

SSB 6012 - H COMM AMD
By Committee on Local Government

ADOPTED AS AMENDED 4/17/03

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
30 intent of this subsection to assure all parties a reasonable

1 opportunity to comment on the proposed amendment. The department shall
2 accept written comments on the proposal during the sixty-day public
3 comment period and for seven days after the final public hearing.

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

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

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

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

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

27 (i) On or before December 1, 2005, for the city of Port Townsend,
28 the city of Bellingham, the city of Everett, Snohomish county, and
29 Whatcom county;

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

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

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

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

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

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

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

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

34 (4) Local governments shall conduct a review of their master
35 programs at least once every seven years after the applicable dates
36 established by subsection (2)(a)(iii) through (vi) of this section.

1 Following the review required by this subsection (4), local governments
2 shall, if necessary, revise their master programs. The purpose of the
3 review is:

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

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

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

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

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

35 (c) Failure of the local government to apply in a timely manner for
36 a master program development or amendment grant in accordance with the

1 requirements of the department shall not be considered a delay
2 resulting from the provisions of (a) of this subsection.

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

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

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

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

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

32 Correct the title.

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.

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