

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6012

Chapter 262, Laws of 2003

58th Legislature
2003 Regular Session

SHORELINE MANAGEMENT

EFFECTIVE DATE: 7/27/03

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

Approved May 14, 2003.

GARY F. LOCKE

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.

MILTON H. DOUMIT JR.

Secretary

FILED

May 14, 2003 - 10:16 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6012

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.))~~

Passed by the Senate April 26, 2003.

Passed by the House April 17, 2003.

Approved by the Governor May 14, 2003.

Filed in Office of Secretary of State May 14, 2003.