

Multiple Agency Fiscal Note Summary

Bill Number: 1696 HB	Title: Shoreline management act
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Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Ecology	0	15,802	0	15,802	0	4,860
Total \$	0	15,802	0	15,802	0	4,860

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Department of Ecology	.0	10,534	26,336	.0	10,534	26,336	.0	3,239	8,099
Growth Management Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$10,534	\$26,336	0.0	\$10,534	\$26,336	0.0	\$3,239	\$8,099

Local Gov. Courts *									
Local Gov. Other **			(36,474)			(36,474)			(18,237)
Local Gov. Total			(36,474)			(36,474)			(18,237)

Estimated Capital Budget Impact

NONE

Prepared by: Linda Steinmann, OFM	Phone: 360-902-0573	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Individual State Agency Fiscal Note

Bill Number: 1696 HB	Title: Shoreline management act	Agency: 461-Department of Ecology
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
General Fund-Federal 001-2	7,901	7,901	15,802	15,802	4,860
Total \$	7,901	7,901	15,802	15,802	4,860

Estimated Expenditures from:

Account	FY 2012	FY 2013	2011-13	2013-15	2015-17
General Fund-State 001-1	5,267	5,267	10,534	10,534	3,239
General Fund-Federal 001-2	7,901	7,901	15,802	15,802	4,860
Total \$	13,168	13,168	26,336	26,336	8,099

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Ethan Moreno	Phone: 360-786-7386	Date: 01/31/2011
Agency Preparation: Gordon Wiggerhaus	Phone: 360-407-6994	Date: 02/04/2011
Agency Approval: Patricia McLain	Phone: 360-407-7005	Date: 02/04/2011
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/07/2011

Request # 11-079-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill would amend the Shoreline Management and Growth Management Acts, to clarify procedures for approval of Shoreline Master Programs and shoreline permits.

Shoreline Management Program - Appeals.

Section 1 would amend RCW 36.70A.290, Growth Management Hearings Board - Petitions, to clarify that the appeal period for adoptions of a Shoreline Master Program (SMP) begins upon publication of the public notice of adoption as required in the GMA. Under current law, the local government, with Ecology's guidance, writes and adopts the SMP. Ecology reviews the local government's SMP for compliance with the Shoreline Management Act and can either approve or disapprove it. Public notice of this decision must be published. Current law makes the local government responsible for publishing notice of Ecology's final action. The bill would make Ecology responsible for publishing notice of Ecology's final action.

Section 2 would amend RCW 90.58.090, Approval of Master Program, to clarify procedures for Ecology final action on an SMP. Currently RCW 90.58.090(7) states that 'a master program ... takes effect when ... approved or adopted by the department' of Ecology. The bill would clarify this statement by adding that 'the effective date is the date of the department's written notice of final action to the local government stating that the department has approved or rejected the proposal.' As in Section 1, Section 2 of the bill would also require that promptly after the department's approval or disapproval, the department must publish a notice that the SMP has been either approved or disapproved (see amended RCW 90.58.090(8)).

Section 5 of the bill would amend RCW 90.58.190, SMP Appeals, to clarify appeal timeframes for final action on an SMP. The amendments would provide clarity for both GMA and non-GMA jurisdictions. The proposed amendments would provide that SMP appeals would be initiated by publication of a notice, consistent with the GMA procedures in RCW 36.70A.290 (Section 1 of this bill).

Currently RCW 90.58.190(2)(a) provides that SMPs for governments planning under GMA may be appealed both within 60 days of Ecology's written notice to the local government of its final action or within 60 days of the published notice according to RCW 36.70A.290. These two time periods are not the same. The bill would set the period at 60 days of the date of public notice.

The bill would also amend RCW 90.58.190(3)(a), which applies to SMPs for non-GMA counties. Currently appeals may be made within 30 days of the department's written notice of its final decision to the local government. The bill would change this to within 30 days of the department's publication of its final decision (see RCW 90.58.090(8)).

Shoreline Permits.

Under the SMA, applicants apply to local governments for shoreline permits. Ecology reviews certain of the local

governments shoreline permit decisions. Local governments make the initial permit decision and notify the applicant. The local government also notifies Ecology and the Attorney General at this time. Currently RCW 90.58.140(5) and (6) require that Ecology notify applicants that it has received notification of the permit decisions by local governments. For permits for variances or conditional uses, Ecology will notify both the applicant and the local government of Ecology's review decision. Ecology must mail these notifications by 'return receipt' mail. Appeals may be initiated during the 21 day period after the date that the letter is received by the applicant.

