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Number 124

Newsletter

Fall 1994

Lease Logjam

by Bill Keasler

After six years of wrestling the state Department of Natural Resources (DNR) over their leases, a satisfactory resolution of the problem seems farther away than ever. No houseboat moorage has signed a lease since 1992. DNR insists on terms which assign the entire liability for any hazardous waste found on the site to the lessee. They refuse to negotiate on this and other critical issues. (See history sidebar.)

Meanwhile, some houseboat real estate transactions are in limbo. Lease payment obligations are piling up at an unknown rate. People's anxiety about the status of their homes is growing with each passing month.

In an attempt to get a new handle on the situation, the Floating Homes Association has been meeting with members of our Legislative delegations. We've asked them to help us negotiate with DNR and, if all else fails, to find a legislative solution.

The situation from our point of view is undeniably urgent. 26 floating home moorages have houseboats on state land. Of them,

12 have expired leases affecting 45 homes. Seven of the 45 are for sale. One of the 12 expired leases dates back to 1990. There have been seven new leases signed since 1988, but none since 1992. All of the remaining seven leases expire within five years, all but one within three years.

The Association wants to work with DNR to develop baseline lease language which will be acceptable to almost everyone. Our concerns are summarized in these points:

- Delete the broad statements imposing full and complete liability on the lessee for any hazardous waste found on the site. Delete all statements requiring the lessee to assume the costs of testing for hazardous waste. The state is trying to impose its own liability under relevant hazardous waste laws onto the lessee, irrespective of fault. This language goes so far as to remove the state's liability if the lessee is harmed by any hazardous substances on the leasehold, preventing the lessee from collecting damages from the state for pre-existing conditions. Lessees should only be responsible for

conditions created by themselves.

- Allow leases with longer terms. The current policy is to give leases with 12 year terms. However, as banks have become aware of this, they are beginning to limit loan terms to whatever the term of the lease is. This obviously imposes a hardship on those wishing to finance their homes and further restricts the range of people who can buy into our community. We have evidence that DNR is considering 25 to 30 year terms for some leases on the lake, but they are adamant when it comes to us, because they want the "freedom to negotiate." We propose 30 year terms with some kind of periodic arbitrated renegotiation provision.

- Some of the more onerous provisions from a houseboater's point of view stem from the fact that the state's language is designed with a commercial venture in mind. We feel that the residential situation is different enough that another lease should be written strictly for residential uses.

- Current houseboat moorage lease rates range from \$.43 to \$.73

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Logjam, continued from page 1

per square foot around Lake Union and Portage Bay. Everyone, even DNR, agrees that the method for calculating rates, which is by statute based on "adjoining property values," is a mess and needs to be revised. Unfortunately, this can only be fixed by the legislature. Our problem is that two moorages side-by-side will often have wildly different lease rates for virtually identical leaseholds.

- Lately, DNR has been requiring floating home lessees to lease open water areas between docks for multiple dock moorages. These areas are, by law, open to public access. Since lessees have no control over this space, nor do they directly use it, they should not have to pay for it.

- At the moment, those moorages with expired leases are in limbo,

held there by what we consider to be an artificial position taken by DNR on their lease language. Real estate transactions are stalled and payments of unknown amount are piling up. We are asking that in the interim before new leases are negotiated, DNR agree that the old leases will remain in effect to avoid the pall of uncertainty over floating home sales and lease payments. In some cases, DNR has accepted payment and cashed checks at the old rates "as credit against the new lease rate to be established," but with a disclaimer that "the department does not accept the above monies as accord and satisfaction for occupation of state-owned aquatic land, nor does acceptance of these monies authorize the continuing use of state-owned lands." In a private landlord/tenant relationship, acceptance of the money would acknowledge acceptance of the terms

of the old lease and DNR's disclaimer wouldn't mean much. But legal counsel suggests that would be a difficult case to bring against a government agency.

Frustration is running very high at this point. We have met with legislators from the 43rd (Eastlake and Portage Bay) and 36th (Westlake) districts and have asked them to help us deal with DNR. We hope to arrange a meeting between DNR and the legislators before the start of the next legislative session in January. DNR does not seem to be paying attention to what we are saying. Our plan is to keep saying it louder and louder until they hear us.

(Credit for the research and much of the content of this article goes to Sheri Gotay.)

