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**ENGROSSED SUBSTITUTE HOUSE BILL 1769**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Romero, Cooper, Dunshee, Linville and Edwards; by request of Governor Locke)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to timelines and funding for implementation of  
2 guidelines for shoreline master programs; amending RCW 90.58.060,  
3 90.58.080, and 90.58.250; and creating a new section.

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

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

16       (2) The legislature recognizes that the process of developing and  
17 amending shoreline master programs requires substantial effort and  
18 coordination by local governments.   To assist local governments in  
19 completing this process, the legislature intends to establish a

1 staggered schedule for cities and counties to develop and amend master  
2 programs consistent with existing timelines for reviews and amendments  
3 of comprehensive plans and development regulations. The legislature  
4 also recognizes that several local governments have volunteered to  
5 comply with the provisions of this act before the newly established  
6 schedule and intends to reflect this in the schedule that is  
7 established by RCW 90.58.080.

8 (3) The legislature also intends to provide reasonable and adequate  
9 funding for grants to local governments to accomplish the task of  
10 reviewing and revising their shoreline master programs. If the  
11 legislature in the future does not provide funding in any one biennium  
12 sufficient for reasonable and adequate grant funds, the legislature  
13 acknowledges that this may result in delaying the compliance date until  
14 the following biennium.

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

17 (1) The department shall periodically review and adopt guidelines  
18 consistent with RCW 90.58.020, containing the elements specified in RCW  
19 90.58.100 for:

20 (a) Development of master programs for regulation of the uses of  
21 shorelines; and

22 (b) Development of master programs for regulation of the uses of  
23 shorelines of statewide significance.

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

27 (a) The department shall mail copies of the proposal to all cities,  
28 counties, and federally recognized Indian tribes, and to any other  
29 person who has requested a copy, and shall publish the proposed  
30 guidelines in the Washington state register. Comments shall be  
31 submitted in writing to the department within sixty days from the date  
32 the proposal has been published in the register.

33 (b) The department shall hold at least four public hearings on the  
34 proposal in different locations throughout the state to provide a  
35 reasonable opportunity for residents in all parts of the state to  
36 present statements and views on the proposed guidelines. Notice of the  
37 hearings shall be published at least once in each of the three weeks

1 immediately preceding the hearing in one or more newspapers of general  
2 circulation in each county of the state. If an amendment to the  
3 guidelines addresses an issue limited to one geographic area, the  
4 number and location of hearings may be adjusted consistent with the  
5 intent of this subsection to assure all parties a reasonable  
6 opportunity to comment on the proposed amendment. The department shall  
7 accept written comments on the proposal during the sixty-day public  
8 comment period and for seven days after the final public hearing.

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

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

22 **Sec. 3.** RCW 90.58.080 and 1995 c 347 s 305 are each amended to  
23 read as follows:

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

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

33 (i) On or before December 1, 2005, for the city of Tacoma, the city  
34 of Port Townsend, the city of Bellingham, the city of Everett, and  
35 Whatcom county;

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

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

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

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

11 (vi) On or before December 1, 2014, for Adams, Asotin, Columbia,  
12 Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan,  
13 Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman  
14 counties and the cities within those counties.

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

18 (3)(a) Following approval by the department of a new or amended  
19 master program, local governments required to develop or amend master  
20 programs on or before December 1, 2009, as provided by subsection  
21 (2)(a)(i) and (ii) of this section, shall be deemed to have complied  
22 with the schedule established by subsection (2)(a)(iii) of this section  
23 and shall not be required to complete master program amendments until  
24 seven years after the applicable dates established by subsection  
25 (2)(a)(iii) of this section. Any jurisdiction listed in subsection  
26 (2)(a)(i) of this section that has a new or amended master program  
27 approved by the department on or after March 1, 2002, but before the  
28 effective date of this section, shall not be required to complete  
29 master program amendments until seven years after the applicable date  
30 provided by subsection (2)(a)(iii) of this section.

31 (b) Following approval by the department of a new or amended master  
32 program, local governments choosing to develop or amend master programs  
33 on or before December 1, 2009, shall be deemed to have complied with  
34 the schedule established by subsection (2)(a)(iii) through (vi) of this  
35 section and shall not be required to complete master program amendments  
36 until seven years after the applicable dates established by subsection  
37 (2)(a)(iii) through (vi) of this section.

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

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

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

12 (5) Local governments are encouraged to begin the process of  
13 developing or amending their master programs early and are eligible for  
14 grants from the department as provided by RCW 90.58.250, subject to  
15 available funding. Except for those local governments listed in  
16 subsection (2)(a)(i) and (ii) of this section, the deadline for  
17 completion of the new or amended master programs shall be two years  
18 after the date the grant is approved by the department. Subsequent  
19 master program review dates shall not be altered by the provisions of  
20 this subsection.

21 (6)(a) Grants to local governments for developing and amending  
22 master programs pursuant to the schedule established by this section  
23 shall be provided at least two years before the adoption dates  
24 specified in subsection (2) of this section. To the extent possible,  
25 the department shall allocate grants within the amount appropriated for  
26 such purposes to provide reasonable and adequate funding to local  
27 governments that have indicated their intent to develop or amend master  
28 programs during the biennium according to the schedule established by  
29 subsection (2) of this section. Any local government that applies for  
30 but does not receive funding to comply with the provisions of  
31 subsection (2) of this section may delay the development or amendment  
32 of its master program until the following biennium.

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

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

5       (7) Notwithstanding the provisions of this section, all local  
6 governments subject to the requirements of this chapter that have not  
7 developed or amended master programs on or after March 1, 2002, shall,  
8 no later than December 1, 2014, develop or amend their master programs  
9 to comply with guidelines adopted by the department after January 1,  
10 2003.

11       **Sec. 4.** RCW 90.58.250 and 1971 ex.s. c 286 s 25 are each amended  
12 to read as follows:

13       (1) The legislature intends to eliminate the limits on state  
14 funding of shoreline master program development and amendment costs.  
15 The legislature further intends that the state will provide funding to  
16 local governments that is reasonable and adequate to accomplish the  
17 costs of developing and amending shoreline master programs consistent  
18 with the schedule established by RCW 90.58.080. Except as specifically  
19 described herein, nothing in this act is intended to alter the existing  
20 obligation, duties, and benefits provided by this act to local  
21 governments and the department.

22       (2) The department is directed to cooperate fully with local  
23 governments in discharging their responsibilities under this chapter.  
24 Funds shall be available for distribution to local governments on the  
25 basis of applications for preparation of master programs and the  
26 provisions of RCW 90.58.080(7). Such applications shall be submitted  
27 in accordance with regulations developed by the department. The  
28 department is authorized to make and administer grants within  
29 appropriations authorized by the legislature to any local government  
30 within the state for the purpose of developing a master shorelines  
31 program.

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

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