

HB 2734 - H AMD 1290

By Representative Simpson

ADOPTED 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:

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

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

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

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

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

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

19 (2)(a) Requests for development approvals within restoration
20 areas may be granted in the form of restoration project variances.
21 Restoration project variances may be issued to authorize relief
22 from bulk, dimension, or other master program development
23 standards, including use regulations, if:

24 (i) The shift in shoreline jurisdiction resulting from the
25 voluntary habitat restoration project causes hardship in the area
26 within and adjacent to the restoration area. "Hardship" under this
27 subsection means that a reasonable use of the property is precluded
28 or significantly diminished in the area within and adjacent to the
29 restoration area due to requirements of the applicable master
30 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):

5 (i) Must be limited to only the minimum approvals necessary to
6 afford relief;

7 (ii) May not cause the public interest to suffer substantial
8 detriment; and

9 (iii) Must be processed according to the same procedures used
10 for other shoreline variances.

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

15 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 if specified
requirements are met.