Regulatory Relief Requests
Resulting From Restoration Projects (RCW 90.58.580)

START

Who can apply?

- Property owners who are affected by new shoreline jurisdictions on their own property due to a past voluntary restoration project or other action provided it was not associated with the property owners compensatory mitigation requirement.
- Property owners / neighbors to a property that performed restoration to their shoreline, which caused a change in shoreline jurisdiction for adjacent properties.

Shoreline restoration project means a project designed to restore impaired ecological function of a shoreline.

Does My **Property** Qualify for Regulatory Relief?

The property in question must be in a designated "Urban Growth Area."

Does the proposed development or use qualify for Regulatory Relief?

Proceed to Step 1 if…

A shoreline restoration project causes or would cause a landward shift to the ordinary high water mark or otherwise extend the shoreline jurisdiction resulting in the following:

- Land that was not previously regulated under the SMP is brought into jurisdiction or
- Additional regulatory requirements apply due to a landwards shift in required shoreline buffers or other regulations of the applicable SMP.

Project Qualifications

STEP 1
Demonstrate all of the following:

- ❑ Application of SMP regulations presents a hardship by precluding or interfering with an otherwise permitted use of the property.
- ❑ The proposed relief from the shoreline regulations is the minimum necessary to relieve the hardship.
- ❑ There remains a net environmental benefit from the restoration project after relief is afforded.
- ❑ Granting of relief is consistent with the objectives of the shoreline restoration project and the SMP.
- ❑ If the shoreline restoration project was created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief.

Formal Request

STEP 2
Submit a Relief Request to Your Local Government Permitting Department

Request Should Include:

- ❑ Details and responses to the project qualifications checklist (Step 1).
- ❑ Project description and explanation of perceived hardship.
- ❑ Identify and describe alternative options – include documentation.
- ❑ Any additional background information, i.e. Photos, consultation letters, construction drawings, designs plans, environmental analysis reports, etc.

Local Government's Role

STEP 3
Local Review

- Local government shall review the application for consistency with the requirements and criteria found in RCW 90.58.580(1)(a) &(b).
- Local government shall approve or disapprove the request for relief as part of the required shoreline permit and submit to Ecology along with the permit filing.
- **If no** such permit is required, the local government shall provide a copy of the complete application and all supporting information to Ecology.

Ecology's Role

Step 4
State Review

- Ecology's review will occur during the normal review process for shoreline substantial development permits, conditional use permits, or variances.

OR

- Ecology may need to initiate a public comment period.
- Ecology will provide a formal written approval or disapproval to the local governing body within 30 days of receipt or from the close of the comment period.

Legislative Intent – "The legislature finds that restoration of degraded shoreline conditions is important to the ecological function of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts shoreline management act regulations into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The legislature intends to provide relief to property owners in such cases, while protecting the viability of shoreline restoration projects." [2009 c 405 § 1.]