Section 3 of the bill would replace the date of receipt of notification by the applicant with the 'date of filing.' The 'date of filing' is defined in the bill as the date that notice of the local government's decision is received by Ecology. Ecology would be required to notify both the local government and the applicant of the date of filing. This date would then be the beginning of the 21 day appeal period for shoreline permits.

Section 4 would amend 90.58.180 to make it consistent with the revisions of Section 3 of the bill. RCW 90.58.180 deals with appeals of shoreline permit decisions. The bill would amend RCW 90.58.180 to make the dates that initiate the 21 day filing period be the same as in amended Section 3.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Federal cash receipts will be equal to federal expenditures.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Shoreline Permits - Sections 3 and 4.

The bill's amendments would decrease Ecology's costs by decreasing the number of return receipt mailings that Ecology would have to perform. These would be replaced by first class mailing.

Return receipt postage for Shoreline Action Letters = Postage @ \$.44) + Certified Fee @ \$2.80 + Return Receipt Fee @ \$2.30 = \$5.54 per letter. First class postage is \$.44. So the cost decrease is \$5.10 per letter.

Based on past decade's annual average number of Shoreline Permits Received:

Substantial Development Permits: 558 permits @ 1 letter per permit = 558 x \$5.54 = \$3,091.32/year

Conditional Use Permits: 147 permits @ 2 letters per permit = 294 x \$5.54 = \$1,628.76/year

Variances: = 71 permits @ 2 letters per permit = 142 x \$5.54 = \$786.68/year

Ecology's Total Annual Shoreline Action Letter Mailing Cost = (\$3,091.32) + (\$1,628.76) + (\$786) = \$5,505.08/year

If the bill passes, the cost would be: (558 + 294 + 142) x \$.44 = \$437.36/year.

So the annual cost decrease would be: \$5,069.40

SMP - Appeals - Sections 1, 2, and 5.

The bill would create a new procedure--and accompanying cost--for Ecology: Ecology would be required to publish the legal notice of its final decision on a Shoreline Master Program. Publication of this notice is currently the responsibility of local government. The bill would increase the number of public notices that Ecology would have to publish. This cost would be absorbed into current levels of appropriation; that is, no added appropriation is requested.

Ecology's annual average cost for publishing local notice of its SMP decisions assumes that Ecology makes decisions on 40 Shoreline Master Programs per year in the FY12 to FY16 time period: 45 SMP Notices (40 updates, 5 minor amendments) per year x \$405.26 per newspaper publication = \$18,236.70.

250 SMPs need to be completed by FY16 according to the statutory schedule for SMP updates. 50 will have been completed under current law and procedures by the beginning of FY12, the assumed first fiscal year that this bill would be in effect. So 200 would be completed during the five year period from FY12 to FY16, or 40 per year. There are also about 5 minor amendments per year.

Local governments would have a corresponding decrease in the number of public notices that they publish, as their current responsibility for publishing notices would shift to Ecology.

The net fiscal impact of the bill is estimated at an average annual increase of \$18,236.70 minus an average annual decrease of \$5,069.40, equaling an increase of \$13,168 per year through FY 16. The effect in FY 17 would be the \$5,069 mailing cost reduction only.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Personal Service Contracts					
E-Goods and Services	13,168	13,168	26,336	26,336	8,099
G-Travel					
J-Capital Outlays					
N-Grants, Benefits and Client Services					
P-Debt Service					
S-Interagency Reimbursements					
9-Agency Administrative Overhead					
Total:	\$13,168	\$13,168	\$26,336	\$26,336	\$8,099

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Several of the provisions of the laws amended by the bill are included in our SMA rules. These rule provisions would need to be updated as part of the next “housekeeping” rule update. Such periodic housekeeping rule updates are an integral element of work for the Program. The bill would not create the need for a special rule update, so the bill would not create added costs.

