined in the proposed legislation. According to the American Planning Association, zoning is the "division of a city or county in to areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas. It is the chief land use implementation tool for the comprehensive plan. A zoning ordinance or zoning code is the legal document that describes each zoning district, the regulations applicable within each district, and a zoning map that depicts each district." Zoning requirements therefore comprise the specific rules governing the use of land within each type of zone which include density requirements, types of allowed activities, setbacks, building heights, landscaping, parking space requirements, etc.

Similarly, RCW 36A.63.100 provides that, in code cities, "zoning ordinances" encompass all of the following: "Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating the use of public and private land, buildings, and structures, and the location, height, bulk, number of stories, and size of buildings and structures, size of yards, courts, open spaces, density of population, ratio of land area to the area of buildings and structures, setbacks, area required for off-street parking, protection of access to direct sunlight for solar energy systems, and such other standards, requirements, regulations, and procedures as are appropriately related thereto.

For the purpose of this local government fiscal note it is assumed that the proposed notice requirement would apply to all such activities, and would likely apply to large-scale modifications of critical areas ordinances, shoreline master plans, comprehensive plans and other jurisdiction-wide planning activities.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

Cities and counties statewide would incur moderate (greater than \$50,000) to substantial (greater than \$500,000) expenditures to mail notice of potential "rezones" to all affected property owners. Because the number of proposals that are considered or adopted by local governments and the number of property owners that would need to be notified is unknown, the overall impact cannot be determined.

Expenditures would include staff time to compile lists of affected property owners, the cost of paper, printing, envelopes and postage, which can be reasonably assumed to total at least \$1 per property owner per notification. While development regulations are typically modified concurrently with comprehensive plan updates (every seven years) or amendments (once per year), various other actions including adoption of subarea plans may occur more frequently as provided in RCW 30.70A.130. Jurisdictions also frequently adopt ordinances to make smaller changes to zoning rules such as regulations on types of permitted businesses in a specific area, building height and setback requirements, etc. Therefore, a jurisdiction would potentially need to notify a small numbers of property owners several times per year and a large number of property owners up once or more each year.

A review of zoning codes in three counties (King, Pierce and Island) shows at least one amendment per year to zoning classifications for the past five years. In some cases codes were amended several times per year. Assuming that each jurisdiction modified one zoning requirement per year which affected properties owned by one-tenth of the population, and an average cost per notice of \$1, expenditures would be \$190,930 for King County, \$81,360 for Pierce County and \$8,030 for Island County.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The proposed legislation would have no impact on local government revenue or revenue authority.

SOURCES

Association of Washington Cities

American Planning Association (<http://www.planning.org/research/healthy/pdf/jargonfactsheet.pdf>)

Municipal Research and Services Center
Pierce County Code, Title 18A (Development Regulations - Zoning)
King County Code, Title 21A (Zoning)
Island County Code, Title 17.03 (Zoning)
Office of Financial Management, Official Population Estimates (as of April 1, 2009)