

From: Mark & Mauri Shuler [mailto:maurinmark@gmail.com]
Sent: Sunday, November 27, 2011 8:38 AM
To: Glowacki, Margaret
Subject: change for draft #2

Dear Maggie,
I hope your Thanksgiving weekend was nice, despite the rain.
I am writing today for a change in Draft #2.

As I wrote before, our Allison marina is a commercial marina, tied to the Lake Union Crew boathouse.

We are unique in that the five accessory slips are accessory to that commercial use (under the master use permit) and are owned fee-simple.

Each of us built boats, we believed (they are licensed by the Coast Guard, for example) ... but the city may decide we are house barges, instead (even though I don't know how that process will play out.)

Each of the 5 owners has FEE SIMPLE title and pays ON SEPARATE TAX PARCEL NUMBERS.

So, given the uniqueness of this marina, we respectfully request an addition to the current draft that would allow us to stay on our own property AND comply with all the house barge restrictions (including grey water).

The wording is provided below. Thank you for considering this and I would ask for a response after the December 6th deadline.

23.60.204

D. House barges are required to be moored at a recreational marina. House barges are only allowed to be moored at a commercial marina if the marina slips are individually owned in fee simple and the moorage is an accessory to the commercial use established prior to 2002.

-0-

Thank you,
Mauri Shuler
206-819-3819

From: Carol Brown [mailto:brownie@w-link.net]
Sent: Sunday, November 27, 2011 9:23 PM
To: Glowacki, Margaret
Subject: Dates for floating homes and housebarges

Dear Margaret Glowacki,

I had one quick question. (I can imagine that you are SWAMPED with these. :-)

I was curious as to why the regulation for legal floating homes was based on the effective date of the ordinance:

“Floating homes allowed. Floating homes that either are legally established on the effective date of this ordinance or comply with the standards of this Section 23.60.202 and occupy floating home moorages that are legally established on the effective date of this ordinance are allowed.”

...but the regulation for legal house barges was based on January 1, 2011.

“A qualifying house barge must verify that the house barge existed and was used for residential purposes within The City of Seattle as of January 2011.”

Regards,

Carol Brown

From: rick wanzer [mailto:rickwanzer@yahoo.com]

Sent: Saturday, December 03, 2011 2:21 PM

To: Glowacki, Margaret

Subject: SMP

Margaret,

I am writing you regarding the Proposed SMP changes. There are a number of changes that I have issue with.

First, I don't know how restrictions like these can be imposed retroactively. That is like saying ' all cars need to be electric, starting last year '. Typically, this sort of restriction needs to be somewhat related to the build time of the vessels you are trying to restrict. I know of millions of dollars of vessels under construction that would be considered illegal under the proposed SMP. I can only imagine the legal fees incurred on both sides, when people have invested their life savings in a legal vessel that becomes illegal by the time they are finished.

Second, most house barges have no way to deal with their grey water. Floating home communities have the docks equipped to handle it. Other docks and marinas have no such systems. Recreational vessels use pumping boats for their waste water, but there are no pumping boats with the capacity to handle the volume of grey water generated. Also, very few of the vessels, if any, under the control of the new SMP, have holding tanks the size needed for grey water. There will be scores of people forced into illegal living situations. What happens to the people who have been offering them moorages, and have no viable financial way to deal with grey water? I would think that spending money on infrastructure over time, would be much more goal oriented then spending it on legal fees defending a solution that has no current solution. How great would it be to allow these vessels an option, and make it easy to include live-aboard vessels in the near future?

I understand the need to control and protect our waterways. I hope that my input might help. A longer response time for others could greatly help the success adaptation of this SMP.

Sincerely, Rick
425-231-9040

From: Jennifer Kern [mailto:jen.kern2143@gmail.com]
Sent: Sunday, December 04, 2011 6:06 PM
To: Glowacki, Margaret
Cc: Clark, Sally
Subject: SMP and Gasworks Park Marina Housebarges

Dear Ms. Glowacki,

I am writing to comment on the SMP as it relates to housebarges and, specifically, our situation here at Gasworks Park Marina (GWPM).

My partner and I own, and live in, one of the Legal City-Permitted Housebarges. What happens to that status under the proposed new rules?

Gasworks Park Marina is a Condominium Association. We own our slips as well as our barges. How is it possible that the city can prohibit the replacement of our home (most people's largest, and sometimes only, asset) in the event of fire or unrepairable damage? You could not inflict that kind of financial loss upon any other type of homeowner. The size of the slips are fixed. Any replacement housebarge could be no larger than the barge it replaced, the net effect would be 0.

The majority of people who live aboard are stewards of the lake, mindful of our responsibility to minimize the effect we could have on the water and the creatures who depend upon it. This is our home. We live here, we SWIM here in the summer. When you buy in to GWPM you are required to sign a Best Practices agreement regarding the kind of products you use in your house and outlining stringent requirements regarding discharge of organic matter into the lake. We have banned the washing of cars in our parking lot as the runoff goes into the lake. We regularly pick up trash on the shoreline and debris floating in the water. We alert Harbor Patrol and other water quality authorities in the event of diesel or other discharges and spills from passing boats in Lake Union.

Of course, NO grey water is better than some, and GWPM is moving ahead with a plan to install a sewer system that all GWPM residents will have to hook up to. A tremendous amount of research and work has gone into this project already and we have an initial written quote for the project. This system will eliminate the discharge of grey water into the lake and will reduce the environmental impact of our homes to nearly zero. The City's goal of eliminating housebarges seems unfair. Replacing a housebarge with a pleasure craft would not guarantee better use of the slips in our marina or represent greater care of the lake, since overboard discharges on pleasure boats is unregulatable. I have seen pleasure boats leave behind a trail of discharged sewage going through Portage Bay (where we used to live) and have seen (and smelled) the evidence that it happens as they pass through Lake Union as well.

I think the loss of liveaboards would be a terrible thing for this lake, and this city. Everyone I have ever met who lives on the water, whether in a boat, a barge or a floating home, feels a responsibility to preserve and protect it. I think the lake needs that protection, now more than ever.

Sincerely,

Jennifer Kern
Gasworks Park Marina
2143 N Northlake Way #52
Seattle, WA 98103
206-323-6574

From: Michaëlle Wetteland [mailto:michaellern@mac.com]
Sent: Sunday, December 04, 2011 9:37 PM
To: Glowacki, Margaret
Subject: Houseboat regulations by the DPD

I would like to thank you for giving me the opportunity to comment on the proposed regulation of houseboats by the DPD.

I own and live on a houseboat which will be affected by the new regulations for the following reasons:

- 1) Most of us do not have room in our houseboat to install gray water tanks.
- 2) Even if we could afford thousand of dollars to install gray water tanks, there is no infrastructure in place to collect grey-water, of the kind we all use to collect black water. (SS Head, Seattle Sanitation, etc.)
- 3) I know of no vessels or industry that could sustain itself on a just pumping out gray water. Who will collect the gray water once we have collected it?
- 4) I am curious, once the gray water is collected, if that is even possible, where would this gray water be disposed of? I can only guess it would be the sewer system that, on a regular basis, overflows into Lake Union.

The Lake Union Liveaboard Association (LULA) proposed a 'phase-in period' which makes sense to me. A phase-in period would allow us the time to plan and adjust to the new regulations.

What is really interesting to me is that no one seems to care about the condoms, beer cans, plastic bags, and other garbage that the pleasure boaters are throwing into 'my backyard' Lake union. I clean up this garbage all the time and I am concerned about Lake Union as much as you. I also use earth friendly products and soaps as not to hurt the environment.

My houseboat is my home. My friends, coworkers and patients have heard of my choice to live on a houseboat and they feel that the houseboats are icons of Seattle. I will not hesitate to share just who is trying to take my home away from me.

Sincerely,

Michaelle Wetteland, MBA, RN, OCN

From: Trevina Wang [mailto:trevi_wang@yahoo.com]
Sent: Sunday, December 04, 2011 9:59 PM
To: Glowacki, Margaret
Cc: kevin@thekevin.com
Subject: Specific Objections to Proposed Housebarge Restrictions

Dear Ms. Glowacki,

My name is David Hasenstab and I own two City of Seattle permitted housebarges. I am writing to you to object in the strongest possible terms my objections to several of DPD's proposals to regulate housebarges. My first objection is the arbitrary and vague definition of housebarges compared to liveaboard vessels. It seems that this is based on an aesthetic notion rather than any functional basis and will be applied unevenly. My second objection is the proposal to retroactively limit new barges to a date in the past is completely unfair in both spirit and application. You are proposing a rule that will take effect prior to any form of public discussion or warning. This is unbelievably heavy handed and will be a recipe for litigation and generating ill will.

I consider our housebarges to be far more environmentally friendly than our current land based house on the top of Queen Anne. Housebarges and the liveaboard community in general are an asset to the city and have the greatest possible incentive to be proactive stewards of our waters. This is a community that will respond positively to evenly applied regulations and wants to work cooperatively with DPD to solve any legitimate concerns. These proposals are completely unfair and need to be carefully reconsidered. The one month timetable for input is very short for working out fair and effective solutions.

Sincerely,
David Hasenstab
206-890-2335

-----Original Message-----

From: kb hollingsworth [mailto:k.beth.hollingsworth@gmail.com]
Sent: Monday, December 05, 2011 7:25 AM
To: Glowacki, Margaret
Subject: support 2nd draft: lessen liveaboard restrictions; support greywater rerouting measures

Dear Ms Glowacki,

I think in the resulting furor that ensued after the first proposed draft, it is evident that Seattle's economy would be adversely impacted by restricting the liveaboards (as previously defined) to 25% per marina. Therefore, I support the 2nd draft of the regulations. It makes sense to treat a boat as a boat: the current owner may not live aboard, the next may, and so on.

Many liveboard residents use only the facilities on dock for toileting and showering, and thus substantially limit their impact, but greywater from sinks and dishes persists. Greywater is an issue that needs to be addressed, and there is an existing method for doing so. If the sink plumbing on boats could be rerouted to one of the heads (assuming a boat that has two heads) and that particular head designated as "greywater" instead of "blackwater" (with severe penalties for misuse) then the reservoir could be pumped out through regular pump-out services - which would have to be less expensive than current blackwater pump-out fees for this to be realistic for the boat owner, considering the volumes of water that may be involved. Depending upon proximity of sink to head, this could be a relatively simple retrofit.

If this were the case, all liveaboards, vessels and barges, could remain, and the goal of reducing greywater could be met.

Sincerely,
Beth Hollingsworth
Seattle

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in the realm of light

-----Original Message-----

From: randy@randyo.com [mailto:randy@randyo.com]

Sent: Monday, December 05, 2011 11:36 AM

To: Glowacki, Margaret

Subject: Proposed Houseboat regulations.

Dear Margaret Glowacki,

Thank you for the opportunity to comment on the proposed regulation of houseboats by the DPD.

All issues aside for a moment I would like DPD to realize that this is just not a matter of regulations and rules. This is matter of my home plain and simple. All of my life savings and everything I own is tied to my houseboat as I am not in the 1% to coin a recent phrase. I am neither rich nor poor but a person that has grown up on the water with a deep respect and affinity to the lifestyle.

DPD's proposed gray water restrictions concern me the most. Besides there not being any science behind grey water's impact we see issues such as overflow sewage from Queen

Anne and worse storm drain runoff polluting the lake. I would wholeheartedly support a fix and yes even with my wallet to the main polluters to Lake Union. As it stands now there is absolutely no infrastructure in place to pump and transport grey water. Black water pumper such as SS Head or Seattle Sanitation cannot possible handle that volume. Even if a fleet of vessels were built they would not be able to maneuver in a typical marina. Theoretically we could filter that water but have not seen or heard of any such systems. Marinas could all be outfitted with sewer but I do not see that happening on a volunteer basis due to the cost. If DPD really wants to make an impact then set up licensing fees that would be used against the main polluters; runoff and sewer. I would be happy to contribute to the health of the lake.

I am not as eloquent as others but please don't hold that against me. I do have other concerns about the other proposed regulations however I know you are getting emails about these issues also. I truly hope we can work together.

Thank you in advance for your time and consideration.

Randy Olbrich
206 229.3297

From: Terry Ladd [mailto:cppsanfran@gmail.com]
Sent: Monday, December 05, 2011 12:44 PM
To: Glowacki, Margaret
Subject: Comment on the proposed Shoreline Management Plan

Ms. Glowacki-

As a houseboat owner and resident in Seattle, I am very dismayed by the proposed Shoreline Management Plan regulation being created by the Department of Planning and Development as it pertains to houseboats/house barges and my comments in response to the proposal are below.

First, if the intended goal of the regulation is to address ecological or environmental concerns (graywater containment), it fails completely. Not only are houseboaters as a group more environmentally aware and responsible than your average Seattle land-based resident, but there is no science or statistical evidence that houseboaters are a problem on the lake. Houseboats have a very small carbon footprint, especially when compared with recreational boats, to which these regulation would not apply.

Moreover, there is no infrastructure in place to handle the requirement of graywater containment. The marinas where most houseboats are moored are not plumbed for dockside sewage connection. In speaking with one of the few pump out company owners, he indicates that neither he nor his competition have the boats/tanks/labor to take on a large increase in business. And even if pumpout was an option, many houseboats cannot be fitted with additional holding tanks at all, let alone without undue financial stress and potential safety concerns to the stability of the vessels.

It is clear that the graywater issue has not been thought through adequately: the wrong segment of the population is being targeted; infrastructure necessary for compliance does not exist; and retrofitting existing houseboats would often be unsafe and/or cause undue financial hardship.

Second, this regulation is not applied equally, and in fact may result in INCREASED graywater dumping into the lake. The regulation allows for unlimited growth in liveaboards, residents who will be allowed to dump graywater into Seattle waters. Conversely, statistics show that graywater containment on houseboats addresses a small portion of the liveaboard community and will have only a negligible effect of water quality in Seattle waters. In fact, I am unaware of any science indicating that houseboats contribute a meaningful amount of pollution, *if any*, to Seattle waters – the targeting of houseboats for graywater containment seems to be based on someone’s hunch or whim or vendetta, NOT on any science whatsoever.

