

## SUMMARY and FISCAL NOTE\*

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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; clarifying the definition of vessel and consistently using the term vessel in the Shoreline Master Program; and amending Sections 23.60A.204, 23.60A.916, and 23.60A.942 of the Seattle Municipal Code.

**Summary and background of the Legislation:** In 2016 the City’s Hearing Examiner ruled that a vessel with a broken engine was no longer a “vessel” because it could not be used for navigation. This decision allows for the transformation of vessels that are water-dependent and serve a purpose in the maritime community, into “structures” that are a non-water-dependent use and yet remain in the water, displacing maritime uses.

The City's Hearing Examiner decision interpreting the definition of “vessel”, particularly the “used for navigation” language, is problematic because it has the consequence of transforming vessels that were not intended to meet the definition of a "floating on-water residence" simply by virtue of neglect or disuse by a vessel owner. If it is determined that every vessel that existed as of July 1, 2014 is not a vessel because it has not been “used for navigation” either because of a broken engine or potentially other reasons, then these vessels can be verified as floating on-water residences. This changes the use of these vessels from a water-dependent maritime use, which is a preferred use, to a non-water dependent use, which is not a preferred use under the Shoreline Management Act (SMA). This allowed change of use is inconsistent with the goals and policies of the SMA and the City’s Shoreline Master Program (SMP).

The consequences from this allowed change of use is that there is now a potential for many more floating on-water residences than were originally contemplated when Council adopted the 2015 SMP update. This SMP update limited the floating on-water residences to those grandfathered by the 2014 state legislation.

In 2014, the legislature amended the SMA (RCW 90.58.270) to allow existing floating on-water residences to remain on waters of the State. This legislation stated that these structures needed to exist prior to July 1, 2014 and defined a floating on-water residence as a structure that was neither a vessel nor a floating home. Floating homes were already an allowed use and the 2014 state legislation did not change this. However, like floating homes, there was to be a finite number of these existing floating on-water residences, which is the number that existed as of July 1, 2014.

The proposed amendments to the vessel definition address the consequence of the 2016 Hearing Examiner’s decision that interprets the term “used for navigation”, in the definition of “vessel”, literally. The amendment clarifies that if a vessel has been designed for navigation, was used for navigation in the past, and is capable of being used for navigation, that such a vessel still meets the definition of vessel.

A more detailed summary of the proposed amendments is included in the Director’s Report.

## 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?**

The proposed amendment will result in less staff time needed to review verification applications from vessels than would result from continuation of the Hearing Examiner’s precedential effect on the SMP.

**Is there financial cost or other impacts of *not* implementing the legislation?**

No direct financial impacts. Failure to adopt the proposed amendments to the Shoreline Master Program would continue lack of clarity causing more time to be spent on reviewing verification applications from vessels.

## 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. The City Council must hold a public hearing, to be scheduled before the Planning, Land Use and Zoning Committee.

Additionally, because the proposed legislation amends the City’s Shoreline Master Program, SDCI will work with the Department of Ecology through the joint review process per WAC [173-26-104](#). Per the WAC at least one joint City/Ecology hearing is required to consider the draft proposal. Notice of this joint City/Ecology hearing will be published in *The Daily Journal of Commerce* and in SDCI’s Land Use Information Bulletin. The City Council public hearing mentioned above will serve as the required joint City/Ecology hearing.

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

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

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the Land Use Information Bulletin on July 16, 2018.

Additionally, the Department of Ecology will provide notice to the state interested parties list of persons, groups, agencies, and tribes that have requested in writing notice of the proposed amendments to Seattle's Shoreline Master Program per the joint review process in WAC [173-26-104](#).

**e. Does this legislation affect a piece of property?**

No.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

No implications for RSJI are anticipated. The legislation will not impact vulnerable or historically disadvantaged communities.

**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).**

The legislation does not include a new initiative or programmatic expansion.

**List attachments/exhibits below:** None.