Individual State Agency Fiscal Note

Bill Number: 1696 HB	Title: Shoreline management act	Agency: 476-Growth Management Hearings Board
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Part I: Estimates

No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
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- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Ethan Moreno	Phone: 360-786-7386	Date: 01/31/2011
Agency Preparation: Paulette Yorke	Phone: (360) 586-0261	Date: 02/03/2011
Agency Approval: Nina Carter	Phone: 360 586-0262	Date: 02/03/2011
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/03/2011

Request # -1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill amends RCW 36.70A.290 by requiring the Department of Ecology to publish a notice that a shoreline management plan is being amended. Current law requires the local government to publish such a notice. The Growth Management Hearings Board does not have a role in the publication of such a notice; it would merely review whether the notice was published, should it be raised as an issue in a petition for review.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 1696 HB	Title: Shoreline management act
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Jurisdictions that develop Shoreline Management Programs, or amendments thereto, would no longer incur costs to publish notices of approval, thus reducing expenditures
- Counties: As above
- Special Districts:
- Specific jurisdictions only: As above
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2012	FY 2013	2011-13	2013-15	2015-17
City	(15,976)	(15,976)	(31,952)	(31,952)	(15,976)
County	(2,261)	(2,261)	(4,522)	(4,522)	(2,261)
TOTAL \$	(18,237)	(18,237)	(36,474)	(36,474)	(18,237)
GRAND TOTAL \$					(91,185)

Part III: Preparation and Approval

Fiscal Note Analyst: Aaron Nickell	Phone: 360/725-2733	Date: 02/02/2011
Leg. Committee Contact: Ethan Moreno	Phone: 360-786-7386	Date: 01/31/2011
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/02/2011
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/02/2011

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

The proposed legislation would make changes to approval and appeal procedures under the Shoreline Management Act. Sections are reworded to clarify filing procedures, notification procedures, effective dates, and receipt dates for the Department of Ecology's shoreline master program determinations.

The proposed legislation would require the Department of Ecology to publish a notice upon the approval or disapproval of a local government's shoreline master program or an amendment thereto (Sec. 1(2)(c)).

BACKGROUND:

Jurisdictions planning under RCW 36.70A.040 are required to publish notice when Ecology issues approval or disapproval of its SMP, or amendment thereto. Local governments would no longer be required to publish notice under this proposal.

Statute requires 260 towns, cities, and counties to comprehensively update their Shoreline Master Programs (SMP) before the beginning of FY 2017. Some jurisdictions may join together to develop a "regional SMP." Currently, 39 communities have joined to develop eight regional SMPs. An estimated 50 SMPs will be completed before the beginning of FY 2017. Ecology estimates that 200 SMPs will require completion between FY 2012 and FY 2017.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This proposal would reduce local government expenditures by an estimated \$18,237 yearly. Local governments would have a decrease in the number of notices published, as their current responsibility for publishing notices would be shifted to the Department of Ecology.

Ecology makes decisions on an estimated 40 SMPs and 5 SMP amendments yearly.

Ecology will publish an estimated 45 SMP notices yearly from FY 2012 to FY 2017 at an average cost of \$405.26 per notice. Ecology would have a yearly expenditure increase of \$18,236.70 as a result of this proposed legislation: $45 \times \$405.26 = \$18,236.70$. An estimated 12.4% of all SMP publication costs are attributed to counties (see methodology): $\$18,236.70 \times 0.124 = \2261.35 .

The Local Government Fiscal Note Program assumes \$405.26 to be the average cost of publishing notice for jurisdictions. Jurisdictions report a range of costs for publishing an SMP notice. The City of Aberdeen estimated that an SMP notice costs approximately \$200-300, though no more than \$500. The City of Olympia estimated the cost of an SMP notice at under \$1000. Olympia publishes SMP notices in newspapers and through mailings. The actual cost of an SMP notice may vary widely depending on a jurisdiction's size, method of disseminating notices (newspaper advertising costs, printing costs, mailing costs), staffing costs, and complexity of the SMP.

METHODOLOGY:

A figure of 12.4% was calculated as follows: To date, 31 counties have not submitted individual SMP plans. Ecology reports 250 SMP updates are due before FY 2017: $31 / 250 = 12.4\%$.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This proposal would have no impact on local government revenue.

SOURCES:

Association of Washington Cities
The City of Aberdeen
The City of Olympia
The City of Tacoma
Thurston Regional Planning Council
Washington State Department of Ecology