

# HOUSE BILL REPORT

## ESHB 2198

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**As Passed House**

March 18, 1997

**Title:** An act relating to shoreline management.

**Brief Description:** Allowing counties and cities that plan under the growth management act to manage their shorelines in a streamlined process.

**Sponsors:** By House Committee on Government Reform & Land Use (originally sponsored by Representatives Reams, Thompson and Mielke).

**Brief History:**

**Committee Activity:**

Government Reform & Land Use: 3/3/97, 3/5/97 [DPS].

**Floor Activity:**

Passed House: 3/18/97, 55-43.

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### HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

**Staff:** Joan Elgee (786-7135).

**Background:**

**Growth Management Act**

The Growth Management Act (GMA) was adopted in 1990 and 1991. The GMA requires counties meeting certain population and growth criteria, and the cities within those counties, to adopt comprehensive plans and development regulations consistent with the plans.

Growth Management Hearings boards hear appeals relating to comprehensive plans and development regulations adopted under the GMA.

**Shoreline Management Act**

State voters adopted the Shoreline Management Act (SMA) in 1971 by approving an alternative measure to Initiative 43.

Under the SMA, every county and city must adopt a shoreline master program for all shoreland areas within its jurisdiction. A shoreline master program, or an amendment to a program, becomes effective when approved by the Department of Ecology. A program must be consistent with guidelines adopted by the department.

Development activity within the shoreland area is allowed only if consistent with the local shoreline master program. In addition, most development activity within the shoreland area is permitted only if the applicable county or city issues a substantial development permit authorizing the development activity. Counties and cities may provide for variances and conditional use permits as part of their permit programs, but variances and conditional use permits must be submitted to the department for its approval or disapproval. A party aggrieved over the action by a county or city on an application for a substantial development permit may appeal the action to the Shorelines Hearings Board.

### **Integration of Land Use Procedures**

Following the 1994 report of the Governor's Task Force on Regulatory Reform, legislation was adopted in the 1995 session (ESHB 1724) to coordinate planning and environmental review, streamline local permitting and land use appeals, and make a number of other changes in land use procedures. One of the changes required appeals of shoreline master programs for counties and cities planning under all of the GMA requirements to be heard by the Growth Management Hearings boards, rather than the Shorelines Hearings Board. Another set of provisions established a new land use petition procedure for court appeals of land use decisions by counties and cities.

### **Summary of Bill:**

Provisions for further integrating the Shoreline Management Act (SMA) with the Growth Management Act (GMA) are adopted.

A new chapter for shoreline management is adopted. A county or city that has adopted a comprehensive plan under the GMA may manage its shorelines under the existing SMA or the new chapter.

The provisions of the new chapter for shoreline management are substantially the same as the existing SMA, with the following major differences:

- Master programs, or amendments to master programs, become effective when approved by the county or city. No approval by the department is required.

Master programs, or amendments, must continue to be consistent with guidelines adopted by the department.

- Variances or conditional use permits for a substantial development are granted by the county or city, and are not subject to department approval. A person aggrieved by a permit decision must seek judicial review under the land use petition procedures, rather than before the Shorelines Hearings Board.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** July 1, 1998.

**Testimony For:** Permits and master programs should be treated like other parts of land use plans. If a program doesn't comply with the DOE guidelines, the DOE could still appeal the issue to the Growth Management Hearings boards. This moves us toward a more integrated process.

**Testimony Against:** This bill removes protections by taking away the DOE oversight. We are concerned about shorelines of statewide significance, which would only be subject to local planning. Let the Land Use Study Commission review this issue. Public involvement would be reduced. The bill may disqualify the state from receiving federal funds under the Coastal Zone Management Act.

**Testified:** Paul Parker, Washington State Association of Counties (pro); Scott Hazlegrove, Association of Washington Business (pro); Tom Mark, Department of Ecology (con); Stan Biles, Department of Natural Resources (con); Robert Jackson (con); Janet Dawes, Nisqually Delta Association (con); Karen Verrill, League of Women Voters (con); Scott Merriman, Washington Environmental Council (con); Bob Jensen, Environmental Hearings Office (con); and Bruce Wishart, People for Puget Sound (con).