

**Seattle's Shorelines Today and Tomorrow:  
Updating Seattle's Shoreline Master Program  
Citizens Advisory Committee  
Tuesday, December 16, 2008, 5:00 pm - 9:00 pm  
Conference Room 4080, 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'Halloran	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	✓
Tu	Trang	Citizen At-Large	✓
Whittaker	Gregory	Recreation/Public Access	☐

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

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General Public			
Last	First	Organization	In Attendance?
Burcar	Joe	Department of Ecology	✓
Doran	Chad	Citizen	✓
Farr	Ann	Port of Seattle Consultant	✓
Forman	Diana	Houseboat Resident	✓
Page	Heather	WSDOT, Consultant (Anchor Environmental)	✓
Keisler	Bill	Resident	✓

### Meeting Purpose

This was the sixth meeting of the City of Seattle's Shoreline Master Program (SMP) Update Citizen Advisory Committee (Committee). The meeting included presentations and discussion on: 1) Shoreline Stabilization, 2) Shoreline Dredging and Filling, 3) Shoreline Mitigation, and 4) updates to the Committee work plan and process.

### Welcome and Introductions

Facilitator Michael Kern of Triangle Associates welcomed the Committee to the meeting and led a round of introductions. Michael reviewed the meeting materials and agenda and pointed out intervals for public comment. He asked the Committee for comments on November's meeting summary, which was then approved by the Committee for posting to DPD's SMP Update website. Michael then mentioned mid-point check-in calls he has conducted to discuss what each member of the Committee thinks has been working well in the Committee process and what could be improved. Michael said he would present the key themes from those check-in calls later in the meeting, but passed on several process-related ideas at this point.

### Shoreline Stabilization

Dave LaClergue of DPD provided an overview on DPD's proposed regulatory changes relating to shoreline stabilization, which includes bulkheads, armoring, and soft engineering (see PowerPoint presentation and related handouts available from the Committee's website). Dave mentioned that the environmental impacts of soft engineering are considerably less than those of hard engineering and that according to both state guidelines and the city's goals, soft engineering is to be encouraged or required wherever practical. He reviewed existing regulations and mentioned that the new state guidelines task DPD with combining the Environmentally Critical Areas (ECA) ordinance along with the SMP, as well as the following proposed goals and polices:

- Ensure future shoreline stabilization projects result in no net loss of ecological function.
- Allow new, expanded or replacement of bulkheads and other hard engineering only when need is demonstrated by a geotechnical engineer or coastal geomorphologist.
- Require soft engineering wherever feasible for new shoreline stabilization projects.
- Require replacement of bulkheads with soft engineering for non-water dependent uses and where feasible
- Encourage bulkhead replacement with improved environmental designs for water-dependent uses.

Committee member comments and concerns, and DPD clarifications, included:

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*Clarification:* Single family residences are considered a preferred use under the Shoreline Management Act (SMA) and bulkheads are exempt from needing a full shoreline substantial development permit. However, exempt projects are still required to meet all development regulations of a local jurisdiction's Shoreline Master Program (demonstrating the need for the structure and meeting other standards).

*Clarification:* New or replacement bulkheads for single family residences would only be allowed after demonstrating that soft engineering wouldn't sufficiently protect a primary structure.

*Comment:* Other states are using revetments, a buried structure or wall that comes in at a slope and adds beach. This may be useful in DPD's SMP update.

*Comment:* Revetments may work well in coastal areas; they may not work as well in Lake Washington, where there is not as much sediment.

*Comment:* What happens if there is five feet of erosion a year and the primary structure will be in danger soon? Can a property owner build/replace their bulkhead in this case?

*Clarification:* Yes – if the primary structure will eventually be threatened and waiting will reduce the options for shoreline stabilization, a bulkhead would be allowed. It should be noted that

*Comment:* If erosion was occurring at five feet a year, something extraordinary would be the cause; therefore, a cumulative impact analysis of neighboring structures should be undertaken to figure out why this is occurring.

*Comment:* There should also be stop-gap measures implemented into the proposed language that prevent single family residences from creating "fortresses" around the shorelines as climate change and other impacts affect this extreme erosion.

