Topic 2: Shoreline Public Access

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13. Encourage innovative and cooperative approaches, such as the Island County Public Benefit Rating System, among public agencies and private parties to provide shoreline recreation opportunities and public access.

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Island County shall continue compiling, verifying information, and mapping shoreline public access sites for an on-going inventory of Island County Shoreline Public Access Sites.

Page 34 (See display map)

8. Subdivisions of greater than four (4) parcels should be required to provide public access to the shoreline or contribute to an in-lieu fee program administered by Island County to acquire shoreline public access property.

or

8. Subdivisions of greater than four (4) parcels but less than ten (10) parcels should be required to provide public community access to the shoreline. (Spokane Co.)

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The public access requirement is met where a single–family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot or tract for non-commercial recreational use of the property owners and guests within the proposed subdivision. The proponent shall provide visual access to the shoreline via view corridors within the subdivision as illustrated on the final plat and as determined by the Shoreline Administrator. Existing lawfully established public access shall be maintained.
Public access easements, dedications, and permit conditions shall be recorded on the deed of title or the face of a long plat as a condition running, at a minimum, for a period contemporaneous with the duration of the authorized land use. Recordation shall occur at the time of final plat approval or prior to final occupancy.

The location of new public access sites shall be clearly identified. Signs with the appropriate agency’s logo shall be constructed, installed, and maintained by the project proponent in conspicuous locations at public access sites or along common routes to public access sites. The signs shall indicate the public’s right of access, the hours of access, and other information as needed to control or limit access according to conditions of approval.

Liability

RCW 4.24.200
Liability of owners or others in possession of land and water areas for injuries to recreation users — purpose.

The purpose of RCW 4.24.200 and 4.24.210 is to encourage owners or others in lawful possession and control of land and water areas or channels to make them available to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

RCW 4.24.210
Liability of owners or others in possession of land and water areas for injuries to recreation users — known dangerous artificial latent conditions — other limitations.

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, aviation activities including, but not limited to, the operation of airplanes, ultra-light airplanes, hanggliders, parachutes, and paragliders, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing, rafting, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.
(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.