

Text Location	Issue	Comment	DPD Response
Residential property along Shilshole Ave NW, Beverly Anderson, Dan Allison and Lorna Allison Seamans, Roxie Dufour, Ivar Michelsons, Judith Sanderman, Debbie Geiger			
1	General Comment	Residential development along Shilshole Ave NW	<p>Residential development along Shilshole Ave NW should be afforded the same rights as the floating home community.</p> <p>Specific language was requested to mirror language of floating home regulations.</p> <p>1. Existing overwater residents in this area will be an allowed use. Because of this classification these residents will not be considered a non-conforming use.</p> <p>2. Maintenance and repair is allowed and will continue to be allowed as a shoreline exempt activity; however, as exists in the current regulations, shoreline exemptions require review by DPD for compliance with the SMP and mitigation may be required based on the type of work being done. This is no change from the existing regulations and this applies to everything in the shoreline (i.e. residential structures, on land or overwater, docks, commercial and industrial buildings, etc.)</p> <p>3. Replacement of these structures is allowed to the existing envelope of the structures.</p> <p>4. New proposal - structures may expand within the allowable height limit if there is a net gain in ecological function. Net gain in ecological function includes the replacement of existing creosote piles with non-toxic piles or reducing the footprint of the structure or other equivalent measures.</p> <p>Regarding request to be treated exactly like floating home, the SMP regulations treat these overwater residents very similar to floating homes and the new proposed language will meet all the requested changes. We are proposing to treat this community as we do residential uses overwater in the Conservancy Recreation environment, which means that the residential structure can be replace to the existing footprint, no expansion would be allowed unless it complies with #4 above and there would be a limit to the size of decks replaced if the decks function as piers. The pier standards would apply to the decks.</p>

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				We cannot treat this overwater pier community exactly like floating homes because this would not comply with the Department of Ecology's Guidelines WAC 173-26, which we are required to follow.
Bloxom Houseboat Replacement Team				
2	General Comment	Houseboats/ floating homes	Requesting basements to be allowed in houseboats and floating homes and the use of vegetated islands as mitigation for the basements	Expansion of living space is not allowed because of WAC 173-26-241(3)(j) states that overwater residences should be prohibited. Existing floating homes can replace to their existing size and increase height according to the standards found in Section 23.60.202 of the SMP regulations. Regarding the request to use vegetated islands for mitigation. Additional information is needed regarding the ecological benefits using artificial structures to plant vegetation on any water body. Please consult with local fisheries experts regarding the validity of your proposal.
Floating Home Associatoin				
3	General Comment	Terms uses in the Section 23.60.202	Site, moorage and float.	These terms are defined in the definitions section See Section 23.60.912 and the terms "Float", "Floating home moorage", "Floating home" and "Floating home site"
4	Section 23.60.202. B.1.c	"Floating homes may not relocate to that portion of a floating home moorage occupying public waters."	Floating homes should be allowed to relocate to public waters.	DPD disagrees with the comment because floating homes should be required to be on private property not public property. Public property should be preserved for us by all the public not an individual floating home.
5	Section 23.60.202. B.3.a	a. Total water coverage of floating home moorages, including all piers, shall not be increased above	This section should be rewritten to ensure accommodation of safe harbor situations.	This section of the regulations and the Safe Harbor provisions are in the existing regulations. Also, there have been additional allowances for the creation of new moorage to accommodate "Safe Harbor" floating homes therefore the revised code is more accommodating than the existing regulations.

