

ESHB 1379 - S AMD 510

By Senators Fraser, Kilmer, Fairley

ADOPTED 04/25/2009

1 Strike everything after the enacting clause and insert the
2 following:

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

8 Recognizing the fundamental role and value of properly exercised
9 moratoria, the legislature intends to establish new moratoria
10 procedures and to affirm moratoria authority that local governments
11 have and may exercise when implementing the shoreline management act,
12 while recognizing the legitimate interests of existing shoreline
13 related developments during the period of interim moratoria.

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

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

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

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

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

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

28 (iv) Provide that all lawfully existing uses, structures, or other
29 development shall continue to be deemed lawful conforming uses and may

1 continue to be maintained, repaired, and redeveloped, so long as the
2 use is not expanded, under the terms of the land use and shoreline
3 rules and regulations in place at the time of the moratorium.

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

6 (3) A moratorium or control adopted under this section may be
7 effective for up to six months if a detailed work plan for remedying
8 the issues and circumstances necessitating the moratorium or control is
9 developed and made available for public review. A moratorium or
10 control may be renewed for two six-month periods if the local
11 government complies with subsection (2)(a) of this section before each
12 renewal. If a moratorium or control is in effect on the date a
13 proposed master program or amendment is submitted to the department,
14 the moratorium or control must remain in effect until the department's
15 final action under RCW 90.58.090; however, the moratorium expires six
16 months after the date of submittal if the department has not taken
17 final action.

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

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20 On page 1, line 2 of the title, after "act;" strike the remainder
21 of the title and insert "adding a new section to chapter 90.58 RCW; and
22 creating a new section."

EFFECT: Continues the moratorium or control when a proposed
master program or amendment has been submitted to the department. The
moratorium remains in effect until the department takes final action on
the proposal. Provides that the moratorium or control will expire six
months from the date of submitting the proposed master program or

amendment if final action has not been taken by the department.

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