

**Seattle's Shorelines Today and Tomorrow:
Updating Seattle's Shoreline Master Program**
Citizens Advisory Committee
Thursday, June 26, 2008, 6:00 pm - 9:00 pm
Conference Room 4060, Seattle Municipal Tower, Fifth and Columbia

MEETING SUMMARY
Prepared by Triangle Associates, Inc.

Attendance

Seattle Shoreline Master Program Update Citizen Advisory Committee			
Last	First	Seat	In Attendance?
Allison	Bob	Residential Shoreline Property Owner	✓
Arntz	Jan	University of Washington	✓
Ashley	Gregory	Aquatic Permittees/Contractors	✓
Bowman	Bob	Floating Homes	✓
Ferguson	Jim	Marine Indust. Bus.: Lake Union/Ship Canal	✓
Hanson	Eric	Port of Seattle	✓
Johnson	Mark	Seattle Planning Commission	✓
Lockwood, USCG, Ret	John W.	Marine Industrial Business: Duwamish	✓
McCullough	Jack	Business: Central Waterfront	☐
Nelson	Kitty	Environmental: Lk WA and Ship Canal	☐
Nelson, Jr.	Martin O.	Commercial	✓
O'Halleran	Vince	Labor	✓
Oppenheimer	Martin	Recreation/Public Access	✓
Owen	John W.	Citizen At-Large	✓
Preisler	Sarah	Citizen At-Large	✓
Rasmussen	James	Environmental: Duwamish	✓
Stabbert	Brooke	Non-Residential Shoreline Property Owners	☐
Trim	Heather	Environmental: Puget Sound	Cyrilla Cook
Tu	Trang	Citizen At-Large	✓
Whittaker	Gregory	Recreation/Public Access	✓

Project Team			
Last	First	Organization	In Attendance?
Gainer	Cole	Triangle Associates	✓
Glowacki	Maggie	Seattle DPD	✓
Kern	Michael	Triangle Associates	✓
LaClergue	Dave	Seattle DPD	✓
Robison	Dave	Cascadia Community Planning Services	☐
Staley	Brennon	Seattle DPD	✓

General Public			
Last	First	Organization	In Attendance?
Farr	Ann	Port of Seattle, Consultant	✓

**Seattle Shoreline Master Program Update Citizen Advisory Committee
Meeting Summary, June 26, 2008**

Keasler	Bill	Floating Homes Association	✓
Page	Heather	WSDOT, Consultant (Anchor Environmental)	✓

Meeting Purpose

This was the second meeting of the City of Seattle’s Shoreline Master Program (SMP) Update Citizen Advisory Committee (Committee). The meeting included a Committee Shoreline Visioning Exercise, a presentation of the public Shoreline Vision report and outreach, a presentation on Shoreline Management Law and Policy, a presentation on Shoreline Environmental Designations, and scheduling of future tasks and meetings.

Welcome and Introductions

Facilitator Michael Kern of Triangle Associates welcomed the Committee and introduced members of the Committee/Project Team who were absent at the previous meeting. He reviewed the agenda, pointing out intervals for public comment, and discussed the materials provided to Committee members. Michael also mentioned that the Committee email group list is up and running. Michael then introduced the idea of convening all Committee meetings 30 minutes earlier and/or using the “meet and greet” time to present a topic of interest, like the history of Seattle’s shoreline. The Committee discussed the options and agreed to continue beginning meetings at 5:30 PM. 5:30–6:00 will normally be an optional “meet and greet” period, perhaps including a presenter. It is possible that the formal meeting agenda will start at 5:30 from time to time, depending on the amount of time needed to address agenda items.

The Committee also approved its charter, May meeting summary, work plan and schedule (available from the Committee’s website), with the understanding that the latter two will likely continue to evolve as the process moves along. Maggie Glowacki of DPD provided updates on several topics discussed at the May meeting. She will work with Committee members to schedule one or more shoreline field tours and a short course on shoreline issues for those who would like a “refresher.” She is also in the process of finalizing a report on the number of shoreline variances granted since 1984.

Shoreline Vision Exercise and Report

Michael led the Committee in an interactive visioning exercise where members described their vision for the future for Seattle’s shorelines; how they would know that Seattle has been successful in managing its shorelines 25 years into the future. The results of the activity will be used to help the Committee craft its own vision statement (focusing on balancing public access, environmental protection/restoration and water-oriented uses), for guidance throughout the update process.

Dave LaClergue of DPD provided a report on the spring 2008 Community Visioning Workshops and city-wide survey (see presentation on the website). He noted that the results of this outreach, as summarized in the Vision Report (available in draft for comment on the website), will serve as a guidance for DPD and the Committee in conjunction with analysis, science, and the Committee’s recommendations. Maggie clarified that the Vision Report is a deliverable in the City’s grant agreement with the Washington Department of Ecology and part of the required public involvement

Seattle Shoreline Master Program Update Citizen Advisory Committee
Meeting Summary, June 26, 2008

portion of the SMP update. Regarding the outreach, members of the Committee asked DPD to clarify several questions relating to the city-wide survey, including:

- Time of day interviews were conducted,
- Accommodation of non-English speakers, and
- Statistical geographic reach of interviews.

