

# Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

## Shoreline Permitting Requirements for Floating on Water Residences (FOWR) and House Barges

November 6, 2018

The purpose of this Tip is to clarify when a shoreline substantial development permit is required when renovating or replacing a verified Floating-on-Water-Residence (FOWR) or House Barge. This Tip also describes the submittal requirements for these two types of floating residences. In Seattle, SDCI requires verification that a FOWR was established prior to July 1, 2014 and that House Barge was moored at a recreational marina in Seattle before July 1990. If, after review of this Tip, you need more information, please schedule a paid Zoning Coaching Appointment with a Land Use Planner. Learn how online at <https://seattle.gov.zendesk.com/hc/en-us/articles/115004984887-How-to-Schedule-an-Inspection>.

### Why are FOWRs and House Barges regulated in Seattle?

Seattle's shoreline regulations are mandated by the State Shoreline Management Act (SMA) of 1971, as amended in Chapter 90.58 of the Revised Code of Washington (RCW). This state law requires local governments to establish a Shoreline Master Program (SMP) consistent with rules adopted by the State Department of Ecology (DOE). Accordingly, Seattle has adopted regulations for its shorelines, in [Chapter 23.60A of the Seattle Municipal Code \(SMC\)](#).

These rules regulate uses, development, and shoreline modifications in the Shoreline District, including over-water residences. By state regulation, new over-water residences are not allowed ([WAC 173-26-241.j](#) and [RCW 90.58.270](#)). Floating on-water

residences (FOWRs) legally established prior to July 1, 2014, can be maintained, repaired, or replaced through reasonable regulations and under permitting authority of the local government. Seattle also regulates verified House Barges in a similar way. City of Seattle Shoreline Code restricts new FOWRs or House Barges. This is to limit those uses that do not require a waterfront location (non-water dependent uses) and to limit negative impacts to shoreline habitat associated with expanded overwater coverage. See Tip 229, *Residential Use of a Floating Home, House Barge, Floating On-Water Residence, or Vessel With a Dwelling Unit* for more information on definition of and verification of Floating On-Water Residences and House Barges in Seattle.

### What authorization do I need from SDCI to renovate or replace my FOWR or House Barge?

Before you start work on your FOWR or House Barge project in the Shoreline District, you need to determine what approvals are required for your project. In some instances, your project may be minor enough in scope that the code allows us to issue a shoreline permit exemption from the Shoreline Substantial Development Permit (SSDP) process. If you think your project qualifies for a shoreline permit exemption, you must submit an exemption request to SDCI detailing the scope of your proposed project. Submit your request online through the Seattle Services Portal at <http://cosaccella.seattle.gov>. We will determine whether your project qualifies for a shoreline permit exemption. If we determine that your proposed activity is exempt from an SSDP, you may proceed with your project in accordance with the exemption determination provided by SDCI. If we determine the scope of proposed work goes beyond that allowed by a shoreline permit exemption, you will be required to obtain an SSDP. Please see Tip 209A, *Shoreline Substantial Development Exemptions Application Instructions* for more information on the shoreline permit exemption process before starting your project. Please see Tip 209, *Application Requirements for Shoreline Permits* and



guidance below for more information on how to apply for a Shoreline Substantial Development Permit.

Whether the project meets shoreline permit exemption criteria or requires a full SSDP, changes to a verified FOWR or House Barge must meet certain standards, which are found in [SMC 23.60A.203](#) for FOWRs and [SMC 23.60A.204](#) for House Barges. These standards address aspects of the structure such as height, overwater coverage, proper location, and construction materials.

### Shoreline Permit Exemptions

Some limited activities related to verified FOWRs and House Barges, noted in [SMC 23.60A.020.C](#), may qualify for a shoreline permit exemption. These activities include:

- Normal maintenance and repair to prevent the decline, lapse, or cessation of the floating structure from its original condition. **The code specifically states that replacement of FOWRs and House Barges is not the normal method of repair. Replacement will require an SSDP.**
- Minor alterations of a verified FOWR or House Barge that meet one of the shoreline exemption criteria.

### Shoreline Substantial Development Permits

Any part of a proposal or activity that is not specifically eligible for an exemption will require an SSDP. The following activities or charges to verified FOWR or House Barges **will** require an SSDP:

- Expansions of a verified FOWR or House Barge that do not meet one of the shoreline exemption criteria.
- Replacement of the hull of a FOWR or House Barge.
- Replacement of the FOWR or House Barge.

