



Seattle's Shoreline Master Program and Floating On-Water Residences FAQ

For additional information see:

- [Seattle's Shoreline Master Program Moratorium FAQ](#)
- [Seattle's Shoreline Master Program Periodic Review and Update FAQ](#)

1) What is a floating on-water residence?

A floating on-water residence or "FOWR" is a type of floating residence created by the state legislation in 2014 (SB 6027). The definition was amended in 2021 (SB 6450). RCW 90.58.270 defines a FOWR as:

"a vessel or any other floating structure other than a floating home, as defined under subsection (5) of this section: (i) That 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."

2) Are FOWRS different than vessels?

Not all vessels are FOWRs and not all FOWRs are vessels. Under the updated definition in RCW 90.58.270, FOWRs may be vessels or floating structures.

3) Can FOWRs be regulated and if so, how are they regulated?

Because FOWRs are development within the Shoreline District (Shoreline District is all area over the water and within 200-ft of the ordinary high-water mark) Seattle's Shoreline Mater Program or "SMP" regulate FOWRs. The SMP is a land use code that regulates uses and the standards for those uses, such as height and size.

SDCI also implements the building code, which is a technical code that has standards for life and safety purposes. The building code does not apply to FOWRs.

Additionally, RCW 90.58.270 gives Seattle explicit authority to regulate FOWRs.:

4) Can FOWRs expand in size?

Yes, Seattle's SMP regulations allow expansion: Below are two examples of FORWRs that expanded.

Before



After



Before



After



5) Can FOWRs increase overwater coverage and how is overwater coverage measured?

There are different types of expansion of overwater coverage. One type of overwater coverage is what is referred to as the footprint of a structure and this is measured in two dimensions. Another type is volume, which translates into the height of a structure, this is measured in three dimensions. An increase in the footprint of a structure is not allowed. However, Seattle's shoreline regulations allow for an increase in height. This increase in height also results in additional impacts to the aquatic environment. The extra volume of the structure casts shadows over the water that act like additional overwater coverage to fish that are migrating through our water ways. Additionally, there is much concern regarding the impacts of additional light at night introduced into the over water environment. Because a structure is expanding in size there will be additional windows resulting in an increase in light pollution into the aquatic environment. Studies are clear that an increase in light causes an increase in predation on our endangered salmon species.

6) Have there been sailboats or motorboats that have been replaced with permanent floating residences?

Yes, below are examples of a sailboat that was replaced with a permanent floating residence and two motorboats that were replaced each with a permanent floating residence.

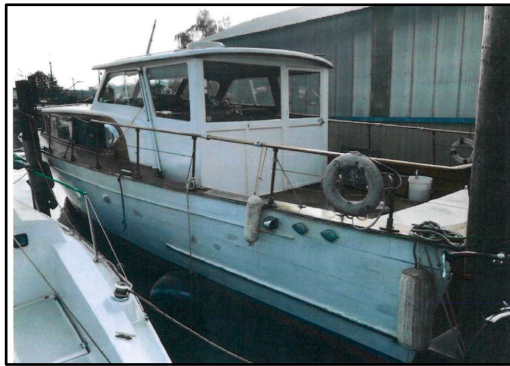
Before



After



Before



After



Before



After



7) Where can FOWRs moor and are these moorage slips limited in Seattle; therefore, limiting the number of FOWRs?

FOWRs are required to be moored at either a Commercial or Recreational Marina. These marinas are free to choose the type of slips they lease so long as they adhere to the SMP standards. The standards for both Commercial and Recreational Marinas allow for 25% of slips to be used for any type of moorage including FOWRs.

8) Do marinas required that Best Management Practices be followed for sailboats, motorboats, and FOWRs.

Yes, the SMP requires best management practices for these uses. The best management practices standards are in SMC 23.60A.155

9) Is there a cap on the number of FOWRs?

FOWRs are limited to those that existed in 2014. In 2014, the Lake Union Live Aboard Association estimated there were 113 moored in Seattle and Seattle estimated there were 125. Either way the number of verified FOWRs is now almost double the original estimates. This higher number comes from multiple factors, including the verification of various floating things—including for example a floating covered boat storage structure—that Seattle never anticipated be verified as a FOWR.

Because people are allowed to live aboard conventional vessels without a permit, Seattle has no data or estimates about how many potential vessel FOWRs are moored in Seattle today.

Additionally, the state has broadened the definition of what can be considered a FOWR, which Seattle needs to consider and address during the periodic review and update of its shoreline regulations.

10) Is there a problem if all of Lake Union becomes dominated by FOWRs instead of conventional vessels?