Heather Page, Anchor Environmental, provided public comment that the Committee should balance its reliance on its own vision statement with the opinion of the public as represented in the Vision Report.

Shoreline Management Law and Policy

Eleanore Baxendale of the City of Seattle Legal Department presented on shoreline management law and policy, including the legal and policy “sidebars” governing the SMP update process. She cited Act 173-26-186 section 5 of the Washington Administrative Code and focused on the issue of regulatory “takings.” Eleanore explained that these takings are not the same as “proportionate share analysis,” “impact fees” or “substantive due process.” In response to a question from a Committee members, she further clarified that regulatory takings are not the same as the concept of an unlawful taking of an endangered species under the federal Endangered Species Act. Eleanore said that takings, in this situation, refer to a concept from the US Constitution’s Fifth Amendment and the Washington State Constitution, which define regulatory takings as:

- Physical invasion of private property,
- Deprivation of complete economic use of property (unless the government shows very strong background principles, such as nuisance),
- Destruction of fundamental attribute of property ownership, and

Eleanore also stated that the Shoreline Management Act (SMA) directs the City of Seattle to protect and restore the shorelines and shoreline natural resources. She said that the SMA has no definitions of what “protect” means, but that the Washington State Supreme Court has defined “protect” (in a Growth Management Act case) as looking at what existing conditions are and protecting against harm to them. She clarified that this is different from the concept of “enhancement” and that existing conditions are defined as when a permit is first requested; not when the regulations were promulgated. Eleanore suggested that the Committee focus on the science required for protecting existing habitat function, the SMA objectives, how to balance these, and reasonable ways of achieving SMA’s requirement for “no net loss of ecological function.”

Discussion of this subject led to a request by the Committee for supporting documents on the City’s and Ecology’s definitions of the “no net loss” concept, as well as the Attorney General’s Manual on the SMA guidelines. Maggie clarified that Eleanore’s presentation was intended to lay a legal work base for no net loss and takings and that it was the Committees task to look at the science to analyze how best to achieve no net loss. Eleanore concluded her presentation by saying she wants the Committee to be aware that not all SMA objectives will be achieved through regulation, and that the City can do numerous other things to achieve restoration.

Shoreline Environmental Designations

Seattle Shoreline Master Program Update Citizen Advisory Committee
Meeting Summary, June 26, 2008

Maggie made a presentation on shoreline environmental designations (see on the Committee's website). She summarized that the purpose of environmental designations (shoreline zoning) is to provide a framework for effective shoreline management. She said that DPD has not decided whether it will continue to use its existing shoreline designations, the new designations suggested by Ecology or some alternative set of designations. The City has a great deal of leeway in determining what designations to use, as long as they meet the goals of the SMA guidelines.

Committee members discussed the rationale for the City creating its own designations in the last SMP update, realizing that the need to further define shoreline areas more broadly categorized elsewhere in the State was because of the uniqueness of Seattle's shorelines. DPD hopes and expects the Committee will provide advice on shoreline designations when DPD has proposed changes to the current designations ready for review and comment. The Committee asked how other port cities, like Tacoma, have handled environmental designations. DPD will investigate this issue and get back to the Committee.

The Committee discussed the City's current "urban general" designation and examples of water-oriented and water-dependent business that may fit under that designation. The Committee requested that DPD develop proposed designations for the Committee to review and comment on (perhaps first requesting a Committee sub-group to examine the issue). The Committee also requested that DPD provide a map showing all shoreline designations, along with definitions and characterizations, prior to the next meeting. The Committee asked why Ecology is not represented on the Committee nor attending Committee meetings. DPD replied that Ecology is invited to attend the meetings and did participate in the community workshops. However, Seattle's Ecology representative for the SMP update is leaving Ecology, so there may be a gap in coverage for a while.

Final Thoughts/Next Steps

Michael wrapped up the meeting, indicating that a meeting summary will be sent for review and approval by the Committee and DPD; the prior meeting summary and all materials from this meeting will be posted to the web, and materials for the July meeting will be provided a week ahead of time. Michael said he would be in touch with Committee members between meetings, as issues are identified and needs arise. He encouraged Committee members to contact him (and/or Maggie) with any process questions, comments, etc.

Michael thanked the parties for their participation and adjourned the meeting. The next meeting will be held on July 29, 2008 from 6:00 PM (5:30 PM meet and greet) to 9:00 PM. *(note: the Committee and DPD have since decided to skip the July meeting and instead schedule an additional meeting in February or March 2009).*