
Local Government Committee

BILL ANALYSIS HB 2391

TITLE OF THE BILL: Creating a joint task force on shoreline planning.

BRIEF SUMMARY OF BILL

- Creates a 27-member joint task force on shoreline planning, including members of the Legislature, citizens, and local government, environmental, and business representatives.
- Requires joint task force by December 31, 2000, to make recommendations on shoreline planning and permitting, integration of land use laws, and cost, funding, regulatory, priority, and protection incentives issues.
- Extends (from five to seven years) the Department of Ecology's (DOE's) mandatory review period for shoreline master program guidelines.
- Extends (from 24 to 60 months) the deadline for local governments to amend or develop local shoreline master programs after the DOE guidelines are adopted.
- Imposes a one-year moratorium on DOE shoreline management act rulemaking.

SPONSORS: Representatives Doumit, Mulliken, Scott, Mielke, Hatfield, Fortunato, Grant, Linville, Kessler, Edwards, Mastin and Talcott.

HEARING DATE: January 17, 2000.

EFFECTIVE DATE: The bill contains an emergency clause and takes effect immediately.

FISCAL NOTE: Requested January 13, 2000.

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. Legislation enacted in 1995 specified that 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.

During 1999 the DOE issued and accepted public comment on new proposed shoreline master program guidelines. The DOE later withdrew the proposed shoreline master program guidelines. In December 1999 the DOE issued a working draft– of shoreline master program guidelines.

SUMMARY:

Joint Task Force on Shoreline Planning

The joint task force on shoreline planning is established, to commence on July 1, 2000. The 27-member task force consists of the following members:

- eight members of the House of Representatives, including the co-chairs of the appropriations, local government, natural resources, and agriculture and ecology committees;
- eight members of the Senate, including the chairs and ranking minority members of the ways and means, state and local government, natural resources, and water resources committees;
- three citizens appointed by the Governor;
- four local government representatives, two appointed by the Association of Washington Cities and two appointed by the Washington State Association of Counties;
- two environmental representatives appointed by the Governor from nominations by environmental groups; and

- two business representatives appointed by the Governor from nominations by the business community.

The task force is to be co-chaired by a senator and a representative from opposite parties as chosen by the task force. Nonlegislative members of the task force are required to serve without compensation, but provisions are included for reimbursement of all task force members' travel expenses as authorized by statute.

Conduct of business, voting and findings provisions for task force meetings are specified. Staff assistance is to be provided by committee staff of the House of Representatives and the Senate.

The task force is required to review and make recommendations for legislation and policy regarding:

- use of Shoreline Management Act planning and permitting provisions to **protect endangered species** while **preserving economic growth and development**;
- **integration of multiple land use laws** and planning and permitting systems to improve regulatory programs and reduce the costs of protecting and preserving fish and wildlife species and their habitat;
- immediate and ongoing **local government costs** associated with implementing new state shoreline master program guidelines;
- **funding sources** for local governments to implement new state shoreline master program guidelines;
- **regulatory flexibility** allowing shoreline planning to reflect value and use of habitat, geographic and economic diversity, existing development patterns, and individual community circumstances and concerns;
- **prioritization** of shoreline regulations based on demonstrated need for protection;
- **incentives** for landowners and local governments to enhance shoreline protection; and
- opportunities to develop **programmatic approaches** to permitting programs.

The task force is required to periodically report findings and recommendations to the Legislature. The task force is also required to submit a final report and legislative recommendations by December 31, 2001. The task force provisions expire December 31, 2001.

Shoreline Master Program Guidelines

The review period for the Department of Ecology (DOE) to review the state shoreline master program guidelines is extended from five years to seven years. For one year after the effective date of this act, the DOE is prohibited from proposing or adopting any rule or engaging in any programmatic activity for programs authorized under the Shoreline Management Act.

The deadline for local governments to develop or amend local shoreline master programs after the DOE adopts state shoreline master programs is extended from 24 to 60 months.