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HOUSE BILL 2696

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Zellinsky, Schmidt, Haugen, Wilson, Paris, Wynne and Rasmussen

Read first time 01/24/92. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to shoreline management policy; and amending RCW  
2 90.58.020.

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

4 **Sec. 1.** RCW 90.58.020 and 1982 1st ex.s. c 13 s 1 are each amended  
5 to read as follows:

6 The legislature finds that the shorelines of the state are among  
7 the most valuable and fragile of its natural resources and that there  
8 is great concern throughout the state relating to their utilization,  
9 protection, restoration, and preservation. In addition it finds that  
10 ever increasing pressures of additional uses are being placed on the  
11 shorelines necessitating increased coordination in the management and  
12 development of the shorelines of the state. The legislature further  
13 finds that much of the shorelines of the state and the uplands adjacent  
14 thereto are in private ownership; that unrestricted construction on the

1 privately owned or publicly owned shorelines of the state is not in the  
2 best public interest; and therefore, coordinated planning is necessary  
3 in order to protect the public interest associated with the shorelines  
4 of the state while, at the same time, recognizing and protecting  
5 private property rights consistent with the public interest. There is,  
6 therefor, a clear and urgent demand for a planned, rational, and  
7 concerted effort, jointly performed by federal, state, and local  
8 governments, to prevent the inherent harm in an uncoordinated and  
9 piecemeal development of the state's shorelines.

10 It is the policy of the state to provide for the management of the  
11 shorelines of the state by planning for and fostering all reasonable  
12 and appropriate uses. This policy is designed to insure the  
13 development of these shorelines in a manner which, while allowing for  
14 limited reduction of rights of the public in the navigable waters, will  
15 promote and enhance the public interest. This policy contemplates  
16 protecting against adverse effects to the public health, the land and  
17 its vegetation and wildlife, and the waters of the state and their  
18 aquatic life, while protecting generally public rights of navigation  
19 and corollary rights incidental thereto.

20 The legislature declares that the interest of all of the people  
21 shall be paramount in the management of shorelines of state-wide  
22 significance. The department, in adopting guidelines for shorelines of  
23 state-wide significance, and local government, in developing master  
24 programs for shorelines of state-wide significance, shall give  
25 preference to uses in the following order of preference which:

26 (1) Recognize and protect the state-wide interest over local  
27 interest;

28 (2) Preserve the natural character of the shoreline;

29 (3) Result in long term over short term benefit;

30 (4) Protect the resources and ecology of the shoreline;

1 (5) Increase public access to publicly owned areas of the  
2 shorelines;

3 (6) Increase recreational opportunities for the public in the  
4 shoreline;

5 (7) Provide for any other element as defined in RCW 90.58.100  
6 deemed appropriate or necessary.

7 In the implementation of this policy the public's opportunity to  
8 enjoy the physical and aesthetic qualities of natural shorelines of the  
9 state shall be preserved to the greatest extent feasible consistent  
10 with the overall best interest of the state and the people generally as  
11 well as local government zoning ordinances. To this end uses shall be  
12 preferred which are consistent with control of pollution and prevention  
13 of damage to the natural environment, or are unique to or dependent  
14 upon use of the state's shoreline. Alterations of the natural  
15 condition of the shorelines of the state, in those limited instances  
16 when authorized, shall be given priority for single family residences,  
17 ports, shoreline recreational uses including but not limited to parks,  
18 marinas, piers, and other improvements facilitating public access to  
19 shorelines of the state, industrial and commercial developments which  
20 are particularly dependent on their location on or use of the  
21 shorelines of the state and other development that will provide an  
22 opportunity for substantial numbers of the people to enjoy the  
23 shorelines of the state. Alterations of the natural condition of the  
24 shorelines and wetlands of the state shall be recognized by the  
25 department. Shorelines and wetlands of the state shall be  
26 appropriately classified and these classifications shall be revised  
27 when circumstances warrant regardless of whether the change in  
28 circumstances occurs through man-made causes or natural causes. Any  
29 areas resulting from alterations of the natural condition of the  
30 shorelines and wetlands of the state no longer meeting the definition

1 of "shorelines of the state" shall not be subject to the provisions of  
2 chapter 90.58 RCW.

3 Permitted uses in the shorelines of the state shall be designed and  
4 conducted in a manner to minimize, insofar as practical, any resultant  
5 damage to the ecology and environment of the shoreline area and any  
6 interference with the public's use of the water.