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HOUSE BILL 1694

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Wilson, Morton, Fuhrman, Van Luven, May, Hargrove, Betrozoff, Broback, Miller, Paris, D. Sommers, Chandler, Ballard, McLean, Orr, Nealey, P. Johnson, Brumsickle, Bowman, Sheldon and Morris.

Read first time February 6, 1991.                      Referred to Committee on Judiciary\Appropriations.

1            AN ACT Relating to shoreline management; amending RCW 90.58.270 and  
2 90.58.290; and providing for a submission of this act to a vote of the  
3 people.

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

5            **Sec. 1.** RCW 90.58.270 and 1971 ex.s. c 286 s 27 are each amended  
6 to read as follows:

7            (1) Nothing in this statute shall constitute authority for  
8 requiring or ordering the removal of any structures, improvements,  
9 docks, fills, or developments placed in navigable waters prior to  
10 December 4, 1969, and the consent and authorization of the state of  
11 Washington to the impairment of public rights of navigation, and  
12 corollary rights incidental thereto, caused by the retention and  
13 maintenance of said structures, improvements, docks, fills or  
14 developments are hereby granted: PROVIDED, That the consent herein  
15 given shall not relate to any structures, improvements, docks, fills,

1 or developments placed on tidelands, shorelands, or beds underlying  
2 said waters which are in trespass or in violation of state statutes.

3 (2) Nothing in this section shall be construed as altering or  
4 abridging any private right of action, other than a private right which  
5 is based upon the impairment of public rights consented to in  
6 subsection (1) hereof.

7 (3) Nothing in this section shall be construed as altering or  
8 abridging the authority of the state or local governments to suppress  
9 or abate nuisances or to abate pollution.

10 (4) Subsection (1) of this section shall apply to any case pending  
11 in the courts of this state on June 1, 1971 relating to the removal of  
12 structures, improvements, docks, fills, or developments based on the  
13 impairment of public navigational rights.

14 (5) Nothing in this chapter shall be construed to authorize the  
15 state or a local government to classify private property under a master  
16 program as natural environment or conservancy environment, as those  
17 terms are defined by the director, without prior notice to the owner.  
18 No private property may be classified natural environment or  
19 conservancy environment unless the owner is compensated for the loss of  
20 any use or potential use which is authorized under zoning or other land  
21 use regulations and which would be prohibited by a natural environment  
22 or conservancy environment classification. As used in this section,  
23 "owner" means an individual, corporation, association, or other legal  
24 entity holding real property in fee, as a life estate, or by contract  
25 purchase.

26 **Sec. 2.** RCW 90.58.290 and 1971 ex.s. c 286 s 29 are each amended  
27 to read as follows:

1       The restrictions imposed by this chapter or any master program  
2 shall be considered by the county assessor in establishing the fair  
3 market value of the property.

4       NEW SECTION.   **Sec. 3.**       This act shall be submitted to the  
5 people for their adoption and ratification, or rejection, at the next  
6 succeeding general election to be held in this state, in accordance  
7 with Article II, section 1 of the state Constitution, as amended, and  
8 the laws adopted to facilitate the operation thereof.