

SENATE BILL REPORT

SB 5542

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 8, 2017

Title: An act relating to overwater residences within a historic district listed in the Washington heritage register.

Brief Description: Concerning overwater residences within a historic district listed in the Washington heritage register.

Sponsors: Senator Darneille.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/07/17, 2/08/17 [DP].

Brief Summary of Bill

- Classifies historic overwater residences as conforming preferred uses under shoreline master programs.
- Defines a historic overwater residence.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Brown, Hobbs, Honeyford, Short and Wellman.

Staff: Kelsey Morfitt (786-7407)

Background: The Shoreline Management Act (SMA) was enacted in 1971, and it governs the use of shorelines of the state. Shorelines of the state are all water areas of the state, with some exceptions, and the land underlying them, including reservoirs, and their associated shorelands. Shorelands are lands that extend landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark, wetlands, and river deltas.

The SMA provides for a cooperative regulatory approach between the state and local governments that contain any lands or waters subject to the SMA. Local governments have primary responsibility for initiating planning required by the SMA and administering

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programs that regulate land use activities in shoreline areas. The Department of Ecology (Ecology) acts primarily in a supportive and review capacity.

Under the SMA, Ecology approves and adopts local shoreline master programs to create a statewide master program, which is the cumulative total of all master programs approved or adopted by Ecology. A master program is the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies in a shoreline comprehensive use plan. When appropriate, master programs must include provisions related to: economic development; public access; recreation opportunities; proposed transportation routes; adjacent land use; natural resources conservation; flood damage prevention; and protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational value.

Some structures are exempt from certain master program regulations. For example, conforming preferred uses, like floating homes, are only subject to reasonable conditions and mitigation requirements of master programs that do not preclude basic maintenance, repair, replacement, and remodeling of existing floating homes.

Summary of Bill: Historic overwater residences established before January 1, 2017, are classified as conforming preferred uses that are only subject to reasonable shoreline master program regulations, permit conditions, and mitigation.

A historic overwater residence is a single-family dwelling unit that is located at least partially over saltwater, and located in a historic district on the Washington heritage register that includes more than ten overwater residences.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Master program regulations prevent historic homes on Salmon Beach on the Tacoma waterfront from making renovations needed to make the homes safe and habitable. These 79 homes should be considered conforming preferred uses under the SMA to permit needed repairs and renovations.

CON: These homes are on an unstable slope and homeowners want to add a second story or otherwise remodel; current regulations permit repairs. Expansion in this area poses a threat to the City of Tacoma's utilities and other homes when a Salmon Beach home falls in a mudslide.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor; Zeno Martin, Salmon Beach North/President; Anders Ibsen, Tacoma City Councilmember.

CON: Tim Gates, Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.