
Local Government Committee

BILL ANALYSIS HB 2393

TITLE OF THE BILL: Requiring the department of ecology to present updated shoreline management guidelines to the legislature.

BRIEF SUMMARY OF BILL

- Requires the Department of Ecology (DOE) until July 1, 2002, to submit proposed shoreline master program guidelines to the Legislature at least one year before final adoption.
- Requires the DOE until July 1, 2002, to submit to the Legislature a report on the process used to develop and to receive comment on the proposed guidelines.

SPONSORS: Representatives Mulliken, Doumit, Mielke, Scott, Ericksen, Fisher, Fortunato, Edwards, Mastin, Haigh, Van Luven and Esser.

HEARING DATE: January 17, 2000.

EFFECTIVE DATE: This bill contains an emergency clause and takes effect immediately.

FISCAL NOTE: Not requested.

ANALYSIS PREPARED BY: Caroleen Dineen (786-7156).

BACKGROUND:

The Shoreline Management Act (SMA) was enacted in 1971 as Chapter 90.58 RCW. The SMA requires counties and cities to adopt local shoreline master programs regulating land use activities in shoreline areas of the state and to enforce approved programs within their jurisdictions. The SMA also requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing these local shoreline master programs. The DOE must provide an opportunity for local governments and others to comment on the proposed guidelines and must hold public hearings before the proposed guidelines are adopted. Legislation enacted in 1995 specified that the DOE may propose amendments to the guidelines no more than once per year and must review the guidelines

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at least once every five years.

Local governments must develop or amend shoreline master programs consistent with the DOE guidelines within 24 months after the DOE guidelines are adopted. The DOE considers the adopted guidelines and SMA requirements when reviewing and approving local shoreline master programs. DOE's decision approving or rejecting a local shoreline master program may be appealed to the Shorelines Hearings Board.

The Growth Management Act (GMA) was enacted in 1990 and 1991 as Chapter 36.70A RCW. The GMA requires certain counties and the cities in those counties to plan according to statutory requirements and provides a mechanism for other counties to choose to plan under the GMA.

All jurisdictions must designate natural resource lands and designate and protect critical areas, regardless of whether they plan under the GMA. Among other requirements, each county and city planning under RCW 36.70A.040 (GMA jurisdiction) is required to designate urban growth areas and to adopt a comprehensive plan. GMA jurisdictions must also adopt development regulations to implement their comprehensive plans.

By September 1, 2002, and at least every five years thereafter, GMA jurisdictions *are required to review their comprehensive plans and development regulations for consistency with GMA requirements and to revise their comprehensive plans and development regulations if necessary.* Legislation enacted in 1995 required GMA jurisdictions to include their shoreline master programs as elements of their GMA comprehensive plans.

During 1999 the DOE issued and accepted public comment on new proposed shoreline master program guidelines. The DOE later withdrew the proposed shoreline master program guidelines. In December 1999 the DOE issued a working draft— of shoreline master program guidelines.

SUMMARY:

Until July 1, 2002, the Department of Ecology (DOE) is required to submit proposed shoreline master program guidelines to the Legislature at least one year before final adoption. Until July 1, 2002, the Department of Ecology is also required to submit to the Legislature a report on the process used to develop and to receive comment on the proposed guidelines.

Legislative intent recognizes local government efforts to conduct watershed planning and to respond to federal Endangered Species Act listings. Legislative intent also addresses the DOE's 1999 proposed guidelines and the provision of proposed DOE guidelines to the Legislature.