COMMENT #26 (KEVIN BAGLEY)

Testimony: First off, I'd like to thank the Department of Ecology representatives. I would definitely say you guys have been very honest and consistent and professional in everything you've done, and I really appreciate the work that you've done. Thank you.

My comments are relating specifically to Section 214, Living Aboard Your Vessel, and deals mostly with existing houseboat vessels. While the rules going forward are in there and I consider them to be strange at best, that's not going to be my focus. My focus is on the existing SMP and that was why I had the question before about, if the city makes a change 20 years down the road that substantially changes a definition, how does DOE get involved in reviewing that and making sure that it still applies to the rules of DOE?

DOE Guidelines indicate that it must reasonably accommodate existing communities and protect against the taking of property. We are an existing community. Houseboat vessels have existed in Seattle for over 100 years. Many people who may lose their homes have lived in those homes without impunity for over 20 years. Although we are a small group, we are culturally and historically important and we are a benefit to the city and to the state. I remind you, I implore you to think about this. These are people's homes—their most significant investment.

DPD representatives have openly and publically demeaned houseboat owners. They have called us scofflaws, they say we’ve circumvented the rules, that we’re gaming the system, that we’re shanty boats. We’ve been falsely accused of dumping black water in public. They’ve exaggerated our numbers. And they’ve claimed that we’re displacing recreational boats, yet there are a significant number of vacancies in Seattle marinas. This is not what our city department should be doing. But it does indicate why this is occurring. Recently Richard Conlin participated in a discussion on KIRO radio where he indicated that the city is only enforcing what the state is requiring, and he passed about several times to the state. I've also heard conversely that the state is not responsible for directing what the city does. So we have buck-passing back and forth. I'm really concerned about that.

Question: Is the state requiring a new definition of a vessel? Is the state directing the formation of a director's rule according to the council member, Richard Conlin? The answer is yes.

Question: Can the city change the SMP without DOE review? Because a director's rule is changing the SMP. Specifically, the SMP of 1990. This change is not being evaluated by DOE, and this makes me wonder who is really circumventing the rules.

A DPD's director's rule is effectively retroactive regulation. It will create a new definition of: What is a vessel? It contains criteria that has never before been used to determine: What is a vessel? at any level; at the state, federal, county, city levels, coast guard, and even legal definitions. It contains proposed criteria that's extremely strict. And these strict regulations are specifically targeted at houseboat vessels. It has no clear means of appeal. And it is effectively dictating regulation.
COMMENT #26 (KEVIN BAGLEY)

There have been six drastically different iterations with minimal public input. City Council has pretended to solicit input by forming a Stakeholders Group that was stacked with opponents of houseboat-style vessels and then ignoring the major recommendations that this group came up with. This outrageously strict interpretation by DPD is unnecessary, punitive, and serves only to eliminate a few unique vessels. People's lives will be ruined and there will be no gain to the city or state. Indeed this will hurt Seattle and the state of Washington. The gun is aimed squarely at the people of Washington's foot. Are you ready to pull the trigger? Please don't make 9/11 a date when houseboats were sunk by the government.
Joe Burcar,

Please include these comments in the official public comment record for the Seattle Shoreline Master Program.

Multiple violation of WAC 173-26-090. I call for complete revocation of section 23.60A.214 based on a severe disregard of this code.

PART II
SHORELINE MASTER PROGRAM
APPROVAL/AMENDMENT

WAC 173-26-090 Periodic review--Public involvement encouraged--Amendment of comprehensive plans, development regulations and master programs.

... In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.

Counties and cities planning under chapter 36.70A RCW, shall WAC [4/11/11 1:40 PM] [19] establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments of the comprehensive plan and development regulations relating to shorelines of the state will be considered by the local governing body consistent with RCW 36.70A.130. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

WAC 173-26-090 has been repeatedly and seriously violated in the creation and adoption of the Seattle SMP. The private entity Lake Union Liveboard Association has documented numerous attempts to meet with and discuss proposals. These requests were ignored and in 3 years, DPD only met with LULA once. The worst example of these violations occurred when DPD published their proposed revisions to section 23.60A.214 on 12/11/2012 and these revisions were voted on by Seattle City Council 17 hours after publication (see video record on Seattle City Council website for 12/12/12) without any substantive public participation. The completely revised section 23.60A.214 consists of sweeping changes, calling out approved manufacturers and disapproved manufacturers, but did NOT undergo any public participation, nor was there any notification to affected stakeholders (NAMED MANUFACTURERS).

The Houseboat-vessel live aboard community was NOT included in the citizen’s advisory committee during the early development. When involvement occurred, proposed regulations were invariably significantly changed to a non-disclosed version that had no correlation to the submitted comments. This process has precluded any real involvement or participation from the community.

The following section of the SMP Guidelines was not adhered to in regard to the development of 23.60A.214. Again, I call for the revocation of section 23.60A.214 based on these violations of the SMP Guidelines:
WAC 173-26-100 Local process for approving/amending shoreline master programs. Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:
(1) Conduct at least one public hearing to consider the draft proposal;
(2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
   (a) Reference to the authority(s) under which the action(s) is proposed;
   (b) A statement or summary of the proposed changes to the master program;
   (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
   (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;
(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
(7) Approve the proposal.

This section of the SMP Guidelines was not adhered to.
1. Public involvement was NOT gauged on complexity nor controversy. Each comment period was limited to the same criteria (2 minute statements at City Council) and written comments. LULA's repeated requests for meetings and involvement was ignored.
2. Only after approval of the SSMP by the City Council were members of LULA engaged in a STAKEHOLDER process, whose members were instructed NOT to address any item in the approved SSMP.
3. There was no public hearing to consider the significant changes to the draft proposal that occurred on 12/12/2012.
4. There was no publication of the hearing since a hearing was non-existent.
5. There was no summary of the proposed changes published.
6. They did not CONSULT WITH nor SOLICIT COMMENTS from Lake Union Liveaboard Association yet they were fully aware of the keen interest of this group relating to the subject.

I believe WAC 173-26-110 has been violated through the Department of Planning and Development’s Director’s Rule procedure. I call for DOE to review all SSMP Director’s Rules to confirm that these Rules do not alter an existing Shoreline Master Plan.

WAC 173-26-110 Submittal to department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:
(1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;

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(2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;

(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;

(5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;

(6) Evidence of compliance with the public notice and WAC (4/11/11 1:40 PM) [21] consultation requirements of WAC 173-26-100;

(7) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.

(8) A copy of the master program submittal checklist completed in accordance with WAC 173-26-201 (2)(f) and (3)(a) and (h).

(9) For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.

This section calls for review by DOE of changes to a Shoreline Master Plan. Seattle’s Department of Planning and Development Director’s Rule permits changing the SSMP through an interpretation without review by DOE. As there is no direct correlation between Director’s Rule and DOE, this can occur unnoticed. Recently, interpretations of the 1990 SSMP are being made through this Director’s Rule process (23 years after implementation!). There are public opinions that these interpretations have gone beyond the original regulations and have added criteria that never previously existed. In order for DOE to carry out their guidelines, these rules MUST be evaluated by DOE to determine if these changes, do in fact, alter the regulations, rather than simply interpret the regulations. In a recent case, an interpretation by DPD through a Director’s Rule could have jeopardized a long standing community and may have caused the “taking” of property without just compensation, both violations of DOE Guidelines.

Without a review process for these so-called interpretations, DOE is not adhering to its own guidelines, specifically, “A master program or amendment proposed by local government shall be submitted to the department for its review and formal action.”

How can DOE know the rules are not being amended if it does not review these interpretations in the same formal manner? A Director’s Rule (interpretation of SSMP) MUST be evaluated to determine if the interpretation will cause a violation of the DOE Guidelines.

The moorage of a vessel is a water dependent use.

WAC 173-26-020 Definitions.

(39) "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

(WAC 332-30-106(74 & 75)) While DPD has claimed that "living on your vessel is not a water dependent use" because it is something that can be done on the land. The same could be said for "sitting on your vessel" or "eating on your vessel." Whether you sleep, eat, sit, stand or steer your vessel does not affect the water dependent use of moorage. I emphasise that this definition states "a use or a portion of a use" The portion of use that is water dependent is the moorage of a vessel.

The SSMP fails to adhere to the “no net loss of ecological functions” criteria.

WAC 173-26-186 Governing principles of the guidelines.
...(8)(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

The criteria proposed in section 23.60A.214 allows for the continued proliferation of live-aboard vessels without restriction (other than the shape of the vessel). Grey water has been expressed as an environmental concern, but the exclusion of allowing unlimited live-aboards on certain shaped vessels is contradictory to the “no net loss” criteria. Specifying the shape, make, manufacturer of allowed and prohibited liveaboard vessel style is counter productive and does not address the “no net loss” basic premise.

