

1 **SHB 1769 - H AMD 0245 WITHDRAWN 3-17-03**  
2 By Representative Romero

3 On page 1, after line 4, insert the following:

4 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
5 shoreline management act and the shoreline master program  
6 guidelines implementing the policy of the shoreline management act  
7 are vital to the protection and preservation of Washington's  
8 shorelines. The legislature recognizes that in November 2000, the  
9 department of ecology comprehensively updated the guidelines for  
10 the first time since 1972. The legislature also recognizes that  
11 these guidelines were challenged and subsequently invalidated by  
12 the shoreline hearings board. The legislature finds that the  
13 mediation occurring among a wide range of parties resulted in an  
14 agreement for development of new shoreline master program  
15 guidelines for the state.

16 (2) The legislature recognizes that the process of developing  
17 and amending shoreline master programs requires substantial effort  
18 and coordination by local governments. To assist local governments  
19 in completing this process, the legislature intends to establish a  
20 staggered schedule for cities and counties to develop and amend  
21 master programs consistent with existing timelines for reviews and  
22 amendments of comprehensive plans and development regulations. The  
23 legislature also recognizes that several local governments have  
24 volunteered to comply with the provisions of this act before the  
25 newly established schedule and intends to reflect this in the  
26 schedule that is established by RCW 90.58.080.

27 (3) The legislature also intends to provide reasonable and  
28 adequate funding for grants to local governments to accomplish the  
29 task of reviewing and revising their shoreline master programs. If  
30 the legislature in the future does not provide funding in any one  
31 biennium sufficient for reasonable and adequate grant funds, the  
32 legislature acknowledges that this may result in delaying the  
33 compliance date until the following biennium.

1           **Sec. 2.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to  
2 read as follows:

3           (1) The department shall periodically review and adopt  
4 guidelines consistent with RCW 90.58.020, containing the elements  
5 specified in RCW 90.58.100 for:

6           (a) Development of master programs for regulation of the uses  
7 of shorelines; and

8           (b) Development of master programs for regulation of the uses  
9 of shorelines of statewide significance.

10          (2) Before adopting or amending guidelines under this section,  
11 the department shall provide an opportunity for public review and  
12 comment as follows:

13          (a) The department shall mail copies of the proposal to all  
14 cities, counties, and federally recognized Indian tribes, and to  
15 any other person who has requested a copy, and shall publish the  
16 proposed guidelines in the Washington state register. Comments  
17 shall be submitted in writing to the department within sixty days  
18 from the date the proposal has been published in the register.

19          (b) The department shall hold at least four public hearings on  
20 the proposal in different locations throughout the state to provide  
21 a reasonable opportunity for residents in all parts of the state to  
22 present statements and views on the proposed guidelines. Notice of  
23 the hearings shall be published at least once in each of the three  
24 weeks immediately preceding the hearing in one or more newspapers  
25 of general circulation in each county of the state. If an  
26 amendment to the guidelines addresses an issue limited to one  
27 geographic area, the number and location of hearings may be  
28 adjusted consistent with the intent of this subsection to assure  
29 all parties a reasonable opportunity to comment on the proposed  
30 amendment. The department shall accept written comments on the  
31 proposal during the sixty-day public comment period and for seven  
32 days after the final public hearing.

33          (c) At the conclusion of the public comment period, the  
34 department shall review the comments received and modify the  
35 proposal consistent with the provisions of this chapter. The  
36 proposal shall then be published for adoption pursuant to the  
37 provisions of chapter 34.05 RCW.

38          (3) The department may (~~propose~~) adopt amendments to the  
39 guidelines not more than once each year. Such amendments shall be

1 limited to: (a) addressing technical or procedural issues that  
2 result from the review and adoption of master programs under the  
3 guidelines; or (b) issues of guideline compliance with statutory  
4 provisions. ((At least once every five years)) Beginning July 1,  
5 2015, and every seven years thereafter, the department shall  
6 conduct a review of the guidelines pursuant to the procedures  
7 outlined in subsection (2) of this section."

8 Renumber the sections consecutively and correct any internal  
9 references accordingly.

10 Correct the title.

11 On page 1, line 12, after "(2)" strike all material through  
12 "so" on page 3, line 6, and insert the following:

13 "(a) Subject to the provisions of subsections (5) and (6) of  
14 this section, each local government subject to this chapter shall  
15 develop or amend its master program for the regulation of uses of  
16 shorelines within its jurisdiction according to the following  
17 schedule:

18 (i) On or before December 1, 2005, for the city of Tacoma, the  
19 city of Port Townsend, the city of Bellingham, the city of Everett,  
20 and Whatcom county; and

21 (ii) On or before December 1, 2009, for King county and the  
22 cities within King county greater in population than ten thousand;

23 (iii) Except as provided by (i) and (ii) of this subsection, on  
24 or before December 1, 2011, for Clallam, Clark, Jefferson, King,  
25 Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the  
26 cities within those counties;

27 (iv) On or before December 1, 2012, for Cowlitz, Island, Lewis,  
28 Mason, San Juan, Skagit, and Skamania counties and the cities  
29 within those counties;

30 (v) On or before December 1, 2013, for Benton, Chelan, Douglas,  
31 Grant, Kittitas, Spokane, and Yakima counties and the cities within  
32 those counties; and

33 (vi) On or before December 1, 2014, for Adams, Asotin,  
34 Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat,

1 Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla  
2 Walla, and Whitman counties and the cities within those counties.