*Comment:* Standard practice for repairing a bulkhead is to replace the whole bulkhead, not just a certain percentage of the structure. If there is an existing bulkhead that needs repair, you should only need to demonstrate that soft engineering will or will not work. If it is demonstrated that soft engineering will not work, one should be allowed to replace the bulkhead in full. One should not have to demonstrate "imminent threat" for repairing an existing bulkhead.

*Clarification:* According to state guidelines, a geotechnical report can demonstrate need for hard engineering in one of two ways. It must be documented that either 1) a primary structure is in imminent danger, or 2) waiting until imminent danger will reduce future options for shoreline stabilization.

*Concern:* Instituting a setback may change the location of the shoreline and may be disincentive to a landowner.

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*Clarification:* Beach coves and beach restorations do not have to decrease the dimensions of a site. When natural shoreline stabilization is designed correctly and used on appropriate sites, the water line doesn't move so there is no loss of dry land. The 2009 Green Shorelines Guidebook will contain examples of projects where removing a bulkhead has not altered the property line.

*Comment:* DPD should use the definition of "where feasible" that is in the WAC.

DPD will:

- Continue developing the "green shorelines" checklist and will look into having its regulations tie into the Corps programmatic for bank stabilization.
- Consider different approaches for the marine and lake environments.
- Continue working on a spectrum in the code for soft and hard engineering that defines what is considered a bulkhead.
- Provide a specific definition for "demonstrated need"
- Address other and new types of breakwaters.
- Consider incentives for property owners to implement more natural shorelines.
- Investigate SPU's policy on liability for Combined Sewer Overflows (CSOs) located on private property.
- Prepare specific provisions that separate residential from commercial standards.
- Consider standardizing SMP dock and bank stabilization regulations with those in the Puget Sound Action Agenda and WRIA 7 and 8 plans.
- Further define what constitutes bulkhead "repair" versus "replacement."
- Look into public access and bulkheads within the SMA guidelines to see how this may affect recreational bulkheads like the one at Alki Beach.

### Shoreline Dredging & Filling

Brennon Staley of DPD provided an overview on DPD's proposed regulatory changes to Dredging and Filling (see the PowerPoint presentation and related handouts available from the Committee's website). DPD is proposing the following changes to the locational standards in the Shoreline Environment section for dredging and filling:

- Prohibit dredging accessory to residential docks and piers in the Conservancy Recreation and Urban Residential environments.
- Limit landfill that creates dry land to minor projects that reestablish a previously existing ordinary high water mark or that provide environmental mitigation or enhancement.
- Clarify that dredging for environmental mitigation or enhancement (including beach nourishment) is allowed in all environments.

DPD also proposed exception changes that are intended clarify or make minor edits to existing regulations. Committee member comments and concerns, and DPD clarifications, included:

*Clarification:* For residential piers, it is better (ecologically speaking) to build longer piers than to dredge the shallow water habitat.

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*Clarification:* DPD's best management practices for dredging and filling are currently very general, but are getting more specific to provide clarity and reflect current best management practices.

*Clarification:* Maintenance dredging will be address separately.

*Comment:* DPD is moving away from the maintenance and repair exemptions that exist today. DPD is making repairs of structures much harder.

*Comment:* Natural material, sediment, and debris that would normally reach the beach is prevented by structures alongside the beach, especially the train tracks that parallel the shoreline along Seattle's northern marine shorelines. The Committee should consider recommending to DPD a provision that encourages the transfer of sediment and debris to the beach to allow for beach nourishment.

*Comment:* DPD's suggested approach, compared to the Army Corps and other regulatory agencies, does not seem to represent a large change to the existing regulatory structure.

*Comment:* It is a very good thing that DPD is no longer considering grading and filling activities on dry land as landfill.

DPD will:

- Clarify potential conflicts between protecting statewide transportation projects and dredging.
- Clarify pocket erosion provisions.
- Continue to define "best management practices" for clarity.
- Clarify that beach nourishment will not be subject to the same standards as landfill generally, and will be allowed where appropriate.

### Shoreline Mitigation

Maggie Glowacki of DPD provided an overview of DPD's current shoreline mitigation regulations and proposed changes (see PowerPoint presentation and related handouts available from the Committee's website). Maggie said currently, mitigation is mainly achieved through general development standards that allow for different interpretations to exist among DPD land use planners. Proposed changes to the SMP include:

- Adding new goals and policies, or revisions to existing goals and policies, to better meet the legislative intent and guidelines of the SMA.
- Updating the General Development Standards to include more specific information regarding potential impacts and required mitigation standards, to assure no net loss of ecological function.
- Modifying and adapt the Shoreline Alternative Mitigation Plan (SAMP) currently being developed for the Lake Union/Ship Canal shoreline for use throughout Seattle's shoreline as a tool to help measure potential impacts from a development and employ appropriate mitigation measures to achieve no net loss.

