

FINAL BILL REPORT

SSB 6012

C 262 L 03
Synopsis as Enacted

Brief Description: Codifying shoreline rules.

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

Senate Committee on Land Use & Planning
House Committee on Local Government
House Committee on Appropriations

Background: The Department of Ecology has the legislative authority to adopt and implement shoreline management guidelines under the Shoreline Management Act.

In 1995, the Department of Ecology (DOE) was required by the Legislature to conduct a comprehensive update of the shoreline management guidelines. DOE adopted the final rule in 2000 regarding guidelines for local government master programs. In 2002, the Shorelines Hearings Board invalidated the guidelines and remanded the rule to DOE for further rule making, and DOE subsequently appealed the decision to superior court where the matter resulted in a settlement. However, because the court did not reinstate the prior existing guidelines, there are currently no guidelines for local government shoreline management.

DOE has proposed new shoreline management guidelines as a result of the court settlement. These proposed guidelines, however, have been a source of contention between the parties to the settlement and those that did not agree to the settlement terms, as well as those parties that did not participate in the court case. Further, in the absence of guidelines, local governments have been more reluctant to update their master programs due to the lack of predictability as to whether such actions will be approved by DOE and upheld by a growth management hearings board.

Summary: A staggered schedule, running from 2005 to 2014 and every seven years after the initial deadline, is established for the development, amendment, and review of shoreline master programs by local governments.

State funding must be provided to local governments at least two years prior to the deadline. Local governments that do not receive state funding may postpone the deadline until the following biennium, at which time they must be given first priority for funding and the deadline for their update will be two years after receiving the funds. With the exception of counties and cities scheduled to complete their updates in either 2005 or 2009, updates must be completed within two years after DOE approves the grant.

Local governments must develop or amend their shoreline master programs by December 1, 2014, at the latest to comply with the new DOE guidelines, regardless of available state funding. Local governments may update their master programs earlier than the timelines

provided and are eligible for grants, if funding is available. The current statutory provision prohibiting DOE from making grants to local governments in excess of the recipient's contribution is removed.

DOE is no longer required to review the shoreline guidelines at least once every five years. DOE may not adopt amendments to the guidelines more than once per year and these amendments must be limited to technical or procedural issues related to the review of master programs or issues related to guideline compliance with state statutes.

Votes on Final Passage:

Senate	31	18	
House	61	37	(House amended)
Senate	44	5	(Senate concurred)

Effective: July 27, 2003