

# Washington State Coastal Zone Management Program

*Enforceable Policies of the State Shoreline Management Act*

*\* Non-Enforceable Policies marked with an asterisk (\*) and shaded blue*

The Shoreline Management Act's Enforcement Mechanism is the Washington State Constitution.

Shoreline Management Act (RCW 90.58)

Section	Title	Change	Date Adopted by State	Date Effective in State
90.58.010*	Short title.	Unchanged		1971
90.58.020	Legislative findings -- State policy enunciated -- Use preference.	Unchanged		1995
90.58.030	Definitions and concepts.	<p><b>Modified:</b>                      Subsection changes the monetary threshold amount of development from \$2500 to \$5000 before a development is considered "substantial" and thus subject to the SMA procedures. (see analysis)</p> <p>Shorelands or Shoreland Areas - local governments may include buffers for critical areas in the definition. (see analysis)</p> <p>Floodway means areas I.D.'d in an SMP and established on flood maps. (see analysis)</p> <p>Minor reference changes to term "Shorelines Hearings Board."</p> <p>Adds "Comprehensive Master Program Update," which is a SMP that fully achieves procedural &amp; substantive requirements.</p> <p>"Substantial Development" revised to increase the Fair Market Value of a dock from \$10,000 to \$20,000. (see analysis)</p>	2014	2014
90.58.040	Program applicable to shorelines of the state.	Unchanged	1971	1971
90.58.045*	Environmental excellence program agreements - Effect on chapter.	Unchanged	1997	1997
90.58.050*	Program as cooperative between local government and state -- Responsibilities differentiated.	Unchanged	1995	1995

Section	Title	Change	Date Adopted by State	Date Effective in State
90.58.060*	Review and adoption of guidelines -- Public hearings, notice of --	<b>Minor changes</b>	2003	2003
90.58.065	Application of guidelines and master programs to agricultural activities.	<b>Added:</b> Specific definitions for agriculture, and locals have to follow the section for their SMP's. (see analysis)	2002	2002
90.58.070*	Local governments to submit letters of intent -- Department to act upon failure of local government.	Unchanged	1971	1971
90.58.080*	Timetable for local governments to develop or amend master programs -- Review of master programs --	<b>Minor changes</b>	2011	2011
90.58.090*	Approval of master program or segments or amendments -- Procedure -- Departmental alternatives when shorelines of statewide significance -- Later	<b>Minor changes</b>	2011	2011
90.58.100	Programs as constituting use regulations.	Unchanged	2009	2009
90.58.110*	Development of program within two or more adjacent local government jurisdictions --	Unchanged	1971	1971
90.58.120*	Adoption of rules, programs, etc., subject to RCW 34.05.310 through 34.05.395 -- Public hearings, notice of -- Public inspection after approval	Unchanged	1995	1995
90.58.130*	Involvement of all persons and entities having interest, means.	Unchanged	1971	1971
90.58.140 (Entire section except sub-sections (4), (5)(a), (5)(b)(iii))	Development permits -- Grounds for granting -- Administration by local government, conditions -- Applications -- Notices -- Rescission -- Approval when permit for variance or conditional use.	<b>Modified:</b> Minor clarifications regarding when construction can begin after permitting. Construction can commence 30 days after appeal of SHB's decision as long as there is a permit; 21 days after issuance of permit.  Minor wording changes.  <b>Added:</b> Similar changes as above, but pertain to the Evergreen Point Floating Bridge construction.	2012	2012

