

***Local Government & Housing  
Committee***

***HB 1963***

***Brief Description:*** *Redefining the role of critical areas ordinances adopted under the growth management act in protecting shorelines of the state.*

***Sponsors:*** *Representatives Cooper, Hunt and Keiser.*

***Brief Summary of Bill***

- *Includes "shorelines of the state" in the Growth Management Act (GMA) definition of "critical areas."*
- *Requires the Department of Community, Trade and Economic Development to adopt guidelines for classification of critical areas in cooperation with the Department of Ecology (DOE) and the Department of Fish and Wildlife (DFW).*
- *Makes critical areas regulations subject to approval by the DOE and DFW and specifies process for agencies' review and approval.*
- *Requires the DOE and the DFW to consider and make findings on best available science when reviewing critical areas regulations.*
- *Specifies shoreline master programs include critical areas regulations adopted according to GMA requirements.*

***Hearing Date:*** *2/14/01*

***Staff:*** *Caroleen Dineen (786-7156).*

***Background:***

***Shoreline Management Act***

***The Shoreline Management Act (SMA) requires counties and cities to adopt local***

*shoreline master programs regulating land use activities in shorelines of the state and to enforce approved programs within their jurisdictions. "Shorelines of the state" are defined to include both "shorelines" and "shorelines of statewide significance" as defined by the SMA. "Shorelines" include all water areas, including reservoirs, and their associated shorelands except: shorelines of statewide significance [separately defined to include specific shoreline areas and larger lakes and rivers meeting specified criteria]; shorelines on segments of streams upstream of a point at which the mean annual flow is fewer than or equal to 20 cubic feet per second (cfs); and shorelines on lakes fewer than 20 acres.*

*The SMA requires the Department of Ecology (DOE) to adopt guidelines for local governments to use when developing local shoreline master programs. Local governments must develop or amend 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. When approved, a local master program regulates shoreline uses and permit approvals within the local jurisdiction.*

*The DOE's decision to approve or reject a master program may be appealed to the shorelines hearings board for jurisdictions not planning under RCW 36.70A.040, the Growth Management Act's (GMA's) planning requirements applicable to jurisdictions required or choosing to plan under the GMA. The DOE's decisions regarding master programs adopted by jurisdictions planning under RCW 36.70A.040 are appealed to the growth management hearings boards .*

*The SMA specifies standards for local governments to review and approve permit applications. In addition to other requirements, local governments must notify the DOE of all SMA permit decisions. The DOE has authority to approve conditional use and variance permits issued by local governments.*

### *Growth Management Act*

*The GMA requires certain counties and the cities in those counties to plan according to statutory requirements and specifies other counties may choose to plan under the GMA. Currently 29 of Washington's 39 counties plan under the major GMA requirements.*

*All jurisdictions must designate natural resource lands and designate and protect critical areas. "Critical areas" are defined in the GMA to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. The Department of Community, Trade, and Economic Development (CTED) develops minimum guidelines to guide the classification of critical areas and natural resource lands.*

*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 also must 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.*

*The SMA master program goals and policies are considered an element of GMA comprehensive plans, and other parts of master programs are considered part of GMA development regulations.*

***Summary of Bill:***

*Critical areas regulations are subject to approval by the Department of Ecology (DOE) and the Department of Fish and Wildlife (DFW). The DOE and DFW are required to develop a joint program for review of and comment on proposed critical areas regulations.*

*Procedures for notice, hearing, and findings on proposed development regulations by the DOE and DFW are specified. When reviewing critical areas regulations, the DOE and the DFW are required to consider best available science and make findings whether counties and cities have included best available science in their decisions related to protection of critical areas functions and values.*

*The Department of Community, Trade and Economic Development (CTED) is required to adopt guidelines for classification of critical areas in cooperation with the DOE and the DFW. Counties and cities must use these guidelines when developing critical areas regulations.*

*"Shorelines of the state" are added to the definition of "critical areas" in the Growth Management Act (GMA). Shoreline master programs include critical areas regulations adopted according to GMA requirements. Shoreline master program guidelines include standards for designating and protecting critical areas. "Master programs" are defined in the Shoreline Management Act (SMA) to include critical areas regulations.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Requested on February 13, 2001.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*