

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 3	Supersedes: N/A
	Publication: 6/22/2020	Effective: 7/30/2020
Subject: Verification of floating on-water residences	Code and Section Reference: 23.60A.203.D	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Code/ Technical Requirements	Approved <u>(signature on file)</u> Nathan Torgelson, Director, SDCI	Date <u>7/30/2020</u>

BACKGROUND

In 2014 the state Legislature passed Senate Bill (SB) 6450 legalizing floating on-water residences that existed prior to July 1, 2014 by amending RCW 90.58. This amendment included adding RCW 90.58.270(6): (a) A floating on-water residence legally established prior to July 1, 2014, must be considered a conforming use and accommodated through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable. (b) For the purpose of this subsection, "floating on-water residence" means any floating structure other than a floating home, as defined under subsection (5) of this section, that: (i) Is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Seattle incorporated the requirements of SB 6450 in its 2015 Shoreline Master Program update pursuant to subsection SMC 23.60A.203.B.

SMC 23.60A.203.B provides:

B. For purposes of this Chapter 23.60A, a floating on-water residence is allowed only if it:

1. Was legally established as a floating on-water residence prior to July 1, 2014; to be legally established it must have been used as a dwelling unit within the City prior to July 1, 2014.

2. Was moored pursuant to a lease or ownership interest at a marina, as defined by Section 23.60A.926, within the City prior to July 1, 2014.

Seattle also required the verification of floating on-water residences at SMC subsection 23.60A.203.D.

SMC 23.60A.203.D provides:

D. Verification of a floating on-water residence

1. Each floating on-water residence shall be verified by the Director, and the owner shall pay a one-time fee to receive a verification number. The fee shall be established by the Director to recover the reasonable costs of the program for issuing a verification number. Owners of a floating on-water residence allowed pursuant to subsection 23.60A.203.B may apply to the Director for verification or may wait until the Director asks for verification information. If a floating on-water residence is not verified, the Director may require the owner to submit verification information and pay the required fee.

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When SB 6450 was passed, it was to protect existing floating on-water residences and it was recognized that there were a finite number of such FOWRs that existed prior to July 1, 2014; SB 6450 recognizes only these floating residences that existed prior to July 1, 2014. Prior to July 1, 2014 it was estimated that there were 113 FOWRs and as of May 2019, SDCI has verified over 200 FOWRs.

Over time, it has become harder to obtain reliable documentation that is necessary to legally establish that a floating on-water residence existed since a date prior to July 1, 2014. Therefore, the more time that elapses after the July 1, 2014 date, the more difficult it is for SDCI to evaluate if these structures meet the requirements and SDCI has verified nearly two times the estimate of those FOWRs that existed prior to July 1, 2014.

The Director has the authority to require that a verification application for floating on-water residences be submitted to SDCI per SMC 23.60A.203.D.1. and has allowed a five-year time period to receive these applications. If a FOWR is not verified, its presence in Seattle waters is a violation of the regulations per 23.60A.203.D.6. Additionally, this requirement aligns with the verifications for Floating Homes and Vessels with Dwelling Units, which were required to complete the verification process by December 15, 2016 per SMC 23.60A.202 and SMC 23.60A.213.

RULE

Per SMC 23.60A.203.D.1, the Director of SDCI is requiring submittal of complete verification applications for all unverified floating on-water residences that meet the criteria of SMC 23.60A.203.B and SMC 23.60A.912 no later than September 30, 2020. Applications received after this date will not be considered. The application form is found on SDCI's website at seattle.gov/sdci/permits/forms under Floating On-Water Residence Verification Form. Applicants can fill in and submit the necessary application material or request the application form by calling (206) 684-0616. An application is complete if the Floating On-Water Residence Verification Form is filled out, in full, and submitted with the required additional information.

This Rule also sets forth the application submittal requirements needed under SMC 23.60A.203.B and 23.60A.912. Any application submitted under these code provisions must demonstrate the following:

1. That the residence seeking verification has continuously been used as a residence by providing evidence, including but not limited to one or more of the examples listed below. Information provided must include documentation of residential use of the floating on-water residence since a date prior to July 1, 2014:
 - a. A dated receipt for payment of rent or moorage fees for a liveaboard lease or sublease in a marina.
 - b. A signed, dated lease indicating liveaboard status tied to the particular floating residence seeking verification.
 - c. Voting registration records indicating that the primary residence is the marina address.

Sworn statements of the owner, marina employees, or others without additional independent evidence that demonstrates actual residential use of the floating on-water residence since a date prior to July 1, 2014 such as those identified above are not independently sufficient for verification.