Section	Title	Change	Date Adopted by State	Date Effective in State
90.58.143	Time requirements -- Substantial development permits, variances, conditional use permits.	Unchanged	1997	1997
90.58.147	Fish and Wildlife Permit Exemptions	<b>Modified:</b> Changes statutory references to Fish & Wildlife Statute.	2003	2003
90.58.150	Selective commercial timber	Unchanged	1971	1971
90.58.160	Prohibition against surface drilling for oil or gas, where.	Unchanged	1971	1971
90.58.170*	Shorelines hearings board -- Established -- Members -- Chair -- Quorum for decision -- Expenses of	<b>Minor changes</b>	2013	2013
90.58.175*	Rules and regulations.	Unchanged	1973	1973
90.58.180	Review of granting, denying, or rescinding permits by shorelines hearings board -- Board to act -- Local government appeals to board - - Grounds for declaring rule,	<b>Modified:</b> Minor clarifications to appeals.	2011	2011
90.58.185	Appeals involving single-family residences, involving penalties of fifteen thousand dollars or less, or other designated cases -- Composition of board -- Rules to	<b>Modified:</b> Allows SHB to expedite review by for single family residences and docks under \$15,000. 2009 change adds similar language for "other cases" at the Board's discretion.	2009	2009
90.58.190*	Appeal of department's decision to adopt or amend a master program.	<b>Minor changes</b>	2012	2012
90.58.195*	Shoreline master plan review -- Local governments with coastal waters or coastal shorelines.	Unchanged	1989	1989
90.58.200	Rules and Regulations	Unchanged	1971	1971
90.58.210	Court actions to ensure against conflicting uses and to enforce --	<b>Modified:</b> Minor Clarifications to appeals	2010	2010
90.58.220	General penalty.	Unchanged	1983	1983
90.58.230	Violators liable for damages resulting from violation -- Attorney's	Unchanged	1971	1971
90.58.240*	Additional authority granted department and local governments.	Unchanged	1972	1972
90.58.250*	Intent -- Department to cooperate with local governments -- Grants for development of master programs.	<b>Minor changes</b>	2003	2003
90.58.260*	State to represent its interest before federal agencies, interstate	Unchanged	1971	1971

Section	Title	Change	Date Adopted by State	Date Effective in State
90.58.270	Nonapplication to certain structures, docks, developments, etc., placed in navigable waters -- Nonapplication to certain rights of action, authority -- Floating homes must be classified as a conforming preferred use.	<b>Added:</b> Classifies floating homes permitted or legally established prior to January 1, 2011 as "conforming, preferred uses." (see analysis)  Floating on-water residences legally established prior to July 1, 2014 must be considered a conforming use and accomodated through reasonable SMP regulations, permit conditions, etc. (see analysis)	2014	2014
90.58.280*	Application to all state agencies, counties, public and municipal	Unchanged	1971	1971
90.58.290*	Restrictions as affecting fair market value of property.	Unchanged	1971	1971
90.58.300	Department as regulating state agency -- Special authority.	Unchanged	1971	1971
90.58.310	Designation of shorelines of statewide significance by legislature -- Recommendation by director,	Unchanged	1971	1971
90.58.320	Height limitation respecting	Unchanged	1971	1971
90.58.340*	Use policies for land adjacent to shorelines, development of.	Unchanged	1971	1971
90.58.350	Nonapplication to treaty rights.	Unchanged	1971	1971
90.58.355	Persons not required to obtain certain permits or variances	<b>Added:</b> Stormwater facilities exempted from permitting. (see analysis)	2012	2012
90.58.360*	Existing requirements for permits, certificates, etc., not obviated.	Unchanged	1971	1971
90.58.370*	Processing of permits or authorizations for emergency water withdrawal and facilities to be	Unchanged	1989	1989
90.58.380*	Adoption of wetland manual.	Unchanged	1995	1995
90.58.515*	Watershed restoration projects --	Unchanged	1995	1995
90.58.550	Oil or natural gas exploration in marine waters -- Definitions -- Application for permit --	Unchanged	1983	1983
90.58.560	Oil or Natural Gas Exploration - Violations of RCW 90.58.550 - Penalty - Appeal	<b>Modified:</b> Details relating to violations and appeals.	2010	2010
90.58.570*	Consultation before responding to federal coastal zone management	Unchanged	1989	1989

Section	Title	Change	Date Adopted by State	Date Effective in State
90.58.580	Shoreline Restoration Projects - Relief from shoreline master program development standards and use regulations	<b>Added:</b> Allows local gov'ts to grant relief from SMP requirements for shoreline restoration projects under certain conditions (see Analysis)	2009	2009
90.58.590*	Local governments authorized to adopt moratoria -- Requirements --	Unchanged	2007	2007
90.58.600*	Conformance with chapter 43.97 RCW required.	Unchanged	1987	1987
90.58.610*	Relationship between shoreline master programs and development regulations under growth management act governed by RCW	Unchanged	2010	2010
90.58.620*	New or amended master programs -- Authorized provisions.	Unchanged	2011	2011
90.58.900	Liberal construction -- 1971 ex.s. c	Unchanged	1971	1971