If we are just using “hunches” to target groups, we ought to be looking at recreational boaters who contribute much more graywater than house boats, as well as at the vast number of aging, dilapidated yachts that are rusting and leaking in marinas all over the lake. These toxins are a much more damaging source of pollution than the water I used to rinse off dinner plates last night using a strainer and eco-friendly cleaners.

Third, the semantic slight of hand whereby the DPD changes the definition of a house boat into a house barge is ridiculous. My home is not a barge. It has a wheel house with the working navigation components required of boats. These were initial design considerations, not after-thoughts designed to meet some bogus requirements. While my engine is under repair at this precise moment, my boat is capable of moving under its own power. That makes it a BOAT, not a BARGE (which is a flat bottomed vessel used for towing goods - see Webster’s Dictionary).

The proposed definition is so ambiguous as to be considered sloppy law. It is as if the DPD wants the authority to arbitrarily pick and choose when and where it applies and enforces the regulation. Under such a regulation I will have to live in fear that at any moment the DPD will change how my boat is viewed and require I either spend thousands of dollars I don’t have to solve a problem that doesn’t really exist or possibly be displaced from the lake. This could mean that I could not only lose my home, but that my financial investment in it could evaporate spontaneously based on someone’s interpretation of a vague and poorly written definition.

Fourth, I request that you review and consider the *Comparison of DPD Proposals to Lake Union Liveaboard Association (LULA) Proposals*. This side-by-side comparison succinctly shows the differences between DPD and LULA proposals, as well as spells out a path to compliance regarding the graywater issue, houseboat/barge nomenclature, and residential growth on Seattle waters.

Finally, I request that the DPD extend the comment period for a minimum of another 60 days. Valid issues are raised by the proposed regulation, as are equally valid concerns on

its feasibility, economic impact, and practical implementation. Meaningful regulations that meet the needs of all concerned parties usually take iterations of comment and review, so please provide the public with adequate time to evaluate and respond to the current version of the proposed regulation.

Sincerely,

Terrance Ladd

From: bagemup4u@gmail.com [mailto:bagemup4u@gmail.com] **On Behalf Of** Kevin Bagley

Sent: Monday, December 05, 2011 1:48 PM

To: Glowacki, Margaret

Cc: Bill Wehrenberg; Brian Sykes; John Geisheker; Justin Wood; Keith Ross & Shawna Lambdin; Linda Bagley; Lynne H. Reister; Mike Sherlock; Sean Conner; R. Shawn Griggs; Eric Lacitis; KenSchram@komo4news.com; jsteward@king5.com; Deborah Bach; Patrick Dunham

Subject: Official Comments on 2nd Draft of SMP - Re: Liveboards

Dear Ms. Glowacki,

Our names are Kevin and Linda Bagley and we are writing in response to the 2nd Draft of the Shoreline Master Plan and its effects on house boats, house barges and liveboard vessels. We live aboard the Coast Guard Documented vessel, "The KevLin" and have cruised the waters of Lake Union and Lake Washington many times. We have participated in opening day of boating season and have been part of the Argosy Christmas Ship festival. In spite of this, because the proposed definition of a house barge is so vague and arbitrary, it could easily (and inaccurately) be applied to our vessel. This is too much power in the hands of government bureaucracy.

As the President of Lake Union Liveboard Association I have been working closely with the liveboard community on Lake Union in response to these regulations. **I have attempted multiple times to schedule meetings with you to discuss the issues with our board of directors, but you have not granted any of these meeting requests. Why?**

I must state that our membership is angry, frustrated, and in fear of the consequences of DPD's latest proposals. While it may seem to some that progress has been made, in fact we have regressed from the original draft. The current draft is unfair, discriminatory, worsens the grey water issue, and allows for unlimited growth of over water residences (as long as they are shaped like a trawler or sailboat). It must be noted that these regulations will severely impact a small community of families and loyal Seattlites while accomplishing nothing with regard to improving our waters, or limiting over water residences.

Why, if the stated goals are to a) reduce the impact of over water residences, and b) limit the number of over water residences, do these regulations allow unlimited growth of Liveaboard vessels and unrestricted dumping of grey water in to Seattle Waters by those vessels?

DPD's proposed Shoreline Management Plan regulations will cause irreparable harm to many families living on house boats, and will eventually doom an iconic part of Seattle. These regulations will immediately force some house boats off of Seattle waters, due to structural/flotation restrictions preventing installation of grey water containment systems. Through attrition, these regulations will cause all Houseboats to disappear off the Seattle waters. **Most alarmingly, these regulations will actually cause MORE grey water to go into Seattle waters and will actually do MORE damage to Seattle waters.**

It is very apparent that these regulations are specifically and severely targeting the small population of house boats without regard to the environment, our Seattle culture, or the serious personal and financial loss to the small community of house boat owners.

Let's look at the FACTS.

DPD's proposal;

1. allows for unlimited growth of liveaboard vessels in spite of DPD's stated goal of limiting the over water residences.
2. allows liveaboard vessels to dump their grey water, unrestricted, into Seattle waters, in spite of DPD's stated goal of reducing grey water discharge.
3. targets only house boats which are a small fraction of the liveaboards in Seattle Waters, and requires them, at a cost of THOUSANDS of dollars per vessel, to contain and pump/dispose of their grey water.
4. has NO phase in period for houseboats to accommodate these harsh regulations.
5. does not account for the lack of infrastructure to handle the grey water requirements, or the financial cost of creating and supporting this infrastructure.
6. is not backed up with ANY science and is based on opinions of the developers and is contradictory to existing statistics.
7. is written with such vague definitions that it can arbitrarily decide what is a houseboat, housebarge, or liveaboard vessel.
8. does not take into consideration the safety of a vessel if grey water containment systems have to be installed, even if it may actually endanger human life and property.
9. does not take into account the benefits afforded to Seattle waters, marinas, and tourism industry brought by house boats.

10. calls for "No New House Barges" and makes it retroactive to Jan. 2011. This allows DPD to deny houseboats that were on the lake from then until implementation of the bill, even though a number of house boats were built legally during that period and complied with existing rules.

Lake Union Liveboard Association "Guardians of the Lake" (LULA) developed and presented an alternative proposal that effectively, and reasonably, deals with the two main issues, specifically:

1. Grey Water contamination (by ALL liveboards)
2. Limiting the number of Over Water Residences (ALL types).

When you review the following comparison of the DPD vs. LULA proposal, it is undeniable that the LULA proposal is more effective at achieving these goals, while inflicting far less damage to the small community of house boats.

Also attached is the Lake Union Liveboard Association's (LULA) Proposal for Alternatives to the SMP (Draft 2).

LULA has contacted attorneys and has begun discussions on the legal ramifications of these proposals. The following are serious legal concerns about the DPD's proposals:

1. definitions that are arbitrary and capricious
2. similar segments of the liveboard population are immune to grey water restrictions
3. similar segments of the liveboard population are immune to growth limitations
4. unexplained and perplexing retroactive implementation unfairly targets a few individual houseboats.

We are committed to protecting Seattle Waters, but we are also concerned about how these proposals are both ineffective and severely damaging to our members.

Comparison of DPD proposals to Lake Union Liveboard Association (LULA) proposals

(relating to house barges and liveboards)

| DPD Proposal | LULA Proposal |
|--|--|
| Redefines House Boats as House Barges (regardless of navigation ability). Definition is vague and arbitrary and can be applied at the discretion of DPD. | Retains current Definition - House Barges are over water residences without a means of navigation, liveboard vessels are required to have a means of navigation. |

| | |
|--|---|
| No New House Barges (House boats) | Allows modest growth to a limit and based on ability to contain Grey Water. |
| Allows unlimited growth of Liveboard Vessels | Applies growth limitation for ALL over water residences. |
| Allows liveboard vessels to dump grey water unrestricted. Provides NO incentive for reducing grey water discharge. | Applies incentives to all classes to contain grey water, reduce grey water discharge, and mitigate other existing environmental issues. |
| Has no "Phase In" period. All houseboats must comply within 6 months of implementation. | Has 3 year phase in period and incentives for all over water residences to contain and/or reduce grey water. |
| Has no consideration for structural restriction preventing installation of grey water containment system. | Allows these vessel to continue to exist while providing incentives for being green and funding mitigation programs to reduce impact. |
| Retroactive implementation of the "No New House Barge" rule to Jan. 2011, making a small number of houseboats instant violators. | Implementation is based on enactment and does not unfairly target a few specific vessels. |
| Liveboard definition requires some sort of monitoring / policing to determine / enforce. | Over Water Residence definition is based on IRS guidelines and can be verified through tax records. |
| House barges cannot change their footprint above or below the waterline. | No such rule. House barges may need to do this in some cases to accommodate grey water containment, or to otherwise stabilize their vessel. Minimal or no environmental impact. |
| Provide for no monitoring mechanism. | Provides a simple method for validating compliance and verifying permits |
| Does nothing to improve Seattle waters. (will likely increase pollution) | Provides incentives and mitigation funds for improving Seattle waters. |

Lake Union Liveboard Association is dedicated to protecting Seattle waters and is frequently involved in environmental cleanups, green boating activities, and public awareness. Our community is deeply concerned about our waters (it is the reason we are here!) and our commitment to keeping our waters clean and green is second to none. We frequently protect the waters, save lives, and protect property. Our proposals for overwater residences are sound, reasonable, and in the best interests of the liveboard community, Seattle waters, and the Seattle lifestyle.

Lake Union Liveboard Association

Proposal for Alternatives to SMP Changes Affecting Liveboards

1. Root issues are:

- a. Limiting the overall number of residences over water
- b. Reduce/eliminate greywater discharge by these residences.

2. Definition of “Over Water Residence “

Any vessel that is a Primary Residence as defined by the IRS guidelines or is used as an over-water residential rental (minimum 3 month term)

3. Vessel Occupancy Permits (VOP)

Any vessel meeting the above Over Water Residence is required to obtain a Vessel Occupancy Permit (subject to Phase In period).

4. Permit Types “Addresses grey water”

Type 1 = Compliant – little or no discharge (Containment / Disposal or Approved Filtering System)

Type 2 = Competent - Proven competency in BMP & green boating practices (Certificate required)

Type 3 = Non-Compliant

5. Permit Fees (Fees listed as examples)

Type 1 (FREE (may not be increased beyond this amount))

Type 2 (\$60/Year (May not be increased beyond this amount))

Type 3 (\$60/Year years 1-2 years, \$200 per year thereafter – May not be increased beyond this amount)

(Fees may be used for mitigation of environmental impact in Seattle waters and for cost of registration)

6. Limitation of VOP – “Addresses the number of over water residences”

After establishing a baseline (over 2 year period), limit VOPs to 125% of Baseline

Additional Type 1 permits are allowed until all permits reach 150% of Baseline

7. Phase in of Permitting Process

Years 1 & 2 Establishment of Baseline

Year 3 & beyond - Permits Required, late comers allowed with proof of residency

End of Year 5 – Late comer period ends

8. Miscellaneous details

- Marina managers validate VOP with city website
- Permits are transferrable
- Permits are moveable
- Housebarge definition remains the same (No Redefinition) See Seattle City CAM 229
- Liveaboard definition goes away (Replaced by Over Water Residence)
- Status of permit type validated by independent inspector

Thank you for considering these comments.

Kevin & Linda Bagley

Dear Maggie –

I live on what the proposed SMPs would now define as a house barge and I would like to submit the following comments on the proposed SMP – Draft 2. I have some general comments, and then some specific relating to various sections of the proposed SMP.

GENERAL COMMENTS:

1. Although these SMPs would have an impact on many shoreline entities, there is a **real lack of data and explanation of what exactly the problem is**. Example: What percentage of pollution to the water is estimated to be caused by house barge gray water versus the percentage attributable to unregulated runoff from land-based residents above the shoreline areas? Is the gray water problem so severe that house barges should be asked to shell out thousands of dollars to contain it, while arguably a greater proportion of the pollution – and more pernicious types – can be attributed to unregulated land-based residents' lawn-treatment runoffs, and shore-side parking lots? Not to mention sewer over-flows that go into the lakes?

2. These regulations seem to have an unspoken goal of getting rid of house barges in Seattle's waters by attrition, if not outright. Getting rid of house barges – or most of them – would do next to nothing to improve the ecology of Seattle waters, given we contribute the least amount and most benign of the pollutants. The water is our front yard, back yard, and side yard, and, in the summer, we swim in it daily. ***There are many measures we and our marinas on our own could and would be willing to take to reduce***

the gray water we send overboard on our own without being forced into expensive gray water containment measures. For instance, we could ban showers on board, ban washing machines and dishwashers (of which there aren't many), require each boat to have a "slop bucket" to pour the dirty dish water (e.g., from greasy oven pans) into, then dispose of it in the shore facility (which is what I do voluntarily now). We already are required to use environmentally safe soaps.

3. House barge living contributes positively to the urban mix of housing. Some of the positive qualities of include:

- *We have a very small carbon foot print.* We are typically limited by the marina to 30 or 60 AMPS, so we use a lot less electricity than normal homes or floating homes.
- *We use less water,* as we don't have lawns and are not allowed to wash our cars in the marina parking lot because of potential run off of soap into the lake. We typically don't have laundry or dishwashing appliances on board (and could prohibit of them).
- *We are a charming tourist attraction for Seattle* – similar to the floating homes, only we have retained some of the funkiness and close to nature qualities of Seattle water living that have been lost by many updated floating homes.

SPECIFIC COMMENTS

23.60.204 (A) "No new house barges." When is a house barge deemed "new"? I presume it would be as of the effective date of these SMPs. What if a house barge burns up and a person needs to replace it? Does such a replacement constitute a "new" barge? And, if so, how can that be fair when the owner's insurance (which, by the way, is extremely expensive for house barges) will only pay for replacement of a barge, not a different sort of dwelling?

23.60.204 (C) says that house barges built after June 1990 will not be allowed if they were not resided in before January 2011. I notice you cite HB 1783, but that bill principally pertains to floating homes (a.k.a. houseboats), so it doesn't seem like a good basis for a deadline pertaining to house barges, especially since that previously unknown deadline could be financially devastating to a number of citizens.

