

SENATE BILL REPORT

SB 5623

As of February 14, 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: Senators Murray and Kohl-Welles.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 2/09/11.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Sherry McNamara (786-7402)

Background: 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.

The Shoreline Management Act (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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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.

The SMA includes numerous definitions and concepts that guide state and local governments in implementing the SMA.

Summary of Bill: Houseboats and houseboat moorages are moved to the definition of water-dependent use from water-oriented use under DNR's aquatic lands definitions.

States that nothing in the Shorelines Management Act statute can be construed to pertain to houseboat moorages placed in aquatic lands located within the city of Seattle before January 1, 2011. Houseboats and houseboat moorages are considered as preferred water-dependent uses and not treated as nonconforming uses.

Appropriation: None.

Fiscal Note: Requested on February 4, 2011.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There are approximately 500 families that live in Seattle's iconic houseboat community. The houseboats on Lake Union and Portage Bay have been there for decades and should be allowed to continue to exist.

CON: This bill is precedent setting in that it would entirely exempt houseboats from the requirements of the Shoreline Management Act. It would also dilute the water-dependent use principle by placing houseboats under this definition. This bill could lead to an expansion of houseboats across the state. Houseboats and other floating structures can harm young salmon by shading. The state has lost critical habitat already in these urban areas. The degradation of our Puget Sound water could lead to the inability to harvest shellfish.

Persons Testifying: PRO: Nick Federici, Floating Homes Association.

CON: Tom Clingman, DOE; Bridget Moran, DNR; Margaret Glowacki, City of Seattle; Bruce Wishart, People for Puget Sound; Jim Jesernig, Pacific Coast Shellfish Growers.