

CITY OF SEATTLE
ORDINANCE 126838
COUNCIL BILL 120588

AN ORDINANCE relating to land use and zoning; adopting a moratorium on the filing, acceptance, processing, and/or approval of applications for the replacement of floating on-water residences that are vessels as defined by Section 23.60A.942 of the Seattle Municipal Code; adopting a work plan; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares:

A. RCW 90.58.270(6) was amended by Chapter 148, Laws of 2021 to expand the definition of “floating on-water residence” (FOWR) to include vessels. This new definition allows owners of vessels legally established prior to July 1, 2014, and that meet the criteria in RCW 90.58.270(6), to seek floating on-water residence verification. The current Shoreline Master Program defines floating on-water residences as floating structures and has specific standards for their replacement. If a vessel applies and receives FOWR verification, the current Shoreline Master Program does not have standards specific to FOWR vessels that would prevent a FOWR vessel from being replaced with a larger floating structure that was no longer a vessel and would otherwise not be allowed. These larger floating structures have greater impacts on the aquatic environment because of increased overwater coverage. Additionally, an increase in gray water pollution can be expected because of the larger size and the change to a permanent residential use over water.

B. A temporary moratorium is necessary to allow the City to amend the Shoreline Master Program development standards for the replacement of vessels that have been verified as floating on-water residences; and a work plan has been developed to include the timeline and tasks for

1 the amendments to the Shoreline Master Program. This work plan is included as Attachment A to
2 this ordinance.

3 C. Revised Code of Washington (RCW) 90.58.590 authorizes the City to adopt a
4 moratorium while amending its shoreline regulations. A moratorium may be effective for up to
5 six months and may be renewed for two additional six-month periods.

6 D. Under Seattle Municipal Code (SMC) Section 25.05.800, the Council finds that this
7 moratorium is a government procedural action categorically exempt from State Environmental
8 Protection Act (SEPA) review. SEPA review of any permanent regulations modifying existing
9 regulations will be conducted according to the work plan in Attachment A to this ordinance.

10 Section 2. The Council adopts a moratorium on the filing, acceptance, processing, and/or
11 approval of any application for the replacement of a vessel as defined by SMC 23.60A.942 that
12 has been verified as a floating on-water residence per SMC 23.60A.203.

13 Section 3. The moratorium set forth in this ordinance shall be in effect for a period of six-
14 months from the effective date of this ordinance and shall automatically expire after the six-
15 month period unless renewed as provided by RCW 90.58.590 or terminated sooner by the
16 Council.

17 Section 4. Pursuant to RCW 90.58.590, the Council will hold a public hearing within 60
18 days of adoption of this moratorium to take public testimony and consider adopting further
19 findings. The Department of Ecology will be notified when the moratorium is adopted and of the
20 date of the public hearing,

21 Section 5. Under RCW 90.58.590, the Council approves the work plan in Attachment A
22 for the development of regulations to address the issues in this ordinance.

1 Section 6. Based on the authority of RCW 90.58.590 and the findings in Section 1 of this
2 ordinance, SMC 23.76.062 is waived for the adoption of this ordinance.


3 Section 7. The City Council may renew the moratorium for one or more six-month
4 periods in accordance with state law.

5 Section 8. The provisions of this ordinance are declared to be separate and severable. The
6 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
7 or the invalidity of its application to any person or circumstance, does not affect the validity of
8 the remainder of this ordinance or the validity of its application to other persons or
9 circumstances.


10 Section 9. Any act relating to the filing, acceptance, processing, and/or approval of
11 permits and permit applications consistent with the authority of this ordinance taken after its
12 passage and prior to its effective date is ratified and confirmed.

1 Section 10. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not returned and approved by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.


4 Passed by the City Council the 13th day of June, 2023,
5 and signed by me in open session in authentication of its passage this 13th day of
6 June, 2023.

7 
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 16th day of June, 2023.

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11 Bruce A. Harrell, Mayor

12 Filed by me this 16th day of June, 2023.

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14 Anne Frantilla, Interim City Clerk

15 (Seal)

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21 Attachments:
22 Attachment A – SDCI Moratorium Work Plan

SDCI WORK PLAN		
SMP Floating on-water residence Vessel Ordinance		
Amend the Shoreline Master Program to include standards for the replacement of vessels as defined by SMC 23.60A that have been verified as floating on-water residences as allowed by the state legislature in SB 6027 that became effective July 25, 2021		
Timeline	Tasks	
Project Management		
06/2023 –12/2024	Develop scope of work and timeline for SMP amendments; public participation plan; draft regulations; SEPA analysis and decision; MO and City Council approval; Department of Ecology approval	
06/2023	Develop Public Participation Plan	
Public Outreach		
07/2023 – 10/2023	<ul style="list-style-type: none"> • Website • E-mail to Shoreline Listserv • Targeted outreach • LULA • Floating Home Association • Ecology and DNR 	
Draft SMP Amendments and Director’s Report		
07/2023 – 10/2023	<ul style="list-style-type: none"> • Draft legislation • Draft Director’s Report 	
Update Comp Plan Policies if needed		
10/2023		
SDCI Director Review		
10/2/2023 – 10/16/2023	SDCI Director Review	
Law and Mayor’s Office Review		
10/20/2023 – 11/17/2023	Law review	
12/1/2024	Mayor approval for SEPA and Law’s final review	
SEPA		
12/7/2024	SEPA Decision	
12/21/2024	SEPA Appeal period ends	
Ecology and SDCI Joint Comment Period and Public Hearing		
12/7/2024 – 02/07/2024	30-day comment period and 30-day period to respond to comments	
Ecology Initial Submittal and Review		

02/12/2024 – 03/13/2024	30-day review
Legistar	
03/22/2024	Ordinance, Fiscal Note and Director’s Report sent to Law, CBO, and MO for final review.
City Council Review and Action	
04/22/2024	Legislation transmitted from Mayor’s Office to City Council
05/2024 – 7/2024	<ul style="list-style-type: none"> • Land Use Committee Briefing • Public Hearing – Joint hearing with Department of Ecology • Land Use Committee Vote • Full Council Vote
Department of Ecology Final Review and Approval	
08/01/2024	Send legislation to Department of Ecology
08/01/2024 – 10/01/2024	Department of Ecology’s Review and Approval
08/2024	Send Commerce 60 Days Notice of Intent to Adopt
City Council Action on Ecology’s Final Approved Regulations	
09/2024 – 10/2024	City Council adoption of Ecology’s approved regulations
10/2024	Publish Notice of Adoption in paper