The very serious aspect of this seemingly arbitrary cut-off date is that no one knew about it and its imposition could financially ruin some people. I personally know 3 people who bought what would be defined by these SMPs as house barges as their homes after January 2011 (having sold their previous abodes and put all their money into the house barges) not knowing that there would be this retroactive cut-off date. Another person bought his boat before Jan. 2011, but didn't move onto it before January because he had to do a bunch of work on it to make it livable – and since it hadn't been a residence before then, he can't meet the "must-have-been-used-for-residential-purposes before January 2011" criterion.

I submit that making this prohibition retroactive without anyone having been warned is unfair and financially harmful to people who have invested the majority of their resources in these boats as their residence. I propose, if you want to prohibit these types of boats in the future, that you make the prohibition effective as of the passing of the SMPs – with adequate publicity to warn people in advance.

23.60.204 (F) I think BMPs are important and we already follow all of them in this list, except, of course, the conveyance of gray water – which we are willing to reduce. Eliminating immediately gray water is impossible. I request that the SMPs allow a reasonable transition time and, possibly, assistance. *[See comment below on 23.60.216 on illogic and unequal treatment of house barges versus live-aboard vessels in these proposed BMPs]*

23.60.204 (J) “If a house barge is removed from Seattle waters for more than six months, the house barge is prohibited from relocating in Seattle waters. “ What does “removed from Seattle waters” constitute? If a barge has to be hauled out by a Seattle marina to be worked on, does that constitute “removal from Seattle waters”? What if the marina that does that work is outside Seattle waters and the work takes more than 6 months, does that mean the barge cannot go back to its Seattle slip? *There needs to be an exception for barges that have to be removed from the water for repair that might take more than 6 months.*

23.60.216 lists BMPs for vessels with live-aboard uses and recreational boats. As these vessels far outnumber house barges by something like 9 to 1 and produce gray water and sewage, why do their BMPs not include a prohibition against eliminating waste water into the lakes, and why are their owners only asked to “limit” the amount of gray water produced? *I’m not asking that we or any vessel be allowed to put waste water (sewage) in the lakes – I am just asking why house barges, like live-aboard vessels, aren’t asked to limit the amount of gray water produced, rather than being forced to install very expensive measure to contain gray water.*

FINAL POINT: Please extend comment period

There are clearly several important avenues that haven’t been explored by DPD in addressing the water quality issues of Seattle’s water. There are also many dire financial implications to a large number of Seattle live-aboard residents if these regulations are implemented as written. Therefore, I ask that you **put a moratorium on this effort and convene an advisory group of house barge owners** to help DPD develop sound and sensible regulations for those sections of the SMP that pertain to us. We are not against measures to reduce gray water and other pollutants going into the lake, because we intimately know and love these precious waters.

Thank you,
Faith Fogarty

From: Patrick Dunham [mailto:tbokoloa@yahoo.com]
Sent: Monday, December 05, 2011 3:40 PM
To: Glowacki, Margaret
Subject: Official Comments on 2nd Draft of SMP - Re:Liveboards

To: Margaret.glowacki@seattle.gov
From: Patrick Dunham
Email tbokoloa@yahoo.com

Subject: Official Comments on 2nd Draft of SMP – Re: Liveboards

Date: December 5, 2011

Dear Ms. Glowacki:

As a starting point I want to state that I have read the Official Comments of Kevin Bagley and Linda Bagley and other members of LULA (Lake Union Liveboard Association) and I have also independently checked the facts asserted therein. I have found nothing that is not accurate and I agree with their statements and assertions. I am also fairly certain that many others will be telling you the same thing; that they agree with the factual assertions and suggestions in the comments from Kevin Bagley and Linda Bagley. Beyond that, however, I want to add a personal flavor to my comments in the hope that my arguments will help to persuade your agency that there is significant room to compromise.

In approximately May of 2010 I purchased a vessel which is moored at the Seattle Marina. My intent then, and now, is to use the vessel as a residence in addition to any other recreational value and use. At the time of the purchase I checked into existing regulations and found that this vessel is equipped with running lights, a place for a motor of sufficient size to allow for some navigation, and that all systems meet marine quality standards. I had the vessel surveyed by a licensed and qualified marine surveyor and she required some alterations to existing propane systems to comply with coast guard regulations. I willingly had those done even though they would not have been required were this vessel a house. One of my occupations is as a Builder and I have some knowledge about such matters. For all purposes I was lead to believe that I was purchasing a lawful vessel and that it was also lawful to live on board that vessel. One of the reasons I attempted to be cautious in that purchase is because the vessel has a rather odd shape for a marine vessel: It looks much like a two story cedar-shingled Seattle house, on a hull, floating in the water. I was told, at each step in the process, that my vessel met all regulations.

I might add that the vessel has a containment tank for waste and I have that tank pumped out regularly. In addition, I practice what I have been taught to be proper techniques to protect the environment: I do not throw anything overboard, I do not allow work to be done on the vessel in a manner that might endanger the environment, and I use soaps that

are compliant with best management practices. However, all of that might be for naught if the proposed regulations are implemented as presently written. Here is why.

There is no containment tank on my vessel to hold what I have been told is called “grey water.” Yet, I see every traditional looking boat (whether being used solely for recreation or being lived aboard as a residence) dumping grey water and I am both amused and somewhat angered that the proposed regulations discriminate only against what are being called house barges. If I can prove that I am a vessel, then the rules won’t apply.

As a former public employee (Federal) I have the utmost respect for the hard work done by, and the intelligence of, public employees. And yet I can find nothing in any of the available science, nor even in logic to help me to understand why house barges are being singled out and, for that matter, exactly what a house barge is. I know you have heard the argument before but that is only because it is correct and dispositive of the intellectual issues involved here. If vessels were built and placed in the water, and if they were taxed as vessels, and if they have Coast Guard and/or State of WA vessel numbers, then they must be vessels. Except, unfortunately, the new regulations seem to call into question whether some of the vessels (including mine) are now going to be called house barges and treated to a separate set of standards which cannot with current technology, be followed.

Let me explain just one of the many discrepancies in the proposed regulations. If the government decides that a vessel is now a house barge, then the government is also declaring that the now-former vessel is not really a vessel and, therefore, not capable of sufficient propulsion so as to get the vessel from its moorage slip to other locations. Why that is significant is because the proposed regulations require not only containment of the grey water (in holding tanks that do not exist on almost all of what you want to classify as house barges), but that the owner of the now-classified house barge, drive their house barge to a facility where that grey water can be pumped out. Let us think through that one together. How can a barge that does not have vessel propulsion drive itself to a place to pump out tanks that do not exist. It defies logic. I know, because I have read correspondence from others to your office, that there is currently no service on Lake Union, Lake Washington, Shilshole, or other Seattle shoreline to accommodate the quantity of grey water at issue here, even if the vessels could be retrofitted with tanks large enough to hold the grey water.

So, instead of the purposes stated in the proposed regulations and in the underlying legislation, the draft regulations are setting up a situation where currently valuable vessels will be taken from the owners because there is no way for the owners to comply with regulations that do not have to be adopted in the first place. My other former occupation was as a trial attorney and the possibilities that dance before my eyes are limitless. Is this really a federal question? Because there is nothing that actually requires the particular proposed regulations, what standard would courts apply if the issues were brought before a tribunal? How long would the litigation take? Why would any agency that does not have to do what it is proposing, engage in that conduct unless someone at the Agency had an agenda other than what is stated in the draft? The questions are

boundless and would amount to full employment for lawyers for years to come and for what purpose? None. I say none because the requirements in the proposed draft are not mandated by any legislation and even more important they are not even reasonable given the current science that applies to cleanup of our water ways.

In closing, I want to thank you and your Agency for taking the time to read what I have written. Further, I want to encourage you to allow for alternatives that are less restrictive than what are proposed in the draft. I am not going to list them here as other LULA members and leaders have already done that. Instead, I want to encourage you to ask yourselves just one question: why? Why do this to only one class of vessel? Why have regulations that are not backed up by science, let alone good science? Why condemn a colorful and historical part of Seattle when the current occupants of what you want to call house barges are more than willing to work with you to limit future growth, to insure water quality, to prohibit toxic and dangerous uses and activities, and to continue to perpetuate the Seattle where we want to live.

Thank you,

Respectfully yours,
Patrick Dunham

From: Marta Schee [mailto:martaschee@gmail.com]
Sent: Monday, December 05, 2011 3:57 PM
To: Glowacki, Margaret
Cc: kevin@thekevin.com
Subject: DPD regulations affecting liveaboard houseboats in Lake Union

Ms. Glowacki,

I am one of the owners of a houseboat on Lake Union. This weekend I attended a meeting of LULA (Lake Union Live Aboard Association) to discuss the impact of the proposed DPD regulations on the houseboat community. I came away from that meeting very frustrated and concerned. It seems that one of the goals of the DPD proposal may be the demise of houseboat living on Seattle waters.

There seems to be no mention of a scientific rationale for your proposals and you apparently have made no specific requests of the houseboat community to support "green-initiatives" concerning grey water by surtaxes or levies. It may be that we will be asked to pay more for the privilege of living on the water in the form of a tax, and I would welcome that as an alternative to what appears to be a poorly-thought-out, and rather draconian, set of regulations which unfairly target the houseboat community. If, in fact, the purpose of this set of regulations is to clean up the lake, why does it not include ALL vessels on the lake? So one must ask, what is the real reason for this unbalanced and unfair singling out of houseboat owners?

I am also asking that you and your department allow for a longer comment period to the

2nd draft of DPD regulations and provide us the courtesy, as citizens, to meet with you to answer our many questions.

Having recently moved from the East Coast to Seattle, I can tell you that whenever I mention to non-Seattlite friends and family that we have a liveboard houseboat, the reaction is one of curiosity and a little envy - houseboat living is seen as an iconic part of Seattle life. Many visitors purposely carve out a tourist day which includes seeing the houseboat community by either riding the Ducks or renting an electric boat. It would be a shame to witness the demise of that part of the Seattle culture, and frankly, I would be very surprised if the Seattle community at large would allow that to happen. You can expect significant push-back from the owners, and also from the general electorate.

I am including a comparison of the DPD proposals and the LULA proposals, provided by Kevin Bagley. I think that anyone who sees these side-by-side would be in agreement that the LULA proposals are more fair, more "green", more enforceable, and more culturally friendly.

Thank you for your time - please consider changing the DPD regulations as they are currently proposed.

Marta Schee

Comparison of DPD proposals to Lake Union Liveboard Association (LULA) proposals

(relating to house barges and liveboards)

| DPD Proposal | LULA Proposal |
|--|--|
| Redefines House Boats as House Barges (regardless of navigation ability). Definition is vague and arbitrary and can be applied at the discretion of DPD. | Retains current Definition – House Barges are over water residences without a means of navigation, liveboard vessels are required to have a means of navigation. |
| No New House Barges (House boats) | Allows modest growth to a limit and based on ability to contain Grey Water. |
| Allows unlimited growth of Liveboard Vessels | Applies growth limitation for ALL over water residences. |
| Allows liveboard vessels to dump grey water unrestricted. Provides NO incentive for reducing grey water discharge. | Applies incentives to all classes to contain grey water, reduce grey water discharge, and mitigate other existing environmental issues. |
| Has no “Phase In” period. All houseboats must comply within 6 months of implementation. | Has 3 year phase in period and incentives for all over water residences to contain and/or reduce grey water. |
| Has no consideration for structural restriction preventing installation of grey water containment system. | Allows these vessel to continue to exist while providing incentives for being green and funding mitigation programs to reduce impact. |

| | |
|--|---|
| Retroactive implementation of the “No New House Barge” rule to Jan. 2011, making a small number of houseboats instant violators. | Implementation is based on enactment and does not unfairly target a few specific vessels. |
| Liveaboard definition requires some sort of monitoring / policing to determine / enforce. | Over Water Residence definition is based on IRS guidelines and can be verified through tax records. |
| House barges cannot change their footprint above or below the waterline. | No such rule. House barges may need to do this in some cases to accommodate grey water containment, or to otherwise stabilize their vessel. Minimal or no environmental impact. |
| Provide for no monitoring mechanism. | Provides a simple method for validating compliance and verifying permits |
| Does nothing to improve Seattle waters. (will likely increase pollution) | Provides incentives and mitigation funds for improving Seattle waters. |

From: Steve Bimson [mailto:steve@stevebimson.com]
Sent: Monday, December 05, 2011 4:16 PM
To: Glowacki, Margaret
Subject: Re: Proposed SMP Regulations 2nd Draft

Ms. Glowacki-

I wanted to take a moment to email you regarding the proposed amendment to the Shoreline Management Plan. I’ve recently become a member of a thriving community in Seattle that calls our lakes and waterways home. As a transplant from Texas several years ago, I moved to Seattle knowing little more about the city than what the movie “Sleepless in Seattle” would have me believe and was thrilled to be a part of this historic way of life. I’ve been consistently impressed by the people I’ve met that share this passion for life on the water and specifically how their passion for this unique way of life extends towards their protection of the local waters and commitment to work to continually decrease the impact of their presence on the environment. You won’t find a group more committed to the preservation of water quality in the Seattle area, and I can guarantee each of us is committed to working with the City of Seattle to come up with a reasonable set of regulations to preserve the ecological health of our waterways.

With this in mind, I have several concerns with the proposed regulations:

- **Presumed Ecological Benefits:** It’s assumed that the driving factor of these proposed changes is ecological in nature. The regulations as they are written will have little impact on water quality and there is no scientific analysis to even verify a baseline the impact could be measured against.
- **Retroactive Application of the Proposed Regulations:** The regulations as written would immediately go into effect and be retroactively enforceable.
- **Ambiguity of Proposed Regulations:** The definition of houseboat/barge becomes so ambiguous and confusing that it will cause more harm than good.

Presumed Ecological Benefits: When I read the proposed regulations, I was left confused as to what the intent of these regulations truly was. If it was ecology, as most

would assume, then why were only houseboats singled out instead of applying the regulations to all vessels sharing out waterways? Why were recreational boaters (I am also a recreational boater with a 25ft sailboat moored in Lake Union) not being included in the new regulations? This seems to go against the intent of our state constitution, that states in Article 1 Section 12 ([here](#)) that no laws shall be passed granting any special privileges and immunities to any group or corporation. Why then would we allow liveaboard boaters and recreational boaters some special concession to not be under these regulations? Additionally, why is the city doing nothing to address Combined Sewer Overflows which the King County website ([here](#)) itself says are the “*worst source of pollutants and pathogens to the lake*”? There has been no active monitoring of water quality since 1997 by the department of Ecology ([here](#)) severely impacts our ability to even track the impact of any of these changes. The proposal from the LULA addresses this in a reasonable manner.

