

2011 | Legislative session

- Bills amending SMA
- Other bills of interest
- Looking ahead to 2012

Tom Clingman, Shorelands & Environmental Assistance
Program, Dept. of Ecology

Policy/Legislative Lead

tom.clingman@ecy.wa.gov

ESHB 1478 – CITY/COUNTY FISCAL RELIEF (UPDATE DELAY)

SMA amendment elements

- **Reform future SMA update deadlines to better fit State funding cycles (Sec. 13):**
 - **No change** to current cycle of comprehensive SMP updates. Affects cycle deadlines starting 2019.
 - “Review & revise as necessary” every 8 years (was 7 years.)
 - Deadline is June 30 (rather than Dec. 1.)
 - Groups of counties equalized (even out grant funding and technical assistance needs.)

ESHB 1478 – CITY/COUNTY FISCAL RELIEF (UPDATE DELAY)

SMA amendment

- **Target for ECY final action on SMPs (Sec. 14):** Ecology must “strive” for final action within 180 days of local submittal. Annual website-based update on our progress in meeting the benchmark.

ESHB 1478 – CITY/COUNTY FISCAL RELIEF (UPDATE DELAY)

**Multiple other topics: Other
delayed land use requirements**

- **Municipal Stormwater NPDES delayed.**
(Sec. 12)
- **GMA reform**
 - 8 year cycle offset to SMA (deadline starts 2015)
 - Same reformed groupings of counties (Sec 2)
 - “Buildable Lands” report one year ahead of deadline (Sec 3)

SHB 1783 – FLOATING HOMES & FLOATING HOME MOORAGES

“Seattle houseboat bill”:

Amended to apply statewide

- A floating home permitted or legally established prior to January 1, 2011, is classified under the SMA as a “conforming preferred use.”
- Avoided: Classification as “water dependent” (original bill).
- Reasonable regulatory conditions and mitigation; cannot “effectively preclude” maintenance, repair, replacement, and remodeling.

SSB 5192 - NOTIFICATIONS AND APPEALS TIMELINES UNDER THE SMA

Agency Request Legislation:
2010 HB 2935 fix bill

- SMP “effective date” is 14 days after ECY’s written notice of final action. Request by Harry Reinert: Give local gov’t time to prepare.
- Notice of final SMP action to trigger appeal period:
 - Returns to published notice to trigger SMP appeal period (fix HB 2935 “multiple bells” problem.)
 - Ecology to publish notice of final action (not local gov’t).
 - For “non GMA fully-planning” gov’ts, ECY must also notify local gov’t via “telephone or electronic means.”

SSB 5192 - NOTIFICATIONS AND APPEALS TIMELINES UNDER THE SMA

Con't.

- Returns to “date of filing” to start appeal period for shoreline permits. Solves “multiple bells” problems created in 2010 by HB 2935.
 - Local gov’t decision transmittal is by return receipt requested mail.
 - ECY action on CUP/VAR transmitted to gov’t & applicant by “telephone or electronic means” plus written notice.

SSB 5451 – SHORELINE RESIDENTIAL STRUCTURES MAY BE CLASSIFIED AS CONFORMING

Sen. Ranker bill – Response to controversy in SMP updates

- New/amended SMPs after 9/1/11 may classify legally established residential structures as conforming, even if not meeting updated buffers etc.
- Redevelopment, expansion and replacement allowed, consistent with the local SMP and NNL.
- Appurtenant structures included (ex. garages and sheds.) Bulkheads and other shoreline modifications or over-water structures excluded.
- SMPs may limit existing structures over water or in hazardous areas. Application of other federal, state, or local regulations not affected.

OTHER ADOPTED BILLS RELATED TO SHORELINE

Include:

- SHB 1294: Puget Sound Corps bill. Joint DNR/ECY request.
- SSB 5784: Regional ocean partnership bill. Refines Marine Spatial Planning legislation (awaiting federal/private funding to implement)

2011-2013 BUDGET

Still in play

- SMP grants: Fully funded in all three budgets. “Add” carries over to 2013-15 (to complete the updates.)
- “Water Smart WA” bill: Would reform water right application system
 - Includes proposed Watershed Planning revisions/funding implications
 - Status uncertain

“DEAD” BILLS MAY COME ALIVE IN 2012

“Short” session: Bills may return
to last chamber adopting

- HB 1662: “Stay” flexibility during SHB appeal for non-shoreline portions of projects. AWB bill. ECY supported amendment that died.
- HB 1952: SEPA reform. Focused on project thresholds. Significant interest/concern. Agencies examining path forward.
- HB 1265: Point Wells bill. County/city conflict. Not a good choice for legislative fix.

NEEDED LEGISLATION IN 2012?

SMA and related issues that need legislation?

- Sampling and stream monitoring devices:
Permit exemption/streamlining (use habitat project HPA streamlining?)
- “Green shorelines” for lakes and Puget Sound:
2011 agency bill proposed, not approved by Gov. Better as a locally-driven bill?
- Others?