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HOUSE BILL 1379

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Seaquist, Angel, and Lias

Read first time 01/20/09. Referred to Committee on Local Government & Housing.

1            AN ACT Relating to moratoria and other interim official controls  
2 adopted under the shoreline management act; adding a new section to  
3 chapter 90.58 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature recognizes that cities and  
6 counties have moratoria authority granted through constitutional and  
7 statutory provisions and that this authority, when properly exercised,  
8 is an important aspect of complying with environmental stewardship and  
9 protection requirements.

10           Recognizing the fundamental role and value of properly exercised  
11 moratoria, the legislature intends to establish new moratoria  
12 procedures and to affirm moratoria authority that local governments  
13 have and may exercise and when implementing the shoreline management  
14 act.

15           NEW SECTION.    **Sec. 2.** A new section is added to chapter 90.58 RCW  
16 to read as follows:

17           (1) Local governments may adopt moratoria or other interim official  
18 controls as necessary and appropriate to implement this chapter.

1           (2)(a) A local government adopting a moratorium or control under  
2 this section must:

3           (i) Hold a public hearing on the moratorium or control;

4           (ii) Adopt detailed findings of fact that include, but are not  
5 limited to justifications for the proposed or adopted actions and  
6 explanations of the desired and likely outcomes;

7           (iii) Notify the department of the moratorium or control  
8 immediately after its adoption. The notification must specify the  
9 time, place, and date of any public hearing required by this  
10 subsection.

11          (b) The public hearing required by this section must be held within  
12 sixty days of the adoption of the moratorium or control.

13          (3) A moratorium or control adopted under this section may be  
14 effective for up to six months if a detailed work plan for remedying  
15 the issues and circumstances necessitating the moratorium or control is  
16 developed and made available for public review. A moratorium or  
17 control may be renewed for one or more six-month period if the local  
18 government complies with subsection (2)(a) of this section before each  
19 renewal.

20          (4) Nothing in this section may be construed to modify county and  
21 city moratoria powers conferred outside this chapter.

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