
Local Government & Housing Committee

HB 2623

Brief Description: Adjusting the monetary threshold for "substantial development" under the shoreline management act.

Sponsors: Representatives Grant, Cairnes, Reardon, Orcutt, Hatfield, Esser, Doumit, Anderson, Linville, Schoesler, Kessler, Jarrett, Berkey, Pflug, Alexander, Jackley, O'Brien, Nixon, Edwards, Mulliken and Haigh.

Brief Summary of Bill

- Amends the current dollar threshold amount for what constitutes "substantial development" under the shoreline management act from \$2500 to \$12,500.
- Directs the office of financial management to readjust the dollar threshold amount for inflation every five years, beginning July 1, 2007, based upon the consumer price index during that time period, and to transmit the new amount to the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

Hearing Date: 2/5/02

Staff: Amy Wood (786-7127).

Background:

The Shoreline Management Act ("SMA"), enacted in 1971, governs uses of state shorelines. The SMA includes specific legislative "findings" that pressures on shoreline uses and the impacts of unrestricted development on public and private shoreline property create the need to coordinate planning for shoreline development activities. The SMA also finds these pressures create the need to protect "private property rights consistent with the public interest."

The Shoreline Management Act applies to all "shorelines of the state," which include both "shorelines" and "shorelines of state-wide significance." The Act applies to all marine water areas of the state, together with the lands underlying them, to the western boundary of the

state in the Pacific Ocean, to streams with a mean annual flow of 20 cubic feet per second or more, to lakes larger than 20 acres in area and to reservoirs.

The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs ("master programs") regulating land use activities in shoreline areas of the state and to enforce those programs within their jurisdictions. All 39 counties and more than 200 cities have enacted master programs.

The Act's basic regulatory device is the prohibition of any development on the shorelines of the state not consistent with the Act's policy and applicable Shoreline Management Master Program. The basic mechanism for enforcing the law is a permit system, which requires permits issued by local governments for most activities in the shoreline zone. There are three types of shoreline permits, substantial development permits, conditional use permits, and variance permits. No "substantial development" can be undertaken without first obtaining a permit from the local government in which the shoreline zone is located.

"Substantial development" means "any development of which the total cost or fair market value exceeds two thousand five dollars [\$2500], or any development which materially interferes with the normal public use of the water or shorelines of the state." Certain developments, identified by statute, are exempt from the definition of substantial developments, and therefore the permit requirements of the Act.

Summary of Bill:

The Shoreline Management Act is amended to modify the current dollar threshold amount for what constitutes substantial development under the shoreline management act from \$2500 to \$12,500. In addition, the act provides that the office of financial management ("OFM") shall readjust the dollar threshold amount for inflation every five years, beginning July 1, 2007, based upon the consumer price index during that time period.

The OFM is directed to calculate the new dollar threshold amount and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

Appropriation: None.

Fiscal Note: Not Requested.

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