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		45% of the submerged area or the currently existing coverage, whichever is greater, including the floating home;”		
6	23.60.202. B.3.c	“c. Existing floating home sites shall not be expanded in a manner that could result in the blockage of the view corridor from the waterward end of a pier.”	Using the language “could result” when referring to “blockage of the view corridor” would result in arbitrary and subjective regulation of expansion of floating homes and is an unreasonable condition. This standard is vague, overly broad and should not be a basis upon which to condition remodels or expansions of floating homes.	Section revised to state the expansion will not result in blockage of the view corridor from the waterward end of a pier.
7	Section 23.60.202. B.3.d	d. Existing floating home moorages shall not be reconfigured and existing floating homes shall not be relocated within a floating home moorage site unless the standards of this	There should be no restrictions on reconfiguring or relocating floating homes within a particular moorage, especially when there is no net increase in overwater coverage. Reconfiguring or relocating within a moorage may be necessary in situations where leases or permits are not renewed (e.g., DNR, street-ends).	The provision allows an additional allowance. The alternative would be to only allow reconfiguration if it meets the standards.

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		Section 23.60.202 are met or the Director determines that the standards cannot be met at the site and the reconfiguration or relocation will result in improved ecological functions.”		
8	Section 23.60.202. B.3.4	4. Floating home moorages shall not provide moorage to floating homes that do not display a registration number issued under subsection 23.60.202.G.”	This section should read as follows: “Floating home moorages shall only provide moorage to floating homes that are allowed under subsection 23.60.202.A.1.” Please see our comments under Section G regarding registration numbers for floating homes.	DPD is reviewing this request and will determine if the King County’s system can be used for this requirement.
9	Section C.1		Height should not be regulated	It was requested by the president of the Floating Home Association at a meeting with the City to regulate heights. Additionally, floating homes block views, views are of the water are to be protected under the Shoreline Management Act and height restrictions are one way to reduce view blockages; therefore, no changes to this section are proposed.
10		“1. Floating homes are required to be moored at sites established as	For clarity, this section should be rewritten as follows, “Floating homes are required to be moored at slips located on legally established floating homes moorages.	Please see above response regarding definitions.

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		floating home moorages.””		
11	Section D.5.c.1	1) The minimum distance between adjacent floating home floats or walls is not reduced below 10 feet or the existing distance, whichever is less, and shall not be less than 6 feet if the floating home is being replaced.”	Given that no satisfactory definition of “float” exists, this section should be rewritten without the use of the word float	See above comment regarding definitions. DPD has defined “float” and this section can be implemented based on that definitions.
12	Section D.5.c.2		Remove the word float because	See above comment
13	Section D.5.d	“d. No new accessory floating structures are allowed. Accessory floating structures that have been continuously in use since March 1, 1977, may be maintained or replaced or	Request that accessory floats can be transferred.	This is a non-conforming use overwater and as such should not be allowed to be transferred.

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		relocated with the associated floating home but not expanded or transferred.”		
14	Section D.5.e	“e. The design of the floating home does not block the view from the waterward end of a pier, more than any existing view blockage.”	Request this section be deleted.	Views of the water are protected under the SMA and this provision preserves the views down a dock as they exist now.
15	Section D.5.g	“g. Unenclosed Styrofoam or similar material that has the potential to break apart is prohibited in floats.”	Given that any number of types of flotation, including traditional old growth cedar logs, could be construed as being similar to unenclosed Styrofoam and having the potential to break apart, this section should be rewritten as follows, “g. Unenclosed Styrofoam may not be added to existing floats or used in new floats.”	Float material that breaks apart should not be used for floating because if the material breaks apart that means that it can leave the site and therefore becomes a floating hazard and garbage, neither of which are allowed to be in the water per the Shoreline Management Act.
16	Section D.5.h	“h. Floats shall be maintained and repaired using the minimum amount of structure below OHW necessary to maintain floatation. At the time of replacement of the	The word “replacement” as regards the floating home is ambiguous in this context. This section should be triggered only when a floating home is completely demolished, leaving only the existing float. As new floats by definition would not include materials that provide minimal or no flotation, it is not necessary that they be referenced in this section.	Comment is not clear. This section is referring to replacement of either the float or floating home and is not referring to new floats. The requirement is for the replacement of existing float or the replacement of the floating home.

