

1/28/10 Update – 2010 WA Legislation affecting Shorelines

There are several bills affecting Shorelines. Here are the main ones:

HB 2992/SB 6611 Three-Year Extension on GMA deadlines

This is Commerce/Ecology joint request legislation. It is needed to implement the budget – because the Governor’s budget cuts ALL Growth Management Act update grants for the next three years. Bill would push out GMA deadlines by three years. Secondary benefits linked to this measure:

- De-links updates for SMPs and GMA items. Cities and counties were expressing significant concern about concurrent deadlines for these updates. After this one-time delay, the deadlines would be offset.
- Sustains Governor commitment to fund SMP updates. This was an explicit part of the discussion leading to the GMA cut – focus State fiscal resources, state staff and local capacity on the comprehensive SMP updates; delay GMA updates for next 3 years.

HB 2916 Shift to 10-year deadline schedules for GMA and SMA updates

City and county planning directors spurred Association of Counties to support bill to shift the GMA and SMA updates to 10-year cycles. Updates for the two Acts would be on separate schedules; the current “groups” of local governments would be retained; a year would be added between “group” deadlines. (Ecology has concerns with this bill: 10 years seems very long for SMP update; we have no experience yet to show that 10 years is the right interval.)

HB 3005 Clarifying relationship between SMA and GMA

A simpler version of the Ecology/Commerce request legislation last session to address the confusion over *Anacortes* case. CAOs would remain applicable in Shorelines until comprehensive SMP update is approved.
(Tom Clingman really likes this nifty little bill.)

Another bill from Counties: More complex version of HB 3005

We expect another bill shortly that adds additional wrinkles to the basic topic in HB 3005:

- Nonconforming use framework is included.
- Bill would shift from “equal protection to CAO” to “meets no net loss” for habitat adequacy criteria. (Ecology perspective: Seems workable but quite complex especially on nonconforming uses.)

SB 6422HB 2935 Omnibus appeals reform bill (Gov. request)

Amends lots of appeals procedures to make things more consistent. For SMA, one change is extending Shoreline permit appeal period from 21 days to 30 days (part of consistency changes.) Also clarifies notice procedures for start of appeals periods.

SB 6479 Standing for GMHB appeals

Would delete the special provision giving Growth Management Hearings Board appeals standing for “a person who participated...before the county or city.” The basic APA provision on standing (must have specific “injury”) per 34.05.530 would still apply.

(Ecology opposes, as contrary to statewide interest in shorelines that is fundamental to SMA. Also, ensuring participation at local level is vital.)

HB 2924 Remove Ecology from all substantive roles in Shoreline Management Act

- SMA revised to remove Ecology from SMP approval (advisory role only.) Also removes Ecology from SMP permitting
 - SMA not included in GMA: Totally separates two statutes
 - CAO provisions do not apply in Shorelines
 - Limit creation of nonconforming uses
- (Ecology opposes this.)

HB 2442/SB 6214 Three GMHBs consolidated into one (GMHB request legislation).

(Ecology supports this.)

HB 2692GMHB members all appointed by County officials

SB 6350/HB 3078: Marine Spatial Planning – Sets out purpose and basic framework. Implementing this process would be dependent on non-State funding (Federal and/or foundations.)

SB 6544 Plats: Preliminary plats would be good for 7 years, rather than 5. Rationale for the bill: The economic slowdown.

(Ecology concerns: Should be limited to next 3 years, since economic recovery is point of the bill.)

More info?

You can find all the bills at <http://apps.leg.wa.gov/billinfo/> This is a really great tool.

Questions on these or other Shoreline, GMA or SEPA bills?

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