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HOUSE BILL 3057

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Koster and Schindler

Read first time 01/26/2000. Referred to Committee on Local Government.

1            AN ACT Relating to equalization of setbacks enacted by local  
2 governments under the authority of the growth management act or the  
3 shoreline management act; and amending RCW 90.58.100 and 36.70A.172.

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

5            **Sec. 1.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read  
6 as follows:

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

12            (a) Utilize a systematic interdisciplinary approach which will  
13 insure the integrated use of the natural and social sciences and the  
14 environmental design arts;

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

18            (c) Consider all plans, studies, surveys, inventories, and systems  
19 of classification made or being made by federal, state, regional, or

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

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

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

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

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

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

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

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

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

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

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

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

38 (h) An element that gives consideration to the state-wide interest  
39 in the prevention and minimization of flood damages; and

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

3 (3) Any setback adopted by a city or county under the authority of  
4 this chapter shall be applied uniformly to all property within the city  
5 or county. No exceptions to any setback ordinance or regulation  
6 adopted by a city or county may be allowed, including but not limited  
7 to exceptions for development or redevelopment in urban areas or other  
8 areas of more intensive development.

9 (4) The master programs shall include such map or maps, descriptive  
10 text, diagrams and charts, or other descriptive material as are  
11 necessary to provide for ease of understanding.

12 (~~(4)~~) (5) Master programs will reflect that state-owned  
13 shorelines of the state are particularly adapted to providing  
14 wilderness beaches, ecological study areas, and other recreational  
15 activities for the public and will give appropriate special  
16 consideration to same.

17 (~~(5)~~) (6) Each master program shall contain provisions to allow  
18 for the varying of the application of use regulations of the program,  
19 including provisions for permits for conditional uses and variances, to  
20 insure that strict implementation of a program will not create  
21 unnecessary hardships or thwart the policy enumerated in RCW 90.58.020.  
22 Any such varying shall be allowed only if extraordinary circumstances  
23 are shown and the public interest suffers no substantial detrimental  
24 effect. The concept of this subsection shall be incorporated in the  
25 rules adopted by the department relating to the establishment of a  
26 permit system as provided in RCW 90.58.140(3).

27 (~~(6)~~) (7) Each master program shall contain standards governing  
28 the protection of single family residences and appurtenant structures  
29 against damage or loss due to shoreline erosion. The standards shall  
30 govern the issuance of substantial development permits for shoreline  
31 protection, including structural methods such as construction of  
32 bulkheads, and nonstructural methods of protection. The standards  
33 shall provide for methods which achieve effective and timely protection  
34 against loss or damage to single family residences and appurtenant  
35 structures due to shoreline erosion. The standards shall provide a  
36 preference for permit issuance for measures to protect single family  
37 residences occupied prior to January 1, 1992, where the proposed  
38 measure is designed to minimize harm to the shoreline natural  
39 environment.

1       **Sec. 2.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to  
2 read as follows:

3       (1) In designating and protecting critical areas under this  
4 chapter, counties and cities shall include the best available science  
5 in developing policies and development regulations to protect the  
6 functions and values of critical areas. In addition, counties and  
7 cities shall give special consideration to conservation or protection  
8 measures necessary to preserve or enhance anadromous fisheries.

9       (2) If it determines that advice from scientific or other experts  
10 is necessary or will be of substantial assistance in reaching its  
11 decision, a growth management hearings board may retain scientific or  
12 other expert advice to assist in reviewing a petition under RCW  
13 36.70A.290 that involves critical areas.

14       (3) In designating and protecting critical areas under this  
15 chapter, any setback adopted by a city or county under the authority of  
16 this chapter shall be applied uniformly to all property within the city  
17 or county. No exceptions to any setback ordinance or regulation  
18 adopted by a city or county may be allowed, including but not limited  
19 to exceptions for development or redevelopment in urban areas or other  
20 areas of more intensive development.

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