H-1390.1

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**HOUSE BILL 2036**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative Fitzgibbon

AN ACT Relating to improving permit and approval efficiencies under the shoreline management act; and adding new sections to chapter 90.58 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

(1) The department, by December 31, 2016, must develop two general permits, one each for proposed development activities located east or west of the crest of the Cascade mountain range, for use by counties and cities for development proposals that are: (a) Within shorelines of the state; and (b) exempt from the substantial development permit requirements of this chapter.

(2) General permits developed under this section:

(a) Must prioritize the avoidance of damage to shoreline ecological functions and the mitigation of damage to shoreline ecological functions;

(b) Must, at a minimum, be for the maintenance or repair of streets, roads, and highways, and the construction of docks or normal protective bulkheads that do not qualify as substantial developments under RCW 90.58.030(3)(e); and

(c) May be reviewed and periodically revised by the department.

(3) Except as provided otherwise in section 2 of this act, counties and cities may adopt the applicable general permit for use within their jurisdiction or may use locally adopted procedures for approving, conditioning, or disapproving proposed development activities that are exempt from the substantial development permit requirements of this chapter.

(4) General permits issued in accordance with this section and section 2 of this act are: (a) Governed by, and must be issued and enforced in accordance with, the permit system and administration and enforcement provisions established in RCW 90.58.140; and (b) appealable to the shorelines hearings board established in RCW 90.58.170.

(5) As used in this section and section 2 of this act, "general permit" means a model permit developed by the department for exclusive use by counties and cities for development activities that require compliance with applicable provisions of this chapter and the county or city master program, but that do not require an applicant to obtain a substantial development permit.

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

(1) Counties and cities must, by July 1, 2017, adopt and implement the general permits developed under section 1 of this act for normal maintenance or repair activities for roads, streets, and highways that are exempt from the substantial development permit requirements of this chapter.

(2) Except as provided otherwise by this section, effective July 1, 2017, normal maintenance or repair activities for roads, streets, or highways in areas that are subject to the jurisdiction of this chapter may not commence without first obtaining approval through a general permit issued in accordance with this section from the applicable county or city.

(3) Subsection (2) of this section does not apply to activities that are subject to the substantial development permit requirements of this chapter, or to emergency maintenance or repair activities for roads, streets, and highways that are conducted in response to damage by the elements.

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