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		float and/or floating home, any structure below OHW and outside the primary float structure that provides minimal or no floatation shall be removed.”		
17	Section D.5.i	“i. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home shall be accompanied by an accurate, fully dimensioned moorage site plan, at a scale of not less than 1 inch to 20 feet, unless such plan is already on file with the Department.”	Due to the costliness of creating such a moorage plan, this section should only go into effect when a floating home is replaced, completely rebuilt or relocated. Clarification is necessary as to whether “moorage site plan” refers to the individual slip, the dock or a grouping of docks under the same ownership.	This code section is existing language and is required in order to implement the regulations. Section revised to delete the term “moorage” and refer to floating home site plan. See the definition of floating home site.
18	Section D.6.b	“the replacement is performed within 12 months of any removal or	Though aware of Director’s Rule 16-99, we are concerned that the twelve month limitation on replacement would make certain replacements impossible to complete. For example, a home	These regulations are specific to floating home located outside the construction limit and are reasonable to allow replacement of such floating home in these locations. Additionally these are existing regulations and they have not been proven to be unworkable in the past.

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		demolition	<p>that burns, thus requiring the homeowner to work for months or even years with an insurance company in order to access the funds to replace their home, could not be replaced within twelve months. Permits also often take years to obtain. These are just two examples of why the twelve month limitation needs to be removed or extended significantly.</p> <p>The use of the word “performed” is vague in this context and should be replaced with the word “commenced.”</p>	
19		Section E. Owners and tenants of floating homes shall use the best management practices to minimize impacts on the aquatic environment.	<p>The Floating Homes Association has developed and published best management practices for the floating home community (See attached BMPs or find them on the internet at, http://www.seattlefloatinghomes.org/bmps). We believe that our voluntary commitment to environmental principles will lead to a higher level of compliance than mandated regulations. We recommend that, in place of the specific examples provided in DPD's draft language, DPD reference the Floating Homes Association's BMPs in the regulations with the understanding that the Floating Homes Association and its members are dedicated to complying with our own, community developed best management practices.</p>	DPD will work on a Director's Rule to incorporate the BMPs developed by the FHA.
20		Section F. The Director may establish	We recommend that DPD work with the Floating Homes Association to develop and implement any additional best management practices as may	DPD will work with the FHA on any Director's Rule that is developed. However suggested language is not appropriate for regulations.

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		appropriate best management practices to implement the requirements of sub-section 23.60.202.E by Director's Rule."	be necessary in the future. This section should be rewritten as follows, "The Director may establish additional best management practices to implement the requirements of sub-section 23.60.202.E after reasonable public involvement and comment period." Mandatory community involvement will ensure that residents are invested in compliance and that regulations are both practical for the community and protective of the environment.	
21		Section G. Registration numbers for floating homes	As all floating homes in Seattle have been previously assigned a personal property tax account number by the King County Assessor's office, it is not necessary to spend City funds or administrative time to create a duplicate system. Surely the City can use the current County registration system for their purposes, making additional registration unnecessary. Avoiding a duplicate system would benefit both the City and any floating homes residents who may not be able to afford the extra registration fee or who may be confused about how to comply with a new, yet nearly identical system.	DPD is reviewing this request and will determine if the King County's system can be used for this requirement.
Gendler Mann LLP				
22	Section 23.60.202	Regulations of house barges	Request to exclude these unnecessary changes or at a minimum either apply these regulations prospectively or authorize as a nonconforming use vessels whose primary purpose and use is residential prior to the effective date of the updated SMP changes	DPD has revised the regulations as requested. House barges with a means of self propulsion and steering equipment are allowed as a non-conforming use. The revise regulations comply with WAC 173-26-241(3)(j), which prohibits new overwater residences

