

HOUSE BILL REPORT

SHB 1783

As Passed Legislature

Title: An act relating to houseboats and houseboat moorages.

Brief Description: Regarding houseboats and houseboat moorages.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Pedersen, Upthegrove, Takko, Blake, Rodne, Smith, Carlyle, Fitzgibbon, Springer, Angel and Kenney).

Brief History:

Committee Activity:

Local Government: 2/9/11, 2/15/11 [DPS].

Floor Activity:

Passed House: 3/3/11, 58-40.

Senate Amended.

Passed Senate: 4/7/11, 47-2.

House Concurred.

Passed House: 4/14/11, 65-32.

Passed Legislature.

Brief Summary of Substitute Bill

- Specifies that floating homes that were permitted or legally established before January 1, 2011, must be classified under the Shoreline Management Act as a conforming preferred use.
- Defines "floating home" and "conforming preferred use."

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Takko, Chair; Angel, Ranking Minority Member; Asay, Assistant Ranking Minority Member; Rodne, Springer and Upthegrove.

Minority Report: Do not pass. Signed by 3 members: Representatives Tharinger, Vice Chair; Fitzgibbon and Smith.

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.

Staff: Ethan Moreno (786-7386).

Background:

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. Preferred shoreline uses, as specified in the SMA, are uses that are consistent with the control of pollution and the 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). Master programs, and segments of or amendments to, become effective when approved by the DOE.

Summary of Substitute Bill:

Floating homes that were permitted or legally established before January 1, 2011, must be classified under the SMA as a conforming preferred use.

Applicable terms are defined. A "floating home" is a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters. Although a floating home may be capable of being towed, a floating home may not be a vessel. "Conforming preferred use" means that applicable development and master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude the maintenance, repair, replacement, and remodeling of existing floating homes and moorages by rendering those actions impracticable.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Houseboats and houseboat moorages are a significant issue in Seattle, Lake Union, and Portage Bay, as houseboat owners in those areas have made significant investments in their floating homes. Houseboat owners in Seattle are experiencing difficulty working with the City and are concerned about their investments and the potential to renovate them. Houseboats are water-dependent uses and should be considered as such. Amendments to broaden the applicability of the bill to statewide would be considered.

This bill comes from the 500 families living in Lake Union and Portage Bay. Seattle has been updating its shoreline master program and there are concerns about the effects of this update on floating home owners. Initial conversations with the City were not productive, but later conversations have been productive. The intent of the bill is to preserve part of Seattle's history, not to expand the number of houseboats or to run afoul of environmental regulations. Seattle's houseboat community has existed since the 1800s and the community, which has been seeking legitimacy and permanence for 120 years, was once larger. Water-dependent status would give the houseboat community peace of mind and would make them feel as though they are part of Seattle's and Washington's history.

(With concerns) Seattle's proposed master program allows existing houseboats to continue. It also allows for new moorages for existing houseboats, but not for new houseboats. Houseboats, under the Seattle proposal, will be considered a conforming use.

(Opposed) Opponents are understanding of the historic nature of houseboats in Lake Washington and they are not seeking to remove existing houseboats. Houseboats, through water shading, have a significant environmental impact. Restrictions are needed to ensure that houseboats are "salmon safe," but this bill would completely remove houseboats and associated moorages from regulation under the SMA. This bill would dilute the distinction between water-oriented uses and water-dependent uses. Water-dependent status should not be broadened to include houseboats and doing so will impact other water-dependent uses. It is believed that Seattle has appropriately addressed houseboats in its recent master program update. The SMA calls for shoreline decisions to be made locally and this practice should continue. The bill would open the door to an expansion of houseboats and resulting environmental degradation.

Shellfish growers are not concerned about Lake Union issues, but they are concerned about granting houseboats water-dependent status. Doing so will be a major policy change that will affect shellfish growers. Shellfish harvesting areas can be closed based upon the number of vessels in an area and more houseboats can lead to more harvesting closures.

Persons Testifying: (In support) Representative Pedersen, prime sponsor; and Nick Federici, and Amalia Walton, Floating Homes Association.

(With concerns) Margaret Glowacki, City of Seattle.

(Opposed) Bruce Wishart, People for Puget Sound; Jim Jesernig, Pacific Coast Shellfish Growers; Tom Clingman, Department of Ecology; and Bridget Moran, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.