3 (b) Nothing in this subsection shall preclude a local  
4 government from developing or amending its master program prior to  
5 the dates established by this subsection (2).

6 (3)(a) Following approval by the department of a new or  
7 amended master program, local governments required to develop or  
8 amend master programs on or before December 1, 2009, as provided by  
9 subsections (2)(a)(i) and (ii) of this section, shall be deemed to  
10 have complied with the schedule established by subsections  
11 (2)(a)(iii) of this section and shall not be required to complete  
12 master program amendments until seven years after the applicable  
13 dates established by subsections (2)(a)(iii) of this section. This  
14 subsection shall apply to any new or amended master program  
15 approved by the department on or after March 1, 2002.

16 (b) Following approval by the department of a new or amended  
17 master program, local governments choosing to develop or amend  
18 master programs on or before December 1, 2009, shall be deemed to  
19 have complied with the schedule established by subsections  
20 (2)(a)(iii) through (vi) of this section and shall not be required  
21 to complete master program amendments until seven years after the  
22 applicable dates established by subsections (2)(a)(iii) through  
23 (vi) of this section.

24 (4) Local governments shall conduct a comprehensive review of  
25 their master programs at least once every seven years after the  
26 applicable dates established by subsections (2)(a)(iii) through  
27 (vi) of this section. Following the review required by this  
28 subsection (4), local governments shall, as necessary, revise their  
29 master programs. The purpose of the review and revision is:

30 (a) To assure that the master program complies with applicable  
31 law and guidelines in effect at the time of the review; and

32 (b) To assure consistency of the master program with the local  
33 government's comprehensive plan and development regulations adopted  
34 under chapter RCW 36.70A RCW, if applicable, and other local  
35 requirements.

36 (5) Local governments are encouraged to begin the process of  
37 developing or amending their master programs early and are eligible  
38 for grants from the department as provided by RCW 90.58.250,  
39 subject to available funding. Except for those local governments

1 listed in subsections (2)(a)(i) and (ii) of this section, the  
2 deadline for completion of the new or amended master programs shall  
3 be two years after the date the grant is approved by the  
4 department. Subsequent master program review dates shall not be  
5 altered by the provisions of this subsection.

6 (6)(a) Grants to local governments for developing and amending  
7 master programs pursuant to the schedule established by this  
8 section shall be provided at least two years before the adoption  
9 dates specified in subsection (2) of this section. To the extent  
10 possible, the department shall allocate grants within the amount  
11 appropriated for such purposes to provide reasonable and adequate  
12 funding to local governments that have indicated their intent to  
13 develop or amend master programs during the biennium according to  
14 the schedule established by subsection (2) of this section. Any  
15 local government that applies for but does not receive funding to  
16 comply with the provisions of subsection (2) of this section may  
17 delay the development or amendment of its master program until the  
18 following biennium.

19 (b) Local governments with delayed compliance dates as provided  
20 in subsection (6)(a) of this section shall be the first priority  
21 for funding in subsequent biennia, and the development or amendment  
22 compliance deadline for those local governments shall be two years  
23 after the date of grant approval.

24 (c) Failure of the local government to apply in a timely manner  
25 for a master program development or amendment grant in accordance  
26 with the requirements of the department shall not be considered a  
27 delay resulting from the provisions of subsection (6)(a) of this  
28 section.

29 (7) Notwithstanding the provisions of this section, all local  
30 governments subject to the requirements of this chapter that have  
31 not developed or amended master programs on or after March 1, 2002,  
32 shall, no later than December 1, 2014, develop or amend their  
33 master programs to comply with guidelines adopted by the department  
34 after January 1, 2003"

35 On page 3, at the beginning of line 9, insert the following:

36 "(1) The legislature intends to eliminate the limits on state  
37 funding of shoreline master program development and amendment  
38 costs. The legislature further intends that the state will provide

1 funding to local governments that is reasonable and adequate to  
2 accomplish the costs of developing and amending shoreline master  
3 programs consistent with the schedule established by section 2 of  
4 this act. Except as specifically described herein, nothing in this  
5 act is intended to alter the existing obligation, duties, and  
6 benefits provided by the act to local governments and the  
7 department.

8 (2)"

9 On page 3, line 12, after "programs" insert "and the provisions  
10 of section 2 (7) of this act"

**EFFECT:** (1) Establishes a statutory schedule for the development, amendment, and review of shoreline master programs by local governments. (2) Specifies grant funding provisions, including that grant funds from the Department of Ecology (DOE) for developing and amending master programs must be provided to local governments at least two years before the dates established by the statutory schedule. (3) Specifies delayed compliance provisions, establishing criteria for delaying master program development or amendment until the following biennium. (4) Allows the DOE to adopt technical, procedural and statutory compliance amendments to Shoreline Master Program Guidelines (Guidelines) not more than once each year. (5) Requires the DOE to conduct a review of the Guidelines beginning July 1, 2015, and every seven years thereafter. (6) Includes legislative intent.