

# HOUSE BILL REPORT

## SHB 2772

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### As Amended by the Senate

**Title:** An act relating to raising the amount that must be exceeded by the cost of construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences for the construction to be considered substantial development under the Shoreline Management Act of 1971.

**Brief Description:** Raising the amount that must be exceeded by the cost of dock construction for the construction to be considered substantial development under the Shoreline Management Act of 1971.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Kessler and Buck).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/2/96 [DPS].

**Floor Activity:**

Passed House: 2/9/96, 92-4.

Senate Amended.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Mastin; Murray; Ogden; Regala; Robertson and Schoesler.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives R. Fisher and Rust.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The Shoreline Management Act requires that a "development" conducted on the shorelines of the state be consistent with its policies and with the applicable guidelines, rules, or master program created under it.

In general, a development for which the cost or market value is greater than \$2,500, or which materially interferes with the normal public use of the water or shorelines of, the state is considered to be a "substantial development." Several exceptions and clarifications to the definition of a substantial development are provided, including one for recreational docks. The construction of such a dock, including a community dock, is not considered to be a substantial development if it is designed for pleasure craft, non-commercial use for single or multi-family residences, and costs not more than \$2,500. This exemption was, in the main, established in 1973.

A substantial development may not be undertaken on the shorelines of the state without a substantial development permit. Thus, an exemption from the definition of "substantial development" affords an exemption from the substantial development permit requirement.

**Summary of Bill:** The exemption from the definition of a substantial development provided by the Shoreline Management Act for a recreational dock is altered. The exemption now applies to the construction of such a dock, the cost of which does not exceed \$10,000 (rather than \$2,500, as under current law). However, San Juan County or a city or town located in San Juan County may reestablish the \$2,500 version of the exemption by ordinance.

**EFFECT OF SENATE AMENDMENT(S):** The nature of the exemption from the definition of a substantial development provided for a recreational dock now depends on whether the dock is in salt waters or fresh waters. If it is in salt waters, the exemption applies if the fair market value of the dock does not exceed \$2,500. If it is in fresh waters, the exemption applies if the fair market value of the dock does not exceed \$10,000; however, the exemption does not apply to a subsequent construction occurring within five years that has a fair market value exceeding \$2,500.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** A substantial development permit is required for dock replacements. The cost of getting the permit may be thousands of dollars; it hardly makes the effort worthwhile.

**Testimony Against:** None.

**Testified:** Representative Kessler, prime sponsor; and Stephen Conner, Port Townsend Construction and Dock Company.