Sincerely,

Kevin Bagley
Founder, Lake Union Liveaboard Association
Board Member, Lake Union Liveaboard Association

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Kevin Bagley

The "KevLin"
Burcar, Joe (ECY)  

From: bagemup4u@gmail.com on behalf of Kevin Bagley [Kevin@TheKevLin.com]  
Sent: Monday, November 04, 2013 2:11 PM  
To: Burcar, Joe (ECY)  
Cc: Mayor McGinn; Smith, Darryl; Ethan Raup; Sugimura, Diane; Faith.Lumsden@seattle.gov; Bill Cirino; Bill Wehrenberg; Brian Sykes; Greg Baumann; John Chaney; John Geisheker; Kevin Bagley; Langdon Miller; Linda Bagley; Lynne H. Reister; Mauri Shuler; Mike Sherlock; Toni Godwin Sells; R. Shawn Griggs; Patti Bishop; Dave A. Cook; Margie Freeman; Barbara Engram  
Subject: Additional Comments on Seattle Shoreline Master Plan  

Dear Joe Burcar,

Please include the following in the official comments regarding the Seattle Shoreline Master Plan:

Section 23.60A.214 should be revoked based on the following facts:

1. Section 23.60A.214 does not address, nor achieve any stated purpose of the Shoreline Master Plan Guidelines.

Section 23.60A.214 is about using a vessel as a dwelling unit.

23.60A.214(B)...a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

The section goes on to point out 3 criteria:

- Design  
- Safety, Self-Propulsion, & Steering
• Moored in Recreational or Commercial Marina

1.1. Design

1.1.1. The design of a vessel is NOT pertinent to the ecological function given equal size and configuration. There is no scientific or technical information to support shape & style as a contributing factor to ecological function.

1.1.2. It is a subjective evaluation to say a particular design of a vessel determines if the vessel is recreational. Many "recreational" vessels are listed as "unapproved."

1.1.3. Regulating the Shape and Design of a vessel does NOT match any stated purpose of the Shoreline Master Program Guideline. The SMP GUIDELINES do not address the shape and style of any dwelling unit, and section 23.60A.214 is the ONLY part of the SMP that addresses Shape and Style.

1.2. Safety, Self-Propulsion, & Steering

1.2.1. The list of "approved vessels" and "unapproved vessels" is NOT based on Safety, Self-Propulsion & Steering. The list of vessels is based solely on "Style." Every vessel listed as "unapproved" meets the criteria of Safety, Self-Propulsion, & Steering.

1.2.2. Several attorneys have pointed out that the City may not legally define maritime Safety rules and that this is the sole jurisdiction of USCG.

1.2.3. Self-Propulsion and Steering are already required according to the original definition contained in the previous SMP. Vessels listed as "unapproved" have the required Self-Propulsion and Steering.

1.3. Moored in Recreational or Commercial Marina

1.3.1. None of the vessels listed as "unapproved" cannot meet this criteria. The shape & style of the vessel is irrelevant to where it is moored.

2. Nothing in section 23.60A.214 is based on ecological motives, recreational use motives, or published science.

2.1. ECOLOGICAL MOTIVES

2.1.1. Protection and restoration of the ecological functions of shoreline natural resources
There is no difference between “approved” and “unapproved” vessels with regard to the protection and restoration of ecological functions of shoreline resources. The criteria is based solely on Shape and Style.

2.2. RECREATIONAL USE MOTIVES

2.2.1. SMP GUIDELINES: The utilization of shorelines and the waters they encompass for public access and recreation.

An “approved” vessel being used as a dwelling has an equal effect on public access and recreation equally when compared to an “unapproved” vessel. There is no difference between those vessels listed as approved and those listed as unapproved.

2.2.2. SMP GUIDELINES: Protection of the public right of navigation and corollary uses of waters of the state.

There is no difference between “approved” and “unapproved” vessels being used as dwelling units, with regard to protecting public right of navigation.

2.2.3. SMP GUIDELINES: Recognizing and protecting private property rights.

Section 23.60A.214 violates private property rights by prohibiting certain vessel builders from marketing their property for its intended use.

2.2.4. SMP GUIDELINES: Preferential accommodation of single-family uses.

Section 23.60A.214 violates preferential accommodation of single-family uses and actually discourages certain single-family uses based solely on shape and style.

2.3. PUBLISHED SCIENCE

2.3.1. WAC 173-26-201 describes the “Process to prepare or amend shoreline master programs” and describes the “use of scientific and technical information” to be used in the process.

Section 23.60A.214 violates this WAC in that no science or technical data was used to prepare the list of “approved” and “unapproved” vessels. This list is based on personal judgment and relates only to shape and style. There is no basis in science or technology for this list.

3. Summary
Section 23.60A.214 defines which vessels may be used as dwelling units based on a subjective definition of what constitutes a "Recreational Vessel." This section does nothing to improve the ecological quality of our waters, nor does it do anything to improve public access and recreation.

Seattle's Department of Planning and Development has attempted for the last 3 years to create interpretations of existing rules that would restrict vessels of certain styles and shapes, regardless of the fact that they are indeed functioning recreational vessels. They have now taken this a step further and are defining what a recreational vessel is, without public input, without scientific backing, and with an admitted lack of understanding of vessel definitions.

History is about to repeat itself in that these regulations add confusion and subjective interpretations that will cause increased litigation and conflict. The City and the State should NOT be in the business of regulating Style or Shape and the mandate of the SMP GUIDELINES should be adhered to by revoking Section 23.60A.214 entirely. The City and State should stick to creating regulations that actually support their stated purpose: Ecological protection and preservation of the waters for recreational use. Attempting to define which vessel is recreational is arbitrary and capricious and will likely be cause for litigation. If the vessel is licensed as a recreational vessel, that is the ONLY standard which should apply.

For the State and/or the City of Seattle to declare any of the following vessels as being NOT recreational (which the current proposal would do), is not only unreasonable, it is completely ridiculous.

STOP TRYING TO REGULATE SHAPE AND STYLE.
Sincerely,

Kevin Bagley

Founder, Lake Union Liveaboard Association

Board Member, Lake Union Liveaboard Association
Testimony: I think everybody in this room, the houseboat community, are tired of double-shuffling, double-talking, politicians, bureaucrats who're just taking up space and wasting oxygen. You've given a whole new meaning to the word Community Service. You people should be ashamed of yourself. I don't see how you can even look at yourself in the mirror. That's all I gotta say. I'm looking right at you guys... and the rest of you.
Testimony: Thank you. I don’t have much in the way of prepared remarks. In fact, I have no prepared remarks. I have two points, and the Shilshole Live-Aboard Association and the Washington Live-Aboard Association will be following up with written comment.

My first point should have been a tipoff with the question that I asked has to do with the use of the term Water-Dependant. Until this iteration of Seattle’s Shoreline Master Program, living aboard a vessel in a marina lawfully was a water-dependant use. That has now been downgraded to a water-oriented use. I believe this is inconsistent with the Shoreline Management Act. I also know that it’s inconsistent with the Department of Natural Resources regulations which define living aboard your vessel as a water-dependant use. That may not seem like a big, big deal to a lot of folks, but when you go from being water-dependant, which I have an 80-foot 140-ton vessel, not too many places it can go, whether somebody’s living aboard it or not. It is water-dependant. Water-dependant means that you have a layer of protections provided by the Shoreline Management Act as well as the Seattle Shoreline Master Program. We lose those protections as vessels, and those people who live aboard them.

Then, moving on to the definition of vessel. The director’s rule, I agree with everyone else, is overly stringent. And this applies also to the proposed Seattle Shoreline Master Program, Section 214. The Stakeholders Group, I thought, provided an ample and adequate redefinition of a vessel under Section 214 in terms of whether or not it’s complying going forward, whether it’s a vessel going forward. Although that would have required changes to what was adopted by the council in January of this year, they were reasonable changes. Identifying vessels by the brand, by the manufacturer, by the designer, simply confuses things and invites lawsuits, as far as I’m concerned. And it doesn’t help me either. I’ve got a one-off, which means I don’t have a Bayliner on the side of my boat, or a (inaudible 0:19:51.5 chally) that says, yeah, you’re really a vessel.

I do have a pointy nose and, you know, rather than take offense at that, I’m going to say that’s just the way I’m shaped. The pointy-nosed residents don’t look down on the square boat residents. The question is, are they a vessel? Are they designed and used for navigation? What I think the director’s rule does, in an overly strict form, whether you have an occasion to review it or not, and I guess I should direct some of this to Maggie, is it seems to make an assumption that in order to be a vessel it must be designed and used for navigation in the ocean. There are a number of manufacturers who make, for example, cruise-a-homes, which will be not permitted under the Shoreline Master Program and yet they are prolifically plying the inland waters of this country. I spent ten years in Kentucky. Lake Cumberland, one of the biggest fresh water lakes in the country, has dozens and dozens of houseboats, and let me tell you, cruise-a-homes among them. The key to that is where is the vessel designed to be used? Where is it designed to navigate? None of the houseboats that we’re talking about here were designed for use in the ocean. No-brainer there. They were designed for use on an inland lake. They weren’t designed for going across, you know, around the world and circumnavigating. And I think that putting that requirement on them is onerous and unnecessary.

That’s pretty much all I have to say. I will follow up with additional written comments. Thank you.
Testimony: Thank you very much for letting me go earlier. I had a prior commitment at 7:00 so I'm going to rush out of here.

My name is Heather Trim. I'm Director of Science and Policy at Futurewise. I was formally, and when we had the citizen committee, I was formerly at People for Puget Sound. And, I want to start off by saying, kudos to the staff and to the City Council. This has been a very long process and there was a lot of work on the part of the council and the city to address many of the concerns that the environmental community had. I know it also addressed, probably the many of the concerns you had, in the audience, in terms of live-aboards, and other issues in terms of that. So, really, strong kudos. Thank you so much for all the work that you guys did.

