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Newsletter

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Notice of Public Hearing Floating Homes Equity Ordinance

The City of Seattle's Department of Community Development (DCD) will hold a public hearing on December 11, 1979 to discuss the Floating Homes Equity Ordinance and the proposed amendment to that ordinance which would make the factfinder's decision binding.

This administrative hearing held by DCD, the department which administers the ordinance, will review the legislative intent of the Equity Ordinance (No. 107012), as set forth in the preamble. The preamble states, "...it is necessary and desirable to provide for a process whereby a floating home owner can obtain the determination of an independent fact finder as to the reasonableness of any increase of floating home moorage fee, and it is necessary and desirable to regulate evictions of floating homes from their moorages; ..

The Department wishes to hear testimony on the following matters:

- 1) Has the ordinance provided the protection envisioned by the City Council?
- 2) What is the pattern of rental increases that have taken place over the last 2 years?
- 3) Are moorage owners enjoying a fair and reasonable return on their investment, as set forth in Sec. 6 of the Equity Ordinance?
- 4) Is it possible for the factfinding process to take place within the 60 day time period set forth in Sec. 7 of the Ordinance?

Furthermore, the Department would like to address directly the proposal to make the factfinder's decision binding for one year.

Testimony will be taken and should address those areas spelled out above. Written comments should be addressed to Darel E. Grothaus, Director, Department of Community Development, 400 Yesler Bldg., Seattle, WA 98104, and should be received no later than the day of the hearing.

To facilitate the conduct of the hearing, time limits have been assigned. Persons speaking shall be limited to five minutes each and separated as follows: those on behalf of moorage owners, the first 45 minutes; those on behalf of floating home owners, the next 45 minutes; those with general comments, the final 30 minutes. Individuals representing groups will be allowed to speak longer than 5 minutes. A question and answer period conducted by the Department will follow.

Time: 7:30 p.m. **Date:** Tuesday, December 11, 1979

Place: Parish Hall
2702 Broadway E. (SW corner, Broadway E. and E. Edgar)

City's Duty To Regulate Moorage Monopoly

Mr. Michael Hildt, Chairman
Housing & Urban Development Committee
Seattle City Council

Dear Mr. Hildt:

Enclosed is a chronological account of governmental regulations of Seattle's floating homes beginning in 1944. It reveals how such actions, over a period of thirty five years, have led to the creation of a monopoly in floating home moorage sites. We respectfully submit that such a government-created monopoly must, in the public interest, be controlled by equitable regulations.

The genesis of the present situation is to be found in the adoption in 1957 of the present Zoning Code. The Code legalized floating homes as a particular kind of single family dwelling. It established the Residence Waterfront (RW) zone on Portage Bay which restricted the use of such property, by a private owner, to floating homes only. The Code also made floating homes a permitted use in the two Commercial General (CG) zones on Lake Union.

In a 1963 Policy Statement the City Council said in part: "In 1957, when the new Zoning Code was adopted, the City placed itself on record as favoring houseboats in the right place and developed in accordance with acceptable standards." (our emphasis)

Floating homes are now in the "right place" as envisioned by the Zoning Code. Houseboats have disappeared from Lake Washington, the Duwamish River and the Ship Canal. We are confined to a relatively small area representing less than ten per cent of the shoreline of Lake Union and Portage Bay. No property is available which could meet the new and much more restrictive regulations including off street parking, 2000 square foot minimum moorage site size and only forty five per cent total water coverage, to name a few. We survive because most of our older moorages are "grandfathered" against such regulations. This has preserved sites for our floating homes, and it has also meant increased profitability for the owners of such "non-conforming" properties.

Any approach to our problem must start with the recognition that the free market in moorage sites for existing floating homes is gone and cannot be restored. Our city is faced with a severe cyclical housing shortage. But even if abundant housing is provided for all income groups it will not mean the addition of a single moorage site for our homes.

Of the 444 moorage sites, 50 are owned by cooperatives and 20 (the new Mallard Cove Village) are protected by 37 year leases. Of the

374 moorage sites under private control, it should be noted that a total of 108 are on public property--84 on land leased from the State Department of Natural Resources and 24 on special street use permits authorized by the City Council in a 1974 amendment to Ordinance No. 96821. Of the state leases 23 of these involve moorage sites outside the Seattle Construction Limit Line which the City Council saved by "grandfathering" them by Resolution No. 25508 adopted in 1977.

Many moorage owners, as well as floating home owners, appreciate the actions by the City Council which recognized as the present Equity Ordinance points out "the required removal of a floating home from its moorage when no other moorage is readily available will destroy the value of such property except for its value as scrap." Unfortunately a few moorage owners do not. They are opposing any restriction on their "right" to arbitrarily evict and to set monthly moorage fees at any amount they see fit. Our homes are held as hostages under such conditions.

One of those spearheading the opposition to any regulation is the Freeman-Gibson-Jeffrey partnership which controls 113 moorage sites, of which 47 are located on public property. Gordon Jeffrey has defied the recent Fact-Finder decision that a demanded moorage increase is "unreasonable". He has brought suit against the floating home owners to collect in spite of this finding. Should he prevail it will mean that under the language of the present Equity Ordinance use of the Fact-Finding procedure is meaningless. It will be a case of heads the moorage owner wins and tails the home owners lose.

We call the Council's attention to the fact that the issue is one of regulating the relationships of two groups of property owners. Our floating homes are legal single family dwellings and are assessed and taxed the same as a home on shore. The revenue from our floating homes provides the bulk of the taxes from our community to support city, county and state government. We cannot accept the fact that our homes are a kind of property excluded from legal and constitutional protection.

We therefore respectfully petition our City government to carry out what we believe is its legal responsibility to regulate this government-created monopoly. We ask for equity. We will not and cannot live on our knees. We will take all legal steps to protect our homes.

Most Sincerely,
FLOATING HOMES ASSOCIATION



A standing room only crowd attended the Oct. 22nd membership meeting addressed by Mayor Royer (above). Members unanimously approved an Executive Committee policy statement for strengthening the present Equity Ordinance which said "We will not live on our knees, it is degrading, uncomfortable and expensive." A collection for the Legal Fund came to \$5,005.00. Mayor Royer said he would give careful consideration to the Association's proposal.

Chronology Of 35 Years Houseboat Regulations

Enactment by the City Council in December 1977 of the "Equity" Ordinance was the culmination, not the beginning of the regulation of floating homes (houseboats) by the Seattle municipal government. It was the last of a series of resolutions, Ordinances and policy statements over a period of thirty five years. This was a process which, as a result of a limited resource (the shorelands of Lake Union and Portage Bay) and the necessity to regulate it, led inevitably to the creation of a de facto monopoly of its floating home moorage sites. The City government is now asked to recognize its responsibility to regulate this monopoly in the public interest by eliminating the ambiguities and lack of specificity in the present ordinance. Following is an outline of these actions:

1944

On October 23rd, 1944 the City Council enacted the first regulatory houseboat ordinance, No. 73578. It dealt with sanitation requirements for the few remaining floating homes on Lake Washington. The once-flourishing colony on Lake Washington was virtually eliminated when the opening of the Montlake Cut, joining the two lakes with Puget Sound, lowered the water level of Lake Washington by eight feet.

1953

The first Ordinance regulating all houseboats in the city (No. 82223) was adopted by the City Council on August 18th, 1953. It dealt with spacing requirements, water pipes above water, etc. Under it the City enforced certain codes, particularly electrical installations. This was adopted in place of a proposed ordinance designed to eliminate houseboats as legal structures.

1957

In 1957 the City adopted the present Zoning Code and Comprehensive Plan. This Code created a Residence Waterfront (RW) Zone on Portage Bay. Uses in this Zone (which extends from the University Bridge and the yacht clubs) was restricted to houseboats and non-profit boating organizations. The Code set 2000 square feet as the minimal moorage site, stipulated open water provisions and classified houseboats as legal single family structures. Off street parking requirements (one-to-one) was imposed for the first time. However existing floating home moorages were "grandfathered" or exempt from these provisions. They still are. The Code also permitted houseboats as a permitted use in the two small Commercial General zones on Lake Union.

1961

On October 19th, 1961 an interdepartmental task force completed work on the final draft of a proposed Ordinance to license houseboat moorages. The newly organized Floating Homes Association opposed the measure as repressive as did moorage property owners. It was tabled.

1963

This was a watershed year for houseboats in Seattle. The community was hit by the loss of 151 moorage sites (the NOAA base, the approach to the Evergreen Point Bridge and commercial expansion on Westlake North).

At the request of the Association the City Council held a special hearing on this emergency out of which came assistance in the storage of the homeless floating homes and the adoption of a Policy statement which said in part: The City "definitely approves of houseboats. It recognizes that houseboats have been a permanent part of Seattle through the growth of the city. It hopes that they will remain a part of its interesting and unique environment. In 1957

when the New Zoning Ordinance was adopted the City placed itself on record as favoring houseboats in the right place, developed in accordance with acceptable standards".

With literally scores of floating homes in dead storage the Association worked with Lake Union moorage owners to help them expand by leasing and using adjacent state land which had long been available to marinas and other marine uses. The needed approval by the Corps of Army Engineers was blocked by an objection from Mayor Gordon Clinton. At the request of the Association the Council overruled the mayor and the much needed moorage sites came into being. In some instances floating home owners made advance moorage payments (interest free loans) to cover the cost of expanding the moorage facilities.

In this year the Association worked with the King County Assessor's office to identify ownership and equitably assess and tax floating homes as single family dwellings. The King County Commissioners approved the issuance of permanent registration numbers. Since then floating homes have been treated in the same manner as homes ashore. They now provide the bulk of the taxes to support City, County and State governments because the moorage property can only be assessed and taxed as "unimproved land". The individually owned floating homes are the taxable "improvements" on the moorage property.

Also in 1963 the Metro Ordinance assessed the single family sewer use fee against floating homes as well as defining them as single family dwellings.

In this year the Association supported the City Council's imposition of a Local Improvement District to pay for a sewer around the perimeter of Lake Union and Portage Bay. The Association began its preparations for plumbing of houseboats and sewage collecting systems for the various moorages.

1964

In recognition of the many problems confronting the houseboat community the City Council adopted Resolution No. 19958 creating a "City Council Advisory Committee" to deal "with all matters pertaining to floating homes in the City of Seattle". The Committee consisted of the chairman of the Council Public Safety Committee, Chairman of the Planning Committee and representatives of the Building, Engineering, Health and Fire Departments, two representatives from the Floating Homes Association with the Code Research Director as Secretary. Terry Pettus was elected chairman and served in this capacity until the Committee's work was completed in 1974.

This Committee worked out regulations for plumbing floating homes and for sewerage collection systems at the moorages. Under this plan Seattle became the first place in the U.S. to connect houseboats to sewers. The Committee wrote a comprehensive house-keeping Ordinance covering houseboats and moorages. Over the years the Committee dealt with scores of matters pertaining to houseboats and moorage property.

Continued on next page

Important Notice!

Section 2, Article I of the By-Laws was amended at the Oct. 22nd membership meeting. The new dues schedule, effective in January, 1980, is as follows:

REGULAR HOUSEHOLD DUES: \$24.00 a year.

RETIRED HOUSEHOLD DUES: \$16.00 a year.

The new schedule was approved on the recommendation of the Executive Committee to bring dues income into line with the Association's operating costs. Legal and emergency expenditures will continue to be dependent on voluntary contributions.

Moorage Gets \$53,280 Year From Public land



Above is the city's largest floating home moorage (52 units) operated by Freeman-Gibson-Jeffrey on Fairview E. The owner's latest moorage boost is being contested. Of the 52 units, 29 depend on the use of public property--15 on land rented from the state at about \$250 per moorage site per year and 14 using city streets under permit fees of twelve cents a square foot a year. From the rented state land present annual moorage fees are \$27,000 and \$39,000 is asked. For the street property, moorage fees of \$25,680 a year is being paid by floating home owners and \$34,392 is demanded. (Aerial photo by Jonathan Ezekiel).

1968

On June 29, 1968 the City Council passed and Mayor Wes Uhlman signed Ordinance No. 96821 which had been drafted by the Council Advisory Committee. This Ordinance mandated sewer connections and installations for all floating homes and their moorages and regulated moorage property as to lighting, safety and other standards. It is known as the "Comprehensive Floating Home Ordinance". This Ordinance also provided that all floating homes must be located on "privately owned or privately controlled property".

(In 1974 the surveying and mapping of Street and State Waterways revealed that twenty four floating homes, located at legal moorages, were in fact located in whole or in part in submerged streets. Houseboat owners had been paying moorage fees and believed they were on private property. Because eviction would mean the loss of these homes the City Council amended Ordinance No. 96821 (1968) "grandfathering" this occupancy but prohibiting replacement. Some of the intrusions were in Portage Bay. The largest number, fourteen units, were on the Freeman-Gibson-Jeffrey moorage at 2017-2019-2025 Fairview Avenue East.)

Also in 1968 Congress enacted a comprehensive Environmental Protection Act which extended the jurisdiction of the Army Engineers over submerged property in navigable waters to the high water mark. This brought floating home installations under the jurisdiction of the Corps and any new moorages must also be approved by a number of other federal agencies.

1976

With the adoption by the City of the Seattle Shoreland Master Program the City's 1963 objective to continue houseboats "in the right place and developed in accordance with acceptable standards" was finally achieved. It restricted floating homes to the Residence Waterfront Zone under the Urban Residential environment to

Portage Bay and continued them as a conditional use in the Commercial General Zones under the Urban Stable/Lake Union area. Future floating home installations on state leased lands is prohibited and water coverage of floating homes and walkways at new moorages must not exceed 45% of the water surface. Again, existing floating homes, including those in the Manufacturing Zone, on Lake Union are legal but non-conforming. At present every floating home moorage site is occupied and there is no property available for new moorages.

1977

Early in 1977 the State Department of Natural Resources surveyed the shorelines of Lake Union and Portage Bay for possible intrusions into state waters. Twenty four floating homes (21 on Portage Bay and two on Westlake North) were found to be illegally moored on state lands. Houseboat owners had been paying moorage fees for these sites for many years and the occupancy pre-dated adoption of the Construction Limit Line by the City Council in 1963. Land Commissioner Bert Cole ordered the houseboats removed under threat of court action. There was no place these floating homes could go. The Association appealed to the City Council and on April 21st, 1977, after conferences with the state, the City Council adopted Resolution No. 25508 stating that any floating home on the state land prior to December 16th, 1968 "shall be permitted to remain as non-conforming and may be maintained but not expanded". As a result Bert Cole agreed to give property owners leases for these moorage sites. Again the City recognized the monopoly situation existing in floating home moorage sites.

It was this situation which led the City Council, by unanimous vote, to enact the present "Equity Ordinance" (No. 107012) on December 23rd, 1977. The Ordinance prohibits the eviction of floating home for other than just cause and set up a Fact-Finding procedure to rule on demanded moorage fees believed to be unreasonable. Now before the Council are amendments to this Ordinance to clarify existing ambiguities.