Retroactive Application of the Proposed Regulations: I am in a unique situation in that my vessel was built after January 2011. The way the regulations are currently written, you would make where I live illegal or at the very least make my situation very unclear. This is by definition would be an ex post facto law, which is prohibited by both our State (Article 1 Section 23 [here](#)) and US constitutions (Article 1 Section 9 [here](#)). I have yet to speak to my attorney about this and hope it doesn't get to the point where I have to but even taking the legal implications of this out of the equation, it logically doesn't make much sense. Especially when there is no provision to prevent someone from buying a brand new trawler and living on it. If anything, a new boat made with environmentally friendly materials may have a lower impact on the lake. Any changes to these regulations should not be retroactive and should be implemented in a phased approach, consistent with the recommendation provided by LULA.

Ambiguity of Proposed Regulations: The proposed re-definition of houseboat/barge is ambiguous and left completely up to interpretation. What does “primarily designed as a place of residence” mean? If I change my vessel's exterior to look more traditional, add Radar and digital charts, enclose one of the decks as a helm, and take it to “boatgating” at husky stadium every weekend, have I complied or changed the classification of my vessel? Furthermore, there is no provision for who will enforce or determine this classification. Is it the Seattle police department? The USCG? What is the reason for the re-definition when the current definition is so clear and widely understood? This makes the proposed regulatory changes even more confusing and convoluted than they need to be. The current definition of a houseboat/barge should be retained.

Ultimately, I hope a few messages come through clearly from my email and the comments you are sure to receive from others like me. Those of us that chose to live on Seattle's waterways are may be a small community, but we are a vocal and passionate group of people who are committed to protecting our way of life which inherently means protecting the water ways on which we make our homes. We are also committed to working with the City of Seattle to come to a reasonable and fair compromise and would even proactively recommend additional options if we had a clearer understanding of the intent behind the revised regulations. This was true of the initial proposal the LULA

tenured and continues to be true. I'm personally confident that we can find a solution to these and several other issues with the proposed changes that doesn't put peoples' homes, savings and financial security at risk. Thank you for your time and consideration.

Stephen Bimson

From: Connie Mackenzie [mailto:conniemac44@yahoo.com]
Sent: Monday, December 05, 2011 4:27 PM
To: Glowacki, Margaret
Subject: lake union liveaboards

I am really wondering why the deciding heads of Seattle are missing the overall point....
THE BENEFIT OF NON CONFORMING LIVING IN SEATTLE.

We are unique, and the amazement to all who visit Seattle...

We are affordable housing....

We are the gentle, often artistic people who care for our environment....

using environment friendly products and organizing lake union clean ups!

We who live close together and still enjoy community...and help each other out.

This is what is being lost in our society...today.

Don't chase it from our city...but embrace it...treasure it...work with us...

test the waters in Seattle and give us a scientific reason for grey water containment.

don't pick on some and not others....industry...neighborhoods using fertilizers and worse.....

products like roundup that go into storm drains and on into our waters.

Start at the root and ban bad products and let us live in peace.

thank-you for reading
sincerely,
connie mackenzie

From: Eileen Kollmeyer [mailto:ekollmeyer1@msn.com]
Sent: Monday, December 05, 2011 4:34 PM
To: Glowacki, Margaret
Subject:

Hello Margaret,

I would like to comment on the regulations the City of Seattle is imposing on house boats/barges. I live in a floating home on Westlake Avenue North (not a house boat, house barge or live aboard vessel) so my home would not be affected by your plan. Before I moved into my floating home I dreamed about living on Lake Union for many years. In the summers I would roam the docks of Lake Union to go to open houses and always enthralled by the uniqueness of the homes and their charm. I take visitors to Seattle on a Duck or rent kayaks and weave in and out of the docks just admiring the unique and quirky lifestyle floating homes, house barges and/or house boats offer. When I tell people I live on a floating home they immediately talk about "Sleepless in Seattle"

and tell me they would love to have a chance to visit and experience the lifestyle.

I have to say that it is shocking to read your/DPDs proposed Shoreline Management Plan. Retroactive to January 2011. That's like saying the new car I bought after January 2011 can't be insured. Where are your facts supporting the proposed grey water plan? Where is the science behind your decisions? (My scientist friends who work for NOAA say Lake Union is now cleaner than it has been in years!) Why are you going after one of the most charming aspects of Seattle, and such a small community, for this grey water issue that is so unfounded? Why don't you talk to the City of Seattle about run off water that causes pollution and kills sea life on a daily basis (much, much, much more than house boats/barges will ever do in their lifetime)? If you're concerned about the water on Lake Union then THE CITY OF SEATTLE SHOULD BE YOUR TARGET.

Please take some time to reconsider your proposed Shoreline Management Plan using fact and science to back it up.

Sincerely,

Eileen

Eileen Brewer Kollmeyer | cell: 206.369.5305 | e-mail: ekollmeyer1@msn.com

"Every day brings a chance to live with intention and integrity"

From: Barbara Engram [mailto:barbengram1@yahoo.com]

Sent: Monday, December 05, 2011 8:02 PM

To: Glowacki, Margaret

Cc: Barbara Engram

Subject: proposed shoreline regulations

Dear Ms.Glowacki;

I would like first to ask you to extend the period allowed for responses to this new set of regulations. These are issues very important to us and the deadline allows very little time for us to discuss them. think about them carefully, and formulate cogent responses not to mention wade our way through all the revisions to be sure we understand just what they involve.

I am happy to see that the 25% cap on live aboards in a given marina has been dropped, I think that freezing the number of house barges at the number in the lake as of January 2011 has several problems. First of all, a house barge which moved into the marina, or became a live aboard later in the year was legal at the time it was occupied but will be made illegal, retroactively, by the proposed regulations. That seems unfair and could represent a major financial loss to the owners, who were, after all, acting legally. It also does not address the problem of the few folks who may have purchased or rented slips and are in the process of having a houseboat built. Again, they are acting legally (under exiting regulations) and could face devastating financial loss as a result of the regulations (after all, a home is the largest single financial investment most of us make).

I think that registering house barges is a good idea. At this time, I don't know who has any idea how many there actually are, and this information is important if we are looking at trying to find a reasonable balance among the various uses of the lake.

At Gasworks Park Marina, we are very seriously looking at installation of a sewer system, and have invested in design and sought bids for such a project. However, as the new regulations are written they just flatly mandate collection of gray water. It seems to me that this is an adversarial approach that will engender much resistance and resentment. Why not offer rewards that encourage people to find ways to deal with reducing and eliminating gray water, so that we can join in a cooperative effort to maintain and improve water quality? We are finding that installing a sewer system is going to be expensive, especially when, under the new regulations we would not be allowed to replace our house barges, even as they age.

With a sewer system we would not contribute any more pollution than recreational vessels (and probably less, given the lack of enforcement of rules against overboard discharge that they face). We create no more shadowing than floating homes; actually less, given the relative size of a floating home and a house barge.

So, what is the rationale for imposing such rigid restrictions on this specific (and small) part of the community of users of the lake?

Barbara Engram
Gasworks Park Marina

From: Dan Peterson [mailto:dan.peterson@gmail.com]
Sent: Monday, December 05, 2011 9:25 PM
To: Glowacki, Margaret
Subject: Revise the DPD SMP

Dear Ms. Glowacki,

I emailed you months ago regarding the first draft of the Shoreline Management Plan and received a standard boilerplate response. This leads me to believe that you either aren't reading the bevy of complaints you're receiving or (possibly worse) you are reading them and are somehow unmoved by the plight of the residents of the city you serve.

The restrictions that the second draft of the SMP contains are completely unreasonable. For example, the "No New House Barge" rule being made retroactive to January 2011 is akin to you telling an apartment owner or a building owner that their unoccupied property is now valueless. The grey water restrictions and the classifications of vessels are so random it makes me wonder if you or anybody in your department has ever even been on Lake Union.

I strongly encourage you to meet with members of the LULA to revise and make reasonable the SMP.

Sincerely,

Dan Peterson

-----Original Message-----

From: Sanders, James S [mailto:james.s.sanders@boeing.com]

Sent: Tuesday, December 06, 2011 10:09 AM

To: Glowacki, Margaret

Subject: Former Live aboard and current boat owner

Lake Union Liveaboard Association

I feel that the DPD should remove the greywater restrictions from the new regulation plan. How can this be enforced with thousands of pleasure boats and live a boards. What should be in place is to insure black water in not discharged. The older boats have no holding tanks and go directly over board.

More plump out stations need to be installed, we only have one free one on lake union and one pay at Morrison's Fuel dock..

From: Linda Tate [mailto:lindatate1@clearwire.net]

Sent: Tuesday, December 06, 2011 11:21 AM

To: Glowacki, Margaret

Subject: proposed SMP comments

Hi Maggie,

My name is Linda Tate and I am a overboard on a "recreational vessel" in Lake Union. It is the life I have loved for 27 years and look forward to many more. I have been able to read some of the letters previously sent to you and am in total agreement with the concerns expressed so won't go into them again. What I would like to deal with is the spirit of life on the water as well as the commitment and dedication of those of us fortunate enough to enjoy this lifestyle. And an unwritten code of conduct. This lake is our home and, like any other homeowner, we do all within our power to keep it safe and healthy. This means, removing debris whenever we see it, not just on "clean the lake" days; being over-concerned (if that's possible, but probable compared to "land lubbers") with "Best Management Practices"; being ever vigilant for the safety and security of our neighbors; and furthermore, being watchful for the safety of those who come to enjoy our neighborhood. I am proud to say I saved the life of a visitor last spring when I was awakened by his calls for help in the night. Sure, there are hardships involved (both physically and fiscally), but I wouldn't trade this life for anything.

I, like most of my liveaboard neighbors, am more than willing to do whatever possible and physically do-able to comply with the BMP. I am fortunate enough to have room

enough in my bilge to install a grey water holding tank, but, even more miraculously, I was able to recently move to perhaps the only marina in the city with a built-in pump system which takes away all sewage and grey water!

This email isn't about me, but about our willingness to do whatever we can to ensure this lifestyle. Please look over the proposals previously submitted which, I feel, could answer the concerns you have and give our community a chance to self-regulate in the best possible way. A way to make us both proud. And please consider giving us at least an additional month for our response time. We liveboards thank you as well as all those who love the charm, character and personality of Seattle thank you. Linda

From: dick schwartz [mailto:cruzahome@yahoo.com]
Sent: Tuesday, December 06, 2011 6:17 PM
To: Glowacki, Margaret
Subject: Shoreline regulations.

Dear Ms. Glowacki,

I am aware of your/the city's stance against linking the concern about boat graywater with landbased runoff, but I hope you can understand how unreasonable it seems to the people will be affected by the graywater regulations that you would have such concern about that issue when nothing substantive is being proposed to regulate land contaminant runoff. This is particularly upsetting since the city has presented no site specific research regarding the effect of graywater and certainly landbased runoff has a much greater impact on water resources. Is it reasonable to expect the public to respect policy decisions when certain groups are targeted and others are inexplicably given a pass. I would like to think that policy makers are not blind to such aspects of the policy making process. We shall see.

Sincerely,

Dick Schwartz

2000 Westlake Ave. N.

Seattle, WA 98109

cruzahome@yahoo.com

-----Original Message-----

From: Susie [mailto:s.ssusiedon@gmail.com]
Sent: Wednesday, December 07, 2011 9:14 AM
To: Glowacki, Margaret
Subject: Shoreline Management...liveboards

Dear Ms. Glowacki,

My husband and I own a slip at Gasworks Park Marina and have lived in our Coastguard-Certified vessel for 12 years. We bought this slip specifically to give us the security of not being affected by the live aboard limits on state-leased waters.

The most recent version of the Shoreline Management Plan is written so ambiguously, that I cannot understand how we will be affected. It sounds like a magic wand will turn our boat into a barge?? We paid a huge sales tax on the boat...will we now have to pay property tax on our boat as well as our slip? It also sounds like we could sell our slip but the new owner could not bring in a new live aboard vessel? Wow. We are retired and our financial future depends on the resale value of this slip.

Our marina is starting the process of hooking up to the sewer to avoid gray water discharge. We currently have our black water pumped out. If this water pollution is the issue, probably all the boats in Lake Union should be hooked to the sewer. Otherwise, it seems we are being unfairly targeted.

The Seattle live aboard community is one of the most unique in the world. Please do anything possible to preserve this low-impact, simplified, and delightful way of life in this special city.

Susie Stenehjem
206 909-7149

From: Willie Swanson [mailto:wjs18@u.washington.edu]
Sent: Wednesday, December 07, 2011 9:19 AM
To: Glowacki, Margaret
Cc: Kevin Bagley; Linda M Bagley
Subject: houseboats

Dear Ms. Glowacki,

I am writing in support of the SMP proposal modifications suggested by the Lake Union Liveaboard Association. I purchased a houseboat in 2011. I have found the community extraordinarily concerned about environmental issues. While obviously the community can not be left to police itself, their input is well informed, legitimate and raises many important community, environmental, financial and legal issues. For example, the grey water restrictions will only apply to houseboats, a small fraction of liveaboards. I am sure you have received full reports and documentation of the Lake Union Liveaboard Association suggestions - I urge you to address and publicly respond to their legitimate concerns. Having a PhD in Marine Biology (from a leading institution - Scripps Inst. of Oceanography), I am somewhat qualified to agree with Lake Union Liveaboard Association assertion that DPD's proposal is not backed up with any science, is based on opinions of developers and is contrary to existing statistics.

Some of Lake Union Liveaboard Association modifications I support are below.

Lake Union Liveaboard Association is dedicated to protecting Seattle waters and is frequently involved in environmental cleanups, green boating activities, and public awareness. Our community is deeply concerned about our waters (it is the reason we are here!) and our commitment to keeping our waters clean and green is second to none. We frequently protect the waters, save lives, and protect property. Our proposals for

overwater residences are sound, reasonable, and in the best interests of the liveaboard community, Seattle waters, and the Seattle lifestyle.