This Seattle SMP is one of the best SMPs that's been produced for Puget Sound. And it has a lot of science. And it's a really strong document in many many ways. And it's critically important that our Shoreline Master Programs around Puget Sound be implemented, be adopted and then implemented in a strong way, because if we're trying to restore the health of Puget Sound by 2020, which is the goal of the Puget Sound Partnership, even areas that are as degraded as Seattle need to do our part to help restore that. And we have a very strong environmental ethic in Seattle, and I'm sure that the audience (inaudible 01:46.5) share that.

We have new data out of UW, that has not yet been published but is underway by Megan Dethier and her team, looking at the impacts of hard shoreline protection on habitat, and showing, documenting what we all kind of thought, but now really being able to show, that those hard seawalls, those hard revetments, and those kind of things, really do hurt wildlife and as much as we can try to begin, in time, to pull those back and to replace those with plantings and rocks and engineered things, softer alternatives, that would really be great. And it's not going to happen overnight, but this SMP and the other ones will help lead the way for that.

So, I just have a few short comments. We will be writing a formal comment letter by the deadline. One is that we, being the environmental community, would like to see some larger setbacks that are not in the current SMP, because we have critical habitats identified by the Washington Department of Fish and Wildlife for listed species and their migration corridors. Also, we are concerned about the creosote piling replacement threshold. Right now, in the SMP, it is 50%. In other words, if you're going to replace 50% of your pilings, then you need to replace them with the concrete, whereas we would like to see that with 25% as a threshold. Creosote, you still have them all around Puget Sound, are leaking this, it leaks out into the water and it's toxic. And, so, as much as we can begin to deal with the creosote pilings, the better. And, finally, we'd just like to see that the public access for multi-family buildings that are greater than four units have the same public access requirements as, I think really around the rest of the Sound, but that that be uniform.

Thank you so much. And thank you all for letting me go early.
Testimony: Hello. Since this public meeting is actually about the whole proposed Seattle Shoreline Master Program—and I’ve read the whole thing, can’t say that I remember it all, but I have read the whole thing—I would like to throw my support behind what was proposed to, or presented to the Department of Ecology. I’ve learned a lot about this process and how the DOE, and the department, the DPD, are involved in caring for preserving, maintaining, caring for our waterways in the state of Washington. And I’ve learned to respect the role that they play, greatly. I hope that this SMP is approved. My only fear is that more loopholes will be found and exploited in the area of residential structures over, floating on water. Thank you.
Burcar, Joe (ECY)

From: Susan Neff [snefffff@hotmail.com]
Sent: Monday, November 04, 2013 4:09 PM
To: Burcar, Joe (ECY)
Subject: SSMP public comment

Dear Mr. Burcar,

I support the provisions in the Seattle Shoreline Master Program proposal currently under review, that will hopefully stop the on-going displacement of recreational and commercial vessels by floating dwelling structures claiming to be vessels designed and used for navigation without any supporting evidence of such. In my opinion, many of these structures are really illegal floating homes. If desired, I am quite willing to provide observational and photographic evidence on how the water-dependent vessel community has been impacted by the proliferation of such structures.

I am also very much in support of the inclusion of the following provision.

LU233 Allow live-aboards on vessels in moorage areas and provide standards that mitigate the impacts of live-aboard uses on the shoreline environment.

Thank you for your efforts in preserving and regulating the State of Washington shorelines.

Susan Neff
2143 N. Northlake Way
Slip #29
Seattle, WA 98103
206-898-6410
Testimony: Hello. I'm Peggy Wise. I'm a boat owner, houseboat owner, and resident in the Gasworks Park Marina. I have just a couple of points to make. Given the cultural and historic significance of the live-aboard community in Seattle, as well as the local public endearment resulting in exhibitions and programs like those currently underway at Mohai, I would like to understand why the City Council and its departments and its municipal agents are not actively defending and advocating on our behalf to the state, rather than spending time and wasting resources on the alienation and disenfranchisement of this small, fragile, but iconic community.

Given that Seattle now leads the nation rising home prices and for decades has completely failed to adequately address issues of homelessness and lack of access to affordable shelter, it baffles me that city leadership pursues a course of action that threatens the livelihood of an economically fragile population that has sought and found unconventional, but manageable housing.

I'm concerned that, even though I think everybody in this room would probably consider themselves environmentally sensitive and supportive of ecological measures, I wonder why my fate is solely in the hands of the Department of Ecology when the office of Historic Preservation is not involved in the loss, potentially, of cultural resources in our city, or HUD isn't involved in the loss, potentially, of housing resources for our residents in this city. And I just wonder why a single department at the state level has the power to control my future. Thank you.
Testimony: Hello. My name is Greg Bowman on the live-aboard motor vessel named Limbo. Also on the LULA Board of Directors. I'd just like to say that I've witnessed a number of public processes related to the SMP and I'm frustrated by the double-speak that I've heard from government spokespeople toward the houseboat community, and the passing of the buck between the various agencies. But notwithstanding my frustration, I appreciate the opportunity to make the following comments.

On the slideshow that was presented earlier as to cultural interest of the SMP, I just want to remind DOE that houseboats are iconic to Seattle’s lure and tourism. Also, to the slide about No Net Loss, I would like to remind the DOE that existing houseboats create No Net Loss.

And, I'd also like to point out, regarding the slide, about SMPs being compatible with other laws and property right and I would caution the DOE against too broad of an applicability of the SMP to private property owners.

Finally, as a sub-paragraph to the Code of Civility should be added, to those posters around the room, the government should not throw people out of their homes.

And, finally, I'd just like to say that by another slide, the city and Ecology can require changes to the city's SMP. And I urge the DOE to require the city to make such standard changes to this SMP before it's approved. Thank you.
Dear Sirs,

I'm a houseboat liveboard, airline pilot, and LULA board member with some real concerns about your department's ongoing "ecology review" of the city's proposed SMP. My houseboat would pass the proposed Director's Rule with flying colors because it was certified by a naval architect and equipped with self-propulsion and steering at the time of manufacture. It is also used on a regular basis as a recreational pleasure boat (I have ample video and photographic evidence of its navigating the waters of Lake Union and Lake Washington). In addition, my houseboat serves as a volunteer vessel at Seafair where it has served as the event's waterside ops communication vessel for the past two years (making its own way from my fee-simple, deeded moorage on Lake Union to the logboom and back without assistance).

I elected to purchase an engine-driven houseboat on the advice of a realtor that hinted at possible problems on the horizon for owners of unpowered houseboats. I left nothing to chance, and my houseboat is beyond reproach in satisfying the requirements of the proposed Director's Rule. I have nothing to fear from your agency or DPD insofar as being targeted for an NOV. What I do fear, however, is your agency's failure to take the lead on real-world ecology matters by simply rubber-stamping the city's seriously flawed SMP update.

Where does the updated SMP address remediation of oil slicks caused by engine-driven vessels or contain language seeking gradual reductions in the number of oil-spewing, gas-belching engine-driven vessels? Nowhere... Yet, as a liveboard for the past seven years, I've witnessed multiple oil sheens drifting across the lake from the marina next door and I've encountered countless others as I've kayaked the shoreline. Yesterday, I witnessed another oil slick as I left for the airport, and I captured it on my smartphone (see attached photo). Oil sheens are byproducts of engine-driven vessels, and it therefore confounds me why the proposed Director's Rule would stipulate that all houseboats must henceforth pass performance tests requiring (in many cases) the retrofitting of engines that will inevitably add to the problem. Put more engine-driven vessels on the lake and you'll get more oil sheens and dead fish. Reduce the number of engine-driven vessels on the lake and you'll get fewer. Simple as that.

Do common sense and fifth grade science not tell us that ecology would be better served by NOT REQUIRING houseboats lacking self-propulsion to engine up?" This question is not rocket science and I would truly appreciate a straight answer, for the record, that I can share with the rest of the LULA board and members of the legislature who fund your agency. In the meantime, I shall continue to document my own observations and encounters of this real-world pollution being overlooked by your agency and the DPD. A single picture is worth a thousand words.

Ecologically yours,

Gregory Baumann
Comment #33 (Larry Lough)

Testimony: My name is Larry Lough. I've owned a floating home. I use that term because we're one of the ones that is still considered legal. I've had it for about 20 years. I've also been very much involved in our dock in terms of all of the maintenance we do on it, and the things we try to do to keep our dock ecologically and structurally sound. Now, I'm not going to go into great details, because one of my colleagues who's actually been more deeply involved in the SMP process will cover a broader thing. So, I'm only really going to focus on one particular area that I've noticed.