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			<p>The proposed SMP expands the definitions of “house barge” to include houseboats with a means of self-propulsion..., but then prohibits the use of such structures unless the vessel was in existence and use for residential purposed within the City of Seattle as of June 1990...</p> <p>Since our client’s house boat was not constructed until 1998, he - and anyone else owning a houseboat constructed after June of 1990 - will henceforth be in violation of the Code and without any authority under the Code to permit it....</p>	
Ward Cove on Lake Union (WCLU)				
23	23.60.202	Floating home regulations	Requests that floating home moorages permitted under MUP #3003444 be allowed to place new floating homes in these moorages.	See revised subsection 23.60.202.A
24	23.60.382	General Standards in the UC Zone	Overly stringent standards on existing developed sites... render many development nonconforming uses would limit the ability of property owners to maintain their property....	<p>Comment is too broad to address.</p> <p>The uses in the UC environment have not been changed in comparison to existing uses allowed.</p>
25	23.60.040		Criteria for determination of reasonable. The term “feasible” is applied in many critical sections of the revisions and should be replaced with “practicable.” The standard of ”to the extent feasible” is one of the most stringent. The concept typically does not allow for considerations of cost or practicality. The “practicable” standard is more flexible and retains the realistic potential for incorporating additional factors, including	<p>The WAC requirements use the term feasible; therefore this term is required in those specific places. Additionally, mitigation sequencing, also a requirement under WAC 173-26 uses the term feasible; therefore, when standards are included to mitigate impacts the term feasible was used.</p> <p>Reasonable is a term used similar to “practicable”.</p>

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			public costs and benefits considerations, consistent with the WAC definition (173-26-020(13)).	
26	23.60.122	Nonconforming uses	Sub B.2. This section includes a new requirement that a conforming structure which contains non-conforming uses, may not be substantially improved or rebuilt. Sub C goes on to disallow substantial improvement or reconstruction of conforming structures or development containing non conforming uses when they are destroyed by the normal deterioration of structures constructed in or over water. This section could have the effect of amortizing nonconforming uses by disallowing maintenance and repair of building constructed over water or in the water. This would affect portions of the WCLU property which are built partially over water.	Maintenance and repair activities are always allowed, whether a building is non-conforming or not. Additionally, sub B.2 has been revised to include standards that allow reconstruction of conforming structures containing non-conforming uses.
27	23.60.124	Nonconforming structures	Sub B addresses structures located over water or within the required shoreline setback and precludes those structures from being substantially improved unless it is to improve access for the elderly and disabled or to provide regulated public access. This standard severely constrain the ability of WCLU to maintain a commercial viable development in the UC zone.	Nonconforming structures are not a preferred development overwater or within shoreline setbacks.The regulations standards provide a tiered approach to nonconforming building and are included to meet the goals of the SMA and SMP.
28	23.60.124	Nonconforming structures	excludes the normal deterioration of structures constructed in or over water as an act of nature that would allow their reconstruction. Where this could have the greatest impact is in on the	See previous comment. Additionally bulkheads and fill are not regulated under this site Section but are regulated under Section 23.60.172.

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			bulkhead and filled areas of the WCLU property which support a mix of water dependent and non water dependent uses. Maintenance of the those areas against deterioration is critical to the continued use of the WCLU property.	
29	Section 23.60.200	Standards for Marinas, Commercial and Recreational	New standards in this section may render the commercial marinas owned by WCLU nonconforming. Sub B includes standards for the new operation of those marinas and best management practices, many of which may conflict with the practices already approved for the WCLU development.	This section is regulations new marinas and will not affect the existing WCLU marina.
30	Section 23.60.382	Uses in the UC Environment.	Sub A, table section E9, only allows water dependent uses on waterfront lots. This would render some WCLU uses nonconforming.	DPD needs specific information regarding the uses at WCLU to respond to this comment.
31	Section 23.60.3 84	Shoreline Modifications in the UC Environment.	Subsection B - breakwaters, jetties, groins, and weirs, including Sub 1 and 2, only allows those structures to support a shoreline conditional use. This could undermine the ability of WCLU to maintain it's existing bullheaded and fill that supports uses rendered nonconforming by preceding sections.	The regulation sited pertains to breakwaters, jetties, groins, and weirs not bulkheads. Additionally shoreline modification regulations have been reorganized and are now regulated in one section. See Section 23.60.172 regarding bulkhead regulations. The required shoreline modification standards are very specific. See WAC 173-26-231.
Shilshole Liveaboard				
32			Recommend (1) a different definition of "liveaboard;"	Revised as requested
33			(2) modifications to the 25% proposed liveaboard cap at recreational marinas;	Proposal removed
34			(3) restoration of "home moorage" to the definition of "Water-dependent use;"	The deletion of "home moorage" has been taken out of context. Please re-read that section and see that "home moorage refers to "floating home moorage" it

