

SENATE BILL REPORT

ESHB 2847

As of February 22, 2016

Title: An act relating to 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.

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).

Brief History: Passed House: 2/16/16, 75-23.

Committee Activity: Energy, Environment & Telecommunications: 2/24/16.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jeff Olsen (786-7428)

Background: The Shoreline Management Act (SMA) was enacted in 1971, and it governs uses of the shorelines of the state. 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 the outside or the inside of an existing building are removed from the definition of "substantial development" in the SMA if they are

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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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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