



**Legislative Department
Seattle City Council
Memorandum**

Date: March 30, 2015
To: Clerk’s File 314245
From: Ketil Freeman, Council Central Staff
Subject: Council Bill 118311 – Shoreline Master Program Update, Council’s Intent

The memorandum describes the intent of the Council’s Planning Land Use and Sustainability (PLUS) Committee in making certain amendments to Council Bill (C.B.) 118311 on March 17, 2015. Those amendments removed redundant language prohibiting non-residential uses on house barges and floating on-water residences.

Background

On March 17, 2015, PLUS recommended that the Full Council pass C.B. 118311 as amended. Among those amendments recommended by PLUS are two amendments that strike language prohibiting non-residential uses on floating on-water residences and house barges. Amendments are shown below in red.

1.	<p>23.60A.203 Standards for floating on-water residences</p> <p>A. Uses</p> <p>1. Floating structures that contain dwelling units and vessels that contain dwelling units shall be regulated as floating homes pursuant to Section 23.60A.202, with the exception of floating on-water residences that comply with this Section 23.60A.203, house barges that comply with Section 23.60A.204, residences allowed under Section 23.60A.206, and vessels that comply with Section 23.60A.214.</p> <p style="color: red;">2. Locating other uses on floating on-water residences authorized pursuant to this Section 23.60A.203 is prohibited.</p> <p style="text-align: center;">* * *</p>
2.	<p>23.60A.204 Floating structures and ((S))standards for house barges</p> <p>A. Floating structures</p> <p style="text-align: center;">* * *</p> <p style="color: red;">2. Locating other ((nonwater dependent))uses over water on house barges authorized under subsection 23.60A.204.B((on floating structures, including vessels that do not have a means of self-propulsion or steering equipment,)) is prohibited((unless specifically permitted on house barges or historic ships by other sections of this Chapter 23.60A)).</p> <p style="text-align: center;">* * *</p>

PLUS Intent

The intent of PLUS in making the amendments was merely to strike surplus and duplicative language. Other development standards in the Shoreline Master Program limit house barges and floating on-water residences to residential uses. The intent was not to authorize non-residential uses on floating on-water residences and house barges.

The SMP allows over water uses in limited circumstances. Residential uses, on structures other than vessels, that can be over water are limited to legally established floating homes, floating on-water residences, and house barges.¹ In order to be legally established, a structure must meet applicable development standards, including the definition. Development standards and definitions for each type require that the use be residential.²

This is consistent with the legislature's intent in amending the Shoreline Management Act to allow floating on-water residences. Specifically, in RCW 90.58.270 includes the following statement of intent.

- (1) The legislature recognizes that all Washington residents benefit from the unique aesthetic, recreational, and economic opportunities that are derived from the state's aquatic resources, including its navigable waters and shoreline areas. The legislature also recognizes that, as affirmed in chapter 212, Laws of 2011, existing floating homes are an important cultural amenity and an element of the state's maritime history and economy. The 2011 legislation, which clarified the legal status of floating homes, was intended to ensure the vitality and long-term survival of existing floating single-family home communities.
- (2) The legislature finds that further clarification of the status of *other residential uses* on water that meet specific requirements and share important cultural, historical, and economic commonalities with floating homes, is necessary.
- (3) The legislature, therefore, intends to: Preserve the existence and vitality of current, floating on-water *residential uses*; establish greater clarity and regulatory uniformity for these uses; and respect the well-established authority of local governments to determine compliance with regulatory requirements applicable to their jurisdiction. (Italics added.)

¹ See Council Bill (C.B.) 118311 at 23.60A.090.A.3.

² See C.B. 118311 Section 23.60A.203 and 23.60A.912 for floating on-water residences. See 23.60A.204 and 23.60A.916 for house barges.