Yes. The purpose and policies of the Shoreline Management Act (“SMA”), the implementing Washington Administrative Regulations (“WACs”), and Seattle’s SMP is to protect the shorelines of the state. The SMA prioritizes the protection of ecological function, water-dependent uses, and public use of the shoreline. Seattle is required to balance the goals of the SMA and the competing interests—including environmental, recreational, Tribal fisheries and uses, maritime industrial, commercial fishing fleet, and floating residences—who utilize the finite amount of shoreline in Seattle. FOWRs pushing out other uses of the shoreline is contrary to the purpose and intent of the SMA.

Conventional vessels are both commercial and recreational water-dependent uses making them a preferred use (WAC 173-26-241). FOWRs are a conforming use, and the state regulations are clear that new FOWRs not legally established prior to 2014 are a prohibited use (RCW 90.58.270; WAC 173-26-241). Unlike conventional vessels where the residential use is accessory to the vessel use, FOWRs are solely a residential use, meaning that they are not water-dependent. Residential uses are not required to be on the water. Over 99% of Seattle residences occur on land. Residential uses can and mostly do occur on dry land. In contrast, vessels require water for their use and generally, larger vessels require in water moorage.

Increasing FOWR development conflicts with the goals and policies of the Shoreline Management Act by taking away slips from water-dependent uses, impeding public access, impeding shoreline views, and in many cases polluting the waterways. State law limits FOWRs to those that existed prior to July 1, 2014; with the intent that the number of FOWRs would not increase.

Seattle’s SMP regulations for FOWRs are far less strict than the regulations for on-land residences. No on-land residence within the shoreline may discharge washing machine and dishwasher water (graywater) into a public water way, street, or into the residence’s backyard. An on-land residence is also required to mitigate vegetation removal and any increase in impervious surfaces, to meet the SMP requirement of

“no net loss of ecological function”. In contrast, FOWRs have not been required to mitigate overwater impacts to aquatic habitat.

11) Are the impacts from graywater produced by FOWRS different than graywater produced by vessels?

Both FOWRs and conventional vessels discharge graywater. The difference in discharge between the two uses is the intensity of the residential use. It is common for people living on conventional vessels to use marina facilities located on land, which are connected to Seattle’s sewer system, for showering and doing laundry. Therefore, the graywater discharge from conventional vessels is less and typically comes from hand washing dishes, washing face and hands, and brushing teeth. Additionally, not every vessel is lived on.

Many FOWRs do have amenities such as washing machines, dishwashers, bathtubs and showers, and people living on them use these amenities creating and discharging more graywater than vessels. Additionally, the source of graywater discharge matters. Graywater from these types of amenities includes more pollutants such as laundry soap, dishwashing soap, body soap, shampoo and conditioner, cleaning products, and microplastics—impacting threatened aquatic species such as salmon—as well as the health of people recreating in and on the water. Graywater discharge from these amenities can be warmer, which may impact localized temperatures of the waterways. Warmer temperatures greatly impact the aquatic flora and fauna of the area.

The other difference between FOWRs and conventional vessels is due to the nature of the two uses. Residential use of a vessel is a non-permanent accessory use. A vessel can be used as a home, then sold to someone who solely uses it for recreational purposes and only a fraction of the number of vessels are used as a home. When not used as a residence, the graywater from the vessel is minimal. Verified FOWRs are a permanent residential use that will never not be used as a residence. The graywater discharge from a verified FOWR will continue unless completely captured and contained.

12) What about the replacement FOWRs that must contain graywater if expanded over 120 square feet? Doesn’t this address the issue?

No, it does not. First, any FOWR that has not been replaced still discharges graywater and as a permanent residential use this discharge will continue indefinitely. Below are photos of existing FOWRs that discharge their graywater into Lake Union. Additionally, many of these existing residences have washing machines, dishwashers, showers, and bathtubs discharging the graywater created directly into Lake Union.



Second, if a replacement does not meet the 120 square feet expansion threshold no graywater containment is required, and this scenario is not uncommon.

13) Why does graywater discharge matter?

Because studies indicate graywater is potentially more toxic than sewage discharge and has a large impact on the health of Seattle's waterways and those people recreating on or in the water.

14) How are shoreline complaints handled and why didn't SDCI intervene prior to FOWR #885 sinking after a complaint was made?

FOWR #885 sinking in the Lake Union Ship Canal



Because building permits are not required for any work on FOWRs, SDCI's ability to review the construction or modification of FOWRs to evaluate whether a FOWR is structurally sound and safe for those residing in them is severely limited. Shoreline permits do not address the structural safety of FOWR replacements or modifications.

The main role of SDCI Code Compliance staff is to work towards compliance, which essentially is to obtain a permit. Therefore, when a complaint is made for work done without a permit the owner is notified that a Shoreline Permit or Shoreline Exemption is needed. The owner is then given the opportunity to apply for the shoreline permit/exemption. Once the application is submitted, SDCI Land Use staff conducts their review; however, no building permit review occurs. Therefore, if a FOWR is unstable, SDCI has little recourse because of the existing regulations.