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## Local Government Committee

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### HB 1783

**Brief Description:** Amending the consideration of houseboats and houseboat moorages for the purposes of aquatic lands and shoreline management.

**Sponsors:** Representatives Pedersen, Upthegrove, Takko, Blake, Rodne, Smith, Carlyle, Fitzgibbon, Springer, Angel and Kenney.

#### Brief Summary of Bill

- Amends provisions governing aquatic lands to specify that houseboats are a "water-dependent use" rather than a "water-oriented use," and that houseboat moorages are also a "water-dependent use."
- Exempts houseboats and houseboat moorages placed on aquatic lands in Seattle prior to January 1, 2011, from regulation under the Shoreline Management Act (SMA).
- Specifies that houseboats and houseboat moorages placed on aquatic lands in Seattle prior to January 1, 2011, must be considered a preferred water-dependent use under the SMA and may not be treated as non-conforming uses.

**Hearing Date:** 2/9/11

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

##### Aquatic Lands.

The Legislature has delegated the management of state-owned aquatic lands to the Department of Natural Resources (DNR), with directions to encourage public use and access, foster water-dependent uses, ensure environmental protection, and utilize renewable resources. The DNR is further instructed to charge a rent to the users of state-owned aquatic lands, with different standards applying to different use types. Non-water dependent uses are charged the fair market value for the use of the land. Water-dependent uses are charged rent according to a statutory formula.

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Water-dependent uses, defined as uses that cannot logically exist except on water, are assessed a rent that is associated with upland values. Generally, water-dependent users, such as marinas, must pay a rent that is based on a percentage of the assessed value of the nearest upland parcel. After an initial rent amount is determined, the DNR is directed to apply a real capitalization rate every four years.

Water-oriented uses, as the term is defined in aquatic lands provisions, is defined as uses that historically have been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples specified in the definition include watercraft sales, fish processing, and houseboats.

### Shoreline Management Act.

The Shoreline Management Act of 1971 (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment and creates preference criteria listed in prioritized order that must be used by state and local governments in regulating shoreline uses. Additionally, the SMA specifies that preferred shoreline uses are those which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in city and county shoreline master programs (master programs) that regulate land use activities in shoreline areas of the state. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

### **Summary of Bill:**

Provisions governing aquatic lands are modified to specify that houseboats are a "water-dependent use" rather than a "water-oriented use," and that houseboat moorages are also a "water-dependent use."

Houseboats and houseboat moorages placed on aquatic lands in Seattle prior to January 1, 2011, are exempted from regulation under the SMA. Additionally, these houseboats and houseboat moorages must, under the SMA, be considered a preferred water-dependent use and may not be treated as non-conforming uses.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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