

SENATE BILL REPORT

SB 6556

As Reported By Senate Committee On:
Government Operations, February 6, 1998

Title: An act relating to integration of land-use related laws.

Brief Description: Integrating land-use laws relating to growth management and shorelines.

Sponsors: Senators Anderson, T. Sheldon, Horn and Hale.

Brief History:

Committee Activity: Government Operations: 2/3/98, 2/6/98 [DPS, DNPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and T. Sheldon.

Minority Report: Do not pass substitute.

Signed by Senator Haugen.

Staff: Genevieve Pisarski (786-7488)

Background: The Shoreline Management Act establishes requirements for local shoreline master programs, which then provide the use regulations and permitting procedures for shoreline development and which must be approved by the Department of Ecology. The Shorelines Hearings Board has jurisdiction over appeals of shoreline master programs and permits for shoreline development. The Growth Management Act establishes requirements for local comprehensive plans and development regulations, which include critical areas. The growth management hearings boards have jurisdiction over appeals of the plans and regulations, and permits are subject to statutory requirements for local project permit application review and to land use petition act requirements for judicial review.

Summary of Substitute Bill: The shoreline master programs of local governments that plan under the Growth Management Act are subject to the same requirements for adoption or amendment as comprehensive plans and development regulations; are incorporated into comprehensive plans and development regulations, either as separate elements or as integrated provisions; and are appealable to growth management hearings boards. The shoreline master programs of local governments that do not plan under the Growth Management Act remain subject to the requirements of the Shoreline Management Act for approval by the Department of Ecology and for appeal to the Shorelines Hearings Board.

Critical areas regulations adopted under the Growth Management Act apply uniformly to development activities within shorelines. Permits for shoreline development are integrated into local project permit application review systems and are subject to the requirements of

the Land Use Petition Act. Where shorelines of statewide significance, issues common to multiple jurisdictions, and a substantial state interest are involved, the reviewing court may seek Shorelines Hearings Board review. Requirements for approval of permits for shoreline development by the Department of Ecology and requirements for appeal of permits for shoreline development to the Shorelines Hearings Board are removed. Provisions concerning shoreline permit applications are effective for applications filed after July 1, 1999.

Substitute Bill Compared to Original Bill: The intent to retain fundamental shoreline management policies and practices is clarified. A review court is allowed to seek Shorelines Hearings Board review in the case of shorelines of statewide significance.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is the last, major unfinished business for integrating land use laws. Streamlined permitting avoids duplication, promotes economic development, and helps keep housing affordable. Shorelines Hearings Board and DOE review for issues of statewide significance could be added, but there should be no de novo appeal. The proposed integration is strictly procedural.

Testimony Against: DOE needs to continue to be a co-manager and protect statewide interests, including public access. It works with permittees to avoid appeals. DNR is a statewide manager, and the state interest in shorelines is established in law. The proposed changes are more than ministerial, they change policy and redistribute authority. Environmental protection will be undermined. Courts lack the expertise of the Shorelines Hearings Board and create a hurdle for citizen involvement and enforcement related to shoreline issues. Water-dependent uses would lose substantive protection. General or statewide permitting and incentives for habitat protection should be added.

Testified: Jodi Walker, BIAW (pro); Paul Parker, Washington State Association of Counties (pro); Don Krupp, Thurston County/Washington State Association of Counties (pro); Scott Hazlegrove, AWB (pro); Glen Hudson, Washington Association of Realtors (pro); Gordon White, Department of Ecology (con); Ed Manary, Department of Fish and Wildlife (con); Stan Biles, Department of Natural Resources (con); Bob Mack, Association of Washington Counties.