

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
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** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: 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.

Summary and Background of the Legislation:

As a result of amendments to state law effective July 2021 (Senate Bill 6027) that included vessels as floating on-water residences (FOWRs), the Seattle Department of Construction and Inspections (SDCI) is now required to accept applications for vessels (such as sailboats and yachts) to be verified as FOWRs.

Summary Attachment 1 displays pictures of vessels and FOWRs. FOWRs are different than floating homes, they are a separate category of floating residences created in 2014 by state legislation. To qualify as a FOWR, the residence must have existed and been used as a residence since a date prior to July 1, 2014.

The stated intent of the 2014 state legislation was to preserve the existence and vitality of current, floating on-water residential uses; nevertheless, the number of FOWRs has increased. In 2014 it was estimated that there were 113 FOWRs within Seattle city limits; as of January 2022, SDCI has verified 222 FOWRs.

SDCI's existing Shoreline Master Program (SMP) regulations currently limit FOWRs to floating structures with specific standards for their replacement. If a vessel applies and receives FOWR verification, the SMP does not have standards specific to this new category of FOWRs (FOWR vessels) that would prevent these vessels from being replaced with a larger floating structure that is no longer a vessel and would otherwise not be allowed. These larger floating structures have greater impacts on the aquatic environment because of increased over-water coverage. Additionally, an increase in gray water pollution can be expected because of the larger size and the change to a permanent over-water residential use.

This legislation is a temporary moratorium on permit applications for the replacement of this new category of FOWRs, FOWR vessels. The moratorium is effective for six months and may be renewed for up to two six-month periods. The purpose of the moratorium is to provide time to amend the SMP. RCW 90.58.590 authorizes a shoreline moratorium.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No.

Are there financial costs or other impacts of *not* implementing the legislation?

No financial costs; however, there are other impacts of not implementing this legislation. If vessels (which are a defined water-dependent use by the Shoreline Mater Program) are allowed to become verified floating on-water residences and then are replaced as residential floating structures (which are not a defined water-dependent use per the Shoreline Master Program), the City will not be meeting the goals of the Shoreline Master Program. This moratorium will provide the needed time for SDCI to amend the Shoreline Master Program to include standards for the replacement of any vessel that has been verified as a floating on-water residence.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

Yes, there will be a public hearing within 60 days of the adoption of this legislation.

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

Yes, a hearing notice is required in the Daily Journal of Commerce and this information will be sent prior to the public hearing.

d. Does this legislation affect a piece of property?

This legislation affects a new category of floating on-water residences, not a piece of land.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

There are no identified impacts to vulnerable or historically disadvantaged communities.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

N/A

Summary Attachments:

Summary Attachment 1 – Photos of vessels and floating on-water residences