

SHB 1783 - S AMD 268

By Senators Ranker, Murray

ADOPTED 04/07/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that existing
4 floating homes, as part of our state's existing houseboat communities,
5 are an important cultural amenity and element of our maritime history.
6 These surviving floating home communities are a linkage to the past,
7 when our waterways were the focus of commerce, transport, and
8 development. In order to ensure the vitality and long-term survival of
9 these existing floating home communities, consistent with the
10 legislature's goal of allowing their continued use, improvement, and
11 replacement without undue burden, the legislature finds that it is
12 necessary to clarify their legal status.

13 **Sec. 2.** RCW 90.58.270 and 1971 ex.s. c 286 s 27 are each amended
14 to read as follows:

15 (1) Nothing in this statute shall constitute authority for
16 requiring or ordering the removal of any structures, improvements,
17 docks, fills, or developments placed in navigable waters prior to
18 December 4, 1969, and the consent and authorization of the state of
19 Washington to the impairment of public rights of navigation, and
20 corollary rights incidental thereto, caused by the retention and
21 maintenance of said structures, improvements, docks, fills or
22 developments are hereby granted: PROVIDED, That the consent herein
23 given shall not relate to any structures, improvements, docks, fills,
24 or developments placed on tidelands, shorelands, or beds underlying
25 said waters which are in trespass or in violation of state statutes.

26 (2) Nothing in this section shall be construed as altering or
27 abridging any private right of action, other than a private right which
28 is based upon the impairment of public rights consented to in
29 subsection (1) hereof.

1 (3) Nothing in this section shall be construed as altering or
2 abridging the authority of the state or local governments to suppress
3 or abate nuisances or to abate pollution.

4 (4) Subsection (1) of this section shall apply to any case pending
5 in the courts of this state on June 1, 1971 relating to the removal of
6 structures, improvements, docks, fills, or developments based on the
7 impairment of public navigational rights.

8 (5)(a) A floating home permitted or legally established prior to
9 January 1, 2011, must be classified as a conforming preferred use.

10 (b) For the purposes of this subsection:

11 (i) "Conforming preferred use" means that applicable development
12 and shoreline master program regulations may only impose reasonable
13 conditions and mitigation that will not effectively preclude
14 maintenance, repair, replacement, and remodeling of existing floating
15 homes and floating home moorages by rendering these actions
16 impracticable.

17 (ii) "Floating home" means a single-family dwelling unit
18 constructed on a float, that is moored, anchored, or otherwise secured
19 in waters, and is not a vessel, even though it may be capable of being
20 towed."

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21 On page 1, line 1 of the title, after "moorages;" strike the
22 remainder of the title and insert "amending RCW 90.58.270; and creating
23 a new section."

EFFECT: Adds an intent section;

Requires a floating home permitted or legally established before
January 1, 2011, to be classified as a conforming preferred use; and

Defines "conforming preferred use" and "floating home" for the purposes of this subsection within the shoreline management act.

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