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REALTORS® Commission Paper on Shorelines

RREALTORS® recently asked Perkins-Coie, LLP to prepare an analysis of how the new Shoreline Master Program Guidelines will affect REALTORS®. The resulting analysis is a White Paper entitled "Washington's New Shoreline Master Program Guidelines: Recommendations For REALTORS®". This paper highlights the major impacts of the new shoreline rules and how they affect property owners, sellers and buyers. (For complete text of this paper see our website: www.warealtor.com)

Confirmed by the report, the Shorelines Master Program Guidelines will have an adverse effect on many quality of life issues of concern to REALTORS®, including housing, economic development, property rights and the environment. Under the new rules, land owned by businesses and citizens, literally thousands of

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President's Message

Shorelines

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miles of shorelines and abutting acreage will be subject to restricted use. The new rules prevent landowners from building or replacing bulkheads, constructing a home or adding to an existing home on the more than 20,000 miles of river, lake and coastal shorelines in the state.

"The current use of many of these existing properties will become non-conforming, limiting and making it difficult to finance, refinance, improve and even sell these properties," said W.A.R. Vice President for Government Affairs Marguerite Glover. "Removing large amounts of buildable land from available inventory will have a significant adverse impact on new housing and general economic development. We also believe these rules will have little effect on improving salmon habitat. For these reasons, REALTORS® are challenging the adopted rules, and working to provide legislative relief."

REALTORS® believe the new rules suffer from both procedural and substantive deficiencies and infringe on private property rights. Accordingly, the Washington Association of REALTORS®, joined by a coalition of other organizations, local governments and private property owners, filed an appeal against the DOE Shorelines Master Program Guidelines on Dec. 21, 2000. Other partners in the appeal include the Building Industry Association of Washington, the Association of Washington Business, National Federation of Independent Business, Washington State Farm Bureau, Washington's Cattlemen's Association, Washington Contract Loggers Association, Washington State Grange, United Property Owners of Washington, National Association of Industrial and Office Properties, Independent Business Association, nearly 30 counties, three cities, several local chambers of commerce and individual property

owners. A hearing before the Shoreline Hearings Board is scheduled for June 27, 2001.

While REALTORS® are involved in both legal and legislative efforts to overturn the Guidelines, given the composition of the legislature and the uncertainty of the legal system, REALTORS® can't assume an impending legislative or legal victory, and must be prepared for implementation of the shoreline rules at the local level. Unless the legislature takes action to extend the implementation dates for the Guidelines, each city and county is required to update its shoreline master plan and comprehensive (land use) plan in the next two years.

As part of the Quality of Life program, W.A.R. is preparing a strategy to equip members with tools to help make sure that housing, economic development and property rights are balanced with environmental protections as updates are adopted and implemented at the local level.

"We are preparing talking points for distribution to our Quality of Life advocates and legislative key contacts," said W.A.R. Director of Government Affairs Bryan Wahl. "These REALTORS® will share our position with state and local policy makers to ensure that concerns such as accommodating growth, providing housing opportunities, ensuring economic vitality and protecting property rights are considered when the local shoreline master plans are updated."

Special Note: As a tool for our members, the Government Affairs staff is producing a two page summary of the guidelines that you can copy and distribute to your clients. This summary will be mailed to all members in April and available on the website.

By Monica M. Walk