

***Local Government & Housing  
Committee***

***HB 1261***

***Brief Description:*** Concerning the development or amendment of shoreline master programs.

***Sponsors:*** Representatives Hatfield, Sump, Doumit, Mulliken, Grant, Schoesler, Kessler, Pennington, Eickmeyer, Clements, Haigh, Lisk, Schindler and Mielke.

***Brief Summary of Bill***

- *Requires the Department of Ecology to adopt a schedule ranging from 36 - 60 months for the development and amendment of shoreline master programs for Shoreline Master Program Guidelines adopted after November 1, 2000.*
- *Calculates the deadline for development and amendment of master programs from the date the local government receives the full funding needed to amend the master program.*
- *Creates exemptions from the update requirement for jurisdictions meeting specified criteria.*

***Hearing Date:*** 2/14/01

***Staff:*** Caroleen Dineen (786-7156).

***Background:***

*The Shoreline Management Act (SMA) governs all shorelines of the state,– including both "shorelines" and "shorelines of state-wide significance." Shorelines include all water areas, including reservoirs, and their associated shorelands– except: (1) shorelines of statewide significance [separately defined to include specific shoreline areas identified in statute]; (2) shorelines on segments of streams upstream of a point at which the mean annual flow is less than or equal to 20 cubic feet per second (cfs); and (3) shorelines on lakes fewer than 20 acres in size. Shorelands include the lands extending landward 200*

*feet in all directions from the ordinary high water mark as well as floodways and contiguous floodplain areas landward 200 feet from the floodways. Shorelands also include all wetlands and river deltas associated with streams, lakes and tidal waters subject to the SMA.*

*The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce those master programs within their jurisdictions. All 39 counties and more than 200 cities have enacted master programs.*

*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.*

*The Growth Management Act (GMA) requires a county and its cities to plan if the county meets certain population and growth criteria. Counties not meeting these criteria may choose to plan under the GMA. Currently 29 of the 39 counties plan under RCW 36.70A.040. The other 10 counties, while not required to plan under all GMA requirements, must still satisfy certain requirements, including identification and protection of critical areas and to designation of natural resource lands.*

*Counties planning under RCW 36.70A.040 must meet numerous requirements, including designation of urban growth areas and adoption of comprehensive plans and implementing development regulations. Legislation enacted in 1995 required GMA jurisdictions to include their shoreline master programs as elements of their GMA comprehensive plans.*

*Adoption or amendment of SMA master programs are appealed to the growth management hearings boards for jurisdictions planning under RCW 36.70A.040 and to the shorelines hearings boards for jurisdictions not planning under RCW 36.70A.040.*

*The DOE adopted new guidelines in November 2000.*

### ***Summary of Bill:***

*For all guidelines adopted by the Department of Ecology (DOE) after November 1, 2000, the 24-month deadline for development or amendment of local shoreline master programs is eliminated. The DOE is required to adopt a schedule for development or amendment of master programs ranging from 36 to 60 months by local governments not exempt from the requirement. Before adopting a schedule, the DOE must provide written notice to each affected local government and must give full consideration to local government comments*

*on the proposed schedule.*

*The schedule adopted by the DOE may establish different schedules for groups or classes of local governments. In establishing the review schedule, the DOE must consider the amount of funding provided by the Legislature and the DOE's ability to timely review and approve master program amendments. The period for review established by the schedule is calculated from the date the local government receives the full amount of funding needed to amend its master program.*

*Certain counties and cities are exempt from the requirement to develop or amend their master programs based on DOE's adoption of any guidelines after November 1, 2000. The exemption applies to any county or city that:*

- has an approved master program developed or amended within five years of the date the DOE adopted guidelines;*
- the county or city does not plan under RCW 36.70A.040, the Growth Management Act's (GMA's) requirements applicable to those jurisdictions required or choosing to plan under the GMA;*
- has at least 75 percent of its total land: (1) designated as a critical area under the GMA; or (2) included within a defined preservation area, natural resource use, or open space management area;*
- has approved fewer than 100 substantial development permits per year within the preceding five-year period;*
- has a population density fewer than 100 persons per square mile as determined by the office of financial management; or*
- has an approved habitat conservation plan or an exemption under federal Endangered Species Act requirements.*

*If the DOE determines a local government no longer meets the exemption criteria, the DOE must determine whether a need exists for the local government to develop or amend its master program based on the current guidelines. If it determines a need exists, the DOE must notify the local government of its determination and include supporting evidence, information, or documents. The local government receiving a determination of need may appeal the determination to the shorelines hearings board.*

*For guidelines adopted after November 1, 2000, local governments not exempt from the requirement to develop or amend master programs after DOE's guidelines adoption must submit to the DOE letters of intent to develop or amend their master programs within nine months of the date the DOE adopts guidelines. Within the same nine month period, a local government exempt from the requirement must submit a letter stating the basis for the exemption.*

*For master program development or amendment based on guidelines adopted after*

*November 1, 2000, the limitation on state grant funds for developing or amending master programs based on the equivalent contribution of local funds is eliminated.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Requested on February 6, 2001.*

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