

HOUSE BILL REPORT

EHB 1055

As Passed House:

February 17, 1995

Title: An act relating to exempting docks of less than seven hundred square feet from the definition of substantial development under the shorelines management act.

Brief Description: Exempting docks of less than seven hundred square feet from the definition of substantial development under the Shorelines Management Act.

Sponsors: Representatives Padden, Fuhrman and Sheldon.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/18/95, 1/25/95 [DP].

Floor Activity:

Passed House: 2/17/95, 77-17.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 13 members: Representatives Chandler, Chair; Koster, Vice Chair; McMorris, Vice Chair; Mastin, Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Robertson and Schoesler.

Minority Report: Do not pass. Signed by 3 members: Representatives Chappell, Assistant Ranking Minority Member; R. Fisher and Regala.

Staff: Kenneth Hirst (786-7105).

Background: The Shoreline Management Act of 1971, as amended, 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. Each of the following is considered to be a development for this purpose: constructing or altering the exterior of structures; dredging; drilling; dumping; filling; removing of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act.

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 multifamily 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 community or recreational dock is altered. Rather than being restricted to the construction of such a dock with a value of not more than \$2,500, it is now restricted to the construction of such a dock that is, including the ramp, no more than 700 square feet in surface area and no wider than 10 feet. However, San Juan County or a city or town located in San Juan County may re-establish the \$2,500 version of the exemption by ordinance.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (1) Today, a dock for a Western Washington lake costs \$10,000 to \$15,000 to build; the bill is needed to keep the exemption within the scope originally intended. (2) Docks cost \$12 to \$15 per square foot to build and install, due primarily to increased costs for building materials; substantial development permit fees make them even more expensive. (3) Most counties require other permits in addition to the substantial development permit; most on saltwater also require Environmental Impact Statement (EIS) checklists. This bill will not change these other requirements. (4) The delays caused by substantial development permits are in addition to those for scheduling pile drivers and other activities. The delay incurred to secure all of the permits needed to build a dock in salt water is now six to 18 months in Puget Sound. Delays can mean the difference between being in or out of the dock-building business.

Testimony Against: If docks are more than eight feet in width, the hydraulic permit for the dock may have conditions to reduce the shading effect.

Testified: David Scott, Lark, Inc. (pro); Wendell Stroud, Marine Floats (pro); Dick Welsh, property owner (pro); Henry Kappert, Kappert's Enterprises, Inc. Waterfront Construction (pro); and Cyreis Schmitt, Department of Fish and Wildlife (commented).