In your presentation you talked about . . . Part of this process is also to protect property rights. But I also looked in one of the phrases in the new SMP and it talks about any time a floating home is going to be, wants to be, needs to be relocated, either from one area on the lake to another area, or even on their own existing dock. That movement must show improved ecological functions. Now, first of all, I don't know what improved ecological functions are. How do you define that? It sounds to me like this is much more nearly just a way to prevent something from happening rather than an actual honest-to-God attempt at improving ecological functions. But I would also say, if you're trying to protect my property rights, I own my home, I own that land, and if I have to demonstrate that I am improving ecological functions just to move a floating home within somewhere on that lake, it seems to me that is taking away some value for my property, my home. And, I would submit to you that you might want to ask DPD to go back and relook at that, because that is not protecting our property rights. And I don't believe your intent was to have a simple move, which may be caused by some unfortunate event, that shouldn't be forced to improve ecological function, whatever that may be. Thank you.
Testimony: Thanks. Hi. My name is Ardis Burr and I live on the Queen Ardesia. And I've lived there since 2011. And, I'm not going to take five minutes, I just, there's two words that I think we've all heard a lot about and I just want to put out the word "vessel" and the word "involvement." Both have very broad definitions of what that means, depending on who you are. And today there was, in the handout from Ecology, on page three, question three, there was the question: Is the public involved? And the answer was: Yes. (inaudible) I would say the answer is NO, from my point of view in my experience observing. I'm a member of LULA and I've been following all the things that they've done and all the efforts they've done, and as a citizen of this city and this country and my involvement in coming to these meetings, and I feel like theirs, it's one direction and there's no, it's disrespectful, and it's disheartening, and it makes me think: What's the point? And I don't think that's anyone's intent, but I would hope that if Ecology has a role in being able to somehow make that better for everyone, or make us feel like we're being heard, and that's one reason I'm here. Yes. I could be writing this out and it would be more fluid and so eloquent so that you couldn't imagine, but I'm here because you're listening to me and I can see you hearing me. Whereas I've written and I've emailed and I've attended things and nothing. It's just crickets. And, so, I feel like that's why we're here. And I just wanted to agree with Mr. Bowmer about using common sense and, you know, to not imperil the existing live-aboards and the existing situation. Thank you.
Testimony: Hi. My name is Barb Engram. I own a houseboat. And I’m a member of LULA. And I live at Gasworks Park Marina. I’d like to thank DOE for funding the Stakeholders Group. I really do appreciate that. Throughout we’ve been saying that we have not felt that we’ve had ample opportunity to be heard and that we were excluded from the original Citizen’s Advisory Committee. And, so, having you from the Stakeholders Group I think was important. And I also thank you for attending and for being there. It was one of the few opportunities for actual dialog to talk back and forth to talk about where we disagreed.

I think that process is important. And throughout this, you know, the process requires that there be ample opportunities for public input. It ensures that the public has input into the processes of government. That we aren’t without a voice. It’s not done as a formality. I think it would be absurd if it were done as a formality. I assume that in good faith it’s done because it is seen as an important process of developing rules and laws, just to listen to the people who are going to be affected by those rules and laws, and find out what matters to them, and that they may point out things that are important for you to know.

So, the intent is for that input to be substantive. I think that that intent has been violated throughout this process by failing to have appropriate people involved in the Citizen’s Advisory Committee. I will tell you that I have attended every public hearing and made comments and sent in comments and I have not felt that they’ve had much impact except to provoke somebody to think of another way around whatever it is I’m saying went wrong.

I understand that now there’s some question about whether this city has provided all of the appropriate documents to DOE, and especially all of the documents involving citizen comment. And I think it’s really crucial if those things are left out. I think DOE needs to see those things and to know those things and to hear those things. And I really ask that you go back and look and be sure that you’ve gotten all that you’re supposed have.

I ask that you go on as you have begun, that you began by supporting the process of having public input. You began by supporting the Stakeholders Group. And please go on that way. And stand up for having an appropriate process here. I have to say that I think that in the course of the last couple of years DPD has violated the process. They didn’t (inaudible 41:47.3). In their own records, they alleged that 32 of the 34 barges were illegal when indeed all of the 34 barges had, according to DPD’s records, fulfilled all that they needed to fulfill to be legal and to remain on the lake. They just made up statistics. No one seems to know where the 150 illegal houseboats came from, but it was repeated often. And as we all know, if you say something often enough, people begin to believe it’s the truth.

They indulged in name-calling. And I don’t, frankly, like name-calling. And the name-calling has been one-sided. I will say for those of us who have argued, we have argued passionately, but we haven’t stooped to calling names, and I don’t think it should be a part of this process.

Now they seem, apparently, unable to provide all the documents they need to provide. And I think that that, all of those things should be corrected. I don’t think that should be allowed to stand. I think that we should demand, and we have every right to expect, a higher standard of performance from our government.
Comment #36 (Lynn Reiser)

Testimony: I'm Lynn Reester. That's what the L. stands for. I'm a live-aboard. I'm a houseboat builder. I'm a houseboat owner. I'm a marine surveyor. And I guess, until a few years ago, I thought I knew what a vessel was, because I'm in the bilges of them all day long, every day. But apparently, the city of Seattle has a better definition of a vessel and has no right or position to actually make that. Back in 1989 they decided to make their own kind of vessel. Out of a vessel they made it a non-vessel. So, they confused not only the law, the regulations, the insurance, the financing, all of that. It's been confusing since then and certainly inappropriate.

The focus of the Shoreline Management Act should be about protecting our environment and I'd like to see it do that. I want to reiterate that I support what John said. I support what Gail said, what you said, Kevin said, very strongly. We were not included in the original Citizen's Advisory Council. We were not included in the report. And there was no mention of any live-aboard or houseboat problems in any of that report. But, somehow in the Shoreline Management Act for Seattle houseboats became a big issue. The first thing was that we couldn't have more than 25% live-aboards in any marina and we had the house barges had to hold their gray water. Well, the gray water issue is water under the bridge right now, because they had to either hold it or comply with the city regulations, which all of them did. But the city couldn't keep the records. It took our citizens to go in and help show them where those records were. The 25% live-aboard, there's a problem with that. And Charles, who's head of the marina, private marina managers, wrote a letter some years ago, to the city, and talks about live-aboards. And the way the definition is, everybody who owns a boat is a live-aboard, if they actually come and use their board, if they use it and take it off cruising for three days or three months, or they're still living aboard their boat that belongs in that marina. So there's a real gray line there. So, that has not been clarified.

So, those were the two things. Now, if that had been it, we would have taken care of the gray water—25% was erased from the 10% that we used to have with DNR, and I think a lot of us were happy about it. But all of a sudden all of this other stuff came up about what color, what shape, what materials you're using. So, I think that when we weren't included, all of a sudden we are, and it gets to be real muddy water.

I would like the DOE to really focus on what happened back in 1989/1990. I witness to the people who lived on houseboats in that time. There were about 62, they tell me. And of those 62, 34 were made into house barges. One was made into a house barge simply because the woman couldn't afford an outboard on her boat, and that's what the city said. They came down. They said, hey, you can't be here unless you've got propulsion on your boat. And then they said, you've got to get an outboard. And a few months later they marched down her dock, on private property, to her private home, knocked on her door and said, hey, you don't have an outboard. And she said, well, I can't afford one right now. And so they said, oh, we'll make you a house barge. Those same boats are the same designer, the same shape, the same construction crew. Some are house barges. Some are houseboats. So now, we have the 34 house barges. But recall, there were 28 left. Those 28 were okay with the city of Seattle. Those 28 were okay with DOE. Nobody said you have to leave. No one said those boats had to leave. So, from my perspective, I share that whatever those boat criteria are, those features that made them okay, that they had propulsion and a method of steering, is what the standard should be for all existing vessels.
I'm collecting for you a list of all the vessels that I know of, that I've surveyed, or am aware of, or am made aware of, so I can bring those vessels to you and show you what the criteria was. Those were existing. Those were okay. I can see, from the boats that have been built since, that all of the boats that have been built since, including my own, which I searched out to make sure it was licensed as a houseboat, that those all have increased in quality since that time. So I encourage you to look back and use those particular criteria to measure the existing vessels and leave it at that. Thank you.
Joe, 

This is Lynn Reister, Accredited Marine Marine surveyor. I support every comment that Kevin Bagley has made here. Please take this as a additional comment IN MY NAME, and repeat these recommendations and comments and observations. THANK YOU 

Lynne Reister 
206.282.6003 

Connected by DROID on Verizon Wireless 

-----Original message-----
From: Kevin Bagley <Kevin@TheKevLin.com> 
To: "Joe Burcar (Joe.Burcar@ecy.wa.gov)" <Joe.Burcar@ecy.wa.gov> 
Cc: Bill Cirino <newbflat@yahoo.com>, Bill Wehrenberg <bill@acadiaconsulting.com>, Brian Sykes <bbumpsy@yahoo.com>, Greg Baumann <gregbaumann@juno.com>, John Chaney <jchaney@nwlink.com>, John Geisheker <docdirector.geisheker@gmail.com>, Kevin Bagley <Kevin@TheKevLin.com>, Langdon Miller <langdonmiller@gmail.com>, Linda Bagley <Linda@SpecialAgents.net>, "Lynne H. Reister" <ldestarmarine@aol.com>, Mauri Shuler <maurishuler@me.com>, Mike Sherlock <msherlo@msn.com>, Toni Godwin Sells <Toni.GodwinSells@zoo.org>, "R. Shawn Griggs" <RGriggs@hwb-law.com>, Patti Bishop <pattibishop@gmail.com> 
Sent: Mon, Nov 4, 2013 02:00:37 GMT+00:00 
Subject: Comments on Seattle Shoreline Master Program 

Joe Burcar, 

Please include these comments in the official public comment record for the Seattle Shoreline Master Program. 

