

SENATE BILL REPORT

2SHB 1662

As Reported by Senate Committee On:
Natural Resources & Marine Waters, March 16, 2011

Title: An act relating to appeal and permit procedures under the shoreline management act.

Brief Description: Specifying circumstances under which work outside a shoreland area may commence in advance of the issuance of a shoreline permit.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Takko, Rodne and Angel).

Brief History: Passed House: 3/04/11, 97-0.

Committee Activity: Natural Resources & Marine Waters: 3/16/11 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Majority Report: Do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Stevens and Swecker.

Staff: Sherry McNamara (786-7402)

Background: The Shoreline Management Act (SMA) governs uses of state shorelines. The Department of Ecology (DOE) and local governments are authorized to adopt necessary and appropriate rules for implementing the provisions of SMA.

At the local level, SMA regulations are developed in local shoreline master programs. All counties and cities with shorelines of the state are required to adopt master programs that regulate land use activities. Local master programs have certain mandatory elements and local governments may include other elements necessary to implement SMA requirements. A master program becomes effective when approved by DOE.

Counties and cities are also required to establish a program for the administration and enforcement of a shoreline permit system. While SMA specified standards for counties and cities to review and approve permit applications, the administration of the permit system is performed exclusively by the local government. Counties and cities are also required to notify DOE of all permit decisions under SMA. Current law does not allow construction to begin until the shoreline permit is approved.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Shorelands or shoreland areas is defined in statute to mean those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark.

Summary of Bill: The Shoreline Management Act is modified to allow for the commencement of work outside the shoreland area in advance of the issuance of the shoreline permit, if the work outside the shoreland area does not depend on or require the work proposed within the shoreland area, and if the local government finds that such work will not interfere with the goals of SMA.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill covers a simple concept, it allows areas outside of the shoreland area to begin construction. This is a priority land bill for the Association of Washington Business (AWB) because projects that have multiple permits within a shoreline jurisdiction can be held up for a long period of time while the permits are being appealed. Currently, no construction can occur during the appeals period, this can lead to a loss of the construction season as well as to a loss of financing. This bill goes to the heart of the issue and is very useful in allowing construction to occur in areas that will not impact the shoreland area.

Persons Testifying: PRO: Representative Takko, prime sponsor; Chris McCabe, AWB; Tom Clingman, DOE.