
HOUSE BILL 1496

State of Washington

57th Legislature

2001 Regular Session

By Representative Morris

Read first time 01/26/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to aquatic residences; and amending RCW 79.90.465.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 79.90.465 and 1984 c 221 s 4 are each amended to read
4 as follows:

5 The definitions in this section apply throughout chapters 79.90
6 through 79.96 RCW unless the context clearly requires otherwise.

7 (1) "Water-dependent use" means a use which cannot logically exist
8 in any location but on the water. Examples include, but are not
9 limited to, water-borne commerce; terminal and transfer facilities;
10 ferry terminals; watercraft sales in conjunction with other water-
11 dependent uses; watercraft construction, repair, and maintenance;
12 moorage and launching facilities; vessel occupation; aquaculture; log
13 booming; and public fishing piers and parks.

14 (2) "Water-oriented use" means a use which historically has been
15 dependent on a waterfront location, but with existing technology could
16 be located away from the waterfront. Examples include, but are not
17 limited to, wood products manufacturing, watercraft sales, fish
18 processing, petroleum refining, sand and gravel processing, log
19 storage, and house boats. For the purposes of determining rent under

1 this chapter, water-oriented uses shall be classified as water-
2 dependent uses if the activity either is conducted on state-owned
3 aquatic lands leased on October 1, 1984, or was actually conducted on
4 the state-owned aquatic lands for at least three years before October
5 1, 1984. If, after October 1, 1984, the activity is changed to a use
6 other than a water-dependent use, the activity shall be classified as
7 a nonwater-dependent use. If continuation of the existing use requires
8 leasing additional state-owned aquatic lands and is permitted under the
9 shoreline management act of 1971, chapter 90.58 RCW, the department may
10 allow reasonable expansion of the water-oriented use.

11 (3) "Nonwater-dependent use" means a use which can operate in a
12 location other than on the waterfront. Examples include, but are not
13 limited to, hotels, condominiums, apartments, restaurants, retail
14 stores, and warehouses not part of a marine terminal or transfer
15 facility.

16 (4) "Log storage" means the water storage of logs in rafts or
17 otherwise prepared for shipment in water-borne commerce, but does not
18 include the temporary holding of logs to be taken directly into a
19 vessel or processing facility.

20 (5) "Log booming" means placing logs into and taking them out of
21 the water, assembling and disassembling log rafts before or after their
22 movement in water-borne commerce, related handling and sorting
23 activities taking place in the water, and the temporary holding of logs
24 to be taken directly into a processing facility. "Log booming" does
25 not include the temporary holding of logs to be taken directly into a
26 vessel.

27 (6) "Department" means the department of natural resources.

28 (7) "Port district" means a port district created under Title 53
29 RCW.

30 (8) The "real rate of return" means the average for the most recent
31 ten calendar years of the average rate of return on conventional real
32 property mortgages as reported by the federal home loan bank board or
33 any successor agency, minus the average inflation rate for the most
34 recent ten calendar years.

35 (9) The "inflation rate" for a given year is the percentage rate of
36 change in the previous calendar year's all commodity producer price
37 index of the bureau of labor statistics of the United States department
38 of commerce. If the index ceases to be published, the department shall
39 designate by rule a comparable substitute index.

1 (10) "Public utility lines" means pipes, conduits, and similar
2 facilities for distribution of water, electricity, natural gas,
3 telephone, other electronic communication, and sewers, including sewer
4 outfall lines.

5 (11) "Terminal" means a point of interchange between land and water
6 carriers, such as a pier, wharf, or group of such, equipped with
7 facilities for care and handling of cargo and/or passengers.

8 (12) "State-owned aquatic lands" means those aquatic lands and
9 waterways administered by the department of natural resources or
10 managed under RCW 79.90.475 by a port district. "State-owned aquatic
11 lands" does not include aquatic lands owned in fee by, or withdrawn for
12 the use of, state agencies other than the department of natural
13 resources.

14 (13) "Vessel occupation" means the continuous occupation of a
15 vessel designed for and ordinarily used for navigation. Vessel
16 occupation is inherently a water-dependent use regardless of whether
17 the vessel is occupied for recreational or commercial purposes.

--- END ---