

# FINAL BILL REPORT

## SSB 5192

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Synopsis as Enacted

**Brief Description:** Concerning provisions for notifications and appeals timelines under the shoreline management act.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Nelson, Swecker and Chase; by request of Department of Ecology).

**Senate Committee on Government Operations, Tribal Relations & Elections**  
**House Committee on Local Government**

**Background:** The Shoreline Management Act (SMA), enacted in 1971:

- governs uses of state shorelines;
- includes specific legislative findings that pressures on shoreline uses and the impacts of unrestricted development on public and private shoreline property create the need to coordinate planning for shoreline development activities; and
- finds these pressures create the need to protect private property rights consistent with the public interest.

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 of the state are required to adopt master programs which regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce master programs within their jurisdictions.

The Shorelines Hearings Board (SHB) hears appeals from shoreline substantial development, conditional use, and variance permit decisions, and from those shoreline penalties jointly issued by local government and the Department of Ecology (Ecology), or issued by Ecology alone.

**Summary:** A master program takes effect 14 days from the date of Ecology's written notice of final action to the local government. Ecology must publish notice that a master program has been approved or disapproved. On the day a master program of a local government that does not fully plan under the GMA is approved or disapproved, Ecology must notify the legislative authority of the applicable local government by telephone or electronic means, followed by written communication as necessary to ensure that the local government has received the full written approval or disapproval decision. For jurisdictions that fully plan

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under the GMA, master program adoptions and amendment appeals must be made to the Growth Management Hearing Boards within 60 days from the date Ecology, rather than the local government, publishes notice that the master program or amendment has been approved or disapproved. For other jurisdictions, appeals pertaining to master program adoptions and amendments must be made within 30 days of the date Ecology publishes notice that the master program has been approved or disapproved.

Permit decisions may be appealed within 21 days of the date of filing (the date of actual receipt by Ecology of the local government's decision). All shoreline permit decisions must, concurrently with the transmittal of the ruling to the applicant, be filed with, rather than transmitted to, Ecology and the Attorney General. This filing must be accomplished by return receipt requested mail. Substantial development, conditional use, and variance permit decisions may be appealed within 21 days of the date of filing (the date Ecology's decision is transmitted to the local government). Ecology must notify in writing the local government and the applicant of the date of filing by telephone or electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.

**Votes on Final Passage:**

Senate	46	2	
House	97	0	(House amended)
Senate	46	2	(Senate concurred)

**Effective:** July 22, 2011.