

ANALYSIS OF HB 1191

House Agriculture & Ecology Committee

January 26, 1999

**** Exempting motion picture production from the requirement for a substantial development permit under certain conditions.***

BACKGROUND:

The Shoreline Management Act of 1971 is intended to ensure that development of shorelines will promote and enhance the public interest. The act regulates activities through local shoreline master programs developed by local governments with policy guidance from Ecology. A number of terms are defined in the act, including substantial development.–

Substantial development– is any development, such as bulkheading, dredging, dumping, removal of sand or gravel, and similar alterations of the shoreline, exceeding two thousand five hundred dollars in cost or fair market value, or any development which materially interferes with the normal public use of the water or shorelines of the state, except for certain activities. Those exempted activities include such things as construction of normal protective bulkheads for single family residences; construction and practices normal or necessary for farming, irrigation, and ranching; construction of a single family house for personal use, and which may not exceed

thirty-five feet in height; and construction of docks.

Activities other than ones that are specifically exempted may be conducted only under a substantial development permit— from the local jurisdiction where the activity is to take place. Applying for a substantial development permit requires public notice, an application, and review by the Department of Ecology of substantial development permits approved by a local jurisdiction that result in conditional uses or variances.

A limited set of activities associated with the preparation of an application for development may be allowed without a substantial development permit if the activities comply with certain conditions related to protection of the shoreline.

SUMMARY:

A person who uses a shoreline location for the production of motion pictures is exempt from the substantial development provisions of the Shoreline Management Act if the motion picture project:

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- will not interfere with the normal public use of surface waters;
- will have no significant adverse impact on the environment;
- is preceded by a notice of intent to use the location for motion picture production;
- will use the shoreline location for a period of one year or less;
- is preceded by an assessment of the vegetation, land configurations, and other conditions that must be restored upon completion of the project; and
- is preceded by the provision of a performance bond or other financial assurance to the applicable local government.