Multiple violation of WAC 173-26-090. I call for complete revocation of section 23.60A.214 based on a severe disregard of this code. 

PART II 
SHORELINE MASTER PROGRAM 
APPROVAL/AMENDMENT 

WAC 173-26-090 Periodic review--Public involvement encouraged--Amendment of comprehensive plans, development regulations and master programs. 
.... In developing master programs and amendments thereto, the department and local governments, pursuant to RCW 90.58.130 shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program.
WAC 173-26-090 has been repeatedly and seriously violated in the creation and adoption of the Seattle SMP. The private entity Lake Union Liveaboard Association has documented numerous attempts to meet with and discuss proposals. These requests were ignored and in 3 years, DPD only met with LULA once. The worst example of these violations occurred when DPD published their proposed revisions to section 23.60A.214 on 12/11/2012 and these revisions were voted on by Seattle City Council 17 hours after publication (see video record on Seattle City Council website for 12/12/12) without any substantive public participation. The completely revised section 23.60A.214 consists of sweeping changes, calling out approved manufacturers and disapproved manufacturers, but did NOT undergo any public participation, nor was there any notification to affected stakeholders (NAMED MANUFACTURERS).

The Houseboat-vessel live aboard community was NOT included in the citizen’s advisory committee during the early development. When involvement occurred, proposed regulations were invariably significantly changed to a non-disclosed version that had no correlation to the submitted comments. This process has precluded any real involvement or participation from the community.

The following section of the SMP Guidelines was not adhered to in regard to the development of 23.60A.214. Again, I call for the revocation of section 23.60A.214 based on these violations of the SMP Guidelines:

WAC 173-26-100 Local process for approving/amending shoreline master programs. Prior to submittal of a new or amended master program to the department, local government shall solicit public and agency comment during the drafting of proposed new or amended master programs. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. Recognizing that the department must approve all master programs before they become effective, early and continuous consultation with the department is encouraged during the drafting of new or amended master programs. For local governments planning under chapter 36.70A RCW, local citizen involvement strategies should be implemented that insure early and continuous public participation consistent with WAC 365-195-600.

At a minimum, local government shall:

(1) Conduct at least one public hearing to consider the draft proposal;
(2) Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:
   (a) Reference to the authority(s) under which the action(s) is proposed;
   (b) A statement or summary of the proposed changes to the master program;
   (c) The date, time, and location of the hearing, and the manner in which interested persons may present their views; and
   (d) Reference to the availability of the draft proposal for public inspection at the local government office or upon request;
(3) Consult with and solicit the comments of any persons, groups, federal, state, regional, or local agency, and tribes, having interests or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state;
(4) Where amendments are proposed to a county or regional master program which has been adopted by cities or towns, the county shall coordinate with those jurisdictions and verify concurrence with or denial of the proposal. For concurring jurisdictions, the amendments should be packaged and processed together. The procedural requirements of this section may be consolidated for concurring jurisdictions;
(5) Solicit comments on the draft proposal from the department prior to local approval. For local governments planning under the Growth Management Act, the local government shall notify both the department and the department of community, trade, and economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to final local approval, pursuant to RCW 36.70A.106;
(6) Comply with chapter 43.21C RCW, the State Environmental Policy Act; and
(7) Approve the proposal.

This section of the SMP Guidelines was not adhered to.

1. Public involvement was NOT gauged on complexity nor controversy. Each comment period was limited to the same criteria (2 minute statements at City Council) and written comments. LULA’s repeated requests for meetings and involvement was ignored.
2. Only after approval of the SSMP by the City Council were members of LULA engaged in a STAKEHOLDER process, whose members were instructed NOT to address any item in the approved SSMP.
3. There was no public hearing to consider the significant changes to the draft proposal that occurred on 12/12/2012.
4. There was no publication of the hearing since a hearing was non-existent.
5. There was no summary of the proposed changes published.
6. They did not CONSULT WITH nor SOLICIT COMMENTS from Lake Union Liveboard Association yet they were fully aware of the keen interest of this group relating to the subject.

I believe WAC 173-26-110 has been violated through the Department of Planning and Development’s Director’s Rule procedure. I call for DOE to review all SSMP Director’s Rules to confirm that these Rules do not alter an existing Shoreline Master Plan.

WAC 173-26-110 Submitto department of proposed master programs/amendments. A master program or amendment proposed by local government shall be submitted to the department for its review and formal action. A complete submittal shall include two copies of the following, where applicable:
(1) Documentation (i.e., signed resolution or ordinance) that the proposal has been approved by the local government;
(2) If the proposal includes text amending a master program document of record, it shall be submitted in a form that can replace or be easily incorporated within the existing document. Amended text shall show strikeouts for deleted text and underlining for new text, clearly identifying the proposed changes. At the discretion of the department, strikeouts and underlined text may not be required provided the new or deleted portions of the master program are clearly identifiable;
(3) Amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;
(4) A summary of proposed amendments together with explanatory text indicating the scope and intent of the proposal, staff reports, records of the hearing, and/or other materials which document the necessity for the proposed changes to the master program;
(5) Evidence of compliance with chapter 43.21C RCW, the State Environmental Policy Act, specific to the proposal;
(6) Evidence of compliance with the public notice and WAC (4/11/11 1:40 PM) [21] consultation requirements of WAC 173-26-100;
(7) Copies of all public, agency and tribal comments received, including a record of names and addresses of interested parties involved in the local government review process or, where no comments have been received, a comment to that effect.
(8) A copy of the master program submittal checklist completed in accordance with WAC 173-26-201 (2)(f) and (3)(a) and (h).
(9) For comprehensive master program updates, copies of the inventory and characterization, use analysis, restoration plan and cumulative impacts analysis.

This section calls for review by DOE of changes to a Shoreline Master Plan. Seattle’s Department of Planning and Development Director’s Rule permits changing the SSMP through an interpretation without
review by DOE. As there is no direct correlation between Director's Rule and DOE, this can occur unnoticed. Recently, interpretations of the 1980 SSMP are being made through this Director’s Rule process (23 years after implementation!). There are public opinions that these interpretations have gone beyond the original regulations and have added criteria that never previously existed. In order for DOE to carry out their guidelines, these rules MUST be evaluated by DOE to determine if these changes, do in fact, alter the regulations, rather than simply interpret the regulations. In a recent case, an interpretation by DPD through a Director’s Rule could have jeopardized a long standing community and may have caused the “taking” of property without just compensation, both violations of DOE Guidelines.

Without a review process for these so-called interpretations, DOE is not adhering to its own guidelines, specifically, “A master program or amendment proposed by local government shall be submitted to the department for its review and formal action.”

How can DOE know the rules are not being amended if it does not review these interpretations in the same formal manner? A Director’s Rule (interpretation of SSMP) MUST be evaluated to determine if the interpretation will cause a violation of the DOE Guidelines.

The mooring of a vessel is a water dependent use.
WAC 173-26-020 Definitions.
(39) “Water-dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

(WAC 332-30-106(74 & 75)) While DPD has claimed that "living on your vessel is not a water dependent use" because it is something that can be done on the land. The same could be said for "sitting on your vessel" or "eating on your vessel." Whether you sleep, eat, sit, stand or steer your vessel does not affect the water dependent use of moorage. I emphasise that this definition states "a use or a portion of a use" The portion of use that is water dependent is the mooring of a vessel.

The SSMP fails to adhere to the “no net loss of ecological functions” criteria.
WAC 173-26-186 Governing principles of the guidelines.
...(8)(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.

The criteria proposed in section 23.60A.214 allows for the continued proliferation of live-aboard vessels without restriction (other than the shape of the vessel). Grey water has been expressed as an environmental concern, but the exclusion of allowing unlimited live-aboards on certain shaped vessels is contradictory to the “no net loss” criteria. Specifying the shape, make, manufacturer of allowed and prohibited liveaboard vessel style is counter productive and does not address the “no net loss” basic premise.

Sincerely,

Kevin Bagley
Founder, Lake Union Liveaboard Association
Board Member, Lake Union Liveaboard Association
Testimony: Hi. Thanks for the opportunity. My name's Amalia Walton and I live on a floating home on Lake Union with my husband and my two kids, and I've lived in the house my whole life. And I'm here to ask you to send the proposed Shoreline Master Program back to the city for revisions to the section on floating homes.

The current proposal does not comply with the Shoreline Management Act, which gives our homes conforming and preferred use status, and states a goal of allowing continued use of all the floating homes currently on the lake. In 2011 our legislators passed, and the governor signed into law, an amendment to the Shoreline Management Act that allows for continued use of all existing floating homes and protects people who lose their moorages and would otherwise have to discard their homes, and we worked very closely with DOE to write the language of this bill. The city has not changed the proposed SMP Program to comply with the law and it's endangering the vitality and the long-term survival of our community.

My dock, for example, we own half the property on which our dock floats and we rent the other half from DNR. And because there's a long history of floating homes losing their moorages in Seattle, we have a contingency plan. We've left room on our property to move our houses closer together in the event that we may no longer occupy the state land that we lease. The regulations currently proposed by the city of Seattle would prevent us from doing this and that means half of us would lose our homes. This is exactly what our legislature, and our governor, and working with DOE; we are trying to prevent this, when we amended the SMA.

