

***Local Government & Housing
Committee***

HB 1964

Brief Description: *Integrating the planning processes of the growth management act and the shoreline management act.*

Sponsors: *Representatives Linville, Mulliken, Doumit, Mielke, Dunshee, Keiser and Kessler.*

Brief Summary of Bill

Hearing Date: *2/14/01*

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

Background:

Shoreline Management Act

The Shoreline Management Act (SMA) requires counties and cities to adopt local

shoreline master programs regulating land use activities in shorelines of the state and to enforce approved programs within their jurisdictions. "Shorelines of the state" are defined to include both "shorelines" and "shorelines of statewide significance" as defined by the SMA. "Shorelines" include all water areas, including reservoirs, and their associated shorelands except: shorelines of statewide significance [separately defined to include specific shoreline areas and larger lakes and rivers meeting specified criteria]; shorelines on segments of streams upstream of a point at which the mean annual flow is fewer than or equal to 20 cubic feet per second (cfs); and shorelines on lakes fewer than 20 acres.

The SMA requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing local shoreline master programs. Local governments must develop or amend 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. When approved, a local master program regulates shoreline uses and permit approvals within the local jurisdiction.

The DOE's decision to approve or reject a master program may be appealed to the shorelines hearings board for jurisdictions not planning under RCW 36.70A.040, the Growth Management Act's (GMA's) planning requirements applicable to jurisdictions required or choosing to plan under the GMA. The DOE's decisions regarding master programs adopted by jurisdictions planning under RCW 36.70A.040 are appealed to the growth management hearings boards .

The SMA specifies standards for local governments to review and approve permit applications. In addition to other requirements, local governments must notify the DOE of all SMA permit decisions. The DOE has authority to approve conditional use and variance permits issued by local governments.

Growth Management Act

The Growth Management Act (GMA) requires certain counties and the cities in those counties to plan according to statutory requirements and specifies other counties may choose to plan under the GMA. All jurisdictions must designate natural resource lands and designate and protect critical areas. "Critical areas" are defined in the GMA to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The Department of Community, Trade, and Economic Development (CTED) develops minimum guidelines to guide the classification of critical areas and natural resource lands.

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 also must 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.

The SMA master program goals and policies are considered an element of GMA comprehensive plans, and other parts of master programs are considered part of GMA development regulations.

The Shoreline Management Act (SMA) requires counties and cities to adopt local shoreline master programs regulating land use activities in shorelines of the state and to enforce approved programs within their jurisdictions. "Shorelines of the state" are defined to include both "shorelines" and "shorelines of statewide significance" as defined by the SMA. "Shorelines" include all water areas, including reservoirs, and their associated shorelands except: shorelines of statewide significance [separately defined to include specific shoreline areas and larger lakes and rivers meeting specified criteria]; shorelines on segments of streams upstream of a point at which the mean annual flow is fewer than or equal to 20 cubic feet per second (cfs); and shorelines on lakes fewer than 20 acres.

The SMA requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing local shoreline master programs. Local governments must develop or amend 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. When approved, a local master program regulates shoreline uses and permit approvals within the local jurisdiction.

The DOE's decision to approve or reject a master program may be appealed to the shorelines hearings board for jurisdictions not planning under RCW 36.70A.040, the Growth Management Act's (GMA's) planning requirements applicable to jurisdictions required or choosing to plan under the GMA. The DOE's decisions regarding master programs adopted by jurisdictions planning under RCW 36.70A.040 are appealed to the growth management hearings boards .

The SMA specifies standards for local governments to review and approve permit applications. In addition to other requirements, local governments must notify the DOE of all SMA permit decisions. The DOE has authority to approve conditional use and variance permits issued by local governments.

Growth Management Act

The Growth Management Act (GMA) requires certain counties and the cities in those counties to plan according to statutory requirements and specifies other counties may choose to plan under the GMA. All jurisdictions must designate natural resource lands and designate and protect critical areas. "Critical areas" are defined in the GMA to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The Department of Community, Trade, and Economic Development (CTED) develops minimum guidelines to guide the classification of critical areas and natural resource lands.

