

# SENATE BILL REPORT

## SB 5458

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As of February 8, 2001

**Title:** An act relating to amendments to shoreline master programs and critical areas.

**Brief Description:** Modifying the review timelines for shoreline master programs and other critical areas.

**Sponsors:** Senators Jacobsen, Oke, Snyder, Hargrove, Hale, Morton and Parlette.

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Shorelines: 2/14/01.

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

**Staff:** Vic Moon (786-7469)

**Background:** The Shoreline Management Act of Washington was passed by the Legislature as an alternative to an initiative and was approved by the voters in November 1972. It took local governments approximately five years to develop the local government standards based on the shoreline guidelines adopted by the Department of Ecology.

In 1995, the Shoreline Management Act was substantially amended by the Regulatory Reform Act. The policy of the Legislature was to provide integration between the Shoreline Management Act, State Environmental Policy Act and the Growth Management Act and to require that the Department of Ecology improve oversight over the Shoreline Management Act. The Department of Ecology was required to update master program guidelines every five years. In addition, the appeals of master program revisions for those jurisdictions under the state's Growth Management Act were to go to the Growth Management Hearings Board, rather than the Shoreline Hearings Board.

In 1999, the Department of Ecology offered its first new master program guidelines. The department held nine hearings and elected to make substantial changes to the original draft. From 1999 to February 2000, the Department of Ecology sought review of the new draft rule.

The department held hearings throughout the state on the new guidelines and the director signed the new master program guidelines in November 2000. The guidelines went into effect December 2000.

**Summary of Bill:** The impact of providing habitat for salmon in their various life stages is substantial and parts of the shorelines management rules adopted recently by the Department of Ecology are intended to improve shoreline practices that impact salmon. It is recognized that there are numerous regulations requiring local governments to protect the environment and to protect salmon. Counties and cities with threatened or endangered salmon species must avoid a take-through their development practices and permitting activities. It is the

intent of the act to coordinate the planning process of the Growth Management Act and the critical areas provisions of that act with the Shoreline Management Act.

New guidelines do not apply to counties or cities with shoreline programs and with comprehensive land use plans in place and do not apply where a county has 75 percent or more land base in preservation, natural resource use or open space. The exemption is also provided for cities in such counties as well. Counties with the shoreline program and comprehensive land use plan in place that have the 75 percent land base provision must either maintain their existing programs or may voluntarily amend under new guidelines of the Department of Ecology.

The Department of Ecology must consult with local government and develop schedules consistent with salmon recovery strategy and the Office of Financial Management's growth data. The department must take into account local funding issues and review capability. A 12-month extension may be granted at the request of local government to complete a plan. The planning process of the Growth Management Act and the Shoreline Management Act are coordinated to provide that revisions of critical areas must be completed according to a specific schedule. The comprehensive plans must be adopted in conjunction with the shoreline planning process. The revision for comprehensive plans must be on a ten-year rotation cycle.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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