

---

## Environment Committee

---

### HB 2581

**Brief Description:** Regarding on-water dwellings.

**Sponsors:** Representatives Tarleton, S. Hunt, Pollet and Carlyle.

#### Brief Summary of Bill

- Statutorily lists floating homes and floating on-water residencies as water-dependent uses of state-owned aquatic lands.
- Requires floating on-water residencies permitted or legally established prior to July 1, 2014 to be classified as a conforming preferred use in a local government's shoreline regulations.

**Hearing Date:** 1/28/14

**Staff:** Jason Callahan (786-7117).

#### **Background:**

Water dependent uses of state-owned 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.

In its management of state-owned aquatic lands, the DNR is directed to preserve and enhance water dependent uses and favor water-dependent uses over other uses in state-owned aquatic land planning and in resolving conflicts between competing uses.

---

*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.*

Statutory examples of water-dependent uses include water-borne commerce, watercraft sales, watercraft construction, aquaculture, and log booming.

Maintaining a residence on the water is considered to be a water-oriented use and not a water-dependent use. Any moorage facility located on land managed by the DNR is required to limit residential use of the leased state-owned aquatic land to 10% of the available slips and no floating houses are allowed in any state-designated harbor areas. For the purposes of the harbor area restriction, a floating house is a structure that is designed to serve primarily as a residence and not a vessel.

#### Floating homes in the Shorelines Management Act.

The Shoreline Management Act (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 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 those which are consistent with control of pollution and prevention of damage to the natural environment, and those which 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, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt and enforce master programs that regulate land use activities within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs and segments of or amendments to the programs become effective when approved by the DOE.

The SMA provides that all fully permitted and legally established floating homes must be considered as an allowed use under any local shoreline regulations if the home was lawfully in place prior to the start of 2011. This means that any single family dwelling unit that is constructed on a float, anchored, or otherwise secured in water is not subject to any local conditions or regulations on the home's use. This includes local regulations that preclude maintenance, repair, replacement, and remodeling of floating homes, and applies to floating homes even if they are capable of being towed.

#### **Summary of Bill:**

Floating homes and floating on-water residencies are designated as water-dependent uses as that term applies to the priority use of state-owned aquatic lands. The existing definition of "floating home" is relied upon, and a new definition is provided for "floating-on water residencies." This definition captures any lawfully registered vessel that is used as a residence on water, has detachable utilities, is moored or anchored in a marina, and is compliant with all applicable regulatory requirements. These vessels may or may not be capable of steering and self-propulsion, but must be capable of being towed.

In addition, floating on-water residencies permitted or legally established prior to July 1, 2014, must be classified as a conforming preferred use in a local government's shoreline regulations. This is the same status enjoyed by floating homes under the SMA. This means that floating on-

water residencies are not subject to any local conditions or regulations on the home's use, including regulations that preclude maintenance, repair, replacement, and remodeling of the floating on-water residencies.

**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.