
SENATE BILL 5299

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker, Fraser and Oke

Read first time 01/22/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to shoreline management permits; and amending RCW
2 90.58.180.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.58.180 and 1995 c 347 s 310 are each amended to
5 read as follows:

6 (1) Any person aggrieved by the granting, denying, or rescinding of
7 a permit on shorelines of the state pursuant to RCW 90.58.140 may seek
8 review from the shorelines hearings board by filing a petition for
9 review within twenty-one days of the date of filing as defined in RCW
10 90.58.140(6).

11 Within seven days of the filing of any petition for review with the
12 board as provided in this section pertaining to a final decision of a
13 local government, the petitioner shall serve copies of the petition on
14 the department ((and)), the office of the attorney general, and the
15 local government. The department and the attorney general may
16 intervene to protect the public interest and insure that the provisions
17 of this chapter are complied with at any time within fifteen days from
18 the date of the receipt by the department or the attorney general of a
19 copy of the petition for review filed pursuant to this section. The

1 shorelines hearings board shall schedule review proceedings on the
2 petition for review without regard as to whether the period for the
3 department or the attorney general to intervene has or has not expired.

4 (2) The department or the attorney general may obtain review of any
5 final decision granting a permit, or granting or denying an application
6 for a permit issued by a local government by filing a written petition
7 with the shorelines hearings board and the appropriate local government
8 within twenty-one days from the date the final decision was filed as
9 provided in RCW 90.58.140(6).

10 (3) The review proceedings authorized in subsections (1) and (2) of
11 this section are subject to the provisions of chapter 34.05 RCW
12 pertaining to procedures in adjudicative proceedings. Judicial review
13 of such proceedings of the shorelines hearings board is governed by
14 chapter 34.05 RCW. The board shall issue its decision on the appeal
15 authorized under subsections (1) and (2) of this section within one
16 hundred eighty days after the date the petition is filed with the board
17 or a petition to intervene is filed by the department or the attorney
18 general, whichever is later. The time period may be extended by the
19 board for a period of thirty days upon a showing of good cause or may
20 be waived by the parties.

21 (4) Any person may appeal any rules, regulations, or guidelines
22 adopted or approved by the department within thirty days of the date of
23 the adoption or approval. The board shall make a final decision within
24 sixty days following the hearing held thereon.

25 (5) The board shall find the rule, regulation, or guideline to be
26 valid and enter a final decision to that effect unless it determines
27 that the rule, regulation, or guideline:

28 (a) Is clearly erroneous in light of the policy of this chapter; or

29 (b) Constitutes an implementation of this chapter in violation of
30 constitutional or statutory provisions; or

31 (c) Is arbitrary and capricious; or

32 (d) Was developed without fully considering and evaluating all
33 material submitted to the department during public review and comment;
34 or

35 (e) Was not adopted in accordance with required procedures.

36 (6) If the board makes a determination under subsection (5) (a)
37 through (e) of this section, it shall enter a final decision declaring
38 the rule, regulation, or guideline invalid, remanding the rule,
39 regulation, or guideline to the department with a statement of the

1 reasons in support of the determination, and directing the department
2 to adopt, after a thorough consultation with the affected local
3 government and any other interested party, a new rule, regulation, or
4 guideline consistent with the board's decision.

5 (7) A decision of the board on the validity of a rule, regulation,
6 or guideline shall be subject to review in superior court, if
7 authorized pursuant to chapter 34.05 RCW. A petition for review of the
8 decision of the shorelines hearings board on a rule, regulation, or
9 guideline shall be filed within thirty days after the date of final
10 decision by the shorelines hearings board.

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