
HOUSE BILL 2024

State of Washington 57th Legislature 2001 Regular Session

By Representatives Rockefeller, Dunn, Jackley, Lantz and Linville

Read first time . Referred to Committee on .

1 AN ACT Relating to floating residences above aquatic lands;
2 amending RCW 79.90.465; and adding a new section to chapter 36.70A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW
5 to read as follows:

6 Development regulations of a county or city controlling land uses
7 within urban growth areas designated under RCW 36.70A.110 may allow
8 floating homes, floating aquatic residences, and permanent residency
9 aboard moored boats above any portion of aquatic lands in the urban
10 growth area, including on isolated docks or piers, if, at a minimum,
11 provisions for the following are made for each floating home, aquatic
12 residence, and boat onboard which permanent residency is allowed: (1)
13 Effluent removal and treatment; (2) a fire safety plan; (3) potable
14 water supply; (4) a verifiable address; (5) nearby solid waste
15 collection; (6) nearby motor vehicle parking space; and (7) life safety
16 systems.

17 The county's or city's local shoreline master program must be
18 amended to be in concert with these development regulations.

1 **Sec. 2.** RCW 79.90.465 and 1984 c 221 s 4 are each amended to read
2 as follows:

3 The definitions in this section apply throughout chapters 79.90
4 through 79.96 RCW.

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

13 (2) "Water-oriented use" means a use which historically has been
14 dependent on a waterfront location, but with existing technology could
15 be located away from the waterfront. Examples include, but are not
16 limited to, wood products manufacturing, watercraft sales, fish
17 processing, petroleum refining, sand and gravel processing, and log
18 storage(~~(, and house boats)~~). Other examples also include floating
19 residences not located in an area designated under section 1 of this
20 act. For the purposes of determining rent under this chapter, water-
21 oriented uses shall be classified as water-dependent uses if the
22 activity either is conducted on state-owned aquatic lands leased on
23 October 1, 1984, or was actually conducted on the state-owned aquatic
24 lands for at least three years before October 1, 1984. If, after
25 October 1, 1984, the activity is changed to a use other than a water-
26 dependent use, the activity shall be classified as a nonwater-dependent
27 use. If continuation of the existing use requires leasing additional
28 state-owned aquatic lands and is permitted under the shoreline
29 management act of 1971, chapter 90.58 RCW, the department may allow
30 reasonable expansion of the water-oriented use.

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

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

1 (5) "Log booming" means placing logs into and taking them out of
2 the water, assembling and disassembling log rafts before or after their
3 movement in water-borne commerce, related handling and sorting
4 activities taking place in the water, and the temporary holding of logs
5 to be taken directly into a processing facility. "Log booming" does
6 not include the temporary holding of logs to be taken directly into a
7 vessel.

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

9 (7) "Port district" means a port district created under Title 53
10 RCW.

11 (8) The "real rate of return" means the average for the most recent
12 ten calendar years of the average rate of return on conventional real
13 property mortgages as reported by the federal home loan bank board or
14 any successor agency, minus the average inflation rate for the most
15 recent ten calendar years.

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

21 (10) "Public utility lines" means pipes, conduits, and similar
22 facilities for distribution of water, electricity, natural gas,
23 telephone, other electronic communication, and sewers, including sewer
24 outfall lines.

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

28 (12) "State-owned aquatic lands" means those aquatic lands and
29 waterways administered by the department of natural resources or
30 managed under RCW 79.90.475 by a port district. "State-owned aquatic
31 lands" does not include aquatic lands owned in fee by, or withdrawn for
32 the use of, state agencies other than the department of natural
33 resources.

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