

SENATE BILL REPORT

SB 6236

As Reported By Senate Committee On:
Ecology & Parks, February 1, 1996

Title: An act relating to shoreline management project completion timelines.

Brief Description: Establishing shoreline management project completion timelines.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Ecology & Parks: 1/25/96, 2/1/96 [DPS].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6236 be substituted therefor, and the substitute bill do pass.

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

Staff: Kari Guy (786-7437)

Background: The Shoreline Management Act (SMA) establishes a cooperative program of shoreline management between local governments and the state. Under the SMA, counties and cities are required to develop comprehensive shoreline use plans and development regulations. A shoreline substantial development permit is required for any construction with a fair market cost of over \$2,500, with some exemptions. The Department of Ecology has adopted rules governing the preparation and adoption of shoreline master programs, and providing standards for permitting shoreline developments.

The Department of Ecology rules include time requirements for shoreline permits. Substantial progress toward completion of a permitted activity must be undertaken within two years after the approval of the permit by the local government. The local government may authorize a single extension to this time limit of up to one year. The rules also require that the substantial development permit must expire within five years after approval of the permit. The local government may authorize a single time extension of up to one year beyond the five-year period.

Summary of Substitute Bill: Time requirements for substantial development permits are established. These time requirements may be changed by local governments for specific substantial development permits based on the circumstances of the proposed project.

Construction activities must be commenced within two years and completed within five years of the effective date of the substantial development permit. One year extensions to each time limit may be granted if the request is made prior to the expiration date, and notice of the extension is given to parties of record.

The effective date of the substantial development permit is the date of the last permit action on the development, including all administrative and legal actions on any government approvals.

Substitute Bill Compared to Original Bill: The time period for completion of shoreline development permits is changed from not less than five years to a maximum of five years. The time period to commence construction is added. It is clarified that local governments may change the time limits based on the circumstances of a proposed project.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The current effective date for a substantial development permit is the date the permit is received. If other governmental approvals are not received within five years, the project applicant must reapply for the shoreline development permit. Because federal approvals for complex projects may take longer than five years, an applicant is required to apply for local shoreline approvals more than once.

Testimony Against: The time limit of not less than five years for completion of a project unduly limits the flexibility of local governments. This time limit would also conflict with the Hydraulic Project Approval time limit of not more than five years.

Testified: Tom Mark, Ecology (con); John Woodring, WA Assn. Fish Growers (pro); Jeff Parsons, People For Puget Sound (con); Cyreis Schmitt, WDFW.