

HB 2734 - H AMD 1261

By Representative Newhouse

WITHDRAWN 02/19/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.58 RCW
4 to read as follows:

5 (1) If a voluntary habitat restoration project causes a landward
6 shift in the ordinary high water mark and expands the area subject to
7 this chapter, a substantial development permit is not required for
8 development within the habitat restoration areas that were not
9 regulated by this chapter before the habitat restoration project if the
10 shorelines were designated as, or consistent with, a high-intensity
11 shoreline environment designation under the applicable master program.

12 (2) Regardless of shoreline classification, requests for
13 development approval within habitat restoration areas that were not
14 previously subject to this chapter may be granted in the form of a
15 restoration project variance that authorizes relief from bulk,
16 dimension, or other master program development standards, if:

17 (a) The shift in shoreline jurisdiction results in hardship within
18 the restoration area that was not previously subject to this chapter.
19 "Hardship" under this subsection means that a reasonable use of the
20 property is precluded or significantly hindered within the newly
21 regulated area due to regulations in the applicable master program; and

22 (b) The restoration project variance permit includes measures to
23 ensure no net loss of shoreline ecological functions within the
24 restoration area from any use of property allowed under this section.
25 The restoration project variance must be the minimum necessary to
26 afford relief, and the public interest must suffer no substantial
27 detriment.

28 (3) Master programs may include provisions to ensure that
29 restoration project variance processes achieve the objectives of this

1 section, including conditions of approval, areas of applicability, and
2 other elements."

3 Correct the title.

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