

ESHB 1379 - S AMD 458

By Senators Fraser, Swecker, Parlette, Fairley

ADOPTED 04/22/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the state,
4 cities, and counties have moratoria authority granted through
5 constitutional and statutory provisions and that this authority, when
6 properly exercised, is an important aspect of complying with
7 environmental stewardship and protection requirements.

8 Recognizing the fundamental role and value of properly exercised
9 moratoria, the legislature intends to establish new moratoria
10 procedures and to affirm moratoria authority that local governments
11 have and may exercise when implementing the shoreline management act,
12 while recognizing the legitimate interests of existing shoreline
13 related developments during the period of interim moratoria.

14 The legislature finds that temporary moratoria on the processing of
15 less than comprehensive shoreline amendments to the shoreline master
16 program are occasionally necessary along "shorelines of the state."

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

19 (1) Local governments may adopt moratoria or other interim official
20 controls as necessary and appropriate to implement this chapter.

21 (2)(a) A local government adopting a moratorium or control under
22 this section must:

23 (i) Hold a public hearing on the moratorium or control;

24 (ii) Adopt detailed findings of fact that include, but are not
25 limited to justifications for the proposed or adopted actions and
26 explanations of the desired and likely outcomes;

27 (iii) Notify the department of the moratorium or control
28 immediately after its adoption. The notification must specify the

1 time, place, and date of any public hearing required by this
2 subsection;

3 (iv) Provide that all lawfully existing uses, structures, or other
4 development shall continue to be deemed lawful conforming uses and may
5 continue to be maintained, repaired, and redeveloped, so long as the
6 use is not expanded, under the terms of the land use and shoreline
7 rules and regulations in place at the time of the moratorium.

8 (b) The public hearing required by this section must be held within
9 sixty days of the adoption of the moratorium or control.

10 (3) A moratorium or control adopted under this section may be
11 effective for up to six months if a detailed work plan for remedying
12 the issues and circumstances necessitating the moratorium or control is
13 developed and made available for public review. A moratorium or
14 control may be renewed for two six-month periods if the local
15 government complies with subsection (2)(a) of this section before each
16 renewal. If a moratorium or control is in effect on the date a
17 proposed master program or amendment is submitted to the department,
18 the moratorium or control must remain in effect until the department's
19 final action under RCW 90.58.090; however, the moratorium expires six
20 months after the date of submittal if the department has not taken
21 final action.

22 (4) Nothing in this section may be construed to modify county and
23 city moratoria powers conferred outside this chapter.

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

26 (1) A temporary moratorium on the processing of less than
27 comprehensive amendments to the shoreline master program is created
28 along the Puget Sound, Deschutes Waterway, and Capitol Lake "shorelines
29 of the state" in Olympia.

30 (2)(a) The moratorium takes effect under the following conditions:

31 (i) The city submits less than comprehensive amendments to its
32 shoreline master program; and

33 (ii) The submittal is made either after the effective date of a
34 state grant awarded to the city for the purpose of updating its
35 comprehensive shoreline master program, or after work has commenced to
36 implement the plans funded by the grant.

1 (b) Development proposals shall not be segmented while the
2 moratorium is in effect.

3 (3) The moratorium shall not end until the comprehensive amendment
4 to the comprehensive shoreline master program is submitted to and
5 approved by the department.

6 (4) This section does not apply to any "critical area" amendments
7 submitted solely for the purpose of incorporating critical area
8 ordinance standards into a shoreline master program.

9 NEW SECTION. **Sec. 4.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 immediately."

ESHB 1379 - S AMD
By Senators Fraser, Swecker, Parlette, Fairley

ADOPTED 04/22/2009

17 On page 1, line 2 of the title, after "act;" strike the remainder
18 of the title and insert "adding new sections to chapter 90.58 RCW;
19 creating a new section; and declaring an emergency."

EFFECT: Continues the moratorium or control when a proposed
master program or amendment has been submitted to the department. The
moratorium remains in effect until the department takes final action on
the proposal. Provides that the moratorium or control will expire six
months from the date of submitting the proposed master program or
amendment if final action has not been taken by the department.

Creates a temporary moratorium on the processing of less than comprehensive shoreline amendments on certain shorelines of the state in Olympia. Provides that such moratorium remains in effect until a comprehensive update to the comprehensive shoreline master program funded by the state has been submitted to and approved by the department. Adds severability and emergency clauses.

--- END ---