

CERTIFICATION OF ENROLLMENT  
SUBSTITUTE SENATE BILL 6012

58th Legislature  
2003 Regular Session

Passed by the Senate April 26, 2003  
YEAS 44 NAYS 5

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**President of the Senate**

Passed by the House April 17, 2003  
YEAS 61 NAYS 37

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SUBSTITUTE SENATE BILL 6012** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6012**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon and Morton)

READ FIRST TIME 03/05/03.

1            AN ACT Relating to shoreline management; and amending RCW  
2 90.58.060, 90.58.080, and 90.58.250.

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

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

6            (1) The department shall periodically review and adopt guidelines  
7 consistent with RCW 90.58.020, containing the elements specified in RCW  
8 90.58.100 for:

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

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

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

16            (a) The department shall mail copies of the proposal to all cities,  
17 counties, and federally recognized Indian tribes, and to any other  
18 person who has requested a copy, and shall publish the proposed

1 guidelines in the Washington state register. Comments shall be  
2 submitted in writing to the department within sixty days from the date  
3 the proposal has been published in the register.

4 (b) The department shall hold at least four public hearings on the  
5 proposal in different locations throughout the state to provide a  
6 reasonable opportunity for residents in all parts of the state to  
7 present statements and views on the proposed guidelines. Notice of the  
8 hearings shall be published at least once in each of the three weeks  
9 immediately preceding the hearing in one or more newspapers of general  
10 circulation in each county of the state. If an amendment to the  
11 guidelines addresses an issue limited to one geographic area, the  
12 number and location of hearings may be adjusted consistent with the  
13 intent of this subsection to assure all parties a reasonable  
14 opportunity to comment on the proposed amendment. The department shall  
15 accept written comments on the proposal during the sixty-day public  
16 comment period and for seven days after the final public hearing.

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

21 (3) The department may (~~propose~~) adopt amendments to the  
22 guidelines not more than once each year. (~~At least once every five~~  
23 ~~years the department shall conduct a review of the guidelines pursuant~~  
24 ~~to the procedures outlined in subsection (2) of this section~~) Such  
25 amendments shall be limited to: (a) Addressing technical or procedural  
26 issues that result from the review and adoption of master programs  
27 under the guidelines; or (b) issues of guideline compliance with  
28 statutory provisions.

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

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

36 (2)(a) Subject to the provisions of subsections (5) and (6) of this

1 section, each local government subject to this chapter shall develop or  
2 amend its master program for the regulation of uses of shorelines  
3 within its jurisdiction according to the following schedule:

4 (i) On or before December 1, 2005, for the city of Port Townsend,  
5 the city of Bellingham, the city of Everett, Snohomish county, and  
6 Whatcom county;

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

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

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

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

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

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

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

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

8       (4) Local governments shall conduct a review of their master  
9 programs at least once every seven years after the applicable dates  
10 established by subsection (2)(a)(iii) through (vi) of this section.  
11 Following the review required by this subsection (4), local governments  
12 shall, if necessary, revise their master programs. The purpose of the  
13 review is:

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

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

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

28       (6)(a) Grants to local governments for developing and amending  
29 master programs pursuant to the schedule established by this section  
30 shall be provided at least two years before the adoption dates  
31 specified in subsection (2) of this section. To the extent possible,  
32 the department shall allocate grants within the amount appropriated for  
33 such purposes to provide reasonable and adequate funding to local  
34 governments that have indicated their intent to develop or amend master  
35 programs during the biennium according to the schedule established by  
36 subsection (2) of this section. Any local government that applies for  
37 but does not receive funding to comply with the provisions of

1 subsection (2) of this section may delay the development or amendment  
2 of its master program until the following biennium.

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

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

12 (7) Notwithstanding the provisions of this section, all local  
13 governments subject to the requirements of this chapter that have not  
14 developed or amended master programs on or after March 1, 2002, shall,  
15 no later than December 1, 2014, develop or amend their master programs  
16 to comply with guidelines adopted by the department after January 1,  
17 2003.

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

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

29 (2) The department is directed to cooperate fully with local  
30 governments in discharging their responsibilities under this chapter.  
31 Funds shall be available for distribution to local governments on the  
32 basis of applications for preparation of master programs and the  
33 provisions of RCW 90.58.080(7). Such applications shall be submitted  
34 in accordance with regulations developed by the department. The  
35 department is authorized to make and administer grants within  
36 appropriations authorized by the legislature to any local government

1 within the state for the purpose of developing a master shorelines  
2 program.

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

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