

SENATE BILL REPORT

SB 5474

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 23, 2007

Title: An act relating to providing a one-year extension for shoreline master program updates in RCW 90.58.080.

Brief Description: Providing for a one-year extension for shoreline master program updates in RCW 90.58.080.

Sponsors: Senators Oemig, Morton, Rockefeller and Regala; by request of Department of Ecology.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/21/07, 2/23/07 [DP].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala.

Staff: Margaret King (786-7416)

Background: The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines are required to adopt master programs that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce their master programs within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

Master programs have certain mandatory elements as appropriate. Among other requirements, master program elements provide for economic development, public access, recreation, circulation, use, and conservation. Local governments may also include other elements necessary to implement the SMA requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A 2003 amendment to the SMA requires local governments to develop or amend master programs according to a staggered statutory schedule. The first deadline for developing or amending master programs under the schedule was December 1, 2005; the last is December 1, 2014. Local governments, however, may develop or amend their master programs before the applicable deadline. Additional schedule provisions are specified in statute for qualifying local governments required or choosing to develop or amend master programs on or before December 1, 2009. Generally, the DOE views the master program development or amendment process of each local government to be a two year effort.

Grant provisions pertaining to developing and amending master programs were also included in the 2003 amendment. Subject to statutory limitations, the deadline for a local government to complete a new or amended master program is two years after the date the DOE approves a grant to fund these development or amendatory actions.

Summary of Bill: Local governments may be provided one additional year beyond the development or amendment deadlines of the SMA to complete their master program or amendment. The DOE must grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Jurisdiction is needed for a one-year extension in order to complete the required shoreline master program updates. Cities are working diligently on the updates but the work is time consuming and the original time frame not quite adequate.

Persons Testifying: PRO: Tom Clingman, DOE; Dave Williams, Association of Washington Cities.