

# SENATE BILL REPORT

## SHB 1783

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As Reported by Senate Committee On:  
Natural Resources & Marine Waters, March 23, 2011

**Title:** An act relating to houseboats and houseboat moorages.

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

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

**Brief History:** Passed House: 3/03/11, 58-40.

**Committee Activity:** Natural Resources & Marine Waters: 3/17/11, 3/23/11 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

**Majority Report:** Do pass as amended.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove and Swecker.

**Staff:** Sherry McNamara (786-7402)

**Background:** Aquatic Lands. The Department of Natural Resources (DNR) is responsible for managing the state's aquatic lands for the benefit of the public. The DNR manages over two million acres of tidelands, shorelands, and bedlands, which include the beds of all navigable rivers and lakes, along with the beds below the Puget Sound. The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue.

Water-dependent uses are defined as uses that cannot logically exist except on water and 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 the assessed value of the nearest upland parcel.

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

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Shoreline Management Act (SMA). The 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.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, the SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines in the state are required to adopt master programs that regulate land use activities in shoreline areas of the state. Counties and cities are also required to enforce master programs 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, become effective when approved by the DOE.

**Summary of Bill (Recommended Amendments):** The SMA is amended to require a floating home that is legally established prior to January 1, 2011, to be classified as conforming preferred uses. A conforming floating home is allowed to be maintained, repaired, expanded, and replaced consistent with the Shoreline Master Program.

A floating home is defined.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended Amendments):**

- Adds an intent section.
- Removes the provision governing DNR aquatic lands that makes houseboats and houseboat moorages a water-dependent use.
- Changes the provision under the Shoreline Management Act to require floating homes that were legally established prior to January 1, 2011 to be classified as conforming preferred uses.
- Defines floating homes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute House Bill:** PRO: The City of Seattle has been in the process of updating their Shoreline Master Program and it has caused the floating home community to worry that they might need more protection to keep their homes and their way of life, hence the need for this legislation. The Seattle houseboat community has about 500 families. Since the late 1800s, houseboats have been a part of our community

and our history, and it is important to preserve this history. We are supportive of some language changes in the bill and of eliminating the provisions under DNR from the bill.

CON: We are opposed and concerned that this will expand houseboats statewide.

OTHER: With the proposed language changes, this bill will not pose any further problems.

**Persons Testifying:** PRO: Representative Pedersen, prime sponsor; Amalia Walton, Nick Federici, Floating Homes Association.

CON: Bruce Wishart, People for Puget Sound; Margaret Glowacki, City of Seattle.

OTHER: Tom Clingman, DOE; Bridget Moran, DNR.