
SUBSTITUTE SENATE BILL 5044

State of Washington 64th Legislature 2015 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Brown, Ericksen, and Hewitt)

READ FIRST TIME 02/19/15.

1 AN ACT Relating to mitigation measures for shoreline development;
2 and amending RCW 90.58.100.

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

4 **Sec. 1.** RCW 90.58.100 and 2009 c 421 s 9 are each amended to
5 read as follows:

6 (1) The master programs provided for in this chapter, when
7 adopted or approved by the department shall constitute use
8 regulations for the various shorelines of the state. In preparing the
9 master programs, and any amendments thereto, the department and local
10 governments shall to the extent feasible:

11 (a) Utilize a systematic interdisciplinary approach which will
12 insure the integrated use of the natural and social sciences and the
13 environmental design arts;

14 (b) Consult with and obtain the comments of any federal, state,
15 regional, or local agency having any special expertise with respect
16 to any environmental impact;

17 (c) Consider all plans, studies, surveys, inventories, and
18 systems of classification made or being made by federal, state,
19 regional, or local agencies, by private individuals, or by
20 organizations dealing with pertinent shorelines of the state;

1 (d) Conduct or support such further research, studies, surveys,
2 and interviews as are deemed necessary;

3 (e) Utilize all available information regarding hydrology,
4 geography, topography, ecology, economics, and other pertinent data;

5 (f) Employ, when feasible, all appropriate, modern scientific
6 data processing and computer techniques to store, index, analyze, and
7 manage the information gathered.

8 (2) The master programs shall include, when appropriate, the
9 following:

10 (a) An economic development element for the location and design
11 of industries, projects of statewide significance, transportation
12 facilities, port facilities, tourist facilities, commerce and other
13 developments that are particularly dependent on their location on or
14 use of the shorelines of the state;

15 (b) A public access element making provision for public access to
16 publicly owned areas;

17 (c) A recreational element for the preservation and enlargement
18 of recreational opportunities, including but not limited to parks,
19 tidelands, beaches, and recreational areas;

20 (d) A circulation element consisting of the general location and
21 extent of existing and proposed major thoroughfares, transportation
22 routes, terminals, and other public utilities and facilities, all
23 correlated with the shoreline use element;

24 (e) A use element which considers the proposed general
25 distribution and general location and extent of the use on shorelines
26 and adjacent land areas for housing, business, industry,
27 transportation, agriculture, natural resources, recreation,
28 education, public buildings and grounds, and other categories of
29 public and private uses of the land;

30 (f) A conservation element for the preservation of natural
31 resources, including but not limited to scenic vistas, aesthetics,
32 and vital estuarine areas for fisheries and wildlife protection;

33 (g) An historic, cultural, scientific, and educational element
34 for the protection and restoration of buildings, sites, and areas
35 having historic, cultural, scientific, or educational values;

36 (h) An element that gives consideration to the statewide interest
37 in the prevention and minimization of flood damages; and

38 (i) Any other element deemed appropriate or necessary to
39 effectuate the policy of this chapter.

1 (3) The master programs shall include such map or maps,
2 descriptive text, diagrams and charts, or other descriptive material
3 as are necessary to provide for ease of understanding.

4 (4) Master programs will reflect that state-owned shorelines of
5 the state are particularly adapted to providing wilderness beaches,
6 ecological study areas, and other recreational activities for the
7 public and will give appropriate special consideration to same.

8 (5) Each master program shall contain provisions to allow for the
9 varying of the application of use regulations of the program,
10 including provisions for permits for conditional uses and variances,
11 to insure that strict implementation of a program will not create
12 unnecessary hardships or thwart the policy enumerated in RCW
13 90.58.020. Any such varying shall be allowed only if extraordinary
14 circumstances are shown and the public interest suffers no
15 substantial detrimental effect. The concept of this subsection shall
16 be incorporated in the rules adopted by the department relating to
17 the establishment of a permit system as provided in RCW 90.58.140(3).

18 (6) Each master program shall contain standards governing the
19 protection of single-family residences and appurtenant structures
20 against damage or loss due to shoreline erosion. The standards shall
21 govern the issuance of substantial development permits for shoreline
22 protection, including structural methods such as construction of
23 bulkheads, and nonstructural methods of protection. The standards
24 shall provide for methods which achieve effective and timely
25 protection against loss or damage to single-family residences and
26 appurtenant structures due to shoreline erosion. The standards shall
27 provide a preference for permit issuance for measures to protect
28 single-family residences occupied prior to January 1, 1992, where the
29 proposed measure is designed to minimize harm to the shoreline
30 natural environment.

31 (7) Each master program shall provide that:

32 (a) An applicant for a proposed development may not be required
33 to mitigate for environmental impacts that are not a direct result of
34 the proposed development;

35 (b) Environmental mitigation applied to a proposed development
36 must be limited to mitigation measures that are proportional in scope
37 to the environmental impacts that are a direct result of the proposed
38 development;

39 (c) The local government administering and enforcing the permit
40 system as described in RCW 90.58.140(3) is responsible for

1 demonstrating that any mitigation measure applied to a proposed
2 development satisfies the master program provisions adopted to comply
3 with (a) and (b) of this subsection; and
4 (d) The local government administering and enforcing the permit
5 system as described in RCW 90.58.140(3) must establish a process by
6 which the local government may consult with federal agencies that
7 require environmental mitigation for a proposed development. The
8 purpose of the consultation is to evaluate whether any mitigation
9 measure applied to a proposed development would satisfy the master
10 program provisions adopted to comply with (a) and (b) of this
11 subsection.

--- END ---