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				does not refer to recreational moorage that is used as a residence.
35			(4) requiring marina operators to make training available to all marina tenants in the use of Best Management Practices (“BMPs”)	DPD is working on the best method for handling gray water on recreational vessels.
36			An analysis of the materials listed above leads to the inevitable conclusion that authorized liveaboards residing on recreational vessels, properly moored in saltwater slips, have been treated as indistinguishable from other liveboard communities in the draft SMP. We believe this has led to unnecessary regulation and a potential reduction of the number of responsible liveaboards.	Clarification has been added to the code regarding vessels designed primarily as residential use.
Washington Liveboard Association				
37	23.60.944		Definiton of liveaboard	Revised as requested
38			25% cap on liveaboard use	Proposal removed
39			Suggest following definition of “House barge (houseboat, dwelling unit vessel, ...?)” means a vessel, with or without means of self propulsion and steering equipment or capability, that in its current configuration is principally designed for and obtains the greatest part of its fair market value as a place of long term residence.	Revised house barge definition as suggested. See response to comment #22 above.
40		Limitations on House Barges	<i>Limitations on houseboats/barges should be worked out directly between the City and that community. Based on the history of the existing barge home grandfathered permits, the logistics of maintaining and enforcement of even a simple system is a tall order for a city strapped for man hours and funding. Coming up with a simple</i>	See response to comments #22.

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			<i>system will be a challenge and essential to an acceptable solution.</i>	
41		Water Dependent Status	<i>Historically, living aboard a conventional vessel has been categorized as a water dependent use by the nature of the vessel involved. Changing that status would also have the the unintended consequence of driving the issue underground with the previously mentioned loss of control over best practices and other positive efforts. The recent change in state law regarding the floating home community complicates the issue both by conflating the terms floating home and houseboat, and by granting a more favorable status for over water residences than would be accorded to liveaboards on properly moored recreational vessels</i>	DPD has not proposed changes to the definition of water-dependent use to include liveaboard.
42		Gray Water	<i>Because gray water regulation will affect all vessels and the most cost effective immediate reduction in pollution is achieved through BMP's, the WLA position is to encourage all liveaboards to: Demonstrate and document the existing on board equipment and procedures that attain or approximate the objectives of gray water handling to have the least impact to ecological functions in reasonable consideration of the costs and contemporary alternatives for their specific vessel. Regulations or restrictions that encourage and reward those efforts by individuals are a positive environmental influence. In contrast, a one-size-fits-all mandate may be counterproductive. Other</i>	DPD continues to work on this issue.

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		<p><i>organizations in support of wider marine industries have and are doing credible work in these areas at both the state and national levels and the WLA position is to defer to these larger efforts as a long term solution for all vessels. The most effective immediate effort will be in education and outreach areas. The draft SMPs provide that marina operators are required to develop a best management practices document for marina tenants that address the requirements of subsection 23.60.200.B.2 – 23.60.200.B.6. It also indicates that moorage agreements shall include the BMPs document and a section that states that by signing the moorage agreement the tenant has read and agrees to comply with the BMPs. The WLA recommends adding a seventh subsection that reads: Marina operators to offer training in BMPs for all marina tenants at least once each year. Documentation of training made available to tenants is to be maintained by the marina and provided upon written request of the Director not more frequently than annually. Marina operators are encouraged to utilize the services of qualified volunteer organizations such as liveaboard associations or other environmentally concerned maritime groups to provide this training to marina tenants</i></p>	

