
Environment Committee

HB 2847

Brief Description: Creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities.

Sponsors: Representative Rossetti.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Removes from the definition of "substantial development" in the Shorelines Management Act retrofitting projects with the exclusive purpose of providing physical access to a structure by individuals with disabilities.
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Hearing Date: 2/1/16

Staff: Jason Callahan (786-7117).

Background:

The Shoreline Management Act (SMA) was enacted in 1971, and it governs uses of the 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. 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 are "shorelands."

The SMA provides for a cooperative regulatory approach between local governments (counties, cities, or towns that contain within their boundaries any lands or waters subject to the SMA) and the state. At the local level, the SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt and enforce master programs that regulate land use activities within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (ECY). Master programs, and any segments of or amendments to the programs, become effective when approved by the ECY.

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.

Development Permits Under the Shoreline Management Act.

Prior to undertaking any substantial development on the shorelines of the state, the SMA requires that a property owner or developer first obtain a permit. A "substantial development" is any development with a total cost or fair market value exceeding a set amount, or any development which materially interferes with the normal public use of the water or shorelines of the state. The original set threshold amount for a project to be considered substantial development was \$5,000; however, on September 15, 2012, it was increased to \$6,416 based on an automatic inflation mechanism.

Certain developments are specifically not considered "substantial developments" by statute and are exempt from the requirement of obtaining a special development permit regardless of their cost. These projects include normal maintenance of existing structures, emergency construction, construction necessary to support agriculture, modification of navigational aids, construction of certain single family residences, and the construction of canals necessary for certain irrigation systems.

Summary of Bill:

Retrofitting projects on either the outside or the inside of an existing structure are removed from the definition of "substantial development" in the SMA if they are undertaken with the exclusive purpose of complying with the Americans with Disabilities Act or to otherwise provide physical access to a structure by individuals with disabilities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.