I'm going to send in a letter, the details of the three specific regulations that are causing this problem, but I'm here tonight to ask you to send the SMP back to Seattle for revisions to the section regarding floating homes, and make sure that the revisions accommodate the right of displaced homeowners to relocate. Thank you.
Comment #38 (Shari Graves)

Testimony: Thank you. I am Shari Graves. I am actually the president of the Floating Homes Association. Amalia is our legislative chair, that you just heard, so a lot of what she just said was what I, kind of, was planning to say and she said it better than me. So, I'll just . . . I'll enhance on that a little, expand on that just a little bit.

The law that was passed, one of the biggest things that, the reasons we wanted to get this passed, was for a safe harbor provision for homes that might be displaced and the ability to move them over, put them in different places, etc., etc. And as Amalia said, there's a few issues still with DPD. And I do appreciate and want to thank Maggie. We've worked with her over three or four years now and we've come a really long way in getting our part of the SMP to be pretty good. But there are still a few things that we need to work on. And so, just to exemplify what Amalia was talking about, about safe harbor, we have a dock at the University of Washington—there are six houseboats there—and about ten years ago, the University was going to terminate the lease, and six houseboats would have been displaced. Floating homes I should say. I'm sorry. The terminology is always very messed up and we call each other both things. But anyway, floating homes. The legislature stepped in at that point and talked with the University of Washington, got them to agree to give a 20-year lease to these houseboats so they wouldn't be displaced. They're about ten years away now from losing their lease and the University has definitely said they will not renew it. So, there's going to be six houseboats that need to find a home.

And I want to read Susan Suzer is a long-time resident on that dock, and she wrote a letter. She couldn't be here tonight, but I wanted to read this for her:

"Good evening. My name is Susan Suzer. I am writing this on behalf of myself and my husband, Tom, to be read at the public hearing on recent updates to the city of Seattle's Shoreline Master Program. My husband and I live in a floating home on the University dock and will be losing our lease from the University of Washington in roughly ten years. The city's proposed Shoreline Master Program regulations will make it essentially impossible for us to find a new moorage for our home. My husband, Tom, purchased our home in the early 1970s and when we married 30 years ago we expected to live out our lives on this floating home. At ages 73 and 75 respectively, it is sad and emotionally distressing to think that sometime in what should be our golden years we will have to watch our home be towed away and scrapped. Our legislators amended the Shoreline Management Act to allow for continued use of all existing floating homes and to protect people in our position. Tonight I ask that you require the city to comply with the Shoreline Management Act. Please send Seattle's proposed Shoreline Management Program back to the city for revisions to the section regarding floating homes, SMC 23.60.202, that would accommodate the right of displaced homeowners to relocate. Thank you. Susan Suzer."

And, I will add to that that there are a couple of docks in our community that have available space that might be able to accommodate some of these six homes. However, the SMP regulations that have been provided thus far will not allow that. They have coverage, overwater coverage that can't be increased, therefore, the docks could not take on additional homes, even if they have space available.

So, we ask that the SMP be sent back to the city and these regulations be put into compliance with the state legislature's law that they passed last year protecting our floating homes community. Thank you.
Dear Mr. Burcar,

I know that you’ve probably received many copies of the form letter (below) sent out by the Floating Home Association. Normally I would write my own thoughts, but in this case they have said everything I need to say. As an owner of a FH on Portage Bay, I strongly endorse the FHA’s position.

Thank You,

Bill (and Janice) Albert
3146 Portage Bay Pl. E., Unit L
Seattle, Wa. 98102

Please send Seattle’s proposed Shoreline Management Program back to the city for revisions to the section regarding floating homes (SMC 23.60.202). The city must comply with the Shoreline Management Act (RCW 90.58.270), which gives our homes conforming and preferred use status and states a goal of allowing continued use of all homes currently on the lake.

In 2011, our legislators passed, and the Governor signed into law, an amendment to the Shoreline Management Act that allows for continued use of all existing floating homes and protects people who lose their moorages and would otherwise have to discard their homes. The city has refused to change their proposed Shoreline Management Program to comply with the law and is endangering the vitality and long-term survival of our community.

Specifically, we ask for revisions to proposed SMC 23.60.202.B.3.a, SMC 23.60.202.B.3.d, and SMC 23.60.202.B.1.c that would accommodate the right of displaced homeowners to relocate.

LETTER ADDRESS:
William & Janice Albert
1819 Nob Hill Ave, North Seattle, WA 98109
(The link in your email re extended comment period does not work for your email.)

From: Bonnie Miller [mailto:bmillerr@serv.net]
Sent: Sunday, October 06, 2013 8:24 AM
To: mailto:Joe.Burcar@ecy.wa.gov
Subject: Comments Kitsap Co. SMP - Seattle's SMP

These concerns are directed to the Seattle SMP even though the link input Kitsap.

First, protection of public access to our waterfronts must be protected! Seattle has too many exceptions where encroachments are ignored at the expense of public use.

Second, too many exceptions are made to water related uses and both Seattle's DPD and Parks Departments can come up with more reasons why water related uses are not as advantageous to Seattleites than making money from profit-oriented businesses than non-profit organizations. Once again, the public loses what is invaluable access to the water.

Sincerely,

Bonnie Miller
900 University Street Apt. 15BC
Seattle, WA 98101-1730
| Name          | Miller
|--------------|--------
| First Name   | Donnie
| City         | Seattle
| State        | WA
| Zip          | 98101
| Street Address | 100 University Street #15BC
| Last Name    | Miller
| Comments     | Please see reverse side for comments.

Ecolab #2

Receive:

Sep 17 2013

Comments:

Your personal information and comments will be part of the public record.

For more information:

Joe Burcar, WA Dep't of Ecology, 3190-156th Ave. SE, Bellevue, WA 98008

Submit comments to:


Public Comment Period: Sept. 3 p.m. through October 4th, 2013, 5 p.m.

City of Seattle Shoreline Master Program Update

WA Dep't of Ecology Public Comment Period
I remember attending an early meeting concerning Seattle’s upcoming revision of the Seattle Shoreline Master Program. Attendees broke into groups and made lists of how the SSMP might be revised. I was there because I felt it was extremely important that Seattle reclaim and heighten public shoreline access for both today’s residents and for future generations. In the decades that I have lived in Seattle I am always struck by the very little access most people had to public access. It did seem that most of the attendees were homeowners and business owners of property on shorelines. I was surprised to see a familiar face from the staff of the Seattle Parks Department but it soon became clear when he added uses to the list that would make the “most” money for the Magnuson Park shoreline property if it were to become less restricted to public use and more aligned with business interests.

Through the years and especially when a developer, with the aid of the Parks Department staff, attempted to circumvent the restriction in the current SSMP to limit to “water use” any occupancy in the old Navy buildings to a use by a major Seattle medical institution in an area where it was expressly forbidden was it evident that our shorelines have to be protected from our own City employees. Even though the community expressed their displeasure at losing precious waterfront, a lease was signed. Not until citizens took their fight to maintain their rights to the waterfront to the City Council and the developer took the City to court, did the Seattle Parks Department pay off the developer to forgo the lease.

I have been dismayed to see applications for exceptions to the current Seattle Shoreline Master Program appear in the City’s Department of Planning and Development. Unless the SSMP retains strong language and adheres to the three main purposes, this generation and future generations will wonder how we lost our public access.

Following the law, and minimizing exceptions and allowable uses other than water-dependent and related uses must be the standard. This is particularly imperative on the shorelines that are publicly owned.
Dear Mr. Burcar,
I am a houseboat resident. I've raised my daughter on Lake Union and I plan to retire here. However, I feel threatened by the failure of the city to protect my right to live here.

Please send Seattle's proposed Shoreline Management Program back to the city for revisions to the section regarding floating homes (SMC 23.60.202).

In 2011, our legislators passed, and the Governor signed into law, an amendment to the Shoreline Management Act that allows for continued use of all existing floating homes and protects people who lose their moorages and would otherwise have to discard their homes. However, the city has refused to change their proposed Shoreline Master Program to comply with the law and is endangering the vitality and long-term survival of our community.

According to the Shoreline Management Act (RCW 90.58.270), our homes have conforming and preferred use status and it is the intention of the act to allow continued use of all homes currently on the lake. The city must comply with this act.

It is clear that the city has been willing to override various rights in order to develop areas around Lake Union, giving favors to developers and big money interests. I am concerned that the city's refusal to change their Shoreline Management Program is, in fact, just an ongoing part of their plan to develop the lake at the expense of our community.

As part of the houseboat community, I am asking for revisions to proposed SMC 23.60.202.B.3.a, SMC 23.60.202.B.3.d, and SMC 23.60.202.B.1.c that would accommodate the right of displaced homeowners to relocate.

Thank you,
Susan Kaplan
2207 Fairview Ave E, houseboat 2
Seattle, WA 98102
Dear Mr. Burcar,
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Thank you
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Please send Seattle’s proposed Shoreline Management Program back to the city for revisions to the section regarding floating homes (SMC 23.60.202). The city must comply with the Shoreline Management Act (RCW 90.58.270), which gives our homes conforming and preferred use status and states a goal of allowing continued use of all homes currently on the lake.