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 also must 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.

The SMA master program goals and policies are considered an element of GMA comprehensive plans, and other parts of master programs are considered part of GMA development regulations.

Summary of Bill:

The planning processes of the Growth Management Act (GMA) and the Shoreline Management Act (SMA) are integrated. By December 1, 2001, all GMA jurisdictions must develop an integrated and consolidated planning process for development of GMA comprehensive plans and SMA master programs. The integrated process must meet the requirements of both the GMA and the SMA and must include the following elements:

- coordination of planning processes;*
- development of a public participation program;*
- review of scientific and other information;*
- opportunity for review and consideration of comments from agencies and other interested parties;*
- consolidation of public hearing and comment processes;*
- timing of master program submittal for Department of Ecology (DOE) approval to conform to the integrated planning schedule; and*
- consolidation of amendment and adoption procedures and processes.*

The integrated process may include other elements consistent with GMA and SMA requirements.

The GMA public participation process must include measures to satisfy SMA participation requirements for master program development. The DOE public participation regulations must be incorporated into the integrated planning process and the GMA participation process.

Shoreline use is added as a GMA planning goal. A shoreline element, consisting of a SMA master program satisfying SMA requirements, is added as a mandatory element of a GMA comprehensive plan. SMA master program regulations are included as development regulations under the GMA. County-wide planning policies adopted according to GMA requirements must include policies to achieve consistency regarding actions taken to comply with the SMA. If appealed, the shoreline element of a GMA comprehensive plan is to be reviewed according to both SMA and GMA requirements.

A schedule is established for review of both GMA comprehensive plans and development regulations and SMA master programs. The schedule replaces the September 1, 2002, mandatory review deadline for GMA plans and regulations and the 24 month development or amendment deadline for SMA master programs by GMA jurisdictions. The review schedule specifies the following deadlines:

- September 1, 2005, and every five years for counties and cities participating in the buildable lands review and evaluation program (i.e., Clark, King, Kitsap, Pierce, Snohomish and Thurston Counties and their cities);*
- September 1, 2006, and every 10 years for counties and cities not included within the buildable lands program that adopted GMA comprehensive plans between January 1, 1992, and January 1, 1997; and*
- September 1, 2007, and every 10 years for (1) counties and cities not included within the buildable lands program that adopted GMA comprehensive plans after January 1, 1997; and (2) counties and cities not required to plan under RCW 36.70A.040 (non-GMA jurisdictions) (for GMA critical areas and natural resource lands policies and regulations).*

A jurisdiction that becomes required or choose to plan under RCW 36.70A.040 after July 1, 2001, must review their GMA plans and regulations and their SMA master programs by the following dates:

- September 1, 2005, and every five years, for a county or city participating in the buildable lands review and evaluation program; and*
- 10 years after the county or city was required to adopt its initial comprehensive plan and development regulations.*

Deadlines for submission of evaluations under the buildable lands program are modified to be consistent with the new review schedule. Any schedule for deadline extensions for GMA plans and regulations or SMA master programs authorized by the Department of Community, Trade and Economic Development (CTED) or DOE must be consistent between the agencies.

Provisions are included for submission of SMA master programs for DOE approval within the new review schedule. Counties and cities must notify DOE of their intent to complete an inventory and develop master programs at least six months before the specified review deadlines. GMA jurisdictions must submit their proposed master programs to the DOE for review at least 120 days before final adoption. The DOE must issue a decision regarding a submitted master program within 120 days of submittal. A GMA jurisdiction is required to include the DOE-approved master program in its GMA plan and regulations before final adoption. The DOE's authority to require a SMA master program to be adopted in segments is subject to the specified review schedule.

The requirement for the DOE to review shoreline master program guidelines at least once every five years is repealed. The limitation on state funding for development or

amendment of master programs based on equivalent local contributions is eliminated.

Definitions and technical changes are included to effect these changes.

Appropriation: *None.*

Fiscal Note: *Requested on February 13, 2001.*

Effective Date: *The bill contains an emergency clause and takes effect on July 1, 2001.*