

**Seattle's Shorelines Today and Tomorrow:  
Updating Seattle's Shoreline Master Program  
Citizens Advisory Committee**

Tuesday, March 24, 2009; 6:00 pm - 9:00 pm  
Conference Room 4080, Seattle Municipal Tower, Fifth and Columbia

**MEETING SUMMARY**  
*Prepared by Triangle Associates, Inc.*

**Attendance**

<b>Seattle Shoreline Master Program Update Citizen Advisory Committee</b>			
<b>Last</b>	<b>First</b>	<b>Seat</b>	<b>In Attendance?</b>
Allison	Bob	Residential Shoreline Property Owner	✓
Arntz	Jan	University of Washington	✓
Ashley	Gregory	Aquatic Permittes/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	<input type="checkbox"/>
McCullough	Jack	Business: Central Waterfront	✓
Nelson	Kitty	Environmental: Lk WA and Ship Canal	✓
Nelson, Jr.	Martin O.	Commercial	✓
O'Halloran	Vince	Labor	✓
Oppenheimer	Martin	Recreation/Public Access	✓
Owen	John W.	Citizen At-Large	✓
Preisler	Sarah	Citizen At-Large	<input type="checkbox"/>
Rasmussen	James	Environmental: Duwamish	<input type="checkbox"/>
Stabbert	Brooke	Non-Residential Shoreline Property Owner	✓
Trim	Heather	Environmental: Puget Sound	✓
Tu	Trang	Citizen At-Large	<input type="checkbox"/>
Whittaker	Gregory	Recreation/Public Access	✓

<b>Project Team/Presenters/Other Department of Planning and Development (DPD)</b>			
<b>Last</b>	<b>First</b>	<b>Organization</b>	<b>In Attendance?</b>
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	✓

<b>General Public</b>			
<b>Last</b>	<b>First</b>	<b>Organization</b>	<b>In Attendance?</b>

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

Bagley	Kevin	Interested Citizen	✓
Bagley	Linda	Interested Citizen	✓
Burcar	Joe	Department of Ecology	✓
Durand	Chad	Durand Environmental	✓
Farr	Ann	Port of Seattle Consultant	✓
Forman	Diana	Portage Bay Coalition for Clean Water	✓
Keasler	Bill	Floating Homes	✓

**Meeting Purpose**

This was the ninth meeting of the City of Seattle’s Shoreline Master Program (SMP) Update Citizens Advisory Committee (Committee). The meeting included presentations and discussion on DPD’s revised proposed changes to the SMP on: 1) shoreline environmental designations, 2) residential development standards, and 3) shoreline modifications including dredging, stabilizations and overwater structures.

**Welcome and Introductions**

Facilitator Michael Kern of Triangle Associates welcomed the Committee and public to the meeting and led a round of introductions. Michael reviewed the meeting materials and agenda, and pointed out intervals for public comment. He explained that the purpose of this meeting was to: 1) summarize how DPD has revised its proposed changes to the SMP based on Committee input at previous meetings; 2) summarize the comments that DPD has received from Committee members on those revised proposals; and 3) identify additional thoughts and ideas in support/in favor of or opposing/concerned about the proposals, so that subconsultant Dave Robison (with assistance from Committee members John Owen and Mark Johnson) has what he needs to take a first cut at a report documenting the Committee’s discussions and conclusions, for the Committee to review and revise in advance of the June meeting. In response to a comment from a Committee member, DPD agreed to revise the response papers it is preparing for each element of the SMP so that they are not structured in terms of “pros” and “cons,” and so it is clear that member opinions included in the response papers are not to be read as statements of fact.

Maggie Glowacki of DPD reported to the Committee on her between-meeting communications with individual and small groups of Committee members, and other stakeholder groups. She said DPD has met with:

- The Lake Union Association, to present DPD’s proposals for the Urban Stable (US)/Urban Mixed Use (UMX) environment.
- Four Committee members (Heather Trim, Greg Whitaker, Kitty Nelson and Marty Oppenheimer), to discuss DPD’s proposed SMP revisions and have specific discussions on offsite mitigation and the concept of no net loss of ecological function.
- The North Seattle Industrial Association (NSIA), to present information on DPD’s recently released Shoreline Characterization Report.,
- Committee members John Owen and Mark Johnson, to discuss different approaches for dealing with non-conforming structures and uses in the shoreline environment.

