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HOUSE BILL 2391

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Doumit, Mulliken, Scott, Mielke, Hatfield, Fortunato, Grant, Linville, Kessler, Edwards, Mastin and Talcott

Read first time 01/12/2000. Referred to Committee on Local Government.

1 AN ACT Relating to shoreline planning; amending RCW 90.58.060 and  
2 90.58.080; adding new sections to chapter 90.58 RCW; creating a new  
3 section; providing an expiration date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that protection of  
6 threatened and endangered species requires review of state and local  
7 land use planning efforts. The governor's salmon plan addresses this  
8 issue by relying on updates of the state shoreline master plan  
9 guidelines, local shoreline master plans, and updates to critical areas  
10 ordinances. While the shoreline management act and the growth  
11 management act form the legal foundation for these actions, federal  
12 agencies may be heavily involved in developing specific solutions for  
13 species protection. The legislature finds that conflicts may arise  
14 from local government and state agency efforts to coordinate  
15 requirements under the shoreline management act and the growth  
16 management act with the federal endangered species act. These  
17 conflicts should appropriately be reviewed by the legislature.

18 The legislature further finds that incentives may be appropriate to  
19 enhance protection of critical habitat for fish and wildlife species.

1       Therefore, the legislature finds that there is a need to evaluate  
2 the effectiveness and efficiency of state and local land use planning  
3 protecting threatened and endangered species and to delay rule making  
4 for rules that will have an adverse affect on local government budgets  
5 for a period of one year beginning on the effective date of this act.

6       NEW SECTION.   **Sec. 2.** A new section is added to chapter 90.58 RCW  
7 to read as follows:

8       (1) The joint task force on shoreline planning is created to  
9 consist of the following twenty-seven members or their designees:

10       (a) The following eight members of the house of representatives:

11       (i) The co-chairs of the committee on appropriations; (ii) the co-  
12 chairs of the committee on local government; (iii) the co-chairs of the  
13 committee on natural resources; and (iv) the co-chairs of the committee  
14 on agriculture and ecology;

15       (b) The following eight members of the senate: (i) The chair and  
16 ranking minority of the committee on ways and means; (ii) the chair and  
17 ranking minority of the committee on state and local government; (iii)  
18 the chair and ranking minority of the committee on natural resources;  
19 and (iv) the chair and ranking minority of the committee on water  
20 resources;

21       (c) Three members shall be appointed by the governor, representing  
22 the citizens of the state;

23       (d) Two members shall be appointed by the association of Washington  
24 cities;

25       (e) Two members shall be appointed by the Washington state  
26 association of counties;

27       (f) Two members shall be appointed by the governor from nominations  
28 by environmental groups;

29       (g) Two members shall be appointed by the governor from nominations  
30 by the business community.

31       (2) The nonlegislative members of the task force on shoreline  
32 planning shall serve without compensation, but shall be reimbursed for  
33 travel expenses as provided in RCW 43.03.050 and 43.03.060.  
34 Legislative members of the joint task force on shoreline planning shall  
35 be reimbursed for travel expenses as provided in RCW 44.04.120. The  
36 staff of senate committee services and the office of program research  
37 of the house of representatives shall provide administrative and  
38 clerical assistance to the joint task force on shoreline planning.

1 (3) The joint task force on shoreline planning shall be co-chaired  
2 by one senator, chosen by the task force, and one state representative,  
3 chosen by the task force, from opposite parties. A quorum for any  
4 meeting or hearing shall be six members. The co-chairs may appoint  
5 experts and advisors as nonvoting members of the joint task force on  
6 shoreline planning to provide input on various subjects. Any final  
7 findings, conclusions, or recommendations of the joint task force on  
8 shoreline planning must be agreed to by at least eight members,  
9 however, minority findings, conclusions, or recommendations may be  
10 included that are submitted by any member or group of members. The  
11 open public meetings act shall apply to all meetings and hearings of  
12 the joint task force on shoreline planning. Rules of procedure shall  
13 be established at the first meeting of the joint task force on  
14 shoreline planning.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.58 RCW  
16 to read as follows:

