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CHAPTER 150

[Substitute House Bill No. 486]

SECOND CLASS SHORELANDS—SALES TO ABUTTING OWNERS

AN ACT Relating to second class shorelands; and adding a new section to chapter 79.01 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 79.01 RCW a new section to read as follows:

(1) The legislature finds that maintaining public lands in public ownership is often in the public interest. However, when second class shorelands on navigable lakes have minimal public value, the sale of those shorelands to the abutting upland owner may not be contrary to the public interest: PROVIDED, That the purpose of this section is to remove the prohibition contained in RCW 79.01.470 regarding the sale of second class shorelands to abutting owners, whose uplands front upon the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state.

(2) Notwithstanding the provisions of RCW 79.01.470, the department of natural resources may sell second class shorelands on navigable lakes to abutting owners whose uplands front upon the shorelands in cases where the board of natural resources has determined that these sales would not be contrary to the public interest. These shorelands shall be sold at the fair market value, but not less than five percent of the fair market value of the abutting upland, less improvements, to a maximum depth of one hundred fifty feet landward from the line of ordinary high water.

(3) Review of a decision of the department regarding the sale price established for a shoreland to be sold pursuant to this section may be obtained by the upland owner by filing a petition with the board of tax appeals created in accordance with chapter 82.03 RCW within thirty days of the date the department notified the owner regarding the price. The board of tax appeals shall review such cases in a "contested case" proceeding as described in chapter 34.04 RCW, and the board's review shall be de novo. Decisions of the board of tax appeals regarding fair market values determined pursuant to this section shall be final unless appealed to superior court pursuant to RCW 34.04.130.

Passed the House March 7, 1979.

Passed the Senate March 1, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.