Maggie said that SAMP is being proposed because it provides a way to measure both the impacts of development and the mitigation requirements. She added that it is a transparent method that would be

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consistent on a project-to-project and reviewer-to-reviewer basis, and that it is very predictable and it ensures consistency and real mitigation.

Maggie then introduced Jim Holmes of DPD, who is leading the development of SAMP. Jim said that SAMP was born from two initiatives in the Mayor's office—the Maritime and Manufacturing Initiative and the Restore Our Waters Initiative. At its core, SAMP is a standardized approach to measuring shoreline impacts and mitigation options that provides an optional offsite program for water-dependent and water-related uses. SAMP is not yet being implemented, but is being developed and is undergoing a stakeholder process.

Committee member comments and concerns, and DPD clarifications, included:

*Clarification:* The director's rule on SAMP is a more refined explanation of what is published on the SAMP website (see Committee website for these documents/links).

*Clarification:* The multiplier for the amount of mitigation required included in SAMP is intended to account for the additional uncertainty involved in offsite mitigation.

*Comment:* The structure of the language needs to be revisited, since some of the tables are hard to follow.

*Comment:* The mitigation multiplier ratios may be insufficient; all habitat impacts may not be as interchangeable as the SAMP suggests. Also, the costs do not seem sufficient enough to cover all the costs of restoration, such as monitoring, managing, and long-term maintenance.

*Comment:* There should be a way to take the proposed SAMP concepts and put them into regulations.

*Comment:* The approach and ambitiousness is impressive. But SAMP should be viewed as an experiment to see if the hypothesis about replacement ratios really works. There needs to be a monitoring program that demonstrates SAMP has achieved what it set out to do. Mitigation banking may also be a good idea in terms of selling credits and documenting the functions that are created, perhaps eliminating the need for the offsite multiplier.

*Comment:* Mitigation banking has a poor history in the State and nation. SAMP allows "function swapping" and this does not lead to true "no net loss." Therefore, the multiplier is not high enough and the cost of the restoration seems like a "black hole". It appears that restoration under SAMP will only occur on public land, but it needs to happen on private land as well.

*Comment:* The term "no net loss" sends the wrong message to the general public and should be reworded to accurately capture that the City is trying to rehabilitate public land the best it can. This effort may not meet a strict interpretation of no net loss, if one looks at it function-by-function. "No net loss" may not actually be achievable and the concept is a sticking point for many Committee members.

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*Clarification:* SAMP is allowing offsite mitigation payment (payment in lieu) for water-dependent uses only.

*Clarification:* Regarding function swapping, the idea of no net loss is a composite measure of shoreline function based on all variables that would be replicated in mitigation sites for offsite restoration.

*Clarification:* SAMP is being proposed as a quantifiable method of measuring impacts and mitigation requirements.

*Comment:* When SAMP is developed and modified for other shoreline areas, be sure that the science and the tables are compatible with other agencies such as King County, the Army Corps of Engineers, and tribes, especially if these other entities are doing similar work under a federal review.

*Comment:* The SAMP model seems like a good project for an urban area. Seattle is not the place where we can get restore pristine wilderness again; the SAMP model sounds like a good compromise and a practical way of fitting in all of our urban functions while emphasizing growth management.

*Comment:* The goals seem to be set at “how do we facilitate construction and development?” when they could be set as “how do we facilitate restoration of habitat and improvement of ecology of the lakes and waterways?” The latter is a higher goal that the Committee should address. The Committee needs to set a higher standard for restoring ecological functions on private property and not enter into a trading system. There is concern that the habitat of public lands will improve, which we have the capability to do, but that it will be seen as mitigation for people making the situation worse on private lands.

*Clarification:* Within SAMP you cannot mitigate from one table to another. In-water can only be mitigated with other in-water impacts.

*Comment:* The timeline of five years for restoration is inappropriate. If a mature habitat is being removed, no net loss needs to include more habitats, to compensate for the time that it will take for the habitat to mature and come back online.

