

BALLARD MILL PROPERTIES LLC

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December 22, 2011

Margaret Glowacki
Department of Planning and Development
City of Seattle
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: **Comments on 2011 Draft Shoreline Master Program**

Dear Ms. Glowacki:

Ballard Mill Properties is the owner of 12 acres on Salmon Bay, with various buildings, a marina, and industrial yard space that have been owned and operated by the same family since 1889. We are dedicated to water-related uses on the property, but believe that certain provisions of the draft Seattle Shoreline Master Program (SMP) work against being able to realize that goal.

Standards for specific uses – Are they universal? (SMC 23.60.200)

It is unclear whether all sections of Part 5 of Subchapter III (Standards Applicable to Specific Uses) are intended to be universal in application, or applicable to development and new uses only. The preamble to Part 5 states that “All uses and developments” are subject to the standards, but there appear to be numerous instances where one would assume the requirements apply only to new uses.

For instance, do the “Standards for Bridges” require that existing bridges be re-built to comply with Section 23.60.198? Must existing signs be removed that do not comply with Section 23.60.210, the “Standards for Signs”? In general, most sections of Part 5 make a distinction between new and existing uses (e.g., the standards for railroads and standards for houseboats), but standards for bridges, signs, and others do not.

Section 23.60.200 (Standards applicable to marinas), has “B. General Standards” and “C. Standards for new marinas”. Yet the “General Standards” of Section 23.60.200(B) have some sections that appear reasonable for existing marinas, and others that should clearly be

in subsection C, the “Standards for new marinas”. Let’s examine the general standards of sections 23.60.200(B)(1) – (9):

- (1) Best management practices – Reasonable for existing marinas.
- (2) Operation to preserve water quality – Reasonable for existing marinas.
- (3) Limitations on slip-side vessel maintenance – Reasonable for existing marinas.
- (4) Restrooms required – Reasonable, but may be onerous for a very small existing moorage facility.
- (5) Sewage pump-out facility – Reasonable, but may be onerous for a very small existing moorage facility.
- (6) Vegetative screening of boat storage buildings and open space – **May be very onerous (requiring destruction of building) for existing marinas.**
- (7) Dredging, unflushed holding basins prohibited – Very onerous for existing dredging.
- (8) Minimum distance from shore for boatlifts and moorage – **Very onerous (requiring destruction of docks and piers) for existing marinas.**
- (9) Grating of piers and floats – **Very onerous (requiring destruction of docks and piers) for existing marinas.**

The draft SMP is critically flawed until the sections of Part 5 of Subchapter III (Standards Applicable to Specific Uses) are modified to clarify the instances in which the requirements apply to all uses or only to new uses.

Screening of buildings used for boat storage (SMC 23.60.200(B)(6))

Proposed SMC 23.60.200(B)(6) requires that buildings and open areas used for boat storage must be screened with natural vegetation or planted landscapes. We see no legislative purpose in requiring that enclosed buildings used for boat storage be screened with vegetation. Boats stored in enclosed buildings cannot be seen by the public.

In addition, the requirement to screen open areas used to store boats works against the goal of fostering water-dependent uses by making it less economical to engage in such use. Our property is a marine industrial (UI) environment – people expect to see boats.

If this section is not eliminated, at a minimum it should clarify that, “Storage of boats’ shall not include boats being repaired in a boat repair facility, or being offered for sale to the public.” We want to be sure that boats stored in the boatyard on our property awaiting work do not violate the ordinance. Additionally, we need to insure that the boats in a dry-

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land boat sales facility are visible to the public. A screening requirement is at cross-purposes with a boat sales facility.

Rebuild following fire or natural disaster (SMC 23.60.124)

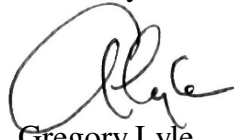
We believe that in the case of fire or natural disaster, a non-conforming structure within the shoreline setback should be allowed to be rebuilt as it was without mitigation as long as there is no new net loss of ecological function. The property owner has no control over a natural disaster, and should not be penalized by it.

We request that draft SMC 23.60.124C(D)(1) be modified by adding the underlined words: “1. If replacement (except in the case of a non-conforming structure that is destroyed by fire, act of nature, or cause beyond the control of the owner, excluding normal deterioration of structures constructed in or over the water) or substantial improvement of a structure is allowed, mitigation pursuant to Section 23.60.158 is required ...”

Please contact me directly at 425-455-4543 or lyle.gregory@gmail.com if you have any questions about these comments.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Lyle". The signature is fluid and cursive, with the first name being more prominent.

Gregory Lyle
President