
ENGROSSED HOUSE BILL 2734

State of Washington 60th Legislature 2008 Regular Session

By Representatives Newhouse and Hudgins

Read first time 01/16/08. Referred to Committee on Local Government.

1 AN ACT Relating to encouraging the removal of artificial vertical
2 shoreline bank structures by redefining for certain projects the point
3 from where the two hundred feet of shoreline is calculated; and adding
4 a new section to chapter 90.58 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.58 RCW
7 to read as follows:

8 (1)(a) A substantial development permit is not required for
9 development within a restoration area if the proposed project is to be
10 located on:

11 (i) Shorelines designated as a high-intensity shoreline environment
12 under the applicable master plan; or

13 (ii) Shorelines consistent with a high-intensity shoreline
14 environment designation under the applicable master plan.

15 (b) For purposes of this section, a "restoration area" is an area
16 that:

17 (i) Was created by a landward shift in the ordinary high water mark
18 that resulted from a voluntary habitat restoration project; and

1 (ii) Was not subject to regulation under this chapter prior to the
2 restoration project.

3 (2)(a) Requests for development approvals within restoration areas
4 may be granted in the form of restoration project variances.
5 Restoration project variances may be issued to authorize relief from
6 bulk, dimension, or other master program development standards,
7 including use regulations, if:

8 (i) The shift in shoreline jurisdiction resulting from the
9 voluntary habitat restoration project causes hardship in the area
10 within and adjacent to the restoration area. "Hardship" under this
11 subsection means that a reasonable use of the property is precluded or
12 significantly diminished in the area within and adjacent to the
13 restoration area due to requirements of the applicable master program;
14 and

15 (ii) The variance includes measures to ensure that allowable uses
16 of the property under this section result in no net loss of shoreline
17 ecological functions within the restoration area.

18 (b) Variances issued under this subsection (2):

19 (i) Must be limited to only the minimum approvals necessary to
20 afford relief;

21 (ii) May not cause the public interest to suffer substantial
22 detriment; and

23 (iii) Must be processed according to the same procedures used for
24 other shoreline variances.

25 (3) Master programs may include provisions, including conditions of
26 approval, areas of applicability, and other requirements, to ensure
27 that restoration project variance processes achieve the objectives of
28 this section.

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