*Comment:* Habitat and industrial use is desired in the same location; it seems that SAMP is pushing away from this.

*Clarification:* Mitigation sequencing is required before any off-site or payment in lieu mitigation is allowed. Meaning that first the development needs to avoid and minimize any impacts. Also best management practices are required to mitigate for construction impacts.

*Comment:* Proposed regulatory changes, “A” and “B”, relating to surface runoff and permeable surfacing, on page three of DPD’s Mitigation Policy Paper should be removed, as they seem to

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duplicate existing regulations. Please do not make the SMP update more complex. If DPD is proposing changes to stormwater regulations, make them in the stormwater regulations and not in the SMP.

*Comment:* Without advocating complicated regulations, DPD should continue to try to capture incremental cumulative effects of stormwater throughout Seattle. DPD should regulate stormwater on smaller projects that fall below the stormwater code thresholds in the shoreline environment because of the cumulative stormwater effects that the combined smaller projects have on water quality.

DPD will:

- Clarify construction impacts and project impacts versus short-term and long-term impacts.
- Continue to work to ensure that mitigation process meets “no net loss” function where out-of-kind or offsite mitigation is allowed.
- Investigate opportunities for encouraging restoration beyond “no net loss” standard.
- Consider an internal review of proposed regulatory changes, so as to minimize duplicative regulations.

### Public Comment

Ann Farr suggested that as a practical exercise prior to adopting SAMP, the City meet with other resource agencies (and particularly the federal fisheries agencies and the Washington State Department of Fish and Wildlife) to walk through the mitigation concept to see if it would work for a typical shoreline development. There is a mechanism under state law (RCW 90.74) that provides for offsite mitigation within the same watershed. This law has been used as the basis for several innovative and successful mitigation projects in the North Sound. Unless SAMP includes a mechanism for providing advance mitigation credits such as through a memorandum of understanding with WDFW, the concept may not be helpful to project proponents, because of state and federal mitigation policies.

Michael concluded the discussion by reminding the Committee that they are encouraged to send additional questions, comments and concerns on this and other topics after the meeting.

### Committee Work Plan and Process

Michael reported back to the Committee on the key themes emerging from the mid-point check in calls. In short, Committee members feel that the process is going well and is worth their time and effort. They believe that the Committee is truly diverse and representative of the full spectrum of interests, and that all members are good, thoughtful people with much of interest to say. However, they recognize that there are distinct “camps” to which most members gravitate, and the group is unlikely to reach consensus on many recommendations (they are not clear whether that is “OK” or not; whether they need to be in consensus to provide DPD with the advice it needs). They also feel that the Committee has been covering too much material in too short a period of time. Also, it has not been clear when/whether they will revisit earlier topics of discussion or whether their input is having any effect on DPD’s proposals. Michael encouraged members of the Committee that he has not heard from to call him if they have additional thoughts and comments on the Committees process and progress.

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Maggie emphasized that DPD is definitely getting what it needs from the Committee. The information provided by the Committee is very helpful and is changing DPD's thinking. Also, the Committee does not need to be in consensus around the issues and in fact is not expected to be in consensus on many issues because of the diversity of the stakeholder groups the Committee members represent. She said that DPD's process is to put out a proposal, hear Committee input, decide upon changes to the proposal based upon Committee influence, and then develop a response paper detailing how DPD has heard the Committee and how it has responded. It is DPD's hope that the Committee will then take these response papers and use them to craft advice papers containing both consensus advice and areas where there are differences of opinion among Committee members. DPD will use those advice papers in making its final decisions and will get back to the Committee with answers as to why they made the decisions that were made and the reasons for making them. DPD's final decisions and recommendations will then go to the Mayors Office and City Council for review, alongside the advice papers provided by the Committee. When DPD receives a draft copy of the new code, DPD will provide it to the Committee before the general public.

To address the feeling that the Committee is going through too much material to fast, Maggie proposed two additional Committee meetings, ending in May, so that the Committee has time to revisit each area of discussion and consider advice papers.

#### 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 January meeting will be provided at least a week ahead of time. He encouraged Committee members to contact him and/or Maggie with any process questions, comments, etc.

Michael thanked members for their participation and adjourned the meeting. The next meeting will be held on Wednesday, January 21, 2008 from 5:30 PM (5:00 PM "meet and greet") to 9 PM.