

# SENATE BILL REPORT

## ESHB 1090

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As of February 21, 2014

**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:** House Committee on Local Government (originally sponsored by Representatives Shea, Reykdal, Crouse, Holy, Springer and Dahlquist).

**Brief History:** Passed House: 3/09/13, 95-0; 1/22/14, 97-0.

**Committee Activity:** Natural Resources & Parks: 3/28/13, 4/02/13 [DP]; 2/20/14.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Pearson, Chair; Rolfes, Ranking Member; Hewitt, Kline, Parlette and Smith.

**Staff:** Curt Gavigan (786-7437)

**Background:** Shoreline Management Act (SMA) Generally. SMA requires the development of local shoreline master programs (master programs), which must be consistent with guidelines adopted by the Department of Ecology (DOE). Each local government must establish a program for the administration and enforcement of a shoreline permit system. Property owners or developers must generally obtain a substantial development permit for qualifying developments within shoreline areas. Substantial developments are defined to include both developments with total cost or fair market value exceeding \$5,000 as adjusted for inflation, and developments materially interfering with normal public shoreline use.

Recreational Dock Construction as a Substantial Development. 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 substantial development permitting requirements for certain structures, including construction of a recreational dock if the fair market value of the salt water dock does not exceed \$2,500 and the fair market value of the fresh water dock does not exceed \$10,000.

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*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.*

However, if subsequent construction having a fair market value exceeding \$2,500 occurs within five years, the subsequent construction is considered a substantial development.

**Summary of Bill:** The maximum fair market value of a dock in freshwater that qualifies for the substantial development exemption for dock construction is expanded from \$10,000 to \$20,000 for docks:

- constructed to replace existing docks;
- that are of equal or lesser square footage than the existing dock; and
- that are located in a jurisdiction that updated its master program consistent with DOE's master program guidelines adopted in 2003.

If subsequent construction occurs within five years and the combined fair market value of the previous and subsequent construction exceed the applicable exemption threshold, the subsequent construction is considered a substantial development.

Additionally, the dollar thresholds relating to the freshwater dock exemption must be adjusted for inflation every five years beginning in 2018.

**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:**

Testimony From 2013 Regular Session.

PRO: This bill encourages the use of environmentally friendly materials in the construction of docks by changing the dollar threshold for substantial development permits.

Testimony From 2014 Regular Session.

PRO: This bill strikes a good balance by ensuring efficiency while protecting the habitat features of the shoreline. It is important to maintain the bill's link between the increased threshold and updated master programs.

**Persons Testifying:**

Persons Testifying From 2013 Regular Session.

PRO: Representative Shea, prime sponsor; Briahna Taylor, City of Spokane Valley.

Persons Testifying From 2014 Regular Session.

PRO: Tom Clingman, DOE.