
Environment Committee

ESSB 6450

Brief Description: Concerning on-water dwellings.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen and Kline).

Brief Summary of Engrossed Substitute Bill

- Requires certain floating on-water residencies permitted or legally established prior to July 1, 2014, to be classified as a conforming use in a local government's shoreline regulations.

Hearing Date: 2/21/14

Staff: Jason Callahan (786-7117).

Background:

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 a 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 the control of pollution and the 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.

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.

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 on-water residencies must be classified as a conforming use in a local government's shoreline regulations if they are legally established prior to July 1, 2014. The term "floating on-water residencies" is defined to capture any floating structure, other than a floating home, that is designed or used primarily as a residence, has detachable utilities, and is the subject of a lease or sublease at a marina, or who's owner has an ownership interest in a marina, as of July 1, 2014.

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

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.