
SENATE BILL 5251

State of Washington

59th Legislature

2005 Regular Session

By Senators Zarelli and Pridemore

Read first time 01/18/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to shoreline master programs; and amending RCW
2 90.58.080.

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

4 **Sec. 1.** RCW 90.58.080 and 2003 c 262 s 2 are each amended to read
5 as follows:

6 (1) Local governments shall develop or amend a master program for
7 regulation of uses of the shorelines of the state consistent with the
8 required elements of the guidelines adopted by the department in
9 accordance with the schedule established by this section.

10 (2)(a) Subject to the provisions of subsections (~~(+5) and~~) (6) and
11 (7) of this section, each local government subject to this chapter
12 shall develop or amend its master program for the regulation of uses of
13 shorelines within its jurisdiction according to the following schedule:

14 (i) On or before December 1, 2005, for the city of Port Townsend,
15 the city of Bellingham, the city of Everett, Snohomish county, and
16 Whatcom county;

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

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

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

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

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

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

18 (3) The legislative body of a local government may amend its master
19 program on an interim basis without full compliance with the guidelines
20 adopted by the department if the legislative body finds: (a) That the
21 proposed amendment is intended to make the master program more
22 consistent with a local critical areas ordinance adopted or amended
23 under RCW 36.70A.040(3); (b) the proposed amendment will make the
24 master program more consistent with the critical areas ordinance; (c)
25 the critical areas ordinance was adopted or amended after the master
26 program; (d) the critical areas ordinance provides greater protection
27 to the shorelines and the environment than does the master program
28 without the proposed amendment; (e) that the local government is unable
29 to complete a full amendment of the master program as required under
30 this chapter because of timing constraints or funding constraints, or
31 both; and (f) the legislative body plans to complete an inventory and
32 full amendment under this chapter on schedule as set forth in this
33 section. The department shall approve an interim amendment to the
34 master program submitted with the findings set forth in this subsection
35 (3) unless the department concludes that the findings are not supported
36 by substantial evidence.

37 (4)(a) Following approval by the department of a new or amended
38 master program, local governments required to develop or amend master

1 programs on or before December 1, 2009, as provided by subsection
2 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
3 with the schedule established by subsection (2)(a)(iii) of this section
4 and shall not be required to complete master program amendments until
5 seven years after the applicable dates established by subsection
6 (2)(a)(iii) of this section. Any jurisdiction listed in subsection
7 (2)(a)(i) of this section that has a new or amended master program
8 approved by the department on or after March 1, 2002, but before July
9 27, 2003, shall not be required to complete master program amendments
10 until seven years after the applicable date provided by subsection
11 (2)(a)(iii) of this section.

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

19 ~~((+4))~~ (5) Local governments shall conduct a review of their
20 master programs at least once every seven years after the applicable
21 dates established by subsection (2)(a)(iii) through (vi) of this
22 section. Following the review required by this subsection ~~((+4))~~ (5),
23 local governments shall, if necessary, revise their master programs.
24 The purpose of the review is:

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

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

30 ~~((+5))~~ (6) Local governments are encouraged to begin the process
31 of developing or amending their master programs early and are eligible
32 for grants from the department as provided by RCW 90.58.250, subject to
33 available funding. Except for those local governments listed in
34 subsection (2)(a)(i) and (ii) of this section, the deadline for
35 completion of the new or amended master programs shall be two years
36 after the date the grant is approved by the department. Subsequent
37 master program review dates shall not be altered by the provisions of
38 this subsection.

1 (~~(+6)~~) (7)(a) Grants to local governments for developing and
2 amending master programs pursuant to the schedule established by this
3 section shall be provided at least two years before the adoption dates
4 specified in subsection (2) of this section. To the extent possible,
5 the department shall allocate grants within the amount appropriated for
6 such purposes to provide reasonable and adequate funding to local
7 governments that have indicated their intent to develop or amend master
8 programs during the biennium according to the schedule established by
9 subsection (2) of this section. Any local government that applies for
10 but does not receive funding to comply with the provisions of
11 subsection (2) of this section may delay the development or amendment
12 of its master program until the following biennium.

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

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

22 (~~(+7)~~) (8) Notwithstanding the provisions of this section, all
23 local governments subject to the requirements of this chapter that have
24 not developed or amended master programs on or after March 1, 2002,
25 shall, no later than December 1, 2014, develop or amend their master
26 programs to comply with guidelines adopted by the department after
27 January 1, 2003.

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