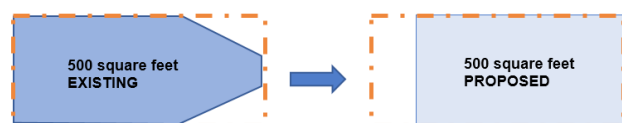
### What part of my FOWR or House barge can be expanded?

SDCI regulates both the expansion of the hull and expansion of above deck areas on a FOWR or House Barge. The hull is the portion of the structure that is within the water including the bottom, sides, and deck. The above deck area of a

FOWR or House Barge is all portions of the structure above the hull. SDCI will use the verified dimensions on file as the starting point for all remodel and replacement projects.

You can expand the above deck area of your verified FOWR or House Barge to the extent that the existing hull can support the proposed expansion and no portion of the expanded living area extends over the footprint of the existing hull. No increase in overwater coverage is allowed as part of the expansion of your above deck area. You can find the height regulations for any expansion above the hull in [SMC 23.60A.203.C.1.e](#) and [23.60A.204.C.1.e](#). They are also summarized in this Tip.

Generally, when you replace your verified FOWR or House Barge, you cannot increase the verified dimensions of the hull of your structure, including the portion of the hull that sits below the surface of the water. We may allow a change in footprint dimensions of the hull if there is no net increase in the square footage of overwater coverage and no increase to the overall width, length, or depth of the hull. The change in dimensions cannot negatively impact ecological functions. For example, you can square off your FOWR or House Barge if you do not increase any dimension beyond the smallest rectangle drawn around your verified structure and the square footage of the hull footprint remains the same. SDCI may allow some flexibility in the overall dimensions if you are using an existing structure to replace your verified FOWR or House Barge and you do not expand the overall square footage of the hull footprint.



### Can I replace my FOWR or House Barge?

You may replace your verified FOWR or House Barge by obtaining an SSDP with SEPA review from SDCI and meeting all applicable regulations in the shoreline code. Any proposed increase in height or expansion of the usable living space must be approved. As described above, generally, no increase to the overall width, length, and depth dimensions of the hull is permitted as part of your replacement project. Since no new FOWRs or House Barges are allowed in the City, we will need to know what will happen to the existing verified FOWR or House Barge as part of the SSDP process. Your SSDP decision

may include specific conditions about the type of documentation needed by SDCI prior to placement of the replacement FOWR or House Barge in Seattle waters. If you do not comply with one of the following options, you may be subject to enforcement by the City of Seattle, another Washington state jurisdiction, or the Department of Ecology. The following are acceptable options for replacement:

- Demolish the existing verified FOWR or House Barge and provide evidence of the demolition such as photos of the FOWR or House Barge immediately prior to demolition and photos while demolition occurs. Demolition over water is not allowed. SDCI should be notified prior to any demolition of a verified FOWR or House Barge to allow staff to measure and take photos prior to demolition.
- Permanently move the existing verified FOWR or House Barge to land in Seattle and modify the structure so that it cannot float or be used as an on-water structure or craft. An example of this is drilling holes in the hull so the structure will no longer float. This option requires you to obtain Land Use and Building Code permit approvals from SDCI. Once you have moved the structure, you must provide photo documentation that the move has occurred and that the structure is located in a manner that is consistent with the permit approvals. We will require a notarized form signed by the owner of the existing structure indicating that the structure will not return to City of Seattle waters unless specifically authorized by SDCI. (See form at the end of this Tip.)
- Use the existing verified FOWR or House Barge to replace another verified FOWR or House Barge in Seattle through the SSDP process. No expansion of the overwater coverage can occur as part of this replacement process. This means the area of overwater coverage of your existing FOWR or House Barge must be the same size or smaller than the square footage of the verified FOWR or House Barge it will replace. The FOWR or House Barge being replaced under this option is no longer a separate verified structure and must be approved through a separate SSDP to replace a different verified FOWR or House Barge or meet another option for replacement as noted in this Tip.
- Permanently move the existing verified FOWR or House Barge outside of Seattle waters to be used on land or water in another jurisdiction consistent with applicable regulations for the new location. The existing FOWR or House Barge being

replaced under this option is no longer a separate verified structure and cannot be legally established as a FOWR or House Barge in Seattle or another location in Washington. We will require photo documentation that you have removed the structure from Seattle waters. SDCI will require a notarized form signed by the owner and purchaser of the existing structure. (See attachment A at the end of this Tip.)

- Permanently remove the existing verified FOWR or House Barge from Washington State waters. SDCI will require documentation that you have removed the structure from Washington State waters.