Up and Down and Sideways: A Little Lease History

by Bill Keasler

The Association's experience with DNR on the state lease issue began with a shock in 1988 when DNR announced that would not renew the leases for over thirty houseboats on Portage Bay because the homes were beyond the "Construction Limit Line," meaning that they were in navigable waters. Since the homes would then be occupying state property without leases, they would be "trespassing" and would probably have to be evicted. Scrambling to find a way out of this trap, the Association was able to persuade the department that their position was unreasonable by documenting that neither the federal government, which has jurisdiction over the water itself, nor the city, which holds the power to draw the line, cared whether the houseboats were over the line or not. The city was even willing to move the line, if necessary.

The fallout from this incident drew DNR's attention to the fact that houseboats all over the lake were over the line, not to mention many marinas and other kinds of docks. So, in return for what amounted to a cooperative attitude (renewing the Portage Bay leases, lower rents, no back rent, etc.) DNR proposed that the Association coordinate the lease renewal effort for all the floating home moorages on the lake. A list of moorage owners was compiled and notices of the program were sent out explaining to people what was happening. The Association spent several thousand dollars on an accurate survey of the lake to determine who was over the line and who was not.

Everything seemed to be going well for a while. DNR's representatives were cordial and even attended an Annual Meeting or two to discuss the issue and answer questions. The project proceeded slowly, however.

Moorage owners are an independent bunch and coordinating them all was a challenge for the Association. Then there appeared to be a reorganization within DNR and attitudes suddenly changed. At first, they just seemed to lose interest.

It became very difficult to get any serious response from DNR on houseboat leases. Applications languished for months. They cited budgetary pressures and the need to concentrate on leases with larger revenues than houseboats. They were distracted by the events taking place in the forestry industry, where they also controlled the public lands involved. Still, a half dozen leases were signed in the interval from 1988 to 1992.

Late in 1992, however, the situation changed again. A Westlake houseboater trying to sell his home

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found that his buyer couldn't get financing because his moorage owner would not sign the lease that DNR had given him. This was our first look at the new lease language which is still the main impediment to agreement between moorage owners and DNR.

The new leases were riddled with objectionable provisions, but the biggest showstopper was a provision transferring all liability for any hazardous waste found on the site to the lessee. If it suspected a problem, DNR could even require testing at the lessee's expense. Lawyers universally agreed that no one in their right minds would sign such a thing. DNR refused to negotiate.

The impasse has held ever since. The Association has doggedly attempted to work out a solution. It has met with representatives of DNR's senior staff and the Commissioner of Public Lands herself, Jennifer Belcher.

At one point, in an exchange of follow-up letters to the meeting with Belcher, she completely reversed the position DNR itself proposed in 1989. Now, it seems, DNR does not believe that the Association can

reliably represent the interests of the floating home community. To be credible, she said that, "the FHA (should) consider that if the FHA were willing to provide the Department with a legally binding document signed by all parties that it represents, stating that all listed parties consent to the FHA negotiating their lease terms and conditions, we'd be willing to negotiate a separate lease with FHA." When we checked with other groups who are attempting to negotiate with DNR over the leases, such as the Northwest Marine Trades Association and the Association of Independent Moorages, no one else had been asked to jump through such hoops.

The best insight to what is happening, though, may come from a comment dropped by the Division Manager of Aquatic Lands. When she was asked for an extension of the old leases until concerns over the hazardous waste provisions could be resolved, she refused. She was then asked, "What about the people who cannot sell their homes?" To which she replied, "Well, I guess if they want to sell badly enough, they'll just have to sign the lease!"

A STREET THAT WORKS

The Seattle Design Commission this year picked "Streets That Work" as its theme for neighborhood projects. One of our own, Fairview Avenue East, won a 1994 Design Award. The presentation was made on October 13 at the foot of the new Harbor between 1st and Western in Seattle. It was commended for its informality, homes with marine businesses, older apartment building, etc.. A bronze plaque will ultimately arrive to be "planted" at an appropriate place.



