

1 **SHB 1769 - H AMD 0256 ADOPTED 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

1 legislature acknowledges that this may result in delaying the
2 compliance date until the following biennium.

3 **Sec. 2.** 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
6 guidelines consistent with RCW 90.58.020, containing the elements
7 specified in RCW 90.58.100 for:

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

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

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

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

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

35 (c) At the conclusion of the public comment period, the
36 department shall review the comments received and modify the
37 proposal consistent with the provisions of this chapter. The

1 proposal shall then be published for adoption pursuant to the
2 provisions of chapter 34.05 RCW.

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

12 Renumber the sections consecutively and correct any internal
13 references accordingly.

14 Correct the title.

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

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

22 (i) On or before December 1, 2005, for the city of Tacoma, the
23 city of Port Townsend, the city of Bellingham, the city of Everett,
24 and Whatcom county; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c) Failure of the local government to apply in a timely manner
35 for a master program development or amendment grant in accordance
36 with the requirements of the department shall not be considered a
37 delay resulting from the provisions of subsection (6)(a) of this
38 section.

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

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

8 "(1) The legislature intends to eliminate the limits on state
9 funding of shoreline master program development and amendment
10 costs. The legislature further intends that the state will provide
11 funding to local governments that is reasonable and adequate to
12 accomplish the costs of developing and amending shoreline master
13 programs consistent with the schedule established by section 2 of
14 this act. Except as specifically described herein, nothing in this
15 act is intended to alter the existing obligation, duties, and
16 benefits provided by the act to local governments and the
17 department.

18 (2)"

19 On page 3, line 12, after "programs" insert "and the provisions
20 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.