Lake Union Liveaboard Association
Proposal for Alternative to SMP Changes Affecting Liveaboards

1. Root issues are:

- a. Limiting the overall number of residences over water
- b. Reduce/eliminate greywater discharge by these residences.

2. Definition of “Over Water Residence “

Any vessel that is a Primary Residence as defined by the IRS guidelines or is used as an over-water residential rental (minimum 3 month term)

3. Vessel Occupancy Permits (VOP)

Any vessel meeting the above Over Water Residence is required to obtain a Vessel Occupancy Permit (subject to Phase In period).

4. Permit Types “Addresses grey water”

Type 1 = Compliant – little or no discharge (Containment / Disposal or Approved Filtering System)

Type 2 = Competent - Proven competency in BMP & green boating practices (Certificate required)

Type 3 = Non-Compliant

5. Permit Fees (Fees listed as examples)

Type 1 (FREE (may not be increased beyond this amount))

Type 2 (\$60/Year (May not be increased beyond this amount))

Type 3 (\$60/Year years 1-2 years, \$200 per year thereafter – May not be increased beyond this amount)

(Fees may be used for mitigation of environmental impact in Seattle waters and for cost of registration)

6. Limitation of VOP – “Addresses the number of over water residences”

After establishing a baseline (over 2 year period), limit VOPs to 125% of Baseline
Additional Type 1 permits are allowed until all permits reach 150% of Baseline

7. Phase in of Permitting Process

Years 1 & 2 Establishment of Baseline

Year 3 & beyond - Permits Required, late comers allowed with proof of residency

End of Year 5 – Late comer period ends

8. Miscellaneous details

- Marina managers validate VOP with city website
- Permits are transferrable
- Permits are moveable
- Housebarge definition remains the same (No Redefinition) See Seattle City CAM 229
- Liveaboard definition goes away (Replaced by Over Water Residence)
- Status of permit type validated by independent inspector

Thanks you for your consideration of these important issues,

Willie

Willie J. Swanson
Associate Professor
University of Washington
Genome Sciences, Box 355065
Foege Building, room S143B
1705 NE Pacific Street
Seattle 98195-5065

E-mail: wswanson@gs.washington.edu

Phone: (206) 616-9702

<http://www.gs.washington.edu/>

From: marc.lentini@gmail.com [mailto:marc.lentini@gmail.com] **On Behalf Of** Marc Lentini

Sent: Thursday, December 08, 2011 11:11 AM

To: Glowacki, Margaret

Subject: Proposed Shoreline Management Plan Update Comments

Ms. Glowacki,

Below and attached, please find my comments for the public comment period of the proposed Shoreline Management Plan Update. I would appreciate being informed of any additional public comment periods or open forum on this matter.

Thanks,
Marc

Marc Lentini
3238 NW 61st Street
Seattle, WA
marc.lentini@cornell.edu

To the Public Comment review committee:

I'm writing to express my deep concern with the proposed shoreline regulations concerning house barges and live-aboard uses of boats. (Regulation web page: <http://www.seattle.gov/dpd/Planning/ShorelineMasterProgramUpdate/ReportsMaterials/default.asp>)

As a property owner and taxpayer in the City of Seattle (Ballard), and a former live-aboard, I find them troubling for two major reasons.

First, they create a regulatory and enforcement nightmare.

This regulation puts the city in the position of trying to judge what is, and is not, a boat. How will that be determined? Consider the following example:

- A vessel with a large cabin, a square bow (front end), and a square stern (back end), and two outboard motors. The owner lives aboard. It's known for puttering

- around Lake Union and anchors on the logboom for Seafair. The boat is well maintained, black water is pumped out weekly, and the owner uses environmentally friendly cleaning products (think camping soap).
- A vessel with a pointy bow and square stern that hasn't left the dock in five years. The owner lives aboard. The boat is, shall we say, rough. There is regular pump-out service for black water.
 - A vessel with a pointy bow and square stern that also hasn't left the dock in years. No one knows how long. The owner visits the boat all day long on sunny weekends. There is no regular pump-out service, but the owner doesn't seem to leave the boat to use the bathroom.

All three were vessels in a marina I moored in, on Lake Union. Under these regulations, the former would be restricted and, eventually, forced off the lake. The latter would be permitted and unregulated. Addressing the regulation specifically to barges is unenforceable and discriminatory. It has no basis in thousands of years of maritime history or the facts on the water in Seattle.

Furthermore, Lake Union and Portage Bay, home to most of the barges, are considered federally managed waters. The legal framework in play is soundly (and rightly) **within the jurisdiction of the Coast Guard**. The determination of what is, and is not, a boat is also within their purview. The city should not be attempting to counter those regulations. With regard to live-aboard vs. occasional use, how does the city plan to determine that use? Self-reporting hardly seems a sensible option if the goal is truly enforcement, instead of harassment. The alternative, then, is what. Bed checks? Per the earlier example, would there be different rules for each of those boats?

This is not a place where “we know one when we see one” will suffice. This regulation affects homes. As a property owner in Seattle, if DPD were to start regulating my house and land differently because of its shape, I can guarantee that my first call would be to confirm that the city was serious. My second would be to a lawyer. Lacking clear regulations, the city will be forced to litigate the issue.

My second major concern is that the proposed regulations are simply bad policy, for many reasons.

As described above, these regulations enter into areas which are clearly outside of the city's jurisdiction, are murky at best in terms of factual basis to make a legal determination, and are an enforcement nightmare. In 1998, when the then-named Department of Construction and Land Use (DCLU) attempted to regulate house barges and live-aboard use, the community was forced to sue their own government. In 2001, when the state Department of Natural Resources attacked live-aboards, the result was a lawsuit that cost boaters tens of thousands of dollars, and no doubt cost the state a similar amount.

Based on this evidence, this latest attack will no doubt bring about more costly legal action. The city budget is such that we have already cut social services, parks, the library,

and other critical services. **As a taxpayer, I'm deeply troubled that the city would now go looking for legal trouble on which to spend money.**

Another policy issue with this attack is that it **furtheres the loss of affordable housing in the city.** On Lake Union, where many of the barges are concentrated, it is the last stand within the center of the city. Today, a bare-bones boat or house barge can be bought for a few thousand dollars. Moorage can be found for less than \$500 a month. Rent on apartments larger than a small studio is similar, or higher. With the loss of affordable housing in South Lake Union, and the lack of new affordable housing being built, this regulation simply exacerbates the problem.

Finally, **these regulations make, at very best, an infinitesimally small impact on water quality.** As live-aboards, my wife and I used somewhere between 100 and 150 gallons of water every week. (I know because I had to get out the rain and fill the water tank when we ran dry.) According my latest bill from Seattle Public Utilities, our little bungalow uses that much water *every two days*.

The entire population of live-aboard boaters in Seattle, barges and pointy-bowed boats combined, don't equal the water consumption of my one block in Ballard. Water quality studies have shown that the worst days for fecal coliform in Lake Union and the Ship Canal are the 4th of July, Opening Day, and Seafair. Water quality is simply not a "live-aboard" or "house-berge" issue.

Even if live-aboards dumped their black water over the side, the annual impact would be less than that of a single Combined Sewer Overflow event. And yet, most do the responsible thing and have it pumped out, or take their boats (point and not-pointy alike) to a regulated pump-out facility. The CSO problem is still with us, despite knowing it needs to be fixed for well over a decade, and will be for several years to come. My live-aboard and house-berge neighbors were the first to call in oil slicks on the water. They were the ones out with small nets and sticks hauling trash from the waters around their home. They are the first responders when there is a boat about to sink. If anything, **moving live-aboards off the water will delay responses to environmental harm and result in more polluted waterways.**

There are far greater opportunities to positively change shoreline management and water quality impacts in Seattle. For instance:

- Enforce existing regulations against marine waste. Note the above studies about black-water from recreational boats during major boating events. Any live-aboard boater who has dealt with the visual and olfactory impacts of a boat pumping waste over the side would welcome this. Increasing patrols of this issue can be leveraged with checking for safety issues such as drunken boating or lack of life jackets.
- Reduce runoff pollution from vehicles and roadways by encouraging cycling, walking, and dense housing. Live-aboards on Lake Union, for instance, live close to downtown jobs and shopping. They've already reduced their water-quality impacts.

- Regulate application of pesticides. As a live-aboard and now home-owner, it baffles me how carefully I had to manage my waste on the boat, and yet my land-side neighbors and I can dump all manner of known toxins on our lawns. (And given where I live, the path between my rose garden and Shilshole Bay is remarkably short).

House barges and live-aboard boaters represent a part of Seattle culture and character as integral to how we are perceived as coffee shops and views of Puget Sound. It seems every 10 years the city attempts to harass and regulate them out of existence. Doing so would have a negligible (and possibly negative) impact on water quality and shoreline integrity. We lose our first responders, we lose free waterfront clean-up service, we lose the boaters who already practice responsible waste management practices. Along the way we waste precious tax dollars on a legal defense of unenforceable regulations.

As a citizen, boater, environmentalist, and homeowner in Seattle, I strongly request that the proposed regulations and recommendations be stricken from the updated Shoreline Management Plan. We can have a much greater impact on our water quality in other, less destructive ways.

Marc Lentini
3238 NW 61st Street
Seattle, WA 98107

Dear Ms. Glowacki,

For the last three years, my wife and I have lived in a 39' x 11' housebarge that was built in 1985. It has no means of propulsion or steering, is constructed of marine plywood and fiberglass, and has a flat bottom. The distance between the hull and the floor (the bilge) is about 8". All sewage is retained in a holding tank under our bed, which is right next to the bathroom. But graywater from the shower, bathroom sink, and kitchen sink are discharged into the ship canal through fittings in the hull of the vessel. The contents of this graywater is limited to small amounts of biodegradable soap without phosphates, and small food particles that aren't caught by the fine sieve in the sink when we wash dishes. We put other liquids down our marine head into the holding tank.

Our vessel and the pier where we are moored are adorned with vibrant potted plants. Large flocks of Canada geese cruise up and down the channel eating lake weed. Ducks visit (and defecate on) our porch. River otters catch crayfish and leave their claws on our dock. Beavers eat the plants in our small land garden and have even tried to eat potted trees on our porch. Raccoons eat our sweet pea crop in the summer. Herons fish from our neighbor's skiff. Common mergansers and double crested cormorants patrol the deeper waters. It is rather idyllic and the Argosy cruise boats that go by several times a day in the summer always remark about us over their loudspeakers. We are literally a tourist attraction.

I am concerned that the proposed new regulations will seriously jeopardize our way of life for no good reason.

First, I am not at all convinced that graywater containing small amounts of biodegradable, non-toxic soap and food particles has any negative impact on the local aquatic ecosystem whatsoever. Indeed, from our observations, these discharges seem to merely feed the crayfish, which are in turn eaten by the otters: just adding to the food chain. If the City is aware of scientific evidence about the impacts of such discharges, please provide it. I care about the aquatic environment and evidence that our lifestyle is adversely affecting the environment would influence my opinion.

Second, I am not convinced that it would be possible for us to comply with the proposal that all graywater be retained at reasonable cost, both in terms of dollar amounts and space on board our vessel. I'm not sure how large a holding tank would be required because it would depend on how often the tank is pumped. We have a 55 gallon tank for sewage that is pumped out once a week. That tank is quite large. In a week, I'm sure that we would produce more than 55 gallons of graywater, possibly substantially more. Since the bilge is so shallow, a new tank would have to sit on the floor somewhere and there isn't much floor space in our approximately 300 square foot main living area. Since there isn't room close to the kitchen sink, and the kitchen sink is away from the bathroom sink, it would have to be plumbed under the floor and rely on a pump to get the water into the tank. Because of the way the floor joists are arranged, this would probably require tearing up the floor and we would lose the only dedicated closet in the entire barge. I'm not even sure our vessel could structurally accommodate the weight of a large enough tank. I haven't asked for an estimate of the cost of this work, but based on my experience just replacing our existing holding tank, without any new plumbing, I believe it would be substantial. On a similar note, I have heard from others who attended the Lake Union Liveaboard Association's recent emergency meeting that the two existing pumpout business do not have the capacity to handle the graywater they would have to pump. Does the City have a plan for how it expects housebarge owners to comply with these regulations on a practical level? Has the City considered the costs to owners and feasibility of implementing these regulations? If so, what has been determined? I would appreciate receiving all information the city has on this topic.

As you know, state regulations prompting this redesign of the plan require "reasonable accommodation" of existing housebarges. Absent evidence that graywater discharge is an environmental hazard or that modifications could be made to comply with the proposed regulations at reasonable cost, I find it difficult to see how this is reasonable accommodation. It might be reasonable to require new housebarges (that replace existing vessels) to install graywater containment tanks, because they could be designed with this requirement in mind, but requiring retrofitting is a heavy burden. At the very minimum, a process should be added to the regulations for obtaining a variance from these requirements where impracticable. Some barges are quite a bit smaller than ours and I can't imagine where they would put a large enough tank.

As I understand it, these graywater requirements would only apply to vessels built for residential purposes. As I read the proposed regulations, this means that all other vessels--regardless of whether they are being used as residences--need not comply and can continue to discharge their graywater. This encourages residential use of recreational vessels instead of housebarges, which makes very little ecological sense. Residential vessels have engines and fuel tanks that present a greater hazard to the aquatic environment than graywater from housebarges. Unrestricted growth of residential uses (or any uses, really) of boats that are shaped like traditional boats does not solve the near-shore shading issue that I presume forms the basis for the state's decision that over water residences are not preferred. I think singling out the small number of housebarges is an arbitrary and capricious exercise of regulatory authority under the Administrative Procedures Act.

Finally, I have a few questions. The proposed regulations require housebarges to "meet state water quality standards and the City's stormwater code." What would this mean for housebarges? The proposed regulations also require "all overboard discharges ... to be sealed." Does this mean that we will be required to have all of the through-hull fittings on our vessel patched somehow? What about the one that we have functions as a water intake for flushing our marine head?

Thank you for your consideration of these comments and responses to my questions.

