
SENATE BILL 5009

State of Washington

57th Legislature

2001 Regular Session

By Senators Stevens, Kohl-Welles, Honeyford, Hochstatter and Gardner

Read first time 01/08/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

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.

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; aquaculture; log booming; and public
13 fishing piers and parks. "Water-dependent use" includes moorage
14 facilities that accommodate boats used as a place of residence by the
15 owner.

16 (2) "Water-oriented use" means a use which historically has been
17 dependent on a waterfront location, but with existing technology could
18 be located away from the waterfront. Examples include, but are not
19 limited to, wood products manufacturing, watercraft sales, fish

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

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

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

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

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

30 (7) "Port district" means a port district created under Title 53
31 RCW.

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

37 (9) The "inflation rate" for a given year is the percentage rate of
38 change in the previous calendar year's all commodity producer price
39 index of the bureau of labor statistics of the United States department

1 of commerce. If the index ceases to be published, the department shall
2 designate by rule a comparable substitute index.

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

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

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

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