

HB 2199 - S AMD TO NROR COMM AMD (S-2596.1/09) 320
By Senator Murray

WITHDRAWN 04/10/2009

1 On page 3, after line 16 of the amendment, insert the following:

2 "Sec. 3. RCW 90.58.100 and 1997 c 369 s 7 are each amended to read
3 as follows:

4 (1) The master programs provided for in this chapter, when adopted
5 or approved by the department shall constitute use regulations for the
6 various shorelines of the state. In preparing the master programs, and
7 any amendments thereto, the department and local governments shall to
8 the extent feasible:

9 (a) Utilize a systematic interdisciplinary approach which will
10 insure the integrated use of the natural and social sciences and the
11 environmental design arts;

12 (b) Consult with and obtain the comments of any federal, state,
13 regional, or local agency having any special expertise with respect to
14 any environmental impact;

15 (c) Consider all plans, studies, surveys, inventories, and systems
16 of classification made or being made by federal, state, regional, or
17 local agencies, by private individuals, or by organizations dealing
18 with pertinent shorelines of the state;

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

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

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

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

28 (a) An economic development element for the location and design of
29 industries, industrial projects of statewide significance,

1 transportation facilities, port facilities, tourist facilities,
2 commerce and other developments that are particularly dependent on
3 their location on or use of the shorelines of the state;

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

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

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

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

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

22 (g) An historic, cultural, scientific, and educational element for
23 the protection and restoration of buildings, sites, and areas having
24 historic, cultural, scientific, or educational values, including
25 allowing for the restoration, replacement, augmentation, repair, or
26 enhancement of historic floating home communities;

27 (h) An element that gives consideration to the statewide interest
28 in the prevention and minimization of flood damages; and

29 (i) Any other element deemed appropriate or necessary to effectuate
30 the policy of this chapter.

31 (3) The master programs shall include such map or maps, descriptive
32 text, diagrams and charts, or other descriptive material as are
33 necessary to provide for ease of understanding.

34 (4) Master programs will reflect that state-owned shorelines of the
35 state are particularly adapted to providing wilderness beaches,
36 ecological study areas, and other recreational activities for the
37 public and will give appropriate special consideration to same.

1 (5) Each master program shall contain provisions to allow for the
2 varying of the application of use regulations of the program, including
3 provisions for permits for conditional uses and variances, to
4 ((insure)) ensure that strict implementation of a program will not
5 create unnecessary hardships or thwart the policy enumerated in RCW
6 90.58.020. Any such varying shall be allowed only if extraordinary
7 circumstances are shown and the public interest suffers no substantial
8 detrimental effect. The concept of this subsection shall be
9 incorporated in the rules adopted by the department relating to the
10 establishment of a permit system as provided in RCW 90.58.140(3).

11 (6) Each master program shall contain standards governing the
12 protection of single family residences and appurtenant structures
13 against damage or loss due to shoreline erosion. The standards shall
14 govern the issuance of substantial development permits for shoreline
15 protection, including structural methods such as construction of
16 bulkheads, and nonstructural methods of protection. The standards
17 shall provide for methods which achieve effective and timely protection
18 against loss or damage to single family residences and appurtenant
19 structures due to shoreline erosion. The standards shall provide a
20 preference for permit issuance for measures to protect single family
21 residences occupied prior to January 1, 1992, where the proposed
22 measure is designed to minimize harm to the shoreline natural
23 environment."

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24 On page 3, line 18 of the title amendment, after "insert" insert
25 "amending RCW 90.58.100;"

EFFECT: Currently, a master program must include, when

appropriate, a historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values. This amendment would require the master program to also include provisions allowing for the restoration, replacement, augmentation, repair, or enhancement of historic floating home communities.

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