

FLOATING HOMES POLICY PAPER

PROPOSALS FOR SMP UPDATE

Proposed goals and policies

It is our goal to preserve existing floating home communities by allowing repair and replacement of existing houseboats but prevent new houseboats or expansion of overwater coverage. The SMA explicitly states that “overwater residences, including houseboats, are not a preferred use and should be prohibited” (WAC 173-26-241j). While existing floating home communities are an important part of the historic character of Seattle and should be protected, new floating homes should not be allowed.

Specific language that will be included in the Comprehensive plan is as follows:

“Existing floating home communities represent an important cultural resource because of their historic role in providing affordable housing for Seattle’s working class and their unique contribution to Seattle’s maritime culture. Existing communities should be allowed to remain; however, new houseboats should be prohibited since overwater residences are not a preferred use of Seattle’s shorelines.”

Proposed regulatory changes

- Prohibit new floating homes
- Combine the standards for conforming and non-conforming houseboat moorage as shown in table 1 (the existing conforming/non-conforming dichotomy is difficult to interpret as it involves analysis of historic records and existing building dimensions); these changes will not create any new non-conforming structures nor will it result in substantial losses of development potential
- Prohibit new basements, but allow repair and replacement of existing basements
- Prohibit additional floor area unless total float area is 1,200 sq ft or less

COMMENTS FROM FLOATING HOME ASSOCIATION

DPD met twice with representatives of the Floating Home Association regarding potential changes to floating home regulations. A summary of comments raised by the FHA and DPD’s responses are summarized below:

1. Consolidation of “non-conforming” and “conforming” standards – FHA did not support requiring houseboats to meet existing “comforming” standards as they felt that this would lead to the reduction in size or outright elimination of floating homes. In particular, there was a concern that floating home owners could force other floating homes to move further away to meet required setbacks, resulting in

some homes being bumped off the end of the moorage.

DPD recognizes that requiring many existing homes to meet existing “conforming” floating home standards when they redevelop would cause considerable burden. DPD is currently proposing to consolidate the “non-conforming” and “conforming” standards into one standard that will not require floating home owners to reduce their lot coverage when they redevelop. This new standard would not result in any floating homes being non-conforming. The intent of this policy is to allow floating homes to maintain, repair, and replace their structures, but limit expansion of existing homes.

2. Depth of floats – FHA views any proposal to limit the depth of floats as a burden and explained that it isn’t easy to reduce the floatation material under a floating home

Wooden, plastic, and styrofoam floats typically become less buoyant over time and require replacement or addition of new materials to maintain buoyancy. Common practice in these circumstances is continue to place new materials under existing floats rather than replace existing floats as it is cheaper and faster. These floats however can become very deep (often as much as 10-12 ft in depth) which can result in significant constriction of migration areas, loss of underwater habitat and an increase in bass and pikeminnow habitat, which are predators of Chinook salmon. DPD had considered limiting the allowed depth of floats to minimize this disturbance. Based on conversations with the FHA we have decided not to create standards to regulate the maintenance of floats; however, we continue to consider methods to ensure reduced float depth when floating homes are rebuilt or replaced.

3. Limitations on basements - FHA members did not comment specifically on this issue.
4. Prohibition on new floating homes – FHA feels that a prohibition on new floating homes would de-legitimizes the floating home community in general.

DPD feels that this proposal will meet the WAC requirements and that it will not de-legitimize floating homes because it is stated in the Comprehensive Plan that existing floating homes are allowed because of their historic value. The SMA explicitly states that “overwater residences, including houseboats, are not a preferred use and should be prohibited” (WAC 173-26-241j). “Should” is further defined to mean “that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action”. While DPD proposes to allow existing houseboats because we feel they meet the goal of protecting “buildings and sites having historic, cultural and educational value” (WAC 173 - 26 -176), the SMA does not provide justification for allowing new houseboats.

5. Comprehensive Plan language – FHA was concerned that changing floating homes

from a “water-dependent use” to an “allowed use” would be a potential erosion of legitimacy for the floating home community

DPD continues to propose that floating homes not be considered water-dependent. In general, residential uses are not water-dependent even if they are in an overwater structure. Furthermore, the WAC draws clear lines between water-dependent uses and overwater residences, including floating homes, which make it inconsistent to consider overwater residences water-dependent.

BACKGROUND

STATE GUIDELINES

WAC 173-26-241 Shoreline uses.

(j) Residential development. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. (See RCW 90.58.100(6).)

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.

EXISTING REGULATIONS

Existing regulations for houseboats are contained in 23.60.196.