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

**Shoreline Environmental Designations**

Brennon Staley of DPD presented an overview of DPD's revised proposals and Committee comments received prior to the meeting regarding Shoreline Environmental Designations (see response papers and PowerPoint presentation for the March 24, 2009 meeting, available from the Committee's website). The Committee then held a discussion on the topic. Committee member comments and concerns are identified below as "*Comment*" or "*Concern*;" DPD clarifications are identified as "*DPD*."

*Comment:* It is difficult to distinguish between the Conservancy Management and Conservancy Recreation designations. DPD should look into minimizing the differences between the two and consolidating environmental designations, where possible.

*Comment:* Most jurisdictions get by with a smaller and simpler set of uses. Being simpler about Seattle's environmental designation structure will help minimize other complications.

*DPD:* The City of Seattle Office of Economic Development's (OED) "Seattle's Maritime Cluster" economic study should be available within weeks. DPD needs to review that study when it comes out, but expects that it will need to do its own maritime cluster economic study, to add a forecasting element. DPD's study should be completed by August.

*Comment:* The Governor recently stated that there will be a two-third increase in cargo volumes throughout Washington ports by 2030, greatly improving commerce related to maritime industry uses.

*Comment:* The 2009 Marine Cargo Forecast is a joint study developed every five years by the Washington State Department of Transportation (WSDOT) and Washington Public Boards Association (WPBA). It is an official cargo forecast used as a valid study tool for presenting to State Legislature. It should be of use to DPD.

*Comment:* Every industrial operation located in Lake Union that helps the Seattle Maritime Cluster is critical to the operation of major container ports. These Lake Union businesses cannot move anywhere else.

*Comment:* The locational criteria for Urban Residential should reflect the inclusion of the North Shilshole area which is zoned neighborhood commercial.

*Comment:* The City should look at developing a comprehensive plan for the Duwamish. Ideally, this would occur before the SMP update, but the Committee should at least recommend that the SMP update include a policy for the City to develop this plan. The plan would look at shoreline use, upland use, industrial needs, recreation, ecology, sustainability, etc. The Duwamish Cleanup Coalition (DCC) would be important to this potential Duwamish Comprehensive Plan, since the DCC has already done

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

extensive public outreach, generated multiple great ideas, and is very community oriented.

*Concern:* Residents of Georgetown use downstream slips in the Duwamish for recreational use; these should be kept in mind when developing a comprehensive plan.

*Comment:* The SMP update needs to acknowledge that we are hitting, at minimum, the bottom recovery standards for salmon. This update should tie into the WRIA 8 salmon recovery plan.

### **Public Comment**

There was no public comment on this topic.

### **Residential Development Standards**

Dave LaClergue of DPD presented an overview of DPD's revised proposals and Committee comments received regarding Residential Development Standards (see response papers and PowerPoint presentation for the March 24, 2009 meeting, available from the Committee's website). The Committee then held a discussion on the topic. Committee member comments and concerns are identified below as "*Comment*" or "*Concern*;" DPD clarifications are identified as "*DPD*."

*DPD:* For the purposes of the stormwater code, "Undeveloped property" is defined as forested area that doesn't have structures or impervious surfaces, and may contain shrubs.

*DPD:* DPD is not currently intending to include separate stormwater regulations in the SMP update, but rather to rely on the stormwater regulations currently being developed by Seattle Public Utilities. It is DPD's opinion that SPU's guidelines will meet the Shoreline Management Act (SMA) regulations.

*DPD:* There are only two undeveloped properties on the shoreline in the City of Seattle that are potentially too small to build a house on without building overwater. DPD is continuing to support prohibiting new overwater residences and expansion of existing overwater residences because of their ecological impacts, and because SMA regulations state that new overwater residences should be prohibited. If you own a residentially-zoned parcel that is all overwater and you have no land to build on, you will be allowed to build overwater.

*Concern:* DPD's proposed 35' setback could limit the ability of homeowners along the north shore of Lake Washington to rebuild.

*DPD:* Those homes are all mostly less than the 25' setback currently in place and are therefore already non-conforming. However, if a homeowner has no ability to build outside the setback, he or she would be able to rebuild a house in the setback (keeping the same foot print) without having to go through a variance process.

*Comment:* I support the setback increase. Most of the houses can accommodate this; the land is already there and DPD is not taking anything substantial away. DPD is trying, in a reasonable way, to

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

get more ecological function and improve the environment, which is the whole point of the SMP update.

*Comment:* DPD should buy the land from property owners if it wants to create a setback.

### **Public Comment**

There was no public comment on this topic.

