

# SENATE BILL REPORT

## SB 6559

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As of February 15, 2008

**Title:** An act relating to the noncommercial dock construction exemption contained in the shoreline management act.

**Brief Description:** Regarding the exemption for construction of a private dock under RCW 90.58.030.

**Sponsors:** Senators Honeyford, McCaslin, King, Morton, Delvin, Swecker, Holmquist and Stevens.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/06/08.

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Staff:** Karen Epps (786-7424)

**Background:** The Shoreline Management Act (SMA), enacted in 1971, governs uses of state shorelines. The SMA includes specific legislative "findings" that pressures on shoreline uses and the impacts of unrestricted development on public and private shoreline property create the need to coordinate planning for shoreline development activities. The SMA also finds these pressures create the need to protect "private property rights consistent with the public interest."

The Shoreline Management Act applies to all "shorelines of the state," which include both "shorelines" and "shorelines of state-wide significance." The SMA applies to all marine water areas of the state, together with the lands underlying them, to the western boundary of the state in the Pacific Ocean, to streams with a mean annual flow of 20 cubic feet per second or more, to lakes larger than 20 acres in area and to reservoirs.

The SMA's basic regulatory device is the prohibition of any development on the shorelines of the state not consistent with the SMA's policy and applicable Shoreline Management Master Program. The basic mechanism for enforcing the law is a permit system, which requires permits issued by local governments for most activities in the shoreline zone. There are three types of shoreline permits, substantial development permits, conditional use permits, and variance permits. No "substantial development" can be undertaken without first obtaining a permit from the local government in which the shoreline zone is located.

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.

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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, the SMA does include exemptions from permitting requirements for certain structures, including construction of a dock if the fair market value of the salt water dock does not exceed \$2500 and the fair market value of a fresh water dock does not exceed \$10,000. Substantial development permits may be appealed to the Shorelines Hearings Board.

**Summary of Bill:** Construction of a dock, no more than 700 square feet in surface area and no section of which is wider than ten feet, would not be considered substantial development under the SMA. This would include a community dock for the private noncommercial use of the owner of single or multiple family residences

**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:** PRO: It seems more reasonable to have a square foot amount in the exemption rather than a dollar amount. Docks cost between \$20 a foot and \$80 a foot to build. What costs \$10,000 in one region could cost \$30,000 in another. By using a square foot in the exemption, the exemption would not have to be amended when the amounts need to be adjusted for inflation. Seven hundred square feet is not an unreasonable request, considering the regional environmental and topographical differences throughout the state. Reasons for removing the cost limitation on the exemption of the construction of a dock under the SMA include local economies drive prices for wages and other costs, freight costs vary according to distances from vendors, mobilization costs to travel to rural locations differ, improvements in more environmentally friendly building materials are more costly, and regulatory requirements and the cost of permit review can also affect costs.

CON: Seven hundred square feet is virtually a blanket exemption. To use 700 square feet would cover all docks and make it more difficult to enforce. The Department of Ecology has not heard of problems with the current exemption. It might make more sense to go with a smaller size exemption.

**Persons Testifying:** PRO: Senator Jim Honeyford, prime sponsor; Mary Lyn Kappert, Kappert's Waterfront Construction, Northwest Marine Trade Association, Shoreline Property Owners and Contractors Association.

CON: Tom Clingman, Department of Ecology.

OTHER: Bruce Wishart, People for Puget Sound.