



December 20, 2011

Margaret Glowacki
City of Seattle – DPD
700 Fifth Ave. Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

via electronic mail
margaret.glowacki@seattle.gov

RE: Shoreline Master Program

Dear Ms. Glowacki,

The Seattle King County Realtors®¹ appreciates the opportunity to offer written comments of record regarding the update of the Shoreline Master Program.

As with our comments in May 2011, we have attached a *White Paper* and request that it be included in the record --- along with these written comments --- because it outlines what we believe are appropriate considerations for achieving the kind of balanced shorelines program required by state law.

In addition, it also discusses in some detail the appropriate standards by which the City's plan must be evaluated. We trust you will find it helpful.

As REALTORS®, we are strong supporters of the environmental values embodied in the State's Shorelines Act.

As you may know, our local Association established the 'First in the Nation' **REALTORS® Environmental Council** that not only provides environmental education and classes for REALTORS®, we also annually undertake a significant environmental remediation or enhancement project here in King County:

- During the last three years our REALTORS® from throughout King County have planted thousands of riparian and wetland plants, shrubs and trees. In fact, by the end of this year we expect the total will exceed 20,000 plantings.

¹ Our 6,000[±] REALTORS® on whose behalf these comments are submitted are members of the SEATTLE King County REALTORS®, Washington REALTORS®, and the National Association of REALTORS®.

- Our efforts have remediated and enhanced locations as diverse as the Hylebos in Federal Way, the Mercer Slough and wetland areas of Kelsey Creek Farm in Bellevue. Last fall, we undertook an invasive species removal and native species replacement planting project at Seward Park in Seattle.

There are a few issues we wish to raise for your consideration.

Overall, we urge that the City remain cognizant of the wide range of uses along the city's shorelines. Unlike many shoreline environments in the State of Washington, Seattle's shorelines are developed. Even those shoreline environments that the inventory has categorized as "least impaired" in residential zones are developed and have been for more than 50 years. We urge that new regulations avoid added setbacks and shoreline stabilization prohibitions that would curtail use.

These uses are critical to the quality of life and economic vitality of our city. We believe that thoughtful and reasonable public policy is an essential component to a thriving community.

Residential setbacks

We ask that the city reconsider its proposed setback requirements on residential lots. Currently, in compliance with the Environmentally Critical Areas (ECA) regulations, the setback requirement for residences is 25 feet. The proposal adds another 10 feet, for a total set back of 35 feet. We believe the additional 10 feet of setback will place an undue burden on property owners in Seattle, without a commensurate environmental benefit. Many lot depths along Seattle shorelines are shallow, particularly north of Magnuson Park. An additional 10 foot setback will restrict use and shoreline enjoyment.

We appreciate the proposed calculation under subsections 23.60.206.B.2.b.2, allowing a residential setback to align with adjacent residences within 100 feet. We urge greater flexibility on the that calculation when the setback of adjacent residences is greater than 75 feet from the OHW mark. We believe the Director should have the discretion to reduce setback to 50 feet in these circumstances.

Shoreline stabilization and bulkheads

In regards to shoreline stabilization and bulkhead standards, we are concerned that the proposed regulations governing the ability of a homeowner to conduct major repair or replacement of existing hard shoreline stabilization are too restrictive. We urge greater flexibility. Due to land use and development constraints, shoreline stabilization and bulkheads play an important role in residential access to water and protecting existing uplands. Repair or replacement can be accomplished with a no net loss of ecological function.

Standards for Mitigation Sequencing

Section 23.60.158 requires mitigation for loss of ecological function. We question the degree to which repair, maintenance and replacement of existing structures and/or uses result in a loss of ecological function. It is our expectation that repair, maintenance and replacement using best practices is likely to improve ecological function and should not be held to the same standard as new development, uses or shoreline modification.

Residential Uses on the Water

The revised draft reflects changes to the treatment of house barges. We support these changes and believe that they reflect fair treatment to house barge owners, floating home owners and live-aboards.

Thank you again for the opportunity to offer these comments.

Sincerely,

Randy Bannecker
SEATTLE *KingCounty* REALTORS®