

SENATE BILL REPORT

SB 6165

As Reported by Senate Committee On:
Ways & Means, April 18, 2009

Title: An act relating to allowing greater use of short boards for appeals before the shorelines hearings board.

Brief Description: Allowing greater use of short boards for appeals before the shorelines hearings board.

Sponsors: Senators Ranker, Rockefeller, Tom and Jarrett.

Brief History:

Committee Activity: Ways & Means: 4/18/09 [DP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell, Fairley, Hewitt, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Parlette, Pridemore, Regala, Rockefeller and Schoesler.

Staff: Maria Hovde (786-7710)

Background: The Shoreline Management Act (SMA) governs all shorelines of the state. The SMA requires counties and cities with shorelines of the state to adopt local shoreline master programs regulating land use activities and to enforce those programs within their jurisdictions. The SMA's basic regulatory device is the prohibition of any development on the shorelines of the state not consistent with the SMA's policy and applicable Shoreline Management Master Program. The mechanism for enforcing the law is a permit system, which requires permits issued by local governments for most activities in the shoreline zone.

The Shorelines Hearings Board (Board), established within the Environmental Hearings Office, is responsible for conducting hearings of appeals of permit decisions made by local governments. The Board is composed of six members, three of whom also serve as the Pollution Control Hearings Board, are full-time employees appointed by the Governor and confirmed by the Senate, with one of these individuals being an attorney. The three additional members of the Board are the State Lands Commissioner or designee, a representative from the Washington State Association of Counties, and a representative from

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the Association of Washington Cities. The members of the Board receive per diem compensation while acting in an official capacity.

Appeals involving a single family residence or certain structures serving a single family residence, or appeals that involve a penalty of \$15,000 or less, may be heard by a short board. A short board consists of a panel of three Board members, at least one and not more than two of whom must be members of the Pollution Control Hearings Board. All other appeals must be heard by the full, six-member Board.

Summary of Bill: In addition to appeals involving a single family residence or certain structures serving a single family residence, or appeals that involve a penalty of \$15,000 or less, a short board may hear other cases designated by the chair of the hearings board. When designating appeals for review by a short board, the chair must consider factors such as the complexity and precedential nature of the case and the efficiency and cost-effectiveness of using a short board versus a full board.

Appropriation: None.

Fiscal Note: Requested on April 15, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill provides a tool for the Environmental Hearings Office to use in response to the budget reductions. Currently, 24 percent of cases are heard with a short board. With this bill, it is anticipated that this number will increase to 80 or 85 percent.

Persons Testifying: PRO: Kathleen Mix, Environmental Hearings Office, Shorelines Hearings Board