

HOUSE BILL REPORT

ESB 6128

As Passed Legislature

Title: An act relating to erosion of shoreline uplands used for residential purposes.

Brief Description: Regarding erosion of shoreline uplands used for residential purposes.

Sponsor(s): Senators Owen and Amondson.

Brief History:

Reported by House Committee on:

Environmental Affairs, February 28, 1992, DPA;

Passed House, March 4, 1992, 95-0;

Passed Legislature.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *Do pass as amended.* Signed by 12 members: Representatives Rust, Chair; Valle, Vice Chair; Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Bray; Brekke; G. Fisher; J. Kohl; Neher; D. Sommers; Sprenkle; and Van Luven.

Staff: Harry Reinert (786-7110).

Background: In 1971, the Legislature passed the Shorelines Management Act (SMA). The Legislature set out a number of policy objectives the SMA was intended to achieve. These include managing the shorelines through fostering reasonable and appropriate uses and recognizing the special character of shorelines of state-wide significance. The SMA states that natural shorelines should be preserved to the greatest extent feasible. It also recognizes priorities of development, with single family residences at the top of the priority list.

The SMA requires a permit from a local government before any substantial development can be undertaken within the shorelines of the state. This includes the state's open waters as well as areas up to 200 feet upland from the state's marine waters and certain lakes, rivers and wetlands. Each county, city and town containing areas covered by the SMA is required to develop a shoreline master program consistent with state guidelines. Once adopted and

approved by the state, the local master program provides the standards by which substantial development permits are to be considered.

Local master plans are required to include a number of elements, including: economic development, public access, recreation, conservation, transportation, and use. Master programs are also required to allow for conditional uses and variances to insure that "strict implementation of a program will not create unnecessary hardships or thwart [state] policy....".

The local government must also establish a permit system to implement the master plan. The local government must give public notice and opportunity to comment upon applications for permits. If a permit is granted, construction on the project may not begin for 30 days. If the permit application is for certain types of public utility extensions, the comment period is shortened and the local government is required to make a decision on the application within 21 days.

Summary of Bill: The priority given in the Shorelines Management Act (SMA) to single family residences includes appurtenant structures.

Local master programs under the SMA must include standards for protecting single family residences against damage due to shoreline erosion. The standards shall govern the issuance for substantial development permits for both structural and non-structural protection. The standards are required to give a preference to measures designed to protect homes occupied prior to January 1, 1992. The standards must provide for methods which will allow for effective and timely methods to protect single family structures.

The modified public notice requirements and the time limits for decisions that apply to some utility extensions also are applied to measures to protect against shoreline erosion.

Fiscal Note: Requested February 21, 1992.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Owners of single family homes frequently face the potential of losing their homes from shoreline erosion. Local governments should address these problems in their master programs. A speedier process for handling substantial development permits for measures to protect

against erosion is necessary to assure that people do not lose their houses.

Testimony Against: None.

Witnesses: Senator Owen (pro); Susan Markey, Department of Fisheries; Chris Rideout, property owner (pro); and Jerry Speaks, home owner (pro).