

Local Government Committee

BILL ANALYSIS HB 1591

TITLE OF THE BILL: Concerning time limits for the adoption of shoreline master plan amendments.

WHAT THIS BILL DOES: *Requires local governments to review their shoreline master programs for compliance with the Department of Ecology guidelines within specified periods.*

SPONSORS: Representatives Edwards, Fisher, O'Brien, Radcliff, Lantz, Scott, Barlean, Doumit, Lovick, D. Schmidt, Linville, Ogden, Rockefeller, Haigh, Stensen, Kagi, and Esser

HEARING DATE: Thursday, February 18, 1999

FISCAL NOTE: Requested February 10, 1999

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156)

BACKGROUND:

The Shoreline Management Act (SMA) was enacted in 1971 as Chapter 90.58 RCW. The SMA requires counties and cities to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce approved programs within their jurisdictions. The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing these local shoreline master programs. The DOE must provide an opportunity for local governments and others to comment on the proposed guidelines and must hold public hearings before the proposed guidelines are adopted. The DOE may propose amendments to the guidelines no more than once per year and must review the guidelines at least once every five years.

Local governments must develop or amend shoreline master programs consistent with the DOE guidelines within 24 months after the DOE guidelines are adopted. The DOE considers the adopted guidelines and SMA requirements when reviewing and approving local shoreline master programs.

DOE's decision approving or rejecting a local shoreline master program may be appealed to the Shorelines Hearings Board.

The Growth Management Act (GMA) was enacted in 1990 and 1991 as Chapter 36.70A RCW. The GMA requires certain counties and the cities in those counties to plan according to statutory requirements and provides a mechanism for other counties to choose to plan under the GMA. All jurisdictions must designate natural resource lands and designate and protect critical areas, regardless of whether they plan under the GMA.

Among other requirements, each county and city planning under RCW 36.70A.040 (GMA jurisdiction) is required to designate urban growth areas and to adopt a comprehensive plan. GMA jurisdictions must also adopt development regulations to implement their comprehensive plans. By September 1, 2002, and at least every five years thereafter, GMA jurisdictions ***are required to review their comprehensive plans and development regulations for consistency with GMA requirements and to revise their comprehensive plans and development regulations if necessary.*** Legislation enacted in 1995 required GMA jurisdictions to include their shoreline master programs as elements of their GMA comprehensive plans.

SUMMARY:

By September 1, 2002, and at least every five years thereafter, local governments planning under RCW 36.70A.040 (GMA jurisdictions) are required to review their local shoreline master programs for compliance with the Department of Ecology (DOE) guidelines. Within twenty-four months after adoption of DOE guidelines, local governments not planning under RCW 36.70A.040 (non-GMA jurisdictions) are required to review their local shoreline master programs for compliance with DOE guidelines.

For non-GMA jurisdictions, DOE may adopt as part of its guidelines a schedule allowing a period between twenty-four and sixty months for development or amendment of local shoreline master programs. DOE may establish different schedules for groups or classes of local governments. Before adopting such a schedule, DOE must provide notice of the schedule to local governments and consider local governments' comments regarding the schedule.