

HOUSE BILL REPORT

EHB 2417

As Passed House:
January 30, 2012

Title: An act relating to increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act.

Brief Description: Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act.

Sponsors: Representatives Shea and Reykdal.

Brief History:

Committee Activity:

Local Government: 1/20/12 [DP].

Floor Activity:

Passed House: 1/30/12, 96-0.

Brief Summary of Engrossed Bill

- Increases the threshold for exempting construction of a dock in fresh waters from the permitting requirements of the Shoreline Management Act from \$10,000 to \$20,000.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Takko, Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Smith, Springer and Tharinger.

Minority Report: Without recommendation. Signed by 1 member: Representative Fitzgibbon, Vice Chair.

Staff: Kelly Pfundheller (786-7289).

Background:

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.

The Shoreline Management Act of 1971 (SMA) governs uses of state shorelines. The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in city and county shoreline master programs that regulate land use activities in shoreline areas of the state, which are subsequently subject to approval by the Department of Ecology.

Permits Under the Shoreline Management Act.

Each local government must establish a program for the administration and enforcement of a shoreline permit system. While the SMA specifies standards for local governments to review and approve permit applications, the administration of permit systems is performed by local governments.

The SMA requires a property owner or developer to obtain a substantial development permit for substantial developments within shorelands. "Substantial developments" include both developments with a total cost or fair market value exceeding \$5,718 and developments materially interfering with normal public shoreline or water use. "Shorelands" or "shoreland areas" refers to lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark.

Construction of a Dock.

Certain exemptions to the substantial development permit requirement are specified in statute. Construction of a dock in fresh waters, including a community dock designed for pleasure craft only and for the private noncommercial use of an owner, lessee, or contract purchaser of a single and multiple family residence, is exempt from the requirement if the fair market value of the dock does not exceed \$10,000. The exemption threshold for construction of the same type of dock in salt waters is \$2,500. However, if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction is considered a substantial development.

Summary of Engrossed Bill:

The threshold for exempting construction of a dock in fresh waters from the substantial development permit requirement is increased to \$20,000.

If subsequent construction on a dock occurs within five years of completion of the prior construction, and the combined fair market value of the construction exceeds \$2,500 for a dock in salt waters and \$20,000 for a dock in fresh waters, the subsequent construction is considered a substantial development.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill provides the needed increase in the exemption amount for construction of docks under the SMA. The amount has not been increased in several years, which has incentivized the use of inexpensive and energy inefficient materials in order to fall below the \$10,000 amount. By increasing the exemption amount, homeowners will be able to use environmentally-friendly materials in the construction of community docks, rather than cheaper individually-sized docks, without having to obtain a costly substantial development permit. The bill encourages individuals and communities to purchase and maintain environmentally-friendly docks.

(Opposed) None.

Persons Testifying: Representative Shea, prime sponsor; Briahna Taylor, City of Spokane Valley; and Bill Evans, Evans Marine Solutions Dock Construction Company.

Persons Signed In To Testify But Not Testifying: None.