

SENATE BILL REPORT

EHB 2623

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, February 25, 2002

Title: An act relating to adjusting the dollar threshold for substantial development under the shoreline management act.

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 History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/21/02, 2/25/02 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Staff: Vic Moon (786-7469)

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 SMA 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 SMA's basic regulatory device is the prohibition of any development on the shorelines of the state not consistent with the SMA'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 hundred 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 SMA.

Summary of Amended Bill: The SMA is amended to modify the current dollar threshold amount for what constitutes substantial development under the SMA from \$2,500 to \$5,000. In addition, the act provides that the Office of Financial Management 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 Office of Financial Management must 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.

Amended Bill Compared to Original Bill: The date referring to the amending of the substantial development dollar amount is changed from 1971 to 1986 for historical accuracy.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The dollar amount for substantial developments needs to be amended to reflect inflation.

Testimony Against: None.

Testified: Mark Johnson, National Federation of Independent Business.