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Pattie Bishop, Erlin Loving, Katherine Bragdon & Ted Lockery, Bill Cirino, Carolyn Reid, Dan Peterson, Janet Stannard, Reid Saaris, Natalie Potok, Heida Brenneke, Gary L. Peterson Jr., Sharon Creason, Arlyn Kerr, Barbara Engram, Les Kerr, shelli beaver, Faith Fogarty, Virginia Powers, Dan Iverson, Timothy Hutchinson, Elke Rolfes, Kelly Slemko, Emma Levitt			
43	Liveaboard	25% limitation on liveaboard	See response to comment #33
44	Liveaboard	Gray Water	Gray water from house barges is prohibited from being discharged.
45	Liveaboard	The regulations seem to prohibit any house barges which did not exist before June, 1990. Their home was completed in 1994, and has been at the same Lake Union site since then. They moved to this area in 2010 searched for a home to invest in, pooled their resources, purchased this home, moved in, and have invested in improvements. They faithfully follow the best management practices listed in the regulations, including using pump-out services, recycling, and non-toxic materials, etc.	See response to comments #22.
Lake Union Liveaboard Association			
46	Liveaboard	1. The definition of a House Barge and the associated prohibition of these.	See response to comments #22.
47		2. The regulation of the percentage of liveaboards.	See response to comment #33
48		3. The definition of Liveaboard status.	See response to comment #32
Gary E. Spanner			
49		Defining house barge	See response to comments #22.
50		25% limit on liveaboards will take care of the gray water problem	See response to comment #33 Gray water is a problem requirements are included in the proposed regulations.
Dick Schwartz			
51	Liveaboard	Gray water and restrictions regarding use of pesticides, herbicides and other toxins by people	The Shoreline Master Program regulates uses on and within 200-ft of the shoreline. This area is called the Shoreline District. Furthermore the WAC

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			who live over the water and comparison of the amount of pollutions that is generated by upland residences.	<p>requires the City to manage pollution caused by liveaboard vessels WAC 173-26-241 and any other use within the Shoreline District. This is one of the goals of the SMP update.</p> <p>Regarding pollution that comes from uses outside the Shoreline District the City invests time and money into programs that help decrease the amount of pollution caused by these uses outside the Shoreline District. Please see SPU's website for the many programs that the City operates to reduce pollutions. I have included a few of these websites below for you convenience.</p> <p>http://www.seattle.gov/util/Directory/index.asp http://www.seattle.gov/util/Services/Garbage/KeepSeattleClean/index.asp http://www.seattle.gov/util/Services/Yard/index.asp http://www.seattle.gov/util/About_SPU/Management/SPU_&_the_Environment/SalmonFriendlySeattle/index.htm</p>
			25% limit on liveaboard slips	Seer response to comment #33
Dan Kruzich				
52	General	Evidentiary Burden.	First it is necessary to establish that the City has a obligation to satisfy a burden of proof that the existing system of building codes, definitions, setbacks, regulations, and restrictions are inadequate or deficient in some way and that the status quo needs to be changed. From the evidence the Department of Planning and Development has put forward I don't believe the City has fulfilled that obligation.	<p>Additionally The Washington State Department of Ecology (Ecology) has mandated that all local jurisdictions update their Shoreline Master Programs (SMP) to meet Ecology's new SMP requirements established in WAC 173-26.</p> <p>Shorelines within the State of Washington are governed by the Shoreline Management Act (SMA), which establishes goals, polices and regulations that regulate uses and development within 200 feet of shorelines. To implement the SMA, Ecology establishes the SMP requirements through WAC 173-26. These requirements address a variety of issues including shoreline uses, modifications, public access, vegetation conservation, critical areas, flood hazard reduction, water quality, and archeological and historic resources.</p> <p>The update process and policy outcomes must comply with the new requirements established by Ecology under the SMA.</p>