Very truly yours,
Matthew D. Mihlon

Date: 12/8/2011

-----Original Message-----

From: Bill Wehrenberg [mailto:bill@acadiaconsulting.com]
Sent: Thursday, December 08, 2011 6:07 PM
To: Glowacki, Margaret
Subject: Comments on Shoreline Management Plan = Draft 2

Maggie -

I appreciate all the work you have put into drafting the new Shoreline Management Program over the past year and considering all the feedback you have received. I think the removal of the "liveaboard" limits and registrations on the second draft was a good idea and will greatly simplify the implementation of the program.

I am quite disturbed, however, that some new regulations were inserted into the second draft relating to grey water collection. I have lived on a housebarge for seven years now - it is covered by the 1990 statute as a grandfathered "legal" housebarge and permitted as such. It was built in the early 80's and was not designed or equipped to house greywater holding tanks. An area under our stairwell contains the black water tank. There is no feasible place to put an additional tank on the boat, especially with the size required for grey water collection. As a consequence, our housebarge and home may be deemed unusable and the sizable investment we have in it wasted.

Even if our houseboat could be equipped with grey water tanks, I have been told by SS Head that they have no capability to collect grey water at this point and it would be several years before they (or probably anyone else) would have barges large enough to collect it. (They also said that because there are only a small number of housebarges on the lake that would need this service, it would not be profitable for even one company to invest in a barge to provide it.)

It is also very confusing to me that the grey water collection requirement is limited to housebarges only. There are many more liveboards on other types of boats, and they produce no less grey water than we do. It seems very unfair and arbitrary to single out housebarges in this manner. Why wouldn't this rule be applied equally to all boats that dump grey water including non-liveboard vessels if grey water is deemed to be an environmental issue?

I have spoken with our attorney and he thinks we have a good case against the City if this grey water provision for housebarges alone is included in the new policy. It would definitely be expensive for us to pursue legal action, but compared to the investment we may lose in our home, it would be worth it. In speaking with other owners, I know we wouldn't be the only ones doing this. I would think your City attorneys would have better issues to litigate than this grey water one which has so little impact on the lake or environment.

I believe the Lake Union Liveboard Association (LULA) proposed a 'phase-in period' which would make sense when there is no industry to support the demands of the city and none likely to appear immediately. A phase-in period would allow time for boat owners to plan and adjust to the new regulations and allow the grey water treatment industry and technology time to develop better ways of handling grey water than simply the collection and disposal of it.

Sincerely,
Bill Wehrenberg
206-200-8636

From: Christy Kinnaird [mailto:christinekinnaird@gmail.com]
Sent: Friday, December 09, 2011 3:53 PM
To: Glowacki, Margaret
Cc: KEVIN@THEKEVLIN.COM
Subject: proposed regulations for Houseboats and Liveboards

Dear Miss Glowacki and members of the DPD,

My name is Christy Kinnaird and I am proud member of the liveboard community on Lake Union. I am writing to you to express my deep concerns over the proposed changes in the Shoreline Revision Act.

Please allow me to get to the point and share my concerns.

- 1) Living on the water is an important and historical part of Seattle. Many tourists and locals alike flock to the lakes to gaze at the unique and eclectic lifestyle of the houseboat and liveaboard communities. The look of wonder and jealousy I get from most people when I tell them I live on a boat is a feeling that cannot be rivaled. How sad it would be to have to explain why there are no more “Sleepless in Seattle” homes...
- 2) The proposed change the definition of house boat to house barge is vague, non-enforceable, and leaves the door wide open for future restrictions with little or no recourse. I think that the existing definition of house boat is clear, easy to understand and proven to be effective over the course of time.
- 3) The targeting of the small liveaboard community is unfair, harsh, and uncalled for. We have asked repeatedly for an explanation as to why our community has been singled out for these drastic changes and we have not received a response. We are micro-community that represents the landscape of the Seattle lifestyle. We are lawyers, waiters, small business owners, real estate brokers, stay at home moms, artists and government employees. We pay our taxes, we vote and we will not be run over. We also pay sales tax on our vessels, state registration fees, and moorage fees. All of this contributes positively to the Seattle economy.
- 4) The new restrictions on grey water containment are unfounded, and logistically impossible to implement and comply with. LULA has asked repeatedly for scientific evidence to support the proposed changes, and received nothing. I doubt that if the DPD were to implement such extreme and restrictive rules on usage impacting a larger group of Seattle residents, it would never get past the fact finding point without solid, methodical scientific research surrounding the change. I am insulted that such regulations can even suggested without a single study to back the new regulations. I again ask why you believe the grey water restriction is necessary, how you came to that conclusion, and what other options you investigated to solve the “problem”.
- 5) Have you done any research on how you expect liveaboards to contain and dispose of the grey water? Please let me tell you that to create a system to hold grey water is almost impossible on my vessel, and on most of the vessels of my fellow liveaboards. Living on a boat comes with creating a very small carbon footprint, and also living in a very small space. Even if I were to be able to find a place to install a new water routing system and corresponding containment tank, it would costs thousands of dollars and jeopardize the safety of my boat due to stability issues. It would also cost several hundred dollars per month to have the grey water pumped out and disposed of. I am outraged that a change in policy that is not founded in any scientific study or merit would have such a huge initial cost, an ongoing monthly expenditure, and compromise the safety of my home.

Please listen to the heartfelt cries of myself and the liveaboard community. I would love to have you over for coffee so you could see what our lifestyle is really like. I

am a proud Seattle resident, a Realtor, a dog mom, AND I live on a boat. I go to work, I pay taxes, and I care about my city and my backyard (Lake Union). The proposed changes would have a devastating impact on me, my home, and my neighbors.

Best wishes,

Christy Kinnaird

(206)859-8358

-----Original Message-----

From: james brown [mailto:jbbmiramar@gmail.com]

Sent: Friday, December 09, 2011 7:49 PM

To: Glowacki, Margaret

Subject: Shoreline Management Plan

Hello,

I live part-time on my sailboat, but nothing in the SMP will impact my enjoyment of this unique Seattle experience. I do have a concern about the classification and restrictions on "house barges", particularly the apparent retro-active aspect to implementation of the SMP, disallowing any house barge after January 2011. House barges built and lived on in 2011 BEFORE the implementation of the SMP will be disallowed even though they might well be the only residence for their occupants and comply with all the restrictions required of house barges lived on – say – in December of 2010. This feature strikes me as unfair.

Another is the enormous expense and retro-fitting that will be required of allowed house barges to deal with their grey water disposal. Unlike my situation where I have only one small sink, never shower on board, do not have a dishwasher and must load all the water I use onto my sailboat before I can use it, the house barges are plugged into "city water", for all intents and purposes. The amount of water that even the smallest barge uses (I used to own one) is way more than that used by most vessels which regularly go out to sea (though I have seen many exceptions to this point as well). The 6-month "grace period" to deal with grey water is way too short for developing a plan and undergoing necessary modifications to any vessel, especially in an area – shall we say – not gifted with wonderful, dry weather all the time when construction can take place.

Living aboard a vessel, be it house barge, sailboat or motorboat is an iconic Seattle experience and provides an atmosphere, particularly around Lake Union, that adds charm to our city's look. It is important for those of you working on this plan to remember that someone who lives on a 40-foot or larger sailboat or motorboat will also have a shower, washing machine, dishwasher and so on and be impacting the environment no differently than those who live on house barges.

Thank you for your consideration of my opinion.

James Brown
Ballard Mill Marina

-----Original Message-----

From: Kathleen Modde [mailto:kathymodde@gmail.com]
Sent: Saturday, December 10, 2011 6:14 PM
To: Glowacki, Margaret
Cc: kevin@thekevin.com
Subject: Houseboats response

This letter is in response to the proposed regulations for houseboats and liveaboards. Seattle has had a long history of Houseboat communities, since the 1900's. These are neighborhoods, and should be treated and regarded as other neighborhoods and communities. These neighborhoods are additionally unique in one way, they regard themselves as Swards of the waterways. the proposed regulations need to be fair to all who use the waterways. If the goal is to protect the water, liveaboards, weekenders and recreational boaters need to abide. Arbitrarily redefining vessels and restricting some and not others is not fair either. If everyone has to adhere to protect our waters, everyone must provide a way to contain their gray and black water. These regulations besides the need for fairness, need to be transparent, clear and concise.

Michael Modde
Nickerson Marina

From: Ray Anderson [mailto:ray.anderson@aerofloat.com.au]
Sent: Tuesday, December 13, 2011 4:43 PM
To: Glowacki, Margaret
Cc: Michael Anderson; Katie Moor
Subject: Gray water Treatment for houseboats

Hi Maggie,

I have been contacted by a houseboat owner in docked at Liberty Bay Marina in Poulsbo, WA, USA regarding the supply of one of our treatment plants for greywater generated from her houseboat.

I advise that the EPA in Australia has introduced requirements where houseboat owners can treat the greywater to a specified standard. We are the only Company to have undertaken Certification testing of our product to the relevant Australian Standard.

I have attached some literature regarding our product and you can also visit our website at: www.aerofloat.com.au

I have looked briefly at your website and reviewed the proposed SMP regulations but there does not appear to be any option for treatment of greywater.

Can you advise me if greywater treatment is being considered by your Department?

Regards

Ray Anderson | [Managing Director](#)

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From: Michele Diafos [mailto:diafosmichele40@gmail.com]

Sent: Wednesday, December 14, 2011 12:07 PM

To: Glowacki, Margaret

Subject: DPD's proposed Shoreline Management Plan

Dearest Maggie,

As a twenty year resident of Lake Union aboard my housebarge, I implore you to reconsider this arbitrary and ill thought out plan. When an organization is not transparent as to the goal of its punitive actions, it hurts all of us. I ask, respectfully, what is behind this?

When you have a close knit community , such as ours, it is imperative that we are all involved to address whatever is motivating this plan. We are the finest stewards of the Lake, as we live upon its' waters, swim within them, smell the air above it, and stand to suffer if we are not handling our discharges responsibly! I wish I could report the. same regarding the type of "waste" befouling the waters from the recreational users: condoms, syringes, tin cans, etc.

We need to be informed as to the "problem" here. I am sure I can speak for most of us that It is highly likely that you would gain support and cooperation from all of us, should we be included in the process. Our requests for meetings to discover the root issues, and problem solve, have been ignored.

We are a clever, creative populace, who would welcome the opportunity to offer solutions to whatever the issues may be.

For the record, my housebarge has welcomed many a tour group, to the delight of all who come aboard. A positive reflection of what makes Seattle the tourist attraction it is.

Looking forward to finding workable solutions, and not being displaced,

Michele Diafos

From: Bob Dannenhold [mailto:rd@collegeology.com]

Sent: Wednesday, December 14, 2011 9:46 PM

To: Glowacki, Margaret

Subject: Fwd: A comment or two on the new barge rules... & a link to review.

Dear Maggie,

As a marine biologist, as I know you are, Don't you find this map of sewage overflow from the City of Seattle a much more important project to be working on than this whole houseboat, house barge, floating home management issue?

People are living in house vessels all over the world and these areas are a foundation of pride in their communities. Books of fiction, non-fiction and poetry are written about this lifestyle.

The article in today's PI seems a bit misguided. I honestly do not want to offend you or anyone in your office, but, I must say, when the city and state begin to dwell on and create a negative situation over a group of responsible stewards of the lake it seems like another private agenda item from someone who has sucked the city into a game of "Blind-man's Bluff."

I respect much of what you do, but I do hope you will listen to this community and remember the community of people you shared time with when you were living on your boat. This water living community is a valuable part of our heritage and our future. There really is not much room for too many more houseboats, right? They can't be in a waterway, so they are not interfering with boat traffic. The water dependent use question is pretty broad and if a boat is at the edge of the lake, is it really bothering anyone? Fish life, I think not according to Fisheries at the UW. They keep expanding every inch they can of their lake property and is just keeps looking better and better.

One more thing. If this is about money, as it often is with the City of Seattle, then how about a tax on liveaboards?(For those who do not pay property taxes like floating homes do) It seems to me, this would be a fair way to possibly balance out and help pay for the real ecological impact on the lake as the map I have attached shows pretty clearly.

I know you have a tough job, but I hope you continue to listen to and evaluate fairly the serious concern many residents have about changing this wonderful Seattle culture. I was on a MOHI boat tour recently and the historian on board with the microphone talked with

incredible pride about the old house barges, the new beautiful ones, the houseboats of all colors and shapes and the tugs, sailboats and cruisers that people were living on. She closed the tour by saying, "this my friends, is the wonderful life and beauty of Lake Union and the Emerald City."

Is it romantic? I can't say, but it is a culture that needs to survive like many others we all take pride in. Create rules that help and embrace this part of our city, don't punish people for good stewardship and creative ideas.

Most Sincerely,
Bob Dannenhold

http://www.seattle.gov/util/groups/public/@spu/@usm/documents/webcontent/02_008043.pdf

Bob Dannenhold

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From: mkelber@kelber.mvipa.org [mailto:mkelber@kelber.mvipa.org]
Sent: Thursday, December 15, 2011 1:25 PM
To: Glowacki, Margaret
Subject: margaret.glowacki@seattle.gov

My wife and I are very disturbed regarding the proposed new rules on liveaboard house boats on Lake Union. We purchased a new houseboat this past summer. We have invested a large amount of money in both the purchase, the taxes paid, and furnishing the boat. We don't understand how you can pass a rule that retroactively makes our purchase illegal. We understand there are arguments on both sides for the new definitions and issues regarding gray water disposal. But none of these would cost the owners the entire purchase price and investment of their home. We urge you to reconsider the rules prior to submitting to the city. This will not only produce a more reasonable document, but will also prevent certain litigation that will be unnecessarily costly for the city.

Thank you

Michael W. Kelber, MD
2365 Grear St NE
Salem, OR 97301
t-503-391-6615
f-503-391-0471

From: Jennifer Barron [mailto:jenni_fer_35@yahoo.com]
Sent: Thursday, December 15, 2011 2:45 PM
To: Glowacki, Margaret
Subject: Proposed Regulations

Hello Margaret,

I wanted to take a moment and let you know about the frustrations that your proposals are creating for me and my world. I love and respect living on the water, as do my neighbors and we conduct ourselves accordingly. It strikes me as odd that you are targeting this community; what about other vessels??? I can not tell you how frustrating it is to watch the weekend warriors come on to the water and have no concern for what they put into it, be it grey water or garbage.

