

SENATE BILL REPORT

SB 5879

As Reported By Senate Committee On:
Ecology & Parks, January 26, 1996

Title: An act relating to regulating vegetation height along shorelines.

Brief Description: Authorizing regulation of vegetation height on residential lots along shorelines.

Sponsors: Senator Winsley.

Brief History:

Committee Activity: Ecology & Parks: 2/23/95, 2/28/95 [DP]; 1/25/96, 1/26/96 [DP].
Passed Senate, 3/15/95, 28-21.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe, Spanel and Swecker.

Staff: Kari Guy (786-7437)

Background: The Shoreline Management Act (SMA) establishes a cooperative program of shoreline management between local government and the state. Under the SMA, counties and cities are required to develop comprehensive shoreline use plans and development regulations. A shoreline permit is required for any construction along shorelines that constitutes "substantial development." However, even if an activity does not require a substantial development permit, it still must comply with regulations and standards set forth in local shoreline master programs.

Under the SMA, preference is given to shoreline uses that are dependent upon proximity to the shoreline and preserve the natural character of the shoreline. The act states that in implementation of local shoreline programs, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible.

Some local government shoreline master programs currently address view protection. However, the SMA does not contain any provisions dealing with regulation of vegetation height in relation to view protection. It is suggested that such provisions be added to the SMA.

Summary of Bill: Persons cannot install on shoreline property used for residential or commercial purposes any ornamental vegetation which significantly obstructs or restricts the view from existing residences on areas adjoining such shorelines.

Ornamental vegetation is defined as any type of plant introduced to the site by the owner or their agent, except vegetation introduced pursuant to a requirement for environmental mitigation or remediation.

Local shoreline master programs are authorized to include provisions establishing appropriate height and bulk standards for ornamental vegetation in residential and commercial areas of the shoreline that balance view protection and aesthetic considerations. Such provisions do not apply to lands managed for open space, forestry or agricultural purposes.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill will close an apparent loophole in the Shoreline Management Act which allows views to be obstructed by ornamental vegetation along shorelines. The height of structures and fences is currently covered by local shoreline programs, but not vegetation. Allowing local shoreline programs to address height of vegetation will help protect public views of the shoreline.

Testimony Against: None.

Testified: Senator Winsley, prime sponsor.