

SSB 6012 - S AMD 258

By Senators Fraser, Kline, Winsley

NOT ADOPTED 03/19/2003

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

3 "Sec. 1. RCW 90.58.060 and 1995 c 347 s 304 are each amended to
4 read as follows:

5 (1) The department shall periodically review and adopt guidelines
6 consistent with RCW 90.58.020, containing the elements specified in RCW
7 90.58.100 for:

8 (a) Development of master programs for regulation of the uses of
9 shorelines; and

10 (b) Development of master programs for regulation of the uses of
11 shorelines of statewide significance.

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

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

21 (b) The department shall hold at least four public hearings on the
22 proposal in different locations throughout the state to provide a
23 reasonable opportunity for residents in all parts of the state to
24 present statements and views on the proposed guidelines. Notice of the
25 hearings shall be published at least once in each of the three weeks
26 immediately preceding the hearing in one or more newspapers of general
27 circulation in each county of the state. If an amendment to the
28 guidelines addresses an issue limited to one geographic area, the
29 number and location of hearings may be adjusted consistent with the

1 intent of this subsection to assure all parties a reasonable
2 opportunity to comment on the proposed amendment. The department shall
3 accept written comments on the proposal during the sixty-day public
4 comment period and for seven days after the final public hearing.

5 (c) At the conclusion of the public comment period, the department
6 shall review the comments received and modify the proposal consistent
7 with the provisions of this chapter. The proposal shall then be
8 published for adoption pursuant to the provisions of chapter 34.05 RCW.

9 (3) The department may (~~propose~~) adopt amendments to the
10 guidelines not more than once each year. (~~At least once every five~~
11 ~~years~~) Such amendments shall be limited to: (a) Addressing technical
12 or procedural issues that result from the review and adoption of master
13 programs under the guidelines; or (b) issues of guideline compliance
14 with statutory provisions. Beginning July 1, 2015, and every seven
15 years thereafter, the department shall conduct a review of the
16 guidelines pursuant to the procedures outlined in subsection (2) of
17 this section.

18 **Sec. 2.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to
19 read as follows:

20 (1) Local governments shall develop or amend(, ~~within twenty four~~
21 months after the adoption of guidelines as provided in RCW 90.58.060,)
22 a master program for regulation of uses of the shorelines of the state
23 consistent with the required elements of the guidelines adopted by the
24 department in accordance with the schedule established by this section.

25 (2)(a) Subject to the provisions of subsections (5) and (6) of this
26 section, each local government subject to this chapter shall develop or
27 amend its master program for the regulation of uses of shorelines
28 within its jurisdiction according to the following schedule:

29 (i) On or before December 1, 2011, for Clallam, Clark, Jefferson,
30 King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the
31 cities within those counties;

32 (ii) On or before December 1, 2012, for Cowlitz, Island, Lewis,
33 Mason, San Juan, Skagit, and Skamania counties and the cities within
34 those counties;

35 (iii) On or before December 1, 2013, for Benton, Chelan, Douglas,
36 Grant, Kittitas, Spokane, and Yakima counties and the cities within
37 those counties; and

1 (iv) On or before December 1, 2014, for Adams, Asotin, Columbia,
2 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,
3 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman
4 counties and the cities within those counties.

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

8 (3)(a) Any jurisdiction that has a new or substantially amended
9 master program approved by the department on or after March 1, 2002,
10 but before the effective date of this section, shall not be required to
11 complete master program amendments until seven years after the
12 applicable date provided by subsection (2)(a)(i) of this section.

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

20 (4) Local governments shall conduct a comprehensive review of their
21 master programs at least once every seven years after the applicable
22 dates established by subsection (2)(a)(i) through (iv) of this section.
23 Following the review required by this subsection (4), local governments
24 shall, as necessary, revise their master programs. The purpose of the
25 review and revision is:

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

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

31 (5) Local governments are encouraged to begin the process of
32 developing or amending their master programs early and are eligible for
33 grants from the department as provided by RCW 90.58.250, subject to
34 available funding. The deadline for completion of the new or amended
35 master programs shall be two years after the date the grant is approved
36 by the department. However, for local governments choosing to begin
37 such process prior to December 1, 2009, the deadline for completion of
38 the new or amended master program shall be mutually determined by the

1 local government and the department as a condition of the grant
2 agreement, but such deadline shall not be later than the applicable
3 dates established by subsection (2)(a)(i) through (iv) of this section.
4 Subsequent master program review dates shall not be altered by the
5 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 section
8 shall be provided at least two years before the adoption dates
9 specified in subsection (2) of this section. To the extent possible,
10 the department shall allocate grants within the amount appropriated for
11 such purposes to provide reasonable and adequate funding to local
12 governments that have indicated their intent to develop or amend master
13 programs during the biennium according to the schedule established by
14 subsection (2) of this section. Any local government that applies for
15 but does not receive funding to comply with the provisions of
16 subsection (2) of this section may delay the development or amendment
17 of its master program until the following biennium.

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

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

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

33 **Sec. 3.** RCW 90.58.250 and 1971 ex.s. c 286 s 25 are each amended
34 to read as follows:

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

1 local governments that is reasonable and adequate to accomplish the
2 costs of developing and amending shoreline master programs consistent
3 with the schedule established by RCW 90.58.080. Except as specifically
4 described herein, nothing in this act is intended to alter the existing
5 obligation, duties, and benefits provided by this act to local
6 governments and the department.

7 (2) The department is directed to cooperate fully with local
8 governments in discharging their responsibilities under this chapter.
9 Funds shall be available for distribution to local governments on the
10 basis of applications for preparation of master programs and the
11 provisions of RCW 90.58.080(7). Such applications shall be submitted
12 in accordance with regulations developed by the department. The
13 department is authorized to make and administer grants within
14 appropriations authorized by the legislature to any local government
15 within the state for the purpose of developing a master shorelines
16 program.

17 ~~((No grant shall be made in an amount in excess of the recipient's~~
18 ~~contribution to the estimated cost of such program.))"~~

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19 On page 1, line 1 of the title, after "management;" strike the
20 remainder of the title and insert "and amending RCW 90.58.060,
21 90.58.080, and 90.58.250."

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