H-1201.1 _____

HOUSE BILL 2249
_____

State of Washington   **60th Legislature**   **2007 Regular Session**

By Representatives McDermott, Cody, Upthegrove and Appleton

Read first time 02/14/2007.   Referred to Committee on Select Committee on Puget Sound.

1   AN ACT Relating to shoreline master program provisions on islands
2 in Puget Sound; and amending RCW 90.58.100.

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

4   **Sec. 1.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read
5 as follows:
6   (1) The master programs provided for in this chapter, when adopted
7 or approved by the department shall constitute use regulations for the
8 various shorelines of the state. In preparing the master programs, and
9 any amendments thereto, the department and local governments shall to
10 the extent feasible:
11   (a) Utilize a systematic interdisciplinary approach which will
12 ((insure)) ensure the integrated use of the natural and social sciences
13 and the environmental design arts;
14   (b) Consult with and obtain the comments of any federal, state,
15 regional, or local agency having any special expertise with respect to
16 any environmental impact;
17   (c) Consider all plans, studies, surveys, inventories, and systems
18 of classification made or being made by federal, state, regional, or

local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

1 (h) An element that gives consideration to the statewide interest
2 in the prevention and minimization of flood damages; and
3 (i) Any other element deemed appropriate or necessary to effectuate
4 the policy of this chapter.
5 (3) The master programs shall include such map or maps, descriptive
6 text, diagrams and charts, or other descriptive material as are
7 necessary to provide for ease of understanding.
8 (4) Master programs will reflect that state-owned shorelines of the
9 state are particularly adapted to providing wilderness beaches,
10 ecological study areas, and other recreational activities for the
11 public and will give appropriate special consideration to same.
12 (5) Each master program shall contain provisions to allow for the
13 varying of the application of use regulations of the program, including
14 provisions for permits for conditional uses and variances, to
15 ((insure)) ensure that strict implementation of a program will not
16 create unnecessary hardships or thwart the policy enumerated in RCW
17 90.58.020. Any such varying shall be allowed only if extraordinary
18 circumstances are shown and the public interest suffers no substantial
19 detrimental effect. The concept of this subsection shall be
20 incorporated in the rules adopted by the department relating to the
21 establishment of a permit system as provided in RCW 90.58.140(3).
22 (6) Each master program shall contain standards governing the
23 protection of single family residences and appurtenant structures
24 against damage or loss due to shoreline erosion. The standards shall
25 govern the issuance of substantial development permits for shoreline
26 protection, including structural methods such as construction of
27 bulkheads, and nonstructural methods of protection. The standards
28 shall provide for methods which achieve effective and timely protection
29 against loss or damage to single family residences and appurtenant
30 structures due to shoreline erosion. The standards shall provide a
31 preference for permit issuance for measures to protect single family
32 residences occupied prior to January 1, 1992, where the proposed
33 measure is designed to minimize harm to the shoreline natural
34 environment.
35 (7) For shorelines of the state located on inhabited islands within
36 Puget Sound, a county master program may prohibit completely or may
37 limit the intensity of mining uses and associated activities, including

1 the transportation of materials from the mining site, to a level that
2 is commercially significant considering the market for the materials on
3 the island.

--- END ---