

**ESHB 1379** - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED AS AMENDED 04/14/2009

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

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

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

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

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

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

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

23 (iii) Notify the department of the moratorium or control  
24 immediately after its adoption. The notification must specify the  
25 time, place, and date of any public hearing required by this  
26 subsection.

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

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

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

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15 On page 1, line 2 of the title, after "act;" strike the remainder  
16 of the title and insert "adding a new section to chapter 90.58 RCW; and  
17 creating a new section."

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.

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