### What are the height limitations for renovating or replacing my FOWR or House Barge?

The code provides specific limitations on the extent to which you can expand or alter your FOWR or House Barge. You can find the standards for FOWRs in [SMC 23.60A.203](#) and the standards for House Barges in [SMC 23.60A.204](#).

In general, when remodeling your FOWR or House Barge, you are limited to interior modifications of the living area and changes to the exterior siding or architectural features--the size and configuration of the footprint and hull must remain the same. You may add open railings to existing exterior spaces. New railings cannot be taller than 36" when the top of the railing exceeds the height limit for the FOWR or House Barge.

You can propose an addition to the living area of your FOWR or House Barge subject to specific height limitations. If the height of your verified structure is 18 feet or lower, your addition cannot exceed 18 feet as measured from the main deck of the structure or 3 feet above the surface of the water, whichever is lower. If the height of your verified structure is between 18 feet and 21 feet, your addition cannot exceed the existing height of the structure as measured from the main deck or 3 feet above the surface of the water, whichever is lower. If the height of your verified structure is greater than 21 feet, your addition cannot exceed 21 feet in height as measured from the main deck or 3 feet above the surface of the water, whichever is lower. You can replace your verified FOWR or House Barge to the same height dimensions as documented in the verification materials, even if the existing structure is taller than what would otherwise be permitted. If you want to replace and expand the living area of your verified FOWR or House Barge, any expansion is limited to the height restrictions noted above for additions.

## How does SDCI regulate the overwater coverage of FOWRs and House Barges?

Overwater coverage is the extent to which a structure covers the surface of the water. In the Shoreline District, structures that are located over water are generally detrimental to shoreline habitats. Due to the negative impact on the shoreline environment, overwater coverage in the City cannot be increased as part of the replacement or renovation of a FOWR or House Barge. Existing overwater coverage is based on the verified dimensions of the hull of your FOWR or House Barge. This means you cannot increase any dimension of the hull of your structure, nor can you project any new area beyond the existing footprint of the hull, as part of a replacement or renovation. The code allows for limited expansion of overwater coverage to address stability of the structure; however, if you need to increase the overwater coverage to stabilize your verified structure, you are not able to expand the above deck area of your FOWR or House Barge.

## When do I need to contain the gray water or sewage discharge on a FOWR or House Barge?

Expansions greater than 120 square feet from the verified size of your FOWR or House Barge will trigger a requirement to either hook your FOWR or House Barge up to the City sewer system or retain graywater until it can be pumped out. Sewage discharge will trigger a requirement to either connect your FOWR or House Barge to the City's waste-water disposal system or retain graywater and sewage for discharge to a pump out station, pump out service, or other appropriate method to eliminate public discharge to public waters. See Director's Rule 16-2018, *Graywater Containment and Pumpout Requirements for Floating on Water Residences (FOWRs) and House Barges expanding by more than 120 square feet* for more information regarding graywater containment for FOWRs and House Barges.

## What best management practices must I follow when renovating or replacing my FOWR/Barge?

In general, construction work on a verified FOWR or House Barge should be done on land at an appropriate facility to prevent debris and harmful material from entering water. If minor construction will occur over water, you must describe those activities in the narrative you provide as part of your application

and detail the Best Management Practices (BMPs) that will be used to prevent debris or harmful material from entering the water. Building material for exterior areas should be non-toxic to the fullest extent feasible. Gray water discharge should be avoided or minimized by minimizing water use and by using on shore facilities to the fullest extent reasonable. Specific BMPs and development standards for uses over water are found in [SMC 23.60A.152](#) and [SMC 23.60A.155](#).

## What are the application requirements to renovate or replace my FOWR/Barge?

For SDCI to review your request for changes to a verified FOWR or House Barge, you must submit the following information with your shoreline exemption application and some additional items for an SSDP application.