Before you implement all of these changes it would be helpful if you were able to give us options. For instance; How do you propose on my boat I collect the grey water, who even off loads grey water. Have you thought about how you would phase this in?

It seems you are taking a shot at" houseboats" without giving thought to 1. How we already work to protect the environment. 2. Safety precautions for our boats. 4. Is it even feasible to create a container on these boats 3. financial implications.

Please do not be so hasty, take time to think this through.

Thanks for your time.

Sincerely,

Jennifer Barron
Seattle Marinna B-16

From: arden [mailto:arden@innersoundonline.com]
Sent: Friday, December 16, 2011 7:02 PM
To: Glowacki, Margaret
Subject: Proposed change for 20.60.204 F SMA Act

Hi Margaret,

We live on a house barge (City of Seattle Sticker #5 given out in 1990) on Lake Union in Commercial Marine.

We believe that regulation 20.60.204 F of the Shoreline Management Act should be amended to include the option for the gray water to be processed/filtered to EPA standards and then put back into the lake, particularly for marinas that do not provide gray water plumbing.

Gray water can be effectively treated so that it would be cleaner than rain water. It is impractical to 'contain and convey' the gray water as well as the black water on a small vessel or house barge as there is simply not the space to put a gray water tank of the size needed as the black water and water tanks already take up the space available on most boats/house barges.

Also, as we read the SMA Act as proposed, normal sail and power boats can dump their gray water into the lake. This contamination should be dealt in the same way as for house barges.

20.60.204 F might then read as follows:

"House barges must meet state water quality standards and the City's stormwater code, and all overboard discharges are required to be sealed and contain a means for conveying all waste water, or the gray water can be processed or filtered to EPA clean water standards before going into the lake."

Thank you,
Arden & Jack Wilken
2542 Westlake Ave N #9
Seattle, WA 98109
206 618 3985

From: allen moe [mailto:xallenmoe@gmail.com]
Sent: Sunday, December 18, 2011 5:16 PM
To: Glowacki, Margaret
Subject: shoreline master prop.

i object to the singling-out of liveaboard houseboats in the proposal to clean-up the pollution of lake union. it seems they should be granted the same privileges and restrictions as the floating homes. anything less is unfair. allen moe, la Conner, wa.

From: Marilyn Evans [mailto:mkevans@earthlink.net]
Sent: Sunday, December 18, 2011 6:57 PM
To: Glowacki, Margaret
Cc: kevin@thekevin.com
Subject: DPD proposed regs regarding house boats

Dear Ms. Glowacki:

I believe DPD's proposed Shoreline Management Plan regulations will cause irreparable harm to many families living on house boats, and will eventually doom an iconic part of Seattle. These regulations will immediately force some house boats off of Seattle waters, due to structural/flotation restrictions preventing installation of grey water containment systems. Through attrition, these regulations will cause all House boats to disappear off the Seattle waters.

It is very apparent that these regulations are specifically targeting house boats without regard to the environment, our Seattle culture, or the serious personal and financial loss to the small community of house boat owners.

Let's look at the FACTS.

DPD's proposal;

1. allows for unlimited growth of liveaboard vessels in spite of DPD's stated goal of limiting the over water residences.
2. allows liveaboard vessels to dump their grey water, unrestricted, into Seattle waters, in spite of DPD's stated goal of reducing grey water discharge.
3. targets only house boats which are a small fraction of the liveaboards in Seattle Waters, and requires them, at a cost of THOUSANDS of dollars per vessel, to contain and pump/dispose of their grey water.
4. has NO phase in period for houseboats to accommodate these harsh regulations.
5. does not account for the lack of infrastructure to handle the grey water requirements, or the financial cost of creating and supporting this infrastructure.
6. is not backed up with ANY science and is based on opinions of the developers and is contradictory to existing statistics.
7. is written with such vague definitions that it can arbitrarily decide what is a houseboat, housebarge, or liveaboard vessel.
8. does not take into consideration the safety of a vessel if grey water containment systems have to be installed, even if it may actually endanger human life and property.
9. does not take into account the benefits afforded to Seattle waters, marinas, and tourism industry brought by house boats.
10. calls for "No New House Barges" and makes it retroactive to Jan. 2011. This allows DPD to deny houseboats that were on the lake from then until implementation of the bill, even though a number of house boats were built legally during that period and complied with existing rules.

Lake Union Liveaboard Association “Guardians of the Lake” (LULA) developed and presented an alternative proposal that effectively, and reasonably, deals with the two main issues, specifically:

1. Grey Water contamination (by ALL liveaboards)
2. Limiting the number of Over Water Residences (ALL types).

When you review the following comparison of the DPD vs. LULA proposal, it is undeniable that the LULA proposal is more effective at achieving these goals, while inflicting far less damage to the small community of house boats.

Comparison of DPD proposals to Lake Union Liveaboard Association (LULA) proposals (relating to house barges and liveaboards)

| DPD Proposal | LULA Proposal |
|--|---|
| Redefines House Boats as House Barges (regardless of navigation ability). Definition is vague and arbitrary and can be applied at the discretion of DPD. | Retains current Definition – House Barges are over water residences without a means of navigation, liveaboard vessels are required to have a means of navigation. |
| No New House Barges (House boats) | Allows modest growth to a limit and based on ability to contain Grey Water. |
| Allows unlimited growth of Liveaboard Vessels | Applies growth limitation for ALL over water residences. |
| Allows liveaboard vessels to dump grey water unrestricted. Provides NO incentive for reducing grey water discharge. | Applies incentives to all classes to contain grey water, reduce grey water discharge, and mitigate other existing environmental issues. |
| Has no “Phase In” period. All houseboats must comply within 6 months of implementation. | Has 3 year phase in period and incentives for all over water residences to contain and/or reduce grey water. |
| Has no consideration for structural restriction preventing installation of grey water containment system. | Allows these vessel to continue to exist while providing incentives for being green and funding mitigation programs to reduce impact. |
| Retroactive implementation of the “No New House Barge” rule to Jan. 2011, making a small number of houseboats instant violators. | Implementation is based on enactment and does not unfairly target a few specific vessels. |
| Liveaboard definition requires some sort | Over Water Residence definition is |

| | |
|--|---|
| of monitoring / policing to determine / enforce. | based on IRS guidelines and can be verified through tax records. |
| House barges cannot change their footprint above or below the waterline. | No such rule. House barges may need to do this in some cases to accommodate grey water containment, or to otherwise stabilize their vessel. Minimal or no environmental impact. |
| Provide for no monitoring mechanism. | Provides a simple method for validating compliance and verifying permits |
| Does nothing to improve Seattle waters. (will likely increase pollution) | Provides incentives and mitigation funds for improving Seattle waters. |

As a floating home owner, I want to express my concern for the arbitrary decision the city is making to remove part of our community. There are better solutions and we all need to work together to implement them.

Thank you for your consideration.

Marilyn Evans

2766 Westlake Ave. N, #E

From: katy childers [mailto:katychilders@hotmail.com]
Sent: Tuesday, December 20, 2011 8:41 PM
To: Glowacki, Margaret
Subject: Shoreline Management Plan

Dear Ms. Glowacki:

I am a member of Seattle's liveaboard community and would like to take the opportunity to submit my concerns about the proposed Shoreline Management Plan.

I recently had the fortune and pleasure to be able to buy my own home. I work for a nonprofit organization in Seattle that provides housing and services for homeless women and wanted a home for myself. This year, I purchased a small houseboat. While I love my work and enjoy giving back to Seattle, it creates financial barriers. My little 600 square foot houseboat was one of the few places I could afford to buy in a safe, desirable neighborhood within the City of Seattle. Without it, it would be years before I could have a place of my own.

I am an environmentalist and love living in the lake with the geese, seagulls, ducks and fish around me.

I wanted to live in the City of Seattle to avoid a long commute to work and be able to walk as much as possible. I wanted to keep my lifestyle smaller and more compact, so I didn't accumulate items that would end up in landfills or use a lot of energy to heat a house large than I need.

I share your concern about the health of the lake and the salmon, but have some concerns about the proposed Plan and whether it would 1) accomplish the overall goals of the plan to clean up the waterways, 2) be fairly applied to lake users, and 3) even be feasible to implement.

I am sure you have read many letters against the regulations, so I would like to discuss only one aspect of the proposed regulations today: I am absolutely terrified I will only have a short time to comply with the grey-water collection regulation. I have no idea how I could pay for thousands of dollars of tanks to be installed in such a short amount of time. At only 600 square feet, I do not have room on my boat for grey-water collection tanks. I have no idea where boats of 300 or 400 square feet would store their tanks. Furthermore, full tanks will throw off the weight balance on my small houseboat, putting it in danger of sinking.

If I were to have tanks on my boat, there are only a couple of companies that pump out on the lake. If all houseboats needed this service, I understand these companies would not have the capacity to keep up with the demand. Currently, with just a black-water tank, I get pump out service once per week at a cost of about \$75 per month. It's steep for me. I do not know how I could afford ongoing pump out service several times a week. And I have no idea how any of this will change the value of my home.

I agree with the Lake Union Liveaboard Association proposal of a longer phase-in period for grey-water collection and/or an environmental certification/education program that ALL liveaboards should have to complete. This would give me, other houseboat owners, dock owners and the pump out service providers the time to be able to comply with the regulations and protect our lake.

Thank you very much for taking the time to read my letter and listen to my thoughts. If you would like to discuss this more or have any questions, please feel free to reach me at 206.799.6723 or katychilders@hotmail.com.

Best wishes this holiday season,

Katy Childers

-----Original Message-----

From: Stephen A. Hulsizer [mailto:sahulsizer@earthlink.net]

Sent: Tuesday, December 20, 2011 10:25 PM

To: Glowacki, Margaret
Subject: SMA comments re:house barges

I support the eventual elimination of house barges. Indeed, these are nothing more than a way to get around the limitations on legal house boats. House barges are not navigable vessels, as seen by one example of a new barge at Seaview Boat Yard at Shilshole Bay Marina. This barge has one offset 9.9 hp engine that cannot be used to steer, or for that matter, even speed controlled safely.

With the limited moorage available in Seattle and its environs, house barges take away in-water moorage for legitimate vessels.

I do agree that any liveboard vessel should have a means of capturing and storing gray water.

Regards,
Stephen A. Hulsizer
3408 NW 62nd St
Seattle, WA 98107
206 789-3073

-----Original Message-----

From: Virginia Powers [mailto:vipowers@sprintmail.com]
Sent: Wednesday, December 21, 2011 7:44 AM
To: Glowacki, Margaret; Glowacki, Margaret
Subject: Housebarge new regulations

Dear Maggie;

Early winter morning on still, quiet waters. The heron stands nearby watching for his breakfast. First light shimmers and reflects.

I live close to nature in our watery world. I hear the shorebirds calling and the gentle lapping of the ripples.

We, who choose this life love our world. We know what a gift surrounds us everyday. We protect this environment to help preserve the beauty that is all around us. Our footprint is small and well thought out.

Please understand that those of us living on housebarges have made conscious choices to give up the comforts of living on land to take on the reduced energy/pollutants that come with living closer to nature. We think before we act and do what we can to minimize our possible contributions to contaminating the Shoreline surrounding.

Thanks, Virginia Powers

From: PNKelber@aol.com [mailto:PNKelber@aol.com]

Sent: Wednesday, December 21, 2011 1:50 PM

To: Glowacki, Margaret

Cc: Conlin, Richard

Subject: Lake Union Houseboats

Dear Ms Glowacki:

I am quite concerned about the proposed revision of rules regarding houseboats on Lake Union. My husband and I purchased a new houseboat this past summer. We have it moored on Lake Union and spend most of our weekends on our boat. If the rules proposed by the planning commission are passed and accepted by the city council, we will suffer a huge financial loss. Not only will we lose financially, but the marina where we are moored, the vendors that we purchase goods and furniture from, the pump out facility and the city and state tax collectors all lose income.

We are concerned with the implications of passing an ex post facto law. It is our understanding, after consulting with our attorney, that this type of retroactive law is questionable and will open the city to additional litigation and losses. With the recent financial strain put on the city from litigation due to the Seattle Police Department, we don't understand why they would want to open themselves up to new and additional litigation.

We are asking you to please reconsider the proposed rules, especially regarding retroactive banning of existing houseboats.

Sincerely yours,

Peggy Kelber

From: Susan Welch [mailto:swelch111@gmail.com]

Sent: Wednesday, December 21, 2011 2:08 PM

To: Glowacki, Margaret

Cc: KEVIN@THEKEVLIN.COM; gwpm.mgr@gmail.com; Conlin, Richard; Bagshaw, Sally; Burgess, Tim; Godden, Jean; Harrell, Bruce; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; 'Bruce Jensen'; susan.welch@malteurop.com

Subject: Concerns about Shoreline Master Plan

Dear Ms. Glowacki;

My husband, son and I live on a 350 sq ft 'footprint', coast guard certified houseboat at Gasworks Park Marina. We own both our slip and our houseboat, which is our home. The regulations proposed under the most recent SMP draft are frightening to me. Ownership of our class of vessel, which was fully in compliance when we purchased it, will all of a sudden be out of compliance. We will therefore be forced to make expensive changes to our structure and pay property taxes on a major asset for which we already paid sales tax.

We will moreover suffer destruction of value of our property at the hands of the government we support through taxes, by the planned phase-out of houseboats on Lake Union.

We are not opposed to being part of the solution to making Lake Union cleaner and safer. In fact, in many ways, we already are – and continuous improvement is a logical effort for us ~ improving our backyard is an ongoing, positive step in maintaining our property value, which is important to all home-owners, land or water.

Currently, we engage in the following practices to limit our gray water:

- Launder off site.
- Limit on-board showers to one per person, per week.
- Compost all food waste and generally use compostable dishware
- Use black-water disposal for most kitchen liquid waste and all greases
- Grill all meats and fishes on a small, electric outdoor grill to minimize grease.
- Use biodegradable dish soap efficiently.

It is also worth noting that houseboat living can make for good stewardship. Gasworks Park Marina has regular community clean-up days to maintain both our land and water properties. We clean foreign items from our marina waters, and take great care to have a pleasant, well-tended green-space, which faces the Burke-Gilman Trail on Northlake Way.

