

SENATE BILL REPORT

EHB 2417

As Reported by Senate Committee On:
Energy, Natural Resources & Marine Waters, February 23, 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: Passed House: 1/30/12, 96-0.

Committee Activity: Energy, Natural Resources & Marine Waters: 2/22/12, 2/23/12 [DP, DNP].

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Majority Report: Do pass.

Signed by Senators Ranker, Chair; Delvin, Ranking Minority Member; Morton, Ranking Minority Member; Hargrove, Stevens and Swecker.

Minority Report: Do not pass.

Signed by Senators Regala, Vice Chair; Fraser.

Staff: Angeline Thomas (786-7470)

Background: Shoreline Management Act (SMA). SMA, enacted in 1971, governs uses of state shorelines. SMA involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in city and county shoreline master programs that regulate land use activities in shoreline areas of the state. Shoreline master programs must be approved by the Department of Ecology.

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

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.

SMA requires a property owner or developer to obtain a substantial development permit for substantial developments within shorelands. Substantial developments include 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 refer to lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark.

Dock Construction. Any substantial development that occurs within 200 feet of a shoreline of the state must receive a substantial development permit from the local government with jurisdiction. However, SMA does include exemptions from permitting requirements for certain structures, including construction of a dock if the fair market value of the salt water dock does not exceed \$2,500 and the fair market value of a fresh water dock does not exceed \$10,000. Substantial development permits may be appealed to the Shorelines Hearings Board.

Summary of Bill: The threshold for exempting construction of a dock in fresh waters from the substantial development permit requirement is increased from \$10,000 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.

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: The dollar amount threshold for construction of a fresh water dock has not been increased in 15 years. Increasing the dollar amount from \$10,000 to \$20,000 will allow use of more environmentally friendly materials, which will ensure healthier fish in turn. The cost of a typical fresh water dock is \$10,000-\$20,000. Furthermore, this bill allows for a simpler local review process for this very common occurrence.

This bill allows for a faster track approval for dock construction from DOE. Fresh water docks are not exempt from permitting, but they qualify for an exempt permit that typically takes 1-6 weeks for approval, compared to a substantial development permit which costs \$6,610 and takes 6-12 months for approval. Increasing the dollar threshold to qualify for an exempt permit will encourage compliance with the law and more environmentally friendly structures.

This bill is of particular important to Spokane Valley because it encourages the construction of one community dock instead of multiple individual docks. Spokane Valley contains a river front with lots divided per residence. The average cost for a homeowner to construct an

individual dock is \$10,000, where a community dock cost \$20,000. This bill encourages construction of a community dock, because it removes the incentive for residents to construct individual docks at a lower cost.

Persons Testifying: PRO: Representative Shea, prime sponsor; Bill Evans, Evans EZ Dock Co.; Tom Clingman, DOE; Briahna Taylor, City of Spokane Valley; James Curry, NW Market Trade Assn.