In 2011, our legislators passed, and the Governor signed into law, an amendment to the Shoreline Management Act that allows for continued use of all existing floating homes and protects people who lose their moorages and would otherwise have to discard their homes. The city has refused to change their proposed Shoreline Management Program to comply with the law and is endangering the vitality and long-term survival of our community.

Specifically, we ask for revisions to proposed SMC 23.60.202.B.3.a, SMC 23.60.202.B.3.d, and SMC 23.60.202.B.1.c that would accommodate the right of displaced homeowners to relocate.

Thank you.

The Board of

Portage Bay Place Condominium Association
September 23, 2013

Mr. Joe Burcar, SEA-Program
Washington Department of Ecology
Northwest Regional Office
3190-160th Ave. SE
Bellevue, Washington 98008

Dear Mr. Burcar,

I am writing regarding the Seattle Shoreline Management Program (SMP) and the proposed guidelines contained therein. I am a longtime floating home resident, KCA # 588, and have several concerns with the SMP as currently drafted.

My greatest concern relates to the deletion of language contained in a prior draft (4-24-12), page 4, which reads as follows: "However, because of their historic role and legal recognition by the City, floating home moorage are designated as a water dependent use. Such designation does not imply support for increase of floating home moorage. The intent of this policy is to recognize the floating home community in Lake Union and Portage Bay, while protecting natural areas, preserving public access to the shoreline, preventing displacement of water-dependent commercial and manufacturing uses by floating homes. Areas with substantial concentrations of existing floating homes shall be given a designation that preserves residential uses". Of additional concern is the additional deletion from the 4-12-12 draft of the following language found on page 31 of the 1-14-13 SMP: "Preserves the existing floating home community". It appears to me that it is the intent of the City to no longer formally recognize the previously granted legal right for permitted floating homes to exist. This is of enormous concern!

Further, proposed language shown on page 169 of the current SMP, which reads as follows, "Floating homes are allowed if they meet the standards....a. The floating home is: Legally established on the effective date of this ordinance", does not, in fact, recognize the legality of floating homes established over the past decades of City approved floating home construction and occupancy. Further, the Washington State Legislature stated in RCW 90.58.270 the following, "The legislature recognizes that existing floating homes, as part of our state’s existing houseboat communities, are an important cultural amenity and element of our maritime history. These surviving floating homes communities are a linkage to the past, when our waterways were the focus of commerce, transport, and development. In order to ensure the vitality and long-term survival of these existing floating home communities, consistent with the legislature’s goal of allowing their continued use, improvement and replacement without undue burden, the legislature finds that it is necessary to clarify their legal status". (2011 c 212 s 1.). Given the above language deletions, combined with new language that appears to be in violation of State law, I am concerned that the
City is unwilling to reassure all currently legally permitted floating home owners of their right to exist and this is just plain wrong.

My second area of concern regarding the most recent draft of the SMP relates to the omission of any language addressing the growth in recent years of house barges (no means of self propulsion or steering) and house boats (with propulsion). Ostensibly, house barges not located within the City prior to 1990 are prohibited (23.60A.204 p. 178). Houseboats however, are simply not addressed in the SMP, but their growth in numbers in of late has been huge when compared to the mere handful of new floating homes legally permitted and constructed. The impact of the 100+ new houseboats moored on Lake Union in recent years has been significant including additional discharge of grey water, view obstruction given their height and mass compared to previously moored boats and the ability to be constructed higher than the 18’ limit imposed on floating homes. Clever people have clearly found a means of circumventing the intent of the law by calling these non-permitted floating homes “vessels” and this is an issue which needs addressing in the SMP and which is, unfortunately, simply not addressed at all. When was the last time you saw one of these moving under its’ own power as a vessel does?

In conclusion, I am hopeful that the City will modify the SMP such that ALL existing floating homes are given legal reassurance of their right to exist in perpetuity including a granting of water-dependent status. This is and remains, of course, the dictate mandated by our State Legislature. I am also hopeful that the City will draft and include language that regulates the growth of houseboats on Lake Union and Portage Bay including permitting criterion such as over water coverage area, height limitations, view obstruction and a prohibition on grey water, discharge which are identical to those imposed on applicants for new floating home moorage sites and building permits. There is no better example of the unregulated growth in houseboats than the examples currently moored on the north side of Lake Union under the Aurora Bridge. Three story tall, 5,000 sq. foot houseboats that never move are a blatant example of loop holes in the current permitting process and law and their exclusion from being addressed at all in the SMP is simply not acceptable.

Sincerely,

John F. Kincaid

1214 E. Hamlin Street, Slip 5
Seattle, WA 98102
KCA #588
I write in opposition to Seattle’s SMP as it relates to the definition of a vessel.

A. The SMP will unfairly bankrupt me and many other homeowners.

I bought a vessel in 2007 while going through a divorce, after carefully checking Seattle and the state’s rules to make sure I would be in compliance. It cost a little over $200,000 to purchase, is registered as a vessel, and I pay both property (for the slip) and vessel taxes every year. In 2010, I replaced the wood hull with a steel one, costing over $100,000. I still owe a significant amount on it. It has navigation equipment and a motor, and meets the Department of Licensing’s requirements. But is it seaworthy? I have no idea. If a marine engineer finds otherwise, I will be forced to remove it from Seattle’s waters. And there is simply no market for a vessel of this nature if it cannot remain in Seattle; it will be a total loss, and I will be left with an unsecured loan that I cannot repay. And I was never trying to cheat or skirt rules: my vessel met every parameter to legally be on the lake when I bought it.

B. Discriminating between vessels makes no sense.

a. There is no environmental difference between a “traditional” live-aboard and my vessel.

As other comments on the proposed rule have made clear, there is no environmental detriment to these vessels. A “traditional” liveaboard—a sailboat or a motorboat—is not required to have a sealed blackwater system. I do, meaning that there is no possibility of sewage discharge. And every other impact of living on the water is identical: there is simply no environmental reason to discriminate between vessels.

b. I contribute significantly to the Lake Union economy.

i. Marine purchases and repairs

Within the last three years, I have contributed well over $100,000 to the Lake Union marine economy, using local vendors exclusively. A vibrant working waterfront—one of Seattle’s planning goals—requires a working marine economy. Replacing my vessel at the dock with a ski boat that requires virtually no maintenance or services isn’t the way to meet that goal: it is, in fact, the exactly wrong approach.

ii. Tourism

Seattle’s water-based living is a key tourist draw. Duck Boat tours narrating that my boat and the others next to it were “year-round living!” were an annoyance when I lived there, but demonstrated just how unique and special these water-based lifestyles are. Losing the residential marines means Seattle loses part of its appeal.

C. At a minimum, vessels on the water before the rule change should be allowed to remain.

For unclear reasons, the City has decided to remove vessels that are not seaworthy. While I disagree with this policy decision, on fairness, economic, and environmental grounds, if this is the course the City chooses, I ask that you only enforce the rule prospectively. Vessels don’t last forever, and as aging vessels are removed the City can meet its goal of getting rid of them. But bankrupting people that have consistently followed the rules is simply unjust.

I look forward to a final SMP that is fair.
Hello,

I'm writing to give some input from the perspective of a Lake Union liveaboard who has dedicated several years of his life for his love of living on the water.

After starting my career as a designer in the field of deep ocean exploration, I decided to design and build a houseboat to live on as many friends of mine had designed and built sailboats and power catamarans to live on. For many boaters, including fishermen, the boat is their home and primary residence and is designed and set up as such.

I designed it myself and spent three years of my life living in a tent in an Everett boat yard just to build the steel hull. The wooden superstructure and hybrid propulsion system was completed in a year. It has a clean burning, propane fueled generator powering four electric motors generating 600 pounds of thrust, plenty for navigating inland lakes.

After launch, my first trip was thirty miles in Puget Sound from the Port of Everett to Lake Union. I've been as far inland as Lake Washington with the boat.

It has 16,000 lbs. of lead ballast and draws 5 feet of water for stability in all conditions. It has a steel hull, excellent maneuverability, reliability and range.

To suggest that my boat is not a 'real' boat and simply a thinly disguised housebarge would be wrong, considering as much of the design was committed to the propulsion system as to the liveaboard features.

I also designed it with space allocated to add gray water tanks as soon as that becomes a regulatory requirement. For now, it has black water tanks and biodegradable products are used in the overboard gray water. Nontoxic. Unlike most home's lawn fertilizer!

I still live at Gasworks Park Marina where the 'Architeuthis' is moored. Gasworks is the unique, liveaboard, floating village consisting of a wide range of characters from young professionals to aging hippies that made me fall in love with and want to continue to protect Lake Union.

It has always been a liveaboard neighborhood and I insist that is the most productive, positive use for it with the best overall effect on the surrounding community.

Gary L. Peterson Jr.
2143 N. Northlake Way #12
Seattle, WA. 98103

206-778-6762
Hello,

I'm writing to give some input from the perspective of a Lake Union liveaboard who has dedicated several years of his life for his love of living on the water.

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It has always been a liveaboard neighborhood and I insist that is the most productive, positive use for it with the
best overall effect on the surrounding community.