### **Commercial and Industrial Development Standards**

Maggie presented an overview of DPD's revised proposals and Committee comments received regarding Commercial and Industrial Development Standards (see response papers and PowerPoint presentation for the March 24, 2009 meeting, available from the Committee's website). The Committee then held a discussion on the topic. Committee member comments and concerns are identified below as "*Comment*" or "*Concern*;" DPD clarifications are identified as "*DPD*."

*Concern:* Not allowing caretaker units to generate income is a significant issue for owners of sites who need these units for people conducting business on site and/or for owners/crew of boats that are being worked on around the clock. It is purely an industrial use that should be provided as an amenity to the companies and business that use and rent the site.

*Comment:* If a caretaker unit is a waterfront apartment, it's not really a caretaker unit. There are, however, historic places that have an apartment above the yard. It is important to keep places like this functioning, since they have been there a long time and are important to our shoreline culture.

*Comment:* The use of caretaker units is a common practice in ship yards around the country. Huge yachts are coming in, bringing in millions of dollars a year into this community. These crews need the industry standard of proper accommodations. We need to support this.

*Comment:* There could be a narrow standard written around boat repair facilities, referred to as something like "Captain's quarters," which would be defined differently than a caretaker unit, but allowed for similar purposes. A similar narrow standard could be written for recreational marinas in industrial areas that could have upper limits on size, boat numbers, etc.

*Comment:* Caretaker units are part of a new industry that is bringing in new jobs; but we need to be careful about the gentrification of the waterfront and the blur between rented apartments and residential with industrial. But from Committee conversations, it seems DPD can accommodate both sides here and have a "win-win."

*Comment:* There must be a way to write the caretaker unit provision that precludes the rental for other than caretaking or as accessory to what is happening at the property.

*DPD:* Caretaker units are prohibited as a principal use, but allowed as an accessory use, in the UM

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

environment. The original definition of a caretaker unit is for someone who is living on the property and taking care of it. There is a new model for a caretaker unit being suggested. DPD will look evaluate this new model to understand how it can accommodate this new business.

*Comment:* DPD has an opportunity to create policies within the environmental designations that address these issues. This way, when the Shorelines Hearings Board has to make a decision, they can use the policies to help them interpret their decisions. Regarding auxiliary uses, the issue is greater than caretaker units, for example, hotels can be a very important auxiliary use if you are trying to set up a cruise terminal. There needs to be some flexibility that a policy could address.

*Comment:* Until we get the economic information from OED's and DPD's studies about what is happening in Lake Washington, Lake Union and the Ship Canal, we should be careful about what we do not allow.

*DPD:* DPD does not believe that the use of marinas and/or beach clubs along the Duwamish, Elliot Bay and along the locks is compatible with areas designated as Urban Industrial (UI) and Urban Maritime (UM) environments. DPD wants to balance the goals of the SMP update by reducing potential conflict in areas where the marine industry functions heavily. Recreational marinas, such as yacht boat and beach clubs, are not a good use of industrial sites. Commercial marinas are allowed on industrial sites and can have recreational moorages at their sites, as long as the primary moorage is commercial. DPD wants to preserve marine industry in UI and UM environments.

*Comment:* Residential, commercial and industrial should all be mixed, as they have been in certain neighborhoods for the past 100 years.

*Comment:* Where it is possible, there should be incentives written into the SMP that marina boats be stored on land. Removing structures (dock and piers) from the shoreline provides ecological improvement.

*Concern:* Do not add any new regulations regarding stormwater to this update. There are enough regulations already in place.

*DPD:* DPD's current proposal is to use the City's stormwater standards and not apply additional ones.

*Comment:* DPD should ensure that the City's overall stormwater management regulations are fully protective of the shoreline management zone. There may need to be additional regulations that protect water quality. For example, how will this SMP update address the use of chemicals in the water for noxious plants and lawns?

*Comment:* We have talked about water quality, setbacks and vegetation on the shoreline for industrial and commercial areas. We need to be pushing for vegetation during the development/updating of residential properties and setbacks of lawn areas. This will be a bigger impact than trying to get shrubs

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

put in on industrial sites.

*DPD:* DPD will propose building setbacks for all *structures* in Commercial and Industrial environments. The proposed distances will be shown to the Committee soon.

### **Public Comment**

Chad Doran, a WSDOT consultant, mentioned performance-based standards for best management practices that have been used in permitting in the last five to six years. He said there are examples of polices where jurisdictions have gone from trying to write a line of code to cover every possible thing that could come up and instead going to a strong policy that states what one is trying to get out of the code, with a possible list of tools or suggestions for how to get there (such as the Green Shorelines Guide).

Kevin Bagley expressed concern that the proposed regulations sound like a prohibition of shoreline offices. People work in offices near the water because they want to do business with water views.