17 (1) The joint task force on shoreline planning shall review and  
18 make recommendations for legislation and policy regarding: (a) The use  
19 of the shoreline management act planning and permitting process to  
20 establish the measures necessary and appropriate to avoid harm to and  
21 protect and preserve threatened and endangered species and their  
22 habitat while preserving economic growth and development; (b) the  
23 integration of multiple land use laws, planning activities, and  
24 permitting systems to enhance the efficiency and effectiveness of  
25 regulatory programs for public and private property owners and lessen  
26 the costs associated with measures necessary and appropriate to avoid  
27 harm to and to protect and preserve fish and wildlife species and their  
28 habitat; (c) an accurate evaluation of the immediate and ongoing costs  
29 to local governments of implementing revised guidelines; (d)  
30 identification of necessary funding for local governments to implement  
31 such changes as may be recommended; (e) regulatory flexibility that  
32 allows shoreline planning to reflect the value and use of habitat,  
33 geographic and economic diversity, existing patterns of development,  
34 and individual community circumstances and concerns; (f) mechanisms for  
35 prioritizing shoreline regulation to focus on areas where there is a  
36 demonstrated need for added protection; (g) incentives for landowners  
37 and local governments to enhance protection of shorelines; and (h)

1 opportunities for the development of programmatic approaches for  
2 permitting programs.

3 (2) The joint task force on shoreline planning shall coordinate, to  
4 the extent possible, with the national marine fisheries service and the  
5 United States fish and wildlife service to ensure that species  
6 protection provided under the shoreline management act meets federal  
7 protection requirements under the endangered species act.

8 (3) The joint task force on shoreline planning shall commence July  
9 1, 2000, periodically report its findings and any recommendations to  
10 the legislature, and present a final report and a legislative bill  
11 addressing the recommendations of the joint task force on shoreline  
12 planning to the legislature by December 31, 2001.

13 **Sec. 4.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to  
14 read as follows:

15 (1) The department shall periodically review and adopt guidelines  
16 consistent with RCW 90.58.020, containing the elements specified in RCW  
17 90.58.100 for:

18 (a) Development of master programs for regulation of the uses of  
19 shorelines; and

20 (b) Development of master programs for regulation of the uses of  
21 shorelines of state-wide significance.

22 (2) Before adopting or amending guidelines under this section, the  
23 department shall provide an opportunity for public review and comment  
24 as follows:

25 (a) The department shall mail copies of the proposal to all cities,  
26 counties, and federally recognized Indian tribes, and to any other  
27 person who has requested a copy, and shall publish the proposed  
28 guidelines in the Washington state register. Comments shall be  
29 submitted in writing to the department within sixty days from the date  
30 the proposal has been published in the register.

31 (b) The department shall hold at least four public hearings on the  
32 proposal in different locations throughout the state to provide a  
33 reasonable opportunity for residents in all parts of the state to  
34 present statements and views on the proposed guidelines. Notice of the  
35 hearings shall be published at least once in each of the three weeks  
36 immediately preceding the hearing in one or more newspapers of general  
37 circulation in each county of the state. If an amendment to the  
38 guidelines addresses an issue limited to one geographic area, the

1 number and location of hearings may be adjusted consistent with the  
2 intent of this subsection to assure all parties a reasonable  
3 opportunity to comment on the proposed amendment. The department shall  
4 accept written comments on the proposal during the sixty-day public  
5 comment period and for seven days after the final public hearing.

6 (c) At the conclusion of the public comment period, the department  
7 shall review the comments received and modify the proposal consistent  
8 with the provisions of this chapter. The proposal shall then be  
9 published for adoption pursuant to the provisions of chapter 34.05 RCW.

10 (3) The department may propose amendments to the guidelines not  
11 more than once each year. At least once every (~~five~~) seven years the  
12 department shall conduct a review of the guidelines pursuant to the  
13 procedures outlined in subsection (2) of this section.

14 **Sec. 5.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to  
15 read as follows:

16 Local governments shall develop or amend, within (~~twenty-four~~)  
17 sixty months after the adoption of guidelines as provided in RCW  
18 90.58.060, a master program for regulation of uses of the shorelines of  
19 the state consistent with the required elements of the guidelines  
20 adopted by the department.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.58 RCW  
22 to read as follows:

23 The department of ecology shall not propose or adopt any rule or  
24 engage in any programmatic activity for the programs authorized under  
25 this chapter for a period of one year from the effective date of this  
26 act.

27 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of the  
29 state government and its existing public institutions, and takes effect  
30 immediately.

31 NEW SECTION. **Sec. 8.** Sections 1 through 3 and 6 of this act  
32 expire December 31, 2001.

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