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				<p>The SMA establishes three major policy goals for SMPs:</p> <ol style="list-style-type: none"> 1. Preferred Shoreline Uses: The SMA establishes preferred uses in order to prioritize water-oriented uses and ensure that land uses are appropriate for the environmental context. 2. Environmental Protection: The SMA requires protections for shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..." to ensure no net loss of environmental function. 3. Public Access: The SMA promotes public access to the water by mandating inclusion of a public access element in local SMPs and requiring provisions to ensure that new development maintains public access features. <p>DPD has uses all of the above mentioned information to update the SMP as required by the Department of Ecology.</p>
53			<p>At the public meeting on March 8, 2011 you stated that the City was trying to establish a baseline from which to measure future improvements to the shoreline ecology. This suggest to me that the Planning Department doesn't have a standard to judge that the current system is not a improvement of the conditions that existed before. It would therefor be equally correct to say that the current system has made improvements to the conditions that existed previously.</p>	<p>Clarification regarding information provided at the March 8th meeting. As part of the SMP update a Shoreline Inventory and Characterization Report is required. This work has provided the City with the baseline that the commenter is referring to.</p> <p>The Shoreline Inventory and Characterization Report can be found at: http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate/ReportsMaterials/default.asp</p> <p>The report is located under the Supporting Material heading toward the end of the page.</p>
54			<p>Definition of house barge</p>	<p>See response to comments #22.</p>
55			<p>In my experience, equally valid to what evidence</p>	<p>The improved ecological conditions stated in the comments are the result of</p>

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			<p>you offer, there has been marked improvement I have lived in the greater Seattle area for about thirty years. Much of that on the water. before Metro put in the sewer system around Lake Washington I have seen where the water was so contaminated that visibility was less than two feet below the surface. There were occasions in the summer especially that public beaches were closed for weeks at a time due to fecal contamination. When the sewer pipe was laid offshore and pump stations built a dramatic improvement came about. In fact a opposite problem arose. Now the water was so clear that sunlight would penetrate to the bottom and Milflow weeds could grow. Then Milflow became the problem. It would entangle boat props, and come ashore were it would rot and spoil beaches.</p>	<p>improved regulations that have come into existence since the 1970's. Since this time the following regulations have been implemented:</p> <p>National Environmental Policy Act 1969 Washington State Environmental Policy Act 1971 Shoreline Management Act 1971 Coastal Zone Management Act 1972 Endangered Species Act 1973 Clean Water Act 1977</p> <p>These regulations have lead to improved water quality and habitat.</p>
56		<p>How then can you support a need for a change in the existing situation? A change to achieve "no harm"</p>	<p>I would contend has already occurred. A existing standard is in place. Your baseline exist. The update to the Shoreline Management Plan simply needs to identify the conditions that exist and satisfy the Ecology Departments mandate. The changes you propose are a push to supposedly make a further improvement not to do no further harm and you haven't justified a change that would offset the disruption, cost, and negative consequences your purposed update would cause. This burden is ruinous to necessary and desirable development.</p>	<p>See response to comment #52</p>
57			<p>Includes comments from Kevin Bagley</p>	<p>See responses to the Lake Union Liveaboard Association comments submitted</p>