Floating Homes Association Board

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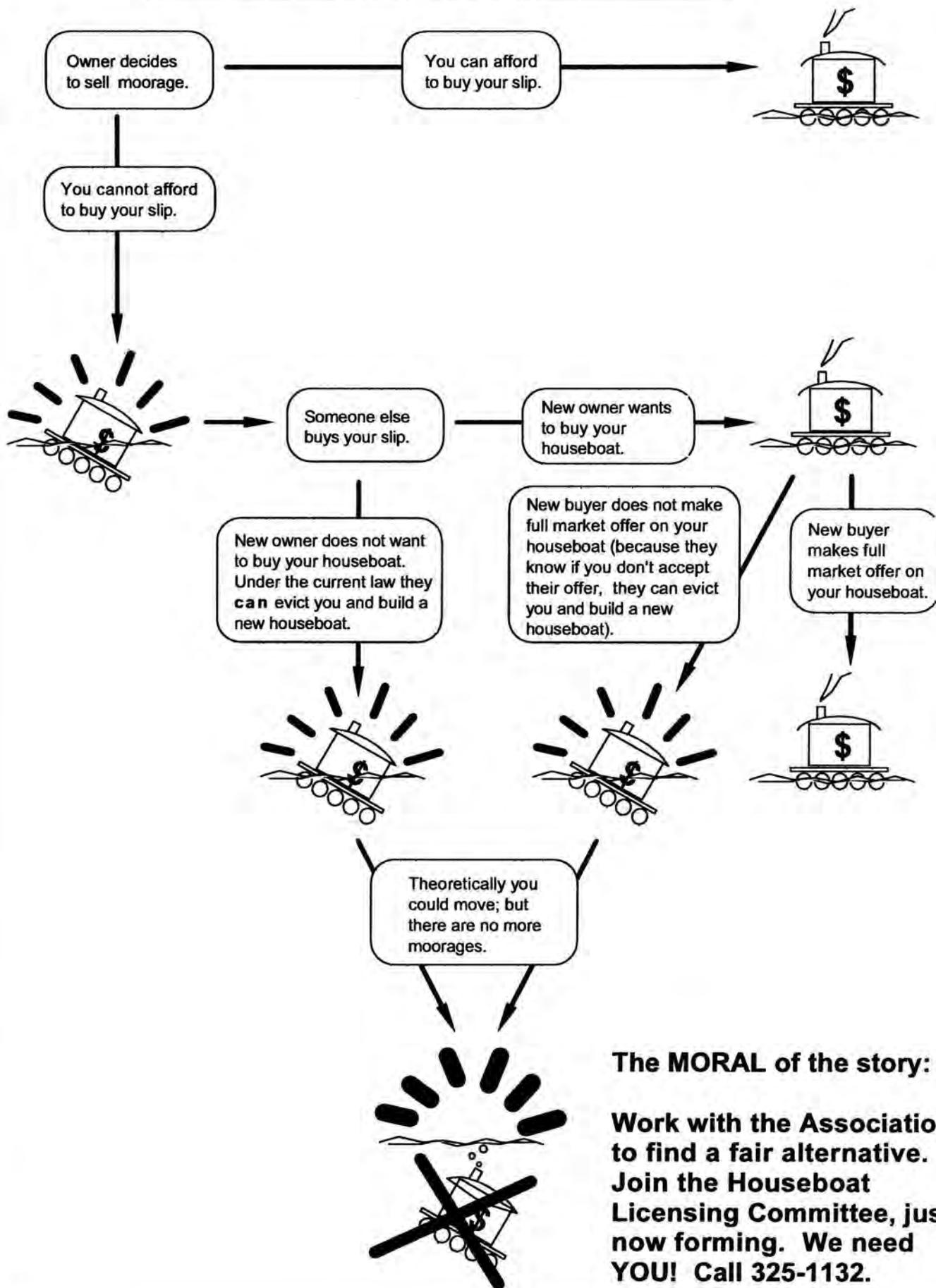
Office Hours

1-5 Wednesdays and Thursdays
 (The Floating Homes Association office is located at 2329 FV, roughly two blocks north of Lynn Street. Phone 325-1132)

Special thanks to June Fauchald and Marty Alexander for hauling away the junk from the FHA office decks and posting the "no littering" sign which should help keep our premises presentable. Thanks again to Marty, Bob & Rob Alexander for securing the new shipment of "Floating Kitchens" into its storage space. And, yet another thanks to Sid McFarland for some vital carpentry work. All this takes muscle and heart and these folks have got plenty of both.

One of these days, we need to prep/paint the exterior of the FHA office. It will be a cinch if we have a team effort. If you're interested and would like to be called when the time is right, leave your name at the office, 325-1132.

Risks of Moorage Sales



The MORAL of the story:

Work with the Association to find a fair alternative. Join the Houseboat Licensing Committee, just now forming. We need YOU! Call 325-1132.



Waterlog

by Peggy Stockley

It's an editor's nightmare. Your talented, witty and dependable columnist (Sheri Lockwood) who faithfully produces over the years a popular and well-read column (WaterLog) goes away for a year, to Poland yet. How could she? What follows is my attempt to catch you up on some of the highlights around our colorful houseboat colony since the last newsletter in spring. Mixed with the "gossip" are water-related and neighborhood events that occurred since we last communicated. So much is happening. We live in a vibrant community! Lucky us.

OUTSIDE INTEREST

Jann McFarland reports on four experiences this summer involving outsiders interested in our floating way-of-life. * One of the houseboats on the Log Foundation Cop was selected for a "Simon and Simon" (old detective TV series) full length movie to be aired this fall on TV. "It was amazing to watch," describes Jann. "There were about 50 people involved and it took a whole day just to set up and shoot a page and a half of script!" * About 30 fifteen-year-old Japanese girls who were in Seattle to learn English, came down to the Log Foundation and toured the houseboats of Jann & Sid McFarland and Linda Knight. The camera-wielding visitors presented McFarland and Knight with big bouquets of flowers. * The Floating Homes Association hosted James and John March of Denver who are trying to put together a houseboat community there on some privately owned lakes. They stayed at Jeri Callahan's houseboat on Tenas Chuck. Thanks to Westlake resident Rod Gilman, they got a great boat tour of all the houseboats and, thanks to realtor Rick Miner, they saw the inside of a number of houseboats. * Toshio Okuhara, a professor of international law, was here in September visiting from Tokyo. The Floating Homes Association got a call from the Japanese Consulate requesting a tour of a couple of houseboats and general information. Thanks to Ellen and Steve Hansen for opening their houseboat up to him and to Mary Gey and Fred McCulloch for showing their home. Ellen and Jann McFarland spoke at length with Mr. Okuhara (via interpreter).

KNOTS TIED

Neighbors hanging out one summer day on Tenas Chuck became aware of a roof-top wedding across the channel. Chris Blomfield-Brown and Geraldine Dibden

(2339-M) indeed tied the knot that day and everyone cheered. Chris works for Microsoft and French-born Gerri is into boat-finishing and sailing and currently works for



Lake Union Mail. Their cat, Matalo, wore a bow-tie for the event but didn't make it up the ladder to the roof... Jim Healy and Loretta Metcalf (2460 WL) owners of the "Sleepless in Seattle" houseboat were married there over Labor Day weekend. They purchased 60 or so houseboat t-shirts for their guests. Rumor has it that yet another East Coast-West Coast romance was sparked at the wedding.

BIG SPLASH...

...they're calling it the Lynn Street Miracle and in most ways it was. A beer truck making deliveries at Eastlake and Lynn slipped its brakes. Driverless, it headed downhill straight as an arrow amazingly missing numerous parked vehicles and, fortunately, people and pets. Before coming to a stop in the waters of Lake Union, it wiped out two vehicles parked at the foot of Lynn and a tree or two. The city arborist and others are on the barricaded site during the resurrection phase.

WELCOME ABOARD

New neighbors on 2420 WL include Kari Schlewitz who moved across the lake from a houseboat on FV; Ralph Goeke and Pat Farman, and Lizz Maunz (long-time owner but first-time resident) and Art Simpson, one of the partners in the Zodiac. New houseboat owners on Tenas Chuck (2331-39 FV) are Dale & June Patterson, Steve Jencks, Lois Shelton and JoAnn Ross... Robert and Surain afSandeberg have moved into their new-from-the-logs-up houseboat on Flo Villa (2207 FV).

WET BUT STILL FLOATING

Peter Vogt and Allie Morris (2420 WL) have welcomed a baby boy, Sage... Tom Monahan and Teresa Ward (2466 WL) are the parents of a new little daughter, Tia Jane.

Waterlog continued...

FLOTSAM & JETSAM

Mike McCracken & Roseann Ursino (2466 WL) trained across Canada to the Maritime Provinces and back... Marty & Bob Alexander are building credentials as the oarspeople of the year. Bob rowed in the Head of the Charles event in Boston, Mass., which is the biggest single day race in the world. There were 4700 competitors in 1050 boats with a boat starting every 10 seconds. Back on Lake Union, Marty participated in the Fremont 4-Miler... Yet another houseboater, Dick McMillan (Boat St.) participated in the River Charles event... Susan & Tom Susor (Boat St.) will attend a gala family reunion in New York at Thanksgiving... Merlin Proctor (2207 FV) and a friend spent three

glorious weeks in Europe; one at British on the Riviera at Torquay, one at Wales which Merlin loved best and one in London.

KAYAKING CAROLERS - A GOOD DEAL

It's that time of year. Kayakers from the Northwest Outdoor Center are volunteering their time December 11-14 from 6-8 p.m. to carol (by reservation) at docks around the lake. Each kayaker pays \$25 to participate and most of the proceeds go directly to the Seattle Children's Home.

HOUSEBOAT TOUR — WE'VE GOT A DATE!

The Floating Homes Association announces a Portage Bay Houseboat Tour on Sunday April 30, 1995. You can participate by opening your home, serving as a tour guide, working on invitations, publicity, refreshments, etc. etc.. This is always a popular event with the public and a great fund-raiser. Remember the FHA is our advocate in Olympia, on the City Council and in community affairs. As an organization, we work to maintain and improve our quality of life on the water and watchdog environmental issues that affect us.

To offer your Portage Bay house, call Colleen Hogan-Taylor, 726-2791. To volunteer your help, in general, call Susan Susor, 632-1397, or the office at 325-1132.

TWO GREAT WOMEN: THEY WILL BE MISSED...

Alfa McClung lived on Lake Union for 37 years and on the Tenas Chuck Moorage (2331 FV) since 1963. She died in June at the age of 95. She and her husband, Maurice (who died in 1956), came to the lake in 1954 and bought a houseboat moored where NOAA is today. It was relocated in 1963 to Tenas Chuck.

For a South Dakota farm girl, Alfa adapted famously to life on the water. She was a masterful container gardener and for years tended the dock's garden on shore. She lovingly cared for a series of cats over the years and made sure her chocolate cake made it to every dock potluck. Her door was always open. She loved conversation and interaction with people. Although she did little traveling herself, she was well-traveled by reading books and collecting postcards from her friends who did. She kept a world map on the wall and documented the travel itineraries of others.

After retiring from the Bon Marche in 1971, Alfa spent her time creatively. She sketched and did oil paintings. She played the piano and knitted socks. Her locally famous "Alfa socks" became a sought-after cottage industry.

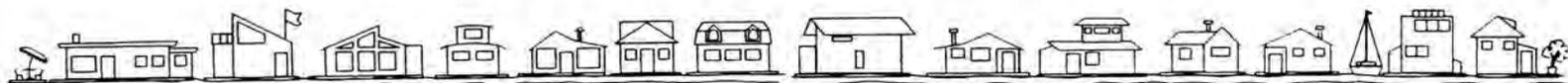
A celebration of her life was held on the dock in August.

A long-time resident of the McInnes Moorage at 1213 E. Shelby St. on Portage Bay passed away in August. **Luci Leonhardt** had lived on the dock in #12 since 1961 when she moved here with her husband, Otto. He was a musician and died in 1976. Historically, the houseboat was originally owned by the Fisher Flour family as a summer home.

Luci worked for many years at the G.O. Guy Pharmacy. She was a cat-lover and a friend of all the animals on the dock, both domesticated and wild. She was an avid sailor and raced an International 14 with her husband for many years.

In recent times, she and her friend, Bill Wicker, took many trips in his camper van. Their most recent trip was to the Grand Canyon in June.

A remembrance service was held in the garden at the head of the dock. Officiating was her godson, David Robinson, a Jesuit priest from the Bay Area. More than 60 people came to share their fond memories of Luci. She will be missed.



HOLIDAY GIFTS FROM YOUR FHA



Back by popular demand are your favorite **navy blue sweatshirts** with the string of colorful houseboats across the chest. We've ordered a limited supply in large sizes only just for this holiday season. The cost is \$20.

And of course, our own community **cookbook**, "*Floating Kitchens*", is available this year for the holidays. We've just received a new shipment so there will be plenty to go around. Not just a cookbook, "*Floating Kitchens*" also contains a little history and a lot of comedy. It's a perfect description of our floating lifestyle for friends and relatives, and, at \$14.95, an affordable gift.

The FHA office will be open from 12 noon until 4 pm the first 3 Sundays in December for you to come by and purchase these gifts. Cookbooks can be ordered anytime by mailing in the form below.

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Floating Homes Association, 2329 Fairview Ave. E., Seattle, WA 98102

Name:

Address:

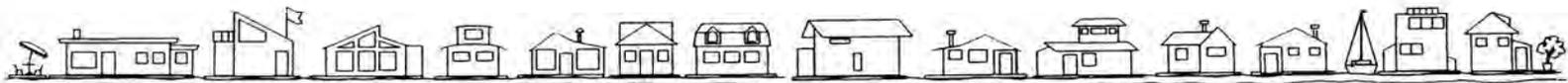
City _____ State _____ Zip _____

Please send me _____ copies of "**Floating Kitchens**" at \$14.95 per copy _____
8.2% sales tax at \$1.23 per copy _____
Shipping and handling at \$2.00 per copy _____
(Omit shipping charge if you prefer to pick up books at the FHA office)

TOTAL ENCLOSED _____

Please make check payable to Floating Homes Association and mail to above address.

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Floating Homes Association
2329 Fairview Ave. E.
Seattle, WA 98102

During the **FLOATING HOMES ASSOCIATION ANNUAL MEMBERSHIP MEETING**, houseboat owners, renters, friends and supporters gather together to hear about the issues the Association has been working on throughout the year on our members behalf. The annual meeting usually takes place in late April or May. We elect officers, recruit new members, greet old friends and make new ones. The Board of Directors needs help in many areas. We need your fresh ideas on how to attract more of our neighbors to join us. This is an important meeting and your creative talents could be put to good use in planning an interesting program for this meeting and for the coming year. The whole idea is to keep the business side of the meeting short and moving swiftly so we can socialize with each other for as long as the refreshments last. If you enjoy planning a party for your friends and if you have issues of interest that you don't feel we have not addressed in previous meetings, you are the person we want to see and hear from. Get involved. Come enjoy the friendships and refreshments. Join us by helping to guide the future of you Floating Homes Association. If you are able to contribute just a little time or have ideas to share, check the appropriate boxes below return it to the FHA office.

THE NEXT TOUR WILL BE APRIL 30, 1994

FLOATING HOMES TOUR Happens approximately every 2 years (usually in the fall). For this up coming tour we need people in the following areas:

- Serve as guides, tour hosts, dock monitors
- Assist at Cottage Industry table, set-up/clean-up
- Design & print tickets, advance sale, sell day of event/setup/accounting
- Assist with refreshment purchasing & set-up/clean-up
- Oversight of parking arrangements
- Chair volunteer committee, call volunteers
- Create decorations/visuals, A-boards, posters, banners, balloons, flowers
- Plan and organize the tour, or as part of this committee

COTTAGE INDUSTRIES Purpose: raise money for general fund and to advertise the floating home community.

- Set-up booth & sell items & FHA tour tickets at street fairs
- Inventory twice a year
- Order items as needed
- Set up computer database of cottage industries items
- Oversee this arena
- Cookbooks, FHA: contact local bookstores, accounting of sales
- Start and maintain accounting records for cookbook sales

MEMBERSHIP Continued support of FHA mission and ideals. Dock contacts are critically needed everywhere. Needed for member - association communication.

- Dock/Condo/Co-op contact person
- Distribute newsletters/fliers
- Keep FHA up to date on owner/renter issues/organization structures of each dock
- Be or form a dock Welcoming Committee
- Encourage dock neighbors to become FHA members/participate in FHA activities

NEWSLETTER This is the vehicle we use to communicate FHA newsworthy data and the camaraderie of our community

- Distribution & mailing
- Artwork
- Article writers, report on news from other community groups
- Publicity
- Newsletter Editor/Manager/Publisher

POLITICAL ACTION This important aspect of our activities is crucial to FHA viability in the following areas.

- State lease records
- HB licensing issue/condo conversion (see article in Newsletter)

FOR THE COMPUTER LITERATE/ILLITERATE:

- Set up Pagemaker® & offer to teach it to others
- Set up databases for various areas: membership, inventory, cottage industry, state lease info, etc.