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HOUSE BILL 1933

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State of Washington

58th Legislature

2003 Regular Session

**By** Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander

Read first time 02/17/2003. Referred to Committee on Local Government.

1 AN ACT Relating to the integration of shoreline management policies  
2 with the growth management act; and amending RCW 90.58.020 and  
3 36.70A.480.

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

5 **Sec. 1.** RCW 90.58.020 and 1995 c 347 s 301 are each amended to  
6 read as follows:

7 The legislature finds that the shorelines of the state are among  
8 the most valuable and fragile of its natural resources and that there  
9 is great concern throughout the state relating to their utilization,  
10 protection, restoration, and preservation. In addition it finds that  
11 ever increasing pressures of additional uses are being placed on the  
12 shorelines necessitating increased coordination in the management and  
13 development of the shorelines of the state. The legislature further  
14 finds that much of the shorelines of the state and the uplands adjacent  
15 thereto are in private ownership; that unrestricted construction on the  
16 privately owned or publicly owned shorelines of the state is not in the  
17 best public interest; and therefore, coordinated planning is necessary  
18 in order to protect the public interest associated with the shorelines  
19 of the state while, at the same time, recognizing and protecting

1 private property rights consistent with the public interest. There is,  
2 therefor, a clear and urgent demand for a planned, rational, and  
3 concerted effort, jointly performed by federal, state, and local  
4 governments, to prevent the inherent harm in an uncoordinated and  
5 piecemeal development of the state's shorelines.

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

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

- 24 (1) Recognize and protect the statewide interest over local  
25 interest;
- 26 (2) Preserve the natural character of the shoreline;
- 27 (3) Result in long term over short term benefit;
- 28 (4) Protect the resources and ecology of the shoreline;
- 29 (5) Increase public access to publicly owned areas of the  
30 shorelines;
- 31 (6) Increase recreational opportunities for the public in the  
32 shoreline;
- 33 (7) Provide for any other element as defined in RCW 90.58.100  
34 deemed appropriate or necessary.

35 In the implementation of this policy the public's opportunity to  
36 enjoy the physical and aesthetic qualities of natural shorelines of the  
37 state shall be preserved to the greatest extent feasible consistent  
38 with the overall best interest of the state and the people generally.

1 To this end uses shall be preferred which are consistent with control  
2 of pollution and prevention of damage to the natural environment, or  
3 are unique to or dependent upon use of the state's shoreline.  
4 Alterations of the natural condition of the shorelines of the state, in  
5 those limited instances when authorized, shall be given priority for  
6 single family residences and their appurtenant structures, ports,  
7 shoreline recreational uses including but not limited to parks,  
8 marinas, piers, and other improvements facilitating public access to  
9 shorelines of the state, industrial and commercial developments which  
10 are particularly dependent on their location on or use of the  
11 shorelines of the state and other development that will provide an  
12 opportunity for substantial numbers of the people to enjoy the  
13 shorelines of the state. Alterations of the natural condition of the  
14 shorelines and shorelands of the state shall be recognized by the  
15 department. Shorelines and shorelands of the state shall be  
16 appropriately classified and these classifications shall be revised  
17 when circumstances warrant regardless of whether the change in  
18 circumstances occurs through man-made causes or natural causes. Any  
19 areas resulting from alterations of the natural condition of the  
20 shorelines and shorelands of the state no longer meeting the definition  
21 of "shorelines of the state" shall not be subject to the provisions of  
22 chapter 90.58 RCW.

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

27 **Sec. 2.** RCW 36.70A.480 and 1995 c 347 s 104 are each amended to  
28 read as follows:

29 (1) For shorelines of the state, the goals and policies of the  
30 shoreline management act as set forth in RCW 90.58.020 are added as one  
31 of the goals of this chapter as set forth in RCW 36.70A.020. The goals  
32 and policies of a shoreline master program for a county or city  
33 approved under chapter 90.58 RCW shall be considered an element of the  
34 county or city's comprehensive plan, on an equal priority with the  
35 other stated goals of RCW 36.70A.020. All other portions of the  
36 shoreline master program for a county or city adopted under chapter

1 90.58 RCW, including use regulations, shall be considered a part of the  
2 county or city's development regulations.

3 (2) The shoreline master program shall be adopted pursuant to the  
4 procedures of chapter 90.58 RCW rather than the procedures set forth in  
5 this chapter for the adoption of a comprehensive plan or development  
6 regulations.

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