

**HB 2734 - H AMD 1279**

By Representative Newhouse

**WITHDRAWN 2/19/2008**

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  
4 RCW to read as follows: (1)(a) A substantial development permit is  
5 not required for development within a restoration area if the  
6 proposed project is to be located on:

7 (i) Shorelines designated as a high-intensity shoreline  
8 environment under the applicable master plan; or

9 (ii) Shorelines consistent with a high-intensity shoreline  
10 environment designation under the applicable master plan.

11 (b) For purposes of this section, a "restoration area" is an  
12 area that:

13 (i) Was created by a landward shift in the ordinary high water  
14 mark that resulted from a voluntary habitat restoration project;  
15 and

16 (ii) Was not subject to regulation under this chapter prior to  
17 the restoration project.

18 (2)(a) Requests for development approvals within restoration  
19 areas that do not meet the requirements of subsections (1)(a)(i)  
20 and (ii) of this section may be granted in the form of restoration  
21 project variances. Restoration project variances may be issued to  
22 authorize relief from bulk, dimension, or other master program  
23 development standards, if:

24 (i) The shift in shoreline jurisdiction resulting from the  
25 voluntary habitat restoration project causes hardship within the  
26 restoration area. "Hardship" under this subsection means that a  
27 reasonable use of the property is precluded or significantly  
28 diminished in the restoration area due to requirements of the  
29 applicable master program; and

1 (ii) The variance includes measures to ensure that allowable  
2 uses of the property under this section result in no net loss of  
3 shoreline ecological functions within the restoration area.

4 (b) Variances issued under this subsection (2) must be limited  
5 to only the minimum approvals necessary to afford relief, and may  
6 not cause the public interest to suffer substantial detriment.

7 (3) Master programs may include provisions, including  
8 conditions of approval, areas of applicability, and other  
9 requirements, to ensure that restoration project variance processes  
10 achieve the objectives of this section."

11 Correct the title.

**EFFECT:** (1) Strikes all provisions of the underlying bill.  
(2) Specifies that a substantial development permit is not  
required for qualifying development within a restoration area.  
(3) Specifies that a "restoration area" is an area that was  
created through a voluntary habitat restoration project and was  
not subject to regulation under the Shoreline Management Act  
before the restoration project. (4) Allows restoration project  
variances to be issued for development approvals that do not  
qualify for the substantial development permit exemption. (5)  
Includes requirements pertaining to the issuance of restoration  
project variances.