Tip 209A, *Shoreline Substantial Development Exemptions Application Instructions* and Tip 209, *Application Requirements for Shoreline Permits* provide detailed information about the application requirements for shoreline permit exemption requests and SSDP applications. The items below provide additional guidance on what you need for your applications to renovate or replace your FOWR or House Barge:

- Provide a site plan showing the existing location of your FOWR or House Barge. If you are proposing to move your renovated or new replacement FOWR or House Barge to a different location, provide a proposed site plan. FOWRs may only be moved to recreational or commercial marinas and House Barges may only be moved to recreational marinas. Any marina that provides moorage for a FOWR or House Barge must meet the requirements of [SMC 23.60A.200.F](#). Both the existing and proposed site plans must include a clear depiction of the slip location within a marina and dimensioned footprint or birds eye view of the structure. See Tip 103, *Site Plan Requirements* for more information on how to create a site plan.
- Provide the verification number for your existing FOWR or House Barge and include the verification letter from SDCI and all documentation used to verify the structure. You may be asked to provide more detailed documentation of the size and configuration of the verified FOWR or House Barge beyond what we have on file for your structure.
- Provide plans and elevations of your existing verified structure with dimensions that include the

height, width, and length of the hull and living area of the structure. In same plan set, provide dimensioned plans showing the proposed alterations and any proposed expansion including interior floor plans with dimensions. See Tip 106, *General Standards for Plans and Drawings* for more information on general standards for plans and drawings.

- Include a narrative addressing your project's consistency with the applicable standards in [SMC 23.60A.203](#) or [SMC 23.60A.204](#), as well as [SMC 23.60A.155](#) and [SMC 23.60A.152](#).
- If your project does not qualify for a shoreline permit exemption, you must apply for an SSDP. In addition to the information noted above, you will need to submit a completed Statement of Financial Responsibility/Agent Authorization Form, a completed Shoreline SSDP application form, a completed SEPA checklist, and a completed Cover Sheet. Most of these forms are attached to Tip 209, *Application Requirements for Shoreline Permits*.

### What is the cost and timing to obtain a shoreline substantial development permit?

Please see Tip 209, *Application Requirements for Shoreline Permits* for guidance on the overall SSDP process and Tip 201, *Master Use Permit (MUP) Overview* for typical land use permitting costs. In general, an SSDP for a FOWR or House Barge replacement project should be in the lower range of permitting costs for a typical SSDP. As with all SDCI permits, the more quality information you provide with the application, the more efficient we will be in reviewing your project. In general, an applicant can expect a minimum of 3-4 months for the SSDP process given the code requirements for public notice and appeal period. See Tip 209, *Application Requirements for Shoreline Permits* for more details.

## Access to Information

Links to electronic versions of SDCI **Tips**, **Director's Rules**, and **Forms** are available on the "Tools & Resources" page of our website at [www.seattle.gov/sdci](http://www.seattle.gov/sdci). Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.



## Floating On Water Residence (FOWR) and House Barge Replacement Agreement

I, \_\_\_\_\_, the purchaser and/or owner of a Floating On Water Residence (FOWR) or House Barge (Barge) located in Seattle, recognize that the Washington Administrative Code ( [WAC 173-26-241\(3\)\(j\)\(iv\)\(A\)](#)), lays out the policy intent for FOWRs/Barges and says that

*New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.*

I also recognize that the WAC goes on to say:

*“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.”*

I also recognize that if an existing FOWR/Barge is replaced in Seattle, the FOWR/Barge status stays with the replacement structure, and the original FOWR/Barge will no longer have FOWR/Barge status, nor could it be used as a vessel with a dwelling unit.

I agree that the existing structure (FOWR/Barge) that is being replaced will be handled in one of the following ways (please check box that applies). For more detailed information, please refer to Tip 229A:

As current owner, demolish the FOWR/Barge. I will provide proof of demolition.

OR

As current owner, decommission the FOWR/Barge in a manner that it can no longer be used as an onwater structure or craft in Seattle. I will provide proof that the structure has been decommissioned or placed on dry land where it is allowed.

OR

As purchaser, apply for a shoreline substantial development permit for a new legal location of the FOWR/Barge in Seattle that replaces another verified FOWR/Barge or meets another option for replacement.

OR

As purchaser, remove the former FOWR/Barge from Seattle waters and place it in another Washington jurisdiction subject to that jurisdiction's regulations. I recognize that the former FOWR/Barge cannot be legally established as a FOWR/Barge in Seattle or elsewhere in Washington.

OR

As purchaser, remove the former FOWR/Barge from Seattle waters and remove from Washington State waters.

I agree that if the existing structure leaves Seattle waters it cannot return, and failure to comply with the terms of this letter may result in enforcement by the City of Seattle, another Washington state jurisdiction or the Department of Ecology. The City of Seattle Shoreline Code restricts new FOWRs or House Barges to limit non-water dependent uses overwater and to limit the negative impacts to shoreline habitat associated with expanded overwater coverage.

Signature of FOWR/Barge owner \_\_\_\_\_

Address \_\_\_\_\_

Signature of purchaser (if applicable) \_\_\_\_\_

Address \_\_\_\_\_