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## Local Government Committee

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### HB 1090

**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, Reykdal, Crouse, Holy, Springer and Dahlquist.

#### Brief Summary of Bill

- Increases the minimum dollar threshold for construction of a dock that causes the construction to be considered a “substantial development” and makes it subject to permitting requirements under the Shoreline Management Act (SMA).
- Establishes that the combined fair market value of prior and subsequent dock construction that exceeds the salt water or fresh water thresholds within a five-year-period determines whether construction of the dock is considered a “substantial development” under the SMA.

**Hearing Date:** 1/24/13

**Staff:** Michaela Murdock (786-7289).

#### Background:

The Shoreline Management Act (SMA) was enacted in 1971, and it governs uses of the shorelines of the state. Shorelines of the state are all water areas of the state, with some exceptions, and the land underlying them, including reservoirs, and their associated shorelands. Lands that extend landward 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark, wetlands, and river deltas are "shorelands."

The SMA provides for a cooperative regulatory approach between local governments (counties, cities, or towns that contain within their boundaries any lands or waters subject to the SMA) and the state. Local government has primary responsibility for initiating planning required by the SMA and administering programs that regulate land use activities in shoreline areas. The Department of Ecology acts primarily in a supportive and review capacity.

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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.*

### Development Permits Under the Shoreline Management Act.

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

Prior to undertaking any substantial development on the shorelines of the state, the SMA requires that a property owner or developer first obtain a permit. A "substantial development" is any development of which the total cost or fair market value exceeds \$5,000, or any development which materially interferes with the normal public use of the water or shorelines of the state. Certain developments are specifically not considered "substantial developments" by statute and are exempt from the requirement of obtaining a special development permit.

### Construction of a Dock.

Under certain circumstances, construction of a dock is not considered a "substantial development" for purposes of the SMA. To qualify for this exemption, the dock to be constructed must meet the following conditions:

- designed for pleasure craft use only;
- designed for private noncommercial use by the: (1) owner, (2) lessee, or (3) contract purchaser of single and multiple family residences; and
- the fair market value of the dock does not exceed \$2,500 in salt waters, or \$10,000 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:**

The threshold for whether construction of a dock in fresh waters is considered a "substantial development" is increased to \$20,000.

The provision governing combined fair market value of subsequent and prior dock construction is modified. Where subsequent construction occurs within five years of completion of prior construction, and the combined fair market value of the prior and subsequent construction exceeds \$2,500 for docks in salt waters, or \$20,000 for docks in fresh waters, the subsequent construction is considered a substantial development.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2013.

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