



Legislation Text

File #: CB 120588, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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 the amendments to the Shoreline

Master Program. This work plan is included as Attachment A to this ordinance.

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

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

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

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

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

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

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

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

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of

any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

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

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

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

_____, City Clerk

(Seal)

Attachments:

Attachment A - SDCI Moratorium Work Plan