Gary L. Peterson Jr.
2143 N. Northlake Way #12
Seattle, WA. 98103

206-778-6762
September 24, 2013

Washington Department of Ecology
Northwest Regional Office
Attn: Joe Burcar SEA-Program
3190—160th Ave. SE
Bellevue, Washington 98008
Joe.Burcar@ecy.wa.gov

Dear Mr. Burcar:

This letter is submitted to you as DOE staff responsible for review of Seattle’s proposed new Shoreline Master Program (SMP) to be adopted under the Shoreline Management Act (SMA). I am writing to bring to your attention three provisions of that proposed SMP harmful to Seattle’s longstanding floating homes community. These provisions are inconsistent with a 2011 amendment to the SMA.

The SMA amendment, now found in RCW 90.58.270 (5), resolved conflicting understandings about the future legal treatment of existing floating homes. The amendment explicitly stated that floating homes are conforming preferred uses and then established a standard to ensure that regulations did not directly or indirectly burden their continuing existence:

(5)(a) A floating home permitted or legally established prior to January 1, 2011, must be classified as a conforming preferred use.

(b) For the purposes of this subsection:

(i) "Conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable.

(ii) "Floating home" means a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

[2011 c 212 § 2; 1971 ex.s. c 286 § 27.]
The finding that we made in adopting this amendment was intended to protect existing floating homes from any regulations that would make their continued use impracticable:

"The legislature recognizes that existing floating homes, as part of our state's existing houseboat communities, are an important cultural amenity and element of our maritime history. These surviving floating home communities are a linkage to the past, when our waterways were the focus of commerce, transport, and development. In order to ensure the vitality and long-term survival of these existing floating home communities, consistent with the legislature's goal of allowing their continued use, improvement, and replacement without undue burden, the legislature finds that it is necessary to clarify their legal status." [2011 c 212 § 1.]

In return for this broad protection for the existing floating home community, the Floating Homes Association agreed to a ban on any additional floating homes.

The proposed Seattle SMP now before the Department complies in some respects with the Legislature's mandate. However, it is off base in three particular provisions that, if adopted, could place existing floating home owners in untenable positions, contrary to the Legislature's SMA amendment:

1. Proposed SMC 23.60.202.B.3.a ("Total water coverage") would require that:

   "Total water coverage of floating home moorages, including all piers, shall not be increased above 45 percent of the submerged area or the currently existing coverage, whichever is greater, including the floating home."

This provision prevents evicted homes from moving to existing moorages because addition of the evicted home would increase the total water coverage for the existing moorage. However, many existing moorage docks have intentionally husbanded enough space so that existing houses can move closer together and accommodate an evicted floating home. This can happen due to expiration or retrenchment of a government (e.g. U.W., DNR, or City) proprietary lease or due to conversion to a different use. Over time, this provision would slowly tighten a noose on the existing floating home community that the Legislature sought to preserve.

2. Proposed SMC 23.60.202.B.3.d reflects the same problem. The language before the Department states that:

   "Existing floating home moorages shall not be reconfigured and existing floating homes shall not be relocated within a floating home moorage site unless the standards of this Section 23.60A.202 are met or the Director determines that the standards cannot be met at the site and the reconfiguration or relocation will result in improved ecological functions."
Again, reconfiguring or relocating within an existing moorage is sometimes necessary in situations where leases or permits are not renewed. This regulation prevents rearrangement of existing homes, even on privately owned moorage property, to accommodate an existing home that has been orphaned. The requirement for “improved ecological functions” sets a bar that we in the Legislature declined to adopt when we passed the 2011 SMA amendment barring provisions that would make continuation of floating homes impractical.

3. Proposed SMC 23.60.202.B.1.c creates a similar problem. It states that:

"Floating homes may not relocate to that portion of a floating home moorage occupying waters owned or controlled by the City or occupying any street or street ends existing on the effective date of this ordinance, or on property later dedicated to the City for street purposes."

There are a few docks currently located on street ends or other public property. If there was space available on one of these docks, an evicted home should be able to moor there; after all, the area is already dedicated to floating home moorage. A landlord might be able to prohibit that relocation as a proprietary or ownership matter. But that is a separate landlord prerogative, not a regulatory one. The Legislature’s purpose in adopting the 2011 SMA amendment was to ensure that as a regulatory matter the SMA was not used to preclude preservation of the floating home community. This proposed SMP provision, like the two noted above, is just the kind of provision that the Legislature intended to rule out in adopting the 2011 SMA amendment.

The City of Seattle’s proposed new SMP has many positive aspects. But the problems noted above are not minor glitches. They go to the heart of our amendment to the SMA, a rare action in itself, adopted specifically to avoid such problems. I encourage you to revise and correct these provisions, in cooperation with Floating Homes Association and other stakeholders, to explicitly accommodate the right of displaced homeowners to relocate and of their fellow floating homeowners to accommodate them.

Thank you for your consideration.

Sincerely,

[Signature]

Rep. Dave Upthegrove
From: Susie Stenehjem [s.susiedon@gmail.com]
Sent: Saturday, September 28, 2013 9:48 PM
To: Burcar, Joe (ECY)
Subject: Houseboat Director's Rule

---------- Forwarded message ----------

From: Susie Stenehjem
Date: Saturday, September 28, 2013
Subject: Houseboat Director's Rule
To: "jill.vanneman@seattle.gov" <jill.vanneman@seattle.gov>, sally.clark@seattle.gov, tim.burgess@seattle.gov, richard.conlin@seattle.gov, nick.licata@seattle.gov, mike.obrien@seattle.gov

To: Jill Vanneman

From: Susan Stenehjem, Gas Works Park Marina houseboat owner/liveaboard

My issues with this Rule are:

1. Rule discriminates against a small group of vessels (houseboats). "Pointy-bowed" boat owners/liveaboards on Lake Union will not be required to hire naval architects. There are many inoperable, pointy-bowed vessels on the lake serving as primary residences.

2. Cost of Rule for houseboat owners is excessive. We already are required to have an out-of-the-water survey every 3-5 years to obtain mandatory vessel insurance. We hire an experienced and certified surveyor who thoroughly inspects our home, making sure we are in compliance with all Washington and Federal requirements. Having our home hauled-out, making needed repairs, paying for the surveyor and vessel insurance can easily cost $3,000. Paying a naval architect is redundant. A mile-long test drive is unneeded. Naval architects create and use designs and plans to determine vessel seaworthiness.

3. This Rule does nothing to improve the ecology of shoreline areas. If houseboats have to leave the lake, liveaboard vessels will take over vacated slips. Since a pointy-bowed vessel may now be used as a residence in all Lake Union slips, the gray-water discharge (which seems to be the houseboats’ only lake contaminate) will increase...no improvement to lake ecology.

My additional comments:

As a taxpayer, I am disgusted with the amount of money Seattle and the State have wasted on this houseboat NON-PROBLEM: DPD and Ecology salaries, Council salaries (over $100,000), and the over $20,000 Stakeholder facilitator fee. Please spend our hard-earned taxes on CRITICAL issues.

I am not pleased with the way Stakeholder members were treated by Council and the DPD. These volunteer members are intelligent, hardworking, and reasonable. They devoted too much of their valuable time to have their recommendations ignored.
I am sickened by the uncertainty, constant worry, and neighborhood stress this long procedure is bringing the houseboat community. We are hard-working, tax-paying, and law-abiding citizens, and deserve to be treated with respect. Instead, we, and our homes, have been described by DPD as shameful scofflaws in shanties.
Dear Mr. Burcar,

Please send Seattle’s proposed Shoreline Master Program back to the city for revisions to the section regarding floating homes (SMC 23.60.202). The city must comply with the Shoreline Management Act (RCW 90.58.270), which gives our homes conforming and preferred use status and states a goal of allowing continued use of all homes currently on the lake.

In 2011, our legislators passed and the Governor signed into law an amendment to the Shoreline Management Act that allows for continued use of all existing floating homes and protects people who lose their moorages and would otherwise have to discard their homes. The city has refused to change their proposed Shoreline Management Program to comply with the law and is endangering the vitality and long-term survival of our community.

Specifically, we ask for revisions to proposed SMC 23.60.202.B.3.a, SMC 23.60.202.B.3.d, and SMC 23.60.202.B.1.c that would accommodate the right of displaced homeowners to relocate.

Thank you,

Judy Sarafin
Floating Homes Owner & FHA Secretary
Washington Department of Ecology, Northwest Regional Office

Attn: Joe Burcar SEA-Program 3190-160th Ave. SE, Bellevue, Washington 98008

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Sincerely,

Andrew Forrest

2339 Fairview Ave. East #L
Seattle, WA 98102

andy@forrest-pruzan.com
Dear Mr. Burcar,

I have owned a floating home for more than 15 years. I am very concerned that Seattle's proposed Shoreline Master Program is not in compliance with the state law. The details follow. This inconsistency threatens the continued use of all our homes on the waters in Seattle.

Please send Seattle's proposed Shoreline Master Program back to the City for revisions to the section regarding floating homes (SMC 23.60.202). The City must comply with the Shoreline Management Act (RCW 90.58.270), which gives our homes conforming and preferred use status and states a goal of allowing continued use of all homes currently on the lake.

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Thank you.

Penny Lewis

1213 E Shelby Street #7
Seattle WA 98102