

SENATE BILL REPORT

SB 6368

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 4, 2014

Title: An act relating to adjusting the dollar threshold for substantial development under the shoreline management act for certain pleasure craft-related construction.

Brief Description: Adjusting the dollar threshold for substantial development under the shoreline management act for certain pleasure craft-related construction.

Sponsors: Senators Roach, Holmquist Newbry, Benton, Sheldon, Padden, Chase, Eide, Mullet and Dammeier.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 1/29/14, 2/04/14 [DPS].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 6368 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; McCoy, Ranking Member; Brown, Chase and Honeyford.

Staff: Jan Odano (786-7486)

Background: The Shoreline Management Act (SMA) requires the development of local shoreline 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.

Certain exemptions to the substantial development permit requirement are specified in statute. Construction of a community dock designed for pleasure craft only, and for the

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private noncommercial use of an owner, lessee, or contract purchaser of a single and multiple family residence, is exempt from the substantial development requirements if the fair market value does not exceed:

- \$2,500 for docks in salt waters; or
- \$10,000 for docks in fresh waters; 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 Bill (Recommended Substitute): The threshold for exempting construction of a dock in fresh or salt water from the substantial development permit requirements is increased to \$20,000. However, if subsequent construction within five years plus the cumulative fair market value of the construction exceeds \$20,000 then the subsequent construction is considered a substantial development.

EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (Recommended Substitute): The exemption for construction of a boat ramp or boat launch is removed. The threshold for exempting construction of a dock in fresh or salt waters from the substantial development permit requirements is increased to \$20,000.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: CON: We support raising the threshold for freshwater docks especially where there are appropriate sideboards such as an updated shoreline management plans. Updated shoreline management plans will contain clear standards for docks and an individual permit will not be warranted. We oppose extending the scope of the threshold to boat ramps and boat launches. These should have an individual permit because they have a much greater impact to the shoreline as they require fill, parking, and a maneuvering area close to the shoreline.

OTHER: Increasing the exemption threshold may lead to larger docks and over-water coverage.

Persons Testifying: CON: Tom Clingman, DOE.

OTHER: Mike Rechner, WA Dept. of Natural Resources.