

FINAL BILL REPORT

ESHB 2847

C 193 L 16
Synopsis as Enacted

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: House Committee on Environment (originally sponsored by Representative Rossetti).

House Committee on Environment
Senate Committee on Energy, Environment & Telecommunications

Background:

The Shoreline Management Act (SMA) 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 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."

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 from the local government. A "substantial development" is any development with a total cost or fair market value exceeding a set amount, or any development that 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:

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.

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 building by individuals with disabilities.

Votes on Final Passage:

House	75	23	
Senate	33	14	(Senate amended)
House	86	10	(House concurred)

Effective: June 9, 2016