

SHB 1933 - H AMD 249

By Representative Schindler

FAILED 03/17/2003

1 On page 2, after line 9, insert the following:

2 "Sec. 2. RCW 90.58.020 and 1995 c 347 s 301 are each amended to
3 read as follows:

4 The legislature finds that the shorelines of the state are among
5 the most valuable and fragile of its natural resources and that there
6 is great concern throughout the state relating to their utilization,
7 protection, restoration, and preservation. In addition it finds that
8 ever increasing pressures of additional uses are being placed on the
9 shorelines necessitating increased coordination in the management and
10 development of the shorelines of the state. The legislature further
11 finds that much of the shorelines of the state and the uplands adjacent
12 thereto are in private ownership; that unrestricted construction on the
13 privately owned or publicly owned shorelines of the state is not in the
14 best public interest; and therefore, coordinated planning is necessary
15 in order to protect the public interest associated with the shorelines
16 of the state while, at the same time, recognizing and protecting
17 private property rights consistent with the public interest. There is,
18 therefor, a clear and urgent demand for a planned, rational, and
19 concerted effort, jointly performed by federal, state, and local
20 governments, to prevent the inherent harm in an uncoordinated and
21 piecemeal development of the state's shorelines.

22 It is the policy of the state to provide for the management of the
23 shorelines of the state by planning for and fostering all reasonable
24 and appropriate uses. This policy is designed to insure the
25 development of these shorelines in a manner which, while allowing for
26 limited reduction of rights of the public in the navigable waters, will
27 promote and enhance the public interest. The public interest and the
28 statewide interest include the development of water-dependent publicly
29 owned facilities and other facilities necessary for water-dependent
30 economic development. This policy contemplates protecting against

1 adverse effects to the public health, the land and its vegetation and
2 wildlife, and the waters of the state and their aquatic life, while
3 protecting generally public rights of navigation and corollary rights
4 incidental thereto.

5 The legislature declares that the interest of all of the people
6 shall be paramount in the management of shorelines of statewide
7 significance. The department, in adopting guidelines for shorelines of
8 statewide significance, and local government, in developing master
9 programs for shorelines of statewide significance, shall give
10 preference to uses in the following order of preference which:

11 (1) Recognize and protect the statewide interest over local
12 interest;

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

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

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

16 (5) Increase public access to publicly owned areas of the
17 shorelines;

18 (6) Increase recreational opportunities for the public in the
19 shoreline;

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

22 In the implementation of this policy the public's opportunity to
23 enjoy the physical and aesthetic qualities of natural shorelines of the
24 state shall be preserved to the greatest extent feasible consistent
25 with the overall best interest of the state and the people generally.
26 To this end uses shall be preferred which are consistent with control
27 of pollution and prevention of damage to the natural environment, or
28 are unique to or dependent upon use of the state's shoreline.
29 Alterations of the natural condition of the shorelines of the state, in
30 those limited instances when authorized, shall be given priority for
31 single family residences and their appurtenant structures, ports,
32 shoreline recreational uses including but not limited to parks,
33 marinas, piers, and other improvements facilitating public access to
34 shorelines of the state, industrial and commercial developments which
35 are particularly dependent on their location on or use of the
36 shorelines of the state and other development that will provide an
37 opportunity for substantial numbers of the people to enjoy the
38 shorelines of the state. Alterations of the natural condition of the

1 shorelines and shorelands of the state shall be recognized by the
2 department. Shorelines and shorelands of the state shall be
3 appropriately classified and these classifications shall be revised
4 when circumstances warrant regardless of whether the change in
5 circumstances occurs through man-made causes or natural causes. Any
6 areas resulting from alterations of the natural condition of the
7 shorelines and shorelands of the state no longer meeting the definition
8 of "shorelines of the state" shall not be subject to the provisions of
9 chapter 90.58 RCW.

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

14 **Sec. 3.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to
15 read as follows:

16 (1) For shorelines of the state, the goals and policies of the
17 shoreline management act as set forth in RCW 90.58.020 are added as one
18 of the goals of this chapter as set forth in RCW 36.70A.020. This
19 addition shall not be interpreted to create a priority among the listed
20 goals in RCW 36.70A.020. The goals and policies of a shoreline master
21 program for a county or city approved under chapter 90.58 RCW shall be
22 considered an element of the county or city's comprehensive plan. All
23 other portions of the shoreline master program for a county or city
24 adopted under chapter 90.58 RCW, including use regulations, shall be
25 considered a part of the county or city's development regulations.

26 (2) The shoreline master program shall be adopted pursuant to the
27 procedures of chapter 90.58 RCW rather than the goals, policies, and
28 procedures set forth in this chapter for the adoption of a
29 comprehensive plan or development regulations.

30 (3) As long as a shoreline master program has been approved by the
31 department of ecology, a growth management hearings board reviewing a
32 comprehensive plan or development regulation under RCW 36.70A.280 shall
33 determine that the master program complies with the requirements of
34 this chapter.

35 (4) Shorelines of the state may contain critical areas as defined
36 in RCW 36.70A.030(5), but shall not be designated as critical areas

1 under RCW 36.70A.170 based on their being either shorelines of the
2 state or shorelines of statewide significance.

3 **Sec. 4.** RCW 36.70A.280 and 1996 c 325 s 2 are each amended to read
4 as follows:

5 (1) A growth management hearings board shall hear and determine
6 only those petitions alleging either:

7 (a) That a state agency, county, or city planning under this
8 chapter is not in compliance with the requirements of this chapter,
9 (~~chapter 90.58 RCW as it relates to the adoption of shoreline master~~
10 ~~programs or amendments thereto,~~) or chapter 43.21C RCW as it relates
11 to plans, development regulations, or amendments, adopted under RCW
12 36.70A.040 (~~or chapter 90.58 RCW~~); or

13 (b) That the twenty-year growth management planning population
14 projections adopted by the office of financial management pursuant to
15 RCW 43.62.035 should be adjusted.

16 (2) A petition may be filed only by: (a) The state, or a county or
17 city that plans under this chapter; (b) a person who has participated
18 orally or in writing before the county or city regarding the matter on
19 which a review is being requested; (c) a person who is certified by the
20 governor within sixty days of filing the request with the board; or (d)
21 a person qualified pursuant to RCW 34.05.530.

22 (3) For purposes of this section "person" means any individual,
23 partnership, corporation, association, state agency, governmental
24 subdivision or unit thereof, or public or private organization or
25 entity of any character.

26 (4) When considering a possible adjustment to a growth management
27 planning population projection prepared by the office of financial
28 management, a board shall consider the implications of any such
29 adjustment to the population forecast for the entire state.

30 The rationale for any adjustment that is adopted by a board must be
31 documented and filed with the office of financial management within ten
32 working days after adoption.

33 If adjusted by a board, a county growth management planning
34 population projection shall only be used for the planning purposes set
35 forth in this chapter and shall be known as a "board adjusted
36 population projection". None of these changes shall affect the

1 official state and county population forecasts prepared by the office
2 of financial management, which shall continue to be used for state
3 budget and planning purposes.

4 (5) So long as a shoreline master program has been approved by the
5 department of ecology, a growth management hearings board reviewing a
6 comprehensive plan or development regulation under this section shall
7 determine that the master program complies with the requirements of
8 this chapter.

9 NEW SECTION. Sec. 5. This act shall apply to all shoreline master
10 programs or amendments to shoreline master programs adopted after
11 January 1, 2001."

12 Correct the title.

--- END ---