Houseboat and liveaboards also make marinas and the lake safer. In my five years here, I have saved two kayakers from possibly drowning on Lake Union. The first time, I saw the young woman who'd fallen, fully-clothed, off her kayak in April. I road our little motor boat to her, hauled her into my boat, tied up her kayak and brought her to my home, where she spent 20 minutes, fully-clothed, in my hot shower, regaining warmth.

The second time, the kayaker fell, also fully clothed, just yards from our dock. It was February, I put on my wetsuit, and jumped in to help her swim to the dock from the kayak she was hanging on to.

My eleven year old son chose to do his first independent Science Fair project on the effect of various pollutants on Lake Union water. Growing up on the Lake is a special, up-close and personal way to experience how lifestyle impacts nature. What better way to educate the next generation?

These are the details of houseboat living that make Seattle and Lake Union so special. We feel that you are perilously close to changing it forever, without really having the scientific facts to prove that your proposed changes are the best ways to achieve the desired goals: How much gray water do houseboats such as mine contribute to gray water accumulation and oxygen deprivation? What percentage is our contribution, as part of the total gray water production by all categories of boats (liveaboard and others) on the lake?

If we were to set voluntary goals for reduction, through education and communication, would that not reduce the problem to an acceptable level? What if the city limited house-

barge licenses not retroactively, but according to the spaces currently available, and based upon marina availability where acceptable gray water management practices are enforced? After all, this is an urban lake, with urban applications – industrial and residential and recreational - that are both economically desired and culturally valid. It will likely never be, nor could it be, Walden Pond. *Even if houseboat living is not considered to be worthy of public protection through policy, what will be gained by intentionally destroying it?*

I wonder, does it really seem fair?

- 1) To regulate a small subset of homeowners to make costly changes to their home, while other lake-dwellers who have a similar impact, are exempt?
- 2) To regulate a small subset of homeowner to make costly changes to their home, when the impact of those changes might have an only negligible positive effect on the targeted problem?
- 3) Require property owners to be double-taxed ~ once through sales tax, then through property tax?
- 4) Put limits on a category of home-owners that reduce their ability to maintain the market value of their home? Why, if gray water is managed, voluntarily or otherwise, would the city refuse licenses for new house-barges, moving forward? Why not just tie future licensing for new vessels to marinas where gray water is managed?
- 5) Create duress for a group of tax-paying homeowners, in order to allegedly improve fish habitat, while several huge, rusting, decommissioned trawlers sit right next door to Gasworks Park Marina, with a combined underwater footprint equal to that of about 30 average sized houseboats?

We are grateful for living in a country and city where our voice can be articulated and heard. We are grateful for living in a community as beautiful as Seattle, in a corner where nature and urban life come together in a very unique way. We believe that much can be done to enhance our environment through a better understanding of the problems, education around and implementation of best practices and voluntary, community action for the greater good.

Thank you,

Susan Welch

From: Sean Conner [mailto:seanconner67@hotmail.com]
Sent: Wednesday, December 21, 2011 10:43 PM
To: Glowacki, Margaret
Subject: SMP 2nd draft comment

Ms. Glowacki,

I am writing you regarding the proposed amendments to the Shoreline Management Plan. As a member of the Lake Union Liveaboard Association (LULA), I would like to echo many of sentiments you have no doubt already heard. As a Seattle native who grew up

near the lake, former professional boat builder, and houseboat owner, I share the deep commitment of *all* Seattle liveaboards to the waterways of the city.

I have several concerns with the proposed regulations:

- Presumed Ecological Benefits**
- Retroactive Application of the Proposed Regulations:**
- Ambiguity of Proposed Regulations**
- Unequal Application of Regulations**
- Financial Impact on Boat Owners**

Presumed Ecological Benefits: The regulations as they are written will have little impact on water quality and there is no scientific analysis to even verify a baseline the impact could be measured against. The elephant in the living room is that liveboard vessel's impact on the lake is insignificant when you consider the amount of rainwater runoff from surrounding hills and all the street grease, tire dust and landscaping chemicals contained therein. I used to live near the University Bridge and you'd be astonished at how much tire dust ends up in the water. Combined Sewer Overflows, according to the King County website ([here](#)), are the "*worst source* of pollutants and pathogens to the lake". There has been no active monitoring of water quality since 1997 by the department of Ecology ([here](#)) severely impacts our ability to even track the impact of any of these changes. *The proposal from the LULA addresses this in a reasonable manner.*

Retroactive Application of the Proposed Regulations: The regulations as written would immediately go into effect and be retroactively enforceable. This is by definition would be an ex post facto law, which is prohibited by both our State (Article 1 Section 23 [here](#)) and US constitutions (Article 1 Section 9 [here](#)). If anything, a new boat made with environmentally friendly materials may have a lower impact on the lake. *Any changes to these regulations should not be retroactive and should be implemented in a phased approach, consistent with the recommendation provided by LULA.*

Ambiguity of Proposed Regulations: The proposed definition of a House Barge is vague and arbitrary, allowing DPD to decide what vessels are "Primarily designed as a place of residence. (With or without a means of navigation / propulsion)". The proposed re-definition of houseboat/barge is ambiguous and left completely up to interpretation. *Any vessel with staterooms, galley and a head is designed to be a place of residence, part-time for some, full time for others. The current definition of a houseboat/barge should be retained.*

Unequal Application of Regulations: Is the gray water from a yacht or sailboat somehow *less gray* than that from a houseboat? This seems to go against the intent of our state constitution, which states in Article 1 Section 12 ([here](#)) that no laws shall be passed granting any special privileges and immunities to any group or corporation. Gray water is gray water no matter what the source. It defies logic as to why it would apply to one style of boat and not another. *The proposals from LULA address the concern about all liveboard vessels, regardless of boat type, in a fair and consistent manner.*

Financial Impact on Boat Owners: Most houseboat owners are regular middle-class people whose fortunes have already been battered by the recession, and the proposed would render their homes nearly worthless. I know, as I'm one of them. Many are retirees, living on fixed incomes. Compliance with the proposed regulations would be prohibitively costly; I know it would bankrupt me personally. In many cases it's physically impossible to contain gray water, boats aren't houses either, and are much more difficult to modify.

There are many more details involved with all of these issues, but I hope a few messages come through clearly from my email and the comments you likely have received already. Those of us that chose to live on Seattle's waterways are may be a small community, but we are a vocal and passionate group of people who are committed to protecting our way of life which inherently means protecting the waterways on which we make our homes. We are also committed to working with the City of Seattle to come to a reasonable and fair compromise that serves as many constituents as possible. This was true of the initial proposal the LULA tenured and continues to be true. I'm confident that we can find a solution to these and several other issues with the proposed changes that don't put peoples' homes, savings and financial security at risk.

Thank you for your consideration.

Best regards,

Sean Conner

From: rodneyhanscomb@comcast.net [mailto:rodneyhanscomb@comcast.net]

Sent: Thursday, December 22, 2011 9:14 AM

To: Glowacki, Margaret

Subject: Houseboat owner

Margaret,

Thank you for your time spent reviewing this note. I am commenting on the proposed changes for house boats on Lake Union. I am an owner of a house boat myself. I know that the basis for the changes have been stated to be tied to the Shoreline Management Act. The Shoreline Management Act, I am assuming, has a primary goal of reducing the amount of effect the local population has on the condition of the Lake. In drafting legislation to change rules towards house boats, I am assuming that it must be related to the grey water issue. Is it not more effective for the city to go at this to find the most effective way to reduce grey water into the lake? It seems that legislation that would make marinas having live aboards of all kinds (sailboats, yachts, house boats) have dock side pump out service would be much more effective in reducing effects on the Lake.

There really would be little impact from boats of all kinds if this was done. An option to this is having fines for people to dump their grey water overboard, to include fines to the marinas that knowingly allow it and don't enforce it. The pump out boats for black water could handle the grey water also at marinas that don't have dock side pump out. House

boat owners would have to absorb some extra cost in order to help the Lake. It would help eliminate some of the older, poorer house boats on the Lake by making the cost of ownership/renting more expensive.

Since there are seemingly so many more effective ways to reduce the impact from all boats on the Lake, I question the motivation of this new proposed legislation. Is it fully driven by the interests of the water conditions in the Lake? Is part of this, or most of this legislation, a way to reduce the number of unattractive and poor conditioned boats/domiciles that can be an eye soar to the city? Having a higher end, nicer boat myself I understand if part of the legislation is driven to find a way to limit more house boats on the Lake. If it is really about Shoreline Management, what is this proposal going to do about the already hundreds of house boats that dump grey water overboard? Zero really. It seems that legislation stopping boats of *all kinds* from dumping overboard would be exponentially more effective in helping the Lake than the current proposal of limiting new house boats will ever be.

Sincerely,

Rodney Hanscomb

From: Charlie Kollmeyer [mailto:charliekollmeyer@hotmail.com]

Sent: Thursday, December 22, 2011 11:47 AM

To: Glowacki, Margaret

Subject: Regulations the City of Seattle is imposing on house boats/barges

Dear Maggie,

I would like to comment on the regulations the City of Seattle is imposing on house boats/barges. I live in a floating home on Westlake Avenue North (not a house boat, house barge or live aboard vessel) so my home would not be affected but I am concerned about DPDs proposed Shoreline Management Plan **and the unequal application of regulations** as it applies to gray water.

You/DPD wants to mandate that all houseboats contain gray water and targeting a very small number of liveaboards compared to huge amount of recreational vessels used as a permanent home throughout the sound. Not to mention that the sheer number of boats/ships that are all over the lakes and Pudget Sound waters pouring gray water into the sound every day of the year. It scares me to think about what the ships and trawlers pour into the water on a daily basis.

Houseboats do not have systems to contain gray water and the proposal will cost thousands of dollars and does not take into consideration what it will/can do to the boats structurally. Also, there is no infrastructure to deal with gray water at this point. Who will pump it AND where will they dump it? Are you planning a new city department to deal with this?

Last but not least, there doesn't seem to be any science or facts behind this regulation. Is this true? Someone simply **decided** to regulate a small number historical boats that are part of Seattle's charm and that actually bring tourism dollars to the City of Seattle? Can you help me understand this? I must have this wrong and would be very interested in reading facts behind the gray water plan and actually the entire proposed plan (ie: limiting over water residences; no new house barges retroactive to January 2011).

I appreciate your attention to this critical issue.

Sincerely,

[Charlie](#)

[Charlie Kollmeyer](#)
[Kollmeyer's Home and Garden](#)
[206-915-2550](#)

-----Original Message-----

From: Lucy [mailto:lucyreid@centurytel.net]
Sent: Thursday, December 22, 2011 12:51 PM
To: Glowacki, Margaret
Subject: Live aboards

Good morning,

I am writing to support stricter regulations on live aboards on lake union. The loop hole created by putting an outboard on what is obviously a house or barge should end, as should dumping of greywater into the lake.

Lucy Reid
2019 Fairview Ave E H
Seattle

From: RNelson000@aol.com [mailto:RNelson000@aol.com]
Sent: Thursday, December 22, 2011 12:07 PM
To: Glowacki, Margaret
Subject: SMP

Dear Ms. Glowacki:

We are house barge owners with comments about the Seattle Shoreline Management Plan (SMP).

Over a recent weekend, we read in excess of 40 Seattle Department of Planning and Development (DPD) position papers/minutes. We quickly realized that despite its hard work to update the SMP to satisfy the state, city and its many and varied "stakeholders", the DPD has created a flawed SMP proposal that affects us profoundly. The

Department's heavy-handed and aggressive rules regarding house barges defy facts and logic. It is a fiat driven policy proposal riddled with inconsistencies and discriminatory implementations based on misinformation and minimal scientific evidence which has resulted in promulgating poorly conceived regulations for house barges.

It became readily apparent from our extensive reading that the obvious omission of one "stakeholder" group (our group, the house barge and live aboard community) has led to this deeply flawed SMP proposal. Though it is now late in the process (our "public" input deadline is now 12/23/2011 and -it appears from the reading- the deadline for submission to the state was the end of 2010), we feel the poorly conceived segments of the proposal must be revisited and addressed more appropriately while involving the burdened stakeholders who had no representation. Failure to do so would be an abrogation of your public responsibility. Failure to do so and not address the contested issues could certainly result in financial, and social and/or political repercussions. The errors of poorly developed plans put into place are difficult to rectify after the fact.

The house barge and live aboard community is comprised of a complete spectrum of Seattle's population and includes a large segment of laborers and professionals involved in water dependent industries. We are "stakeholders" who were not included in the proposal process despite the Citizens Advisory Committee (CAC) charter to involve all "stakeholders" and the public. Please recognize that posting invitations on the DPD website to participate in meetings (the DPD website is not the Seattle P.I. or the Seattle Times) does not constitute a realistic or effective public notification. In particular, did Triangle Associates (the consultant facilitator) or the DPD itself ever contact and invite someone from such a sizeable "stakeholder" group as the live aboard community? That would be a glaring omission. It is not that the DPD was unaware of us. Your own overview presentation given during the first CAC meeting on 5/27/2008 listed "house barges" as an "issue". Yet still, our community was not included in your deliberations. Nevertheless, the conclusions and rules emanating from those deliberations directly involved us and will have a profoundly adverse impact on us.

The above briefly demonstrates only one of the many flaws contained in the DPD SMP update proposal. To expand this brief letter of concern into the other issues that we feel require further discussion would make it too lengthy for this venue: however, those issues include but are not limited to:

- 1) Achieving compliance with regulations on such short notice (we are told 6 months)
- 2) Creating enormous costs to house barge owners to comply (elimination of grey water)
- 3) Addressing the lack of infrastructure to support implementation of changes
- 3) Discussing the selective singling out of an iconic historical group to incur huge changes
- 4) Addressing low-cost housing implications related to loss of live aboard availability

- 5) Addressing insurance implications created by the house barge limitations
- 6) Addressing taxation implications and contradictions between barges, boats & floating homes
- 7) Removing unreasonable retroactive rules for some house barge owners
- 8) Finding legitimate scientific evidence to support the need for impositions (only one study?)
- 9) Addressing blatantly discriminatory impositions (house barges are only one type of vessel).

We respectfully request that you, your staff, and/or the committee (preferably all) engage the areas live aboard community in a meaningful revisit to the issues that involve us. We value a collective effort and believe that you, your committee and our city council desire to proceