

SENATE BILL REPORT

SB 5152

As of February 12, 2019

Title: An act relating to amending the definition of substantial development to exclude certain dwellings for the elderly and infirm.

Brief Description: Amending the definition of substantial development to exclude certain dwellings for the elderly and infirm.

Sponsors: Senators Wilson, L. and Becker.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/06/19.

Brief Summary of Bill

- Exempts construction or placement of additional dwellings for the elderly or infirm from substantial development permitting under the Shoreline Management Act.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Greg Vogel (786-7413)

Background: The Shoreline Management Act of 1971 (SMA) governs uses of the shorelines of the state. With some exceptions, shorelines include all water areas of the state, the land underlying them, and their associated shorelands. The SMA provides for a cooperative regulatory approach between local governments and the state. At the local level, regulations related to the SMA are developed in mandatory city and county shoreline master programs (SMPs), which regulate land use activities in shoreline areas. At the state level, the Department of Ecology (DOE) is charged with reviewing the locally adopted SMPs for compliance with statutory provisions and agency guidelines.

Prior to undertaking any substantial development on state shorelines, the SMA requires a property owner or developer to first obtain a substantial development permit. A substantial development is any development with a total cost or fair market value exceeding \$7,047, as adjusted for inflation by the Office of Financial Management in 2017, or any development that materially interferes with normal public use of the water or shorelines of the state.

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.

Substantial development permits are reviewed by the local government and filed with the DOE.

Certain types of developments are not considered substantial developments under the SMA and are exempt from the requirement to obtain a substantial development permit. For example, aquatic noxious weed removal and normal maintenance or repair of existing structures are not considered substantial developments.

Summary of Bill: Construction or placement of an additional dwelling on a lot, if the lot is already occupied by a principal residence, is not considered a substantial development for purposes of the SMA, if the additional dwelling is to be used by:

- a person who is to receive from or administer to a resident of the principal residence continuous care and assistance necessitated by advanced age or infirmity; or
- a person over sixty-two years of age who is related by blood or marriage to a resident of the principal residence.

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: A constituent ran into a problem when trying to put a tiny home, mother-in-law unit on the shoreline. They worked with DOE on setbacks and fees, and the fee was almost as much as the cost of the tiny home. This bill brings forth the idea of a hardship exemption. It is designed for elderly, grandparents, and parents who need care because of age or illness. It recognizes that an additional dwelling exists, not subject to the expense associated with shoreline permitting. A similar change was approved a few years ago for retrofitting to help people with disabilities. The exemption is limited to shoreline management, it does not waive other legal requirements.

CON: This bill exempts a development from abiding by shoreline master plans approved by local jurisdictions and DOE. It ignores the irreparable harm that can be done to shorelines at a time when the state is trying to mitigate previous impacts. This bill is not limited to tiny homes. There is also no mechanism to ensure that the dwelling meets the criteria of the legislation in perpetuity.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor.

CON: Bryce Yadon, Futurewise.

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