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				by Kevin Bagley the president of this association. These comments are #46, 47 and 48 and refer the reader to responses #22, 32 and 33.
58			I would add that your proposal summary dated January 2011 says the Washington Shoreline Management act establishes single-family residences as a preferred use. Conversely WAC 332-30-171 liveaboard boats and houseboats. (1) Application. This section applies only to house boats and liveaboard boats...on Department of Natural Resources land. (2) Live-aboard boats, Moorage of a live-aboard boat is a water-dependent use. (3) Houseboats, moorage of a houseboat is a wateroriented use.	<p>The WAC refers to single family residences on dry land. Please see WAC 173-26-241(3)(j), which states that overwater residences should be prohibited.</p> <p>The WAC that is stated in the comment regulates WA DNR land not private land or land owned by other state agencies, the federal government or local municipalities. The WACs that regulate the Shorelines of the State are WAC 173-26 and WAC 173-27.</p>
59			If you are going to change a legal definition you need a public hearing and process. Water-related and Water-enjoyment have no legal definition. You are trying to establish a stricter standard usurping state law. The presumption lies in favor of the state definition.	<p>No legal definitions are proposed to be changed. Definitions for terms used in regulating Shorelines of the State are found in WAC 173-26 and 173-27 and include definitions of water-dependent, water-enjoyment, water-oriented and water-related uses.</p> <p>See WAC 173-26-020(36), (37), (38) and (40).</p>
60		Reduction in Housing Stock	The City has a long standing commitment to protecting, promoting, and enhancing low and moderately priced housing in Seattle. The proposed changes to the Shoreline Management Act would be to eliminated a significant number of affordable homes. Some of the Cites housing initiatives are a tax exemption program for property owners who make a portion of their properties affordable for moderate wage workers.	The City is required to comply with the Shoreline Master Program Guidelines as described in the response to comment #52 and #58. The City does not rely on residences overwater to meet its commitment to protecting, promoting, and enhancing low and moderately priced housing for the citizens of Seattle.
61			In conclusion, the city should completely reevaluate the proposed plan to take into	Please see the City's website regarding the City's Shoreline Master Program update process. City staff have conducted numerous outreach workshops and

Text Location		Issue	Comment	DPD Response
			consideration the lack of justification with the scientific knowledge that exist. The Department of Planning and Development has a decided prejudice against economic viability and access. They have acted precipitously and without regard to due process and public input or guidance. It appears there is a culture of resistance and rebellion in the staff of the Department. I am reminded of a similar campaign of destructive intervention by a previous Department of Public Lands Commissioner Jennifer Belcher. A public revolt forced her from office and her successor restored sanity with the liveaboard community. I hope the Department and the City Council will recognize the radical misdirection this Shoreline Management plan is taking.	meetings throughout the SMP update. There was a series of visioning workshops that occurred between January and March of 2008, a Citizen Advisory Committee process that consisted of monthly meetings between May of 2008 through June of 2009. Two open houses on March of 2008 and March of 2010 and staff have gone to community meetings as invited including the North Seattle Industrial Assocaition meetings, Washington Liveaboard Association, the Lake Union Asscoiation, Friends of Street Ends and the Federation of Community Councils. Reports and presentations from this outreach can be found at: WAC 173-26-241(3)(j) states that overwater residences should be prohibited.
Jeff Reiter, Amanda Irtz & Wayne Summers				
62		liveaboard	Exempt Gas Works Park Marina from the live-aboard cap	See response to comment #33
Charles E. Weems				
63		Homes as vessels	As a member of the Floating Homes Association I wonder if the regulations imposed on us should perhaps equally apply to the many new homes appearing in Lake Union which are variously called vessels, houseboats, and housebarges. Clearly none adhere to the strict environmental protections we already have in place for floating homes such as sewage connection and no dumping of anything much less gray water into the lake.	See response to comment #22. The revised regulations regulate house barges more similar to floating homes. Additionally see revised Sections 23.60.204 and 23.60.214.

Text Location	Issue	Comment	DPD Response
		<p>Our own city regulations as quoted below have in the past clearly been circumvented by some. I am also aware that the environmental impact of ship repair dry docks, and other major vessel work can never be controlled as closely as the floating homes, but what regulations are being worked out under the below guidelines for these new "homes as vessels"?</p> <p>I would greatly appreciate a reply to this question. "In addition, vessels must be used for navigation in a manner consistent with the type of vessel. Finally, vessels must be registered with federal, state, or county agencies. (NOTE: Being registered alone does not mean that something will be classified as a vessel for the purposes of the City's Codes—a vessel must be designed and used for navigation.) A structure on the water lacking any of these features does not qualify as a vessel and is subject to the SSMP and other City codes as a structure and as an obstruction."</p>	