

HOUSE BILL REPORT

HB 1412

As Passed Legislature

Title: An act relating to providing a one-year extension for shoreline master program updates in RCW 90.58.080.

Brief Description: Providing for a one-year extension for shoreline master program updates in RCW 90.58.080.

Sponsors: By Representatives Eddy, Curtis, Simpson and Upthegrove; by request of Department of Ecology.

Brief History:

Committee Activity:

Local Government: 1/30/07 [DP].

Floor Activity:

Passed House: 2/23/07, 93-0.

Passed Senate: 4/10/07, 49-0.

Passed Legislature.

Brief Summary of Bill

- Authorizes the Department of Ecology (DOE) to grant a local government one additional year to complete its shoreline master program (SMP) or SMP amendment if the DOE determines that the local government is likely to adopt or amend its SMP within the additional year.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Simpson, Chair; Eddy, Vice Chair; Curtis, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Ross, B. Sullivan and Takko.

Staff: Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses.

The 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 that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce their master programs within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

Master programs have certain mandatory elements as appropriate. Among other requirements, master program elements provide for economic development, public access, recreation, circulation, use, and conservation. Local governments may also include other elements necessary to implement the SMA requirements.

A 2003 amendment to the SMA requires local governments to develop or amend master programs according to a staggered statutory schedule. The first deadline for developing or amending master programs under the schedule was December 1, 2005; the last is December 1, 2014. Local governments, however, may develop or amend their master programs before the applicable deadline. Additional schedule provisions are specified in statute for qualifying local governments required or choosing to develop or amend master programs on or before December 1, 2009. Generally, the DOE views the master program development or amendment process of each local government to be a two year effort.

Grant provisions pertaining to developing and amending master programs were also included in the 2003 amendment. Subject to statutory limitations, the deadline for a local government to complete a new or amended master program is two years after the date the DOE approves a grant to fund these development or amendatory actions.

Summary of Bill:

Local governments may be provided one additional year beyond the development or amendment deadlines of the SMA to complete their master program or amendment. The DOE must grant the request if it determines that the local government is likely to adopt or amend its master program within the additional year.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is by request from the Department of Ecology. Over 250 jurisdictions will need to update their master programs in coming years, and this bill will provide a third year for local governments to complete these updates. This bill will also harmonize statute with previous shoreline agreements.

(Opposed) None.

Persons Testifying: Tom Clingman, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.