### **Shoreline Modifications—Dredging, Stabilization and Overwater Structures**

Maggie, Dave and Brennon presented overviews of DPD's revised proposals and Committee comments received regarding Shoreline Modifications (see response papers and PowerPoint presentation for the March 24, 2009 meeting, available from the Committee's website). The Committee then held a discussion on these topics. Committee member comments and concerns are identified below as "*Comment*" or "*Concern*;" DPD clarifications are identified as "*DPD*."

#### **Dredging**

*Comment:* There are fine lines and distinctions between maintenance dredging and new dredging. DPD needs to nail down the specific code for dredging, so that it is crystal clear and doesn't conflict with the SMA or State Environmental Policy Act (SEPA).

*DPD:* Mitigation has been and will continue to be required for dredging impacts. DPD will clarify when and the type of mitigation required for dredging.

#### **Shoreline Stabilization**

*Comment:* A rock bulkhead is replaced all at once and not in percentages. For new bulkheads, geotechnical reports should be required. But the replacement of an existing bulkhead should be allowed without a geotechnical report. DPD has the opportunity to set some standards for the type of replacement bulkheads allowed, especially since there are new environmentally-friendly designs.

*Comment:* DPD could pre-qualify geotechnical engineers via a request for qualifications (RFQ) process that asks for demonstration of ability to design soft/green shoreline bulkheads.

*Comment:* DPD should look into how green bulkheads have been used around the globe.

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

*DPD:* Other jurisdictions are using green bulkheads and requiring them, but they aren't any further along the process than we are, in terms of providing criteria for a site as a good candidate.

*DPD:* DPD still needs to determine what a "demonstrated need" is without a geotechnical approach. There is an "act of nature" provision that would allow for replacement in the event of a 100-year storm or earthquake. The "demonstrated need" for replacement of the bulkhead should tie into how the bulkhead is necessary to protect the residence, which can be a very complicated matrix.

*Comment:* The Department of Ecology should look at revetments (bulkheads that come in at a slope allowing for the beach to be built up) as a soft alternative and viable option for replacing bulkheads.

*Comment:* The State should allow 50% of a revetment to lay in public water/land. Revetments do, however, take a lot of property to be successful, since they extend a long way out and into State waters.

*Comment:* Lincoln Park is a great example of a revetment that turned out to be a great improvement. Where feasible and geologically appropriate, this could be done around Lake Washington, so as to get rid of rock bulkheads.

*Comment:* We need to incentivize the removal of bulkheads where it can be done. Perhaps the public benefit rating system for land owners could provide this incentive through tax breaks.

### Overwater Structures

*DPD:* DPD talked to the Army Corps of Engineers and learned that of the 300 permits they reviewed for residential piers, only five meet the RGP3 standard DPD was considering adopting. The main diversion from the RGP3 standard was the ell size.

*DPD:* There is no pier height restriction built into this proposal. There may be some built into the building code and its restrictions.

*DPD:* Overwater coverage is governed by the shoreline environment; DPD has put in a provision to get the mass of a structure out 30' from the shoreline.

*DPD:* There are current provisions that do not allow anything to be stored on the grated surface of the dock.

*Ecology:* The City is proposing specific dimensional standards, but they still need to go through an impact assessment to see how these play out. These standards may change based on this impact assessment.

*Comment:* There should be a performance standard for overwater structures. If someone comes in with an unusual situation, but proves they are not causing an impact by what they are doing, we should let them do it.

**Seattle Shoreline Master Program Update Citizen Advisory Committee  
Meeting Summary, March 24, 2009**

*Comment:* Large boats that need larger docks should, perhaps, be moored in larger marinas and not peppered throughout the lake. DPD is working to remove the structures around the lake, so 20% seems like a very reasonable amount to help remove that trend.

*Comment:* If it is the first 30' of water that is Ecology's main concern, then this should be the focus of the regulation. Where is the science that demonstrates detrimental environmental affects from overwater coverage in areas past 30' from the shoreline?

*Comment:* Reducing the amount of structures offshore gives fish an opportunity to move. This relates directly to the cumulative impact on fish habitat of dock after dock along the shoreline.

**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. Materials for the April meeting will be provided within one week of the March meeting. Michael encouraged Committee members to contact him and/or DPD with any questions, comments, etc. Michael thanked members for their participation and adjourned the meeting. The next meeting will be held on Tuesday, April 28<sup>th</sup>, 2009 from 5:30 PM (5:00 PM "meet and greet") to 9:00 PM.