

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1379

Chapter 444, Laws of 2009

61st Legislature
2009 Regular Session

SHORELINE MANAGEMENT ACT--MORATORIA PROCEDURES

EFFECTIVE DATE: 07/26/09

Passed by the House April 25, 2009
Yeas 67 Nays 28

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 28 Nays 19

BRAD OWEN

President of the Senate

Approved May 11, 2009, 2:58 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1379** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1379

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Local Government & Housing (originally sponsored by
Representatives Seaquist, Angel, and Liias)

READ FIRST TIME 02/17/09.

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 when implementing the shoreline management act,
14 while recognizing the legitimate interests of existing shoreline
15 related developments during the period of interim moratoria.

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

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

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

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

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

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

13 (iv) Provide that all lawfully existing uses, structures, or other
14 development shall continue to be deemed lawful conforming uses and may
15 continue to be maintained, repaired, and redeveloped, so long as the
16 use is not expanded, under the terms of the land use and shoreline
17 rules and regulations in place at the time of the moratorium.

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

20 (3) A moratorium or control adopted under this section may be
21 effective for up to six months if a detailed work plan for remedying
22 the issues and circumstances necessitating the moratorium or control is
23 developed and made available for public review. A moratorium or
24 control may be renewed for two six-month periods if the local
25 government complies with subsection (2)(a) of this section before each
26 renewal. If a moratorium or control is in effect on the date a
27 proposed master program or amendment is submitted to the department,
28 the moratorium or control must remain in effect until the department's
29 final action under RCW 90.58.090; however, the moratorium expires six
30 months after the date of submittal if the department has not taken
31 final action.

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

Passed by the House April 25, 2009.

Passed by the Senate April 25, 2009.

Approved by the Governor May 11, 2009.

Filed in Office of Secretary of State May 11, 2009.