
SENATE BILL 5159

State of Washington

68th Legislature

2023 Regular Session

By Senators Torres, Boehnke, Fortunato, and Lovelett

Prefiled 01/05/23. Read first time 01/09/23. Referred to Committee on Local Government, Land Use & Tribal Affairs.

1 AN ACT Relating to shoreline master program review schedules;
2 amending RCW 90.58.080 and 90.58.080; providing an effective date;
3 and providing an expiration date.

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

5 **Sec. 1.** RCW 90.58.080 and 2011 c 353 s 13 are each amended to
6 read as follows:

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

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

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

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

1 (iii) Except as provided by (a)(i) and (ii) of this subsection,
2 on 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,
13 Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and
14 Whitman 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
17 the dates established by this subsection (2).

18 (3)(a) Following approval by the department of a new or amended
19 master program, local governments required to develop or amend master
20 programs on or before December 1, 2009, as provided by subsection
21 (2)(a)(i) and (ii) of this section, shall be deemed to have complied
22 with the schedule established by subsection (2)(a)(iii) of this
23 section and shall not be required to complete master program
24 amendments until the applicable dates established by subsection
25 (4)(b) of this section. Any jurisdiction listed in subsection
26 (2)(a)(i) of this section that has a new or amended master program
27 approved by the department on or after March 1, 2002, but before July
28 27, 2003, shall not be required to complete master program amendments
29 until the applicable date provided by subsection (4)(b) of this
30 section.

31 (b) Following approval by the department of a new or amended
32 master program, local governments choosing to develop or amend master
33 programs on or before December 1, 2009, shall be deemed to have
34 complied with the schedule established by subsection (2)(a)(iii)
35 through (vi) of this section and shall not be required to complete
36 master program amendments until the applicable dates established by
37 subsection (4)(b) of this section.

38 (4)(a) Following the updates required by subsection (2) of this
39 section, local governments shall conduct a review of their master
40 programs at least once every (~~eight~~) 10 years as required by (b) of

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

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

6 (ii) 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
9 requirements.

10 (b) Counties and cities shall take action to review and, if
11 necessary, revise their master programs as required by (a) of this
12 subsection as follows:

13 (i) On or before June 30, 2019, and every (~~eight~~) 10 years
14 thereafter, for King, Pierce, and Snohomish counties and the cities
15 within those counties;

16 (ii) On or before June 30, 2020, and every (~~eight~~) 10 years
17 thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San
18 Juan, Skagit, Thurston, and Whatcom counties and the cities within
19 those counties;

20 (iii) On or before June 30, 2021, and every (~~eight~~) 10 years
21 thereafter, for Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas,
22 Lewis, Skamania, Spokane, and Yakima counties and the cities within
23 those counties; and

24 (iv) On or before June 30, 2022, and every (~~eight~~) 10 years
25 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
26 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
27 Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and
28 the cities within those counties.

29 (5) In meeting the update requirements of subsection (2) of this
30 section, local governments are encouraged to begin the process of
31 developing or amending their master programs early and are eligible
32 for grants from the department as provided by RCW 90.58.250, subject
33 to 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.

39 (6) In meeting the update requirements of subsection (2) of this
40 section, the following shall apply:

1 (a) Grants to local governments for developing and amending
2 master programs pursuant to the schedule established by this section
3 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
6 for such purposes to provide reasonable and adequate funding to local
7 governments that have indicated their intent to develop or amend
8 master programs during the biennium according to the schedule
9 established by subsection (2) of this section. Any local government
10 that applies for but does not receive funding to comply with the
11 provisions of subsection (2) of this section may delay the
12 development or amendment of its master program until the following
13 biennium.

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

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

23 (7) In meeting the update requirements of subsection (2) of this
24 section, all local governments subject to the requirements of this
25 chapter that have not developed or amended master programs on or
26 after March 1, 2002, shall, no later than December 1, 2014, develop
27 or amend their master programs to comply with guidelines adopted by
28 the department after January 1, 2003.

29 (8) In meeting the update requirements of subsection (2) of this
30 section, local governments may be provided an additional year beyond
31 the deadlines in this section to complete their master program or
32 amendment. The department shall grant the request if it determines
33 that the local government is likely to adopt or amend its master
34 program within the additional year.

35 **Sec. 2.** RCW 90.58.080 and 2020 c 113 s 2 are each amended to
36 read as follows:

37 (1) Local governments shall develop or amend a master program for
38 regulation of uses of the shorelines of the state consistent with the

1 required elements of the guidelines adopted by the department in
2 accordance with the schedule established by this section.

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

8 (i) On or before December 1, 2005, for the city of Port Townsend,
9 the city of Bellingham, the city of Everett, Snohomish county, and
10 Whatcom county;

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

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

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

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

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

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

30 (3) (a) Following approval by the department of a new or amended
31 master program, local governments required to develop or amend master
32 programs on or before December 1, 2009, as provided by subsection
33 (2) (a) (i) and (ii) of this section, shall be deemed to have complied
34 with the schedule established by subsection (2) (a) (iii) of this
35 section and shall not be required to complete master program
36 amendments until the applicable dates established by subsection
37 (4) (b) of this section. Any jurisdiction listed in subsection
38 (2) (a) (i) of this section that has a new or amended master program
39 approved by the department on or after March 1, 2002, but before July
40 27, 2003, shall not be required to complete master program amendments

1 until the applicable date provided by subsection (4)(b) of this
2 section.

3 (b) Following approval by the department of a new or amended
4 master program, local governments choosing to develop or amend master
5 programs on or before December 1, 2009, shall be deemed to have
6 complied with the schedule established by subsection (2)(a)(iii)
7 through (vi) of this section and shall not be required to complete
8 master program amendments until the applicable dates established by
9 subsection (4)(b) of this section.

10 (4)(a) Following the updates required by subsection (2) of this
11 section, local governments shall conduct a review of their master
12 programs at least once every (~~eight~~) 10 years as required by (b) of
13 this subsection. Following the review required by this subsection
14 (4), local governments shall, if necessary, revise their master
15 programs. The purpose of the review is:

16 (i) To assure that the master program complies with applicable
17 law and guidelines in effect at the time of the review; and

18 (ii) To assure consistency of the master program with the local
19 government's comprehensive plan and development regulations adopted
20 under chapter 36.70A RCW, if applicable, and other local
21 requirements.

22 (b) Counties and cities shall take action to review and, if
23 necessary, revise their master programs as required by (a) of this
24 subsection as follows:

25 (i) On or before June 30, (~~2028~~) 2029, and every (~~eight~~) 10
26 years thereafter, for King, Kitsap, Pierce, and Snohomish counties
27 and the cities within those counties;

28 (ii) On or before June 30, (~~2029~~) 2030, and every (~~eight~~) 10
29 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis,
30 Mason, San Juan, Skagit, Thurston, and Whatcom counties and the
31 cities within those counties;

32 (iii) On or before June 30, (~~2030~~) 2031, and every (~~eight~~) 10
33 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin,
34 Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the
35 cities within those counties; and

36 (iv) On or before June 30, (~~2031~~) 2032, and every (~~eight~~) 10
37 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield,
38 Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend
39 Oreille, Stevens, Wahkiakum, and Whitman counties and the cities
40 within those counties.

1 (5) In meeting the review requirements of subsection (4) of this
2 section, local governments are encouraged to begin the process of
3 developing or amending their master programs early and are eligible
4 for grants from the department as provided by RCW 90.58.250, subject
5 to available funding. Except for those local governments listed in
6 subsection (2)(a)(i) and (ii) of this section, the deadline for
7 completion of the new or amended master programs shall be two years
8 after the date the grant is approved by the department. Subsequent
9 master program review dates shall not be altered by the provisions of
10 this subsection.

11 (6) In meeting the review requirements of subsection (4) of this
12 section, the following shall apply:

13 (a) Grants to local governments for reviewing master programs
14 pursuant to the schedule established by this section shall be
15 provided at least two years before the adoption dates specified in
16 subsection (4) of this section. To the extent possible, the
17 department shall allocate grants within the amount appropriated for
18 such purposes to provide reasonable and adequate funding to local
19 governments that have indicated their intent to develop or amend
20 master programs during the biennium according to the schedule
21 established by subsection (4) of this section. Any local government
22 that applies for but does not receive funding to comply with the
23 provisions of subsection (4) of this section may delay the
24 development or amendment of its master program until the following
25 biennium.

26 (b) Local governments with delayed compliance dates as provided
27 in (a) of this subsection shall be the first priority for funding in
28 subsequent biennia, and the periodic review compliance deadline for
29 those local governments shall be two years after the date of grant
30 approval.

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

35 (7) In meeting the update requirements of subsection (2) of this
36 section, all local governments subject to the requirements of this
37 chapter that have not developed or amended master programs on or
38 after March 1, 2002, shall, no later than December 1, 2014, develop
39 or amend their master programs to comply with guidelines adopted by
40 the department after January 1, 2003.

1 (8) In meeting the review requirements of subsection (4) of this
2 section, local governments may be provided an additional year beyond
3 the deadlines in this section to complete their master program or
4 amendment. The department shall grant the request if it determines
5 that the local government is likely to adopt or amend its master
6 program within the additional year.

7 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
8 2025.

9 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
10 2025.

--- END ---