

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

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|--------------------------|------------------------------|---------------------------|
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AN ORDINANCE relating to the Seattle Shoreline Master Program; amending the Seattle Comprehensive Plan provisions in the Shoreline District; amending Sections 23.60A.020, 23.60A.066, 23.60A.090, 23.60A.152, 23.60A.154, 23.60A.156, 23.60A.157, 23.60A.164, 23.60A.167, 23.60A.172, 23.60A.187, 23.60A.190, 23.60A.193, 23.60A.200, 23.60A.202, 23.60A.204, 23.60A.206, 23.60A.214, 23.60A.215, 23.60A.217, 23.60A.224, 23.60A.240, 23.60A.252, 23.60A.282, 23.60A.294, 23.60A.310, 23.60A.382, 23.60A.384, 23.60A.386, 23.60A.388, 23.60A.390, 23.60A.392, 23.60A.394, 23.60A.402, 23.60A.410, 23.60A.442, 23.60A.446, 23.60A.450, 23.60A.460, 23.60A.482, 23.60A.484, 23.60A.486, 23.60A.490, 23.60A.502, 23.60A.504, 23.60A.506, 23.60A.508, 23.60A.510, 23.60A.512, 23.60A.540, 23.60A.575, 23.60A.578, 23.60A.902, 23.60A.906, 23.60A.908, 23.60A.912, 23.60A.914, 23.60A.916, 23.60A.918, 23.60A.924, 23.60A.926, 23.60A.928, 23.60A.930, 23.60A.934, 23.60A.936, 23.60A.938, 23.60A.942, 23.60A.944, 23.60A.958, 23.60A.970, 23.72.006, 23.91.002 of the Shoreline Master Program Regulations of the SMC, adding new Sections 23.60A.155, 23.60A.159, 23.60A.203, 23.60A.383, 23.60A.483, 23.60A.503 and repealing Sections 23.60A.092 of the Shoreline Master Program Regulations; amending Section 25.09.020 of the environmentally critical areas regulations, and adding a new Section 25.09.016 to the environmentally critical areas regulations of the Seattle Municipal Code.

**Summary of the Legislation:**

In 2003, the state required an update of the Shoreline Master Program (SMP) to meet the 2003 Shoreline Master Program Guidelines. The City Council adopted the mandated SMP update in January of 2013 with Ordinance 124105. After the adoption of the updated SMP by City Council in 2013, the state Department of Ecology (DOE) reviewed the regulations for compliance with the 2003 Shoreline Master Program Guidelines and issued a Conditional Approval of the Shoreline Master Program. This legislation addresses the changes to the SMP as a result of DOE's Conditional Approval.

Specifically, this legislation includes changes that address DOE's 29 required changes including the following:

- Add regulations for floating on-water residences in accordance with 2014 Senate Bill 6450 including a verification process for house barges as well as floating on-water residences;
- Clarify the Environmentally Critical Areas definitions;
- Include additional management and protection of native vegetation;

- Include lists of uses that are allowed on upland lots in the Urban Commercial (UC), Urban General (UG), Urban Industrial (UI), and the Urban Maritime (UM) shoreline environments;
- Increase the setback required from the ordinary high water mark in the UG environment to meet no net loss of ecological function, to be consistent with DOE Guideline requirements; and
- Include additional setback standards for the Urban Residential shoreline environment to meet the no net loss of ecological function requirement.

Additionally, this legislation includes changes that address DOE and DPD's 109 recommended changes including the following:

- Allow more flexibility in siting required mitigation and ecological restoration;
- Provide more specificity to standards, such as preventing debris from entering the water, and best management practices for protecting the aquatic environment;
- Provide more consistency between sections for the same standards, such as the verification process for various types of living over water;
- Add flexibility to regulations for floating homes including:
  - Allows five (rather than only two) floating home moorages or sites to be added in the UC Environment;
  - Allow modifications to the setback and float separation requirements when floating home moorage in other locations is lost, consistent with fire and life safety codes ('Safe Harbor' provision);
  - Provides flexibility to reconfigure an existing floating home moorage to accommodate up to two displaced floating homes when moorage in other locations is lost ('Safe Harbor' provision);
  - Clarifies that a City determination does not convey compliance with other state or federal requirements on waters managed by Washington State Department of Natural Resources;
  - Provides flexibility for reconfiguring floating home sites that extend into rights-of-way (ROW) as long as the amount of the extension into the ROW is not increased overall;
  - Clarifies that replacement of existing Styrofoam floats is required only to the extent of any proposed repair or replacement work;
  - Makes surface of the deck or 3-ft above the surface of the water the starting point for the application of height limits for house barges, floating on-water residences and floating homes;
  - Floating on-water residences may be replaced to the same size and configuration as a verified existing residence and is considered conforming to regulations even if it exceeds the height limit; and
- Add an appeal process for decisions of the Director for the registration and verification process for floating homes, and vessels, house barges and floating on-water residences.

**Background:**

The Department of Ecology's 2003 SMP Guidelines require that local jurisdictions comprehensively update their SMPs. In 2007, DPD was awarded a \$400,000 grant from the Department of Ecology to update the Shoreline Master Program to meet Department of Ecology's 2003 Guidelines. The final Shoreline Master Program at the completion of the update will consist of the Shoreline Master Program Regulations, the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan and Environmental Critical Areas regulations for critical areas within the Shoreline District.

The SMP is composed of the SMP Regulations (SMC 23.60A), the Shoreline Goals and Policies in the Seattle Comprehensive Plan, the Shoreline Restoration and Enhancement Plan required by WAC 173-26-201(2)(f) and Chapter 25.09 regulations for Environmental Critical Areas.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

Note: The legislation includes a verification process for house barges and floating on-water residences. DPD staff time will be required to verify house barges and floating on-water residences. This increase in staff time will be paid for through the Code Compliance budget.

**Other Implications:**

**a) Does the legislation have indirect financial implications, or long-term implications?**

No, the legislation does not pose additional impacts to the annual budget.

**b) What is the financial cost of not implementing the legislation?**

The SMP update is mandated by the State Legislature.

**c) Does this legislation affect any departments besides the originating department?**

All departments will be required to comply with the amended regulations. City departments that own submerged property and/or property within 200 feet landward of the ordinary high water mark are required to comply with shoreline regulations.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

This legislation is mandated by the State Legislature.

**e) Is a public hearing required for this legislation?**

Yes, a public hearing is required before the City Council. .

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes, notice of the public hearing is required in *The Daily Journal of Commerce* for the City Council's public hearing. Notice of the public hearing must be provided thirty days before the hearing.

**g) Does this legislation affect a piece of property?**

The legislation affects all submerged areas of Lake Washington, Lake Union, the Ship Canal, Green Lake, the Duwamish and Puget Sound, all areas within 200 feet landward of the Ordinary High Water mark of the previously listed water bodies, and all flood plains and wetlands that are associated with the previously listed water bodies.

**h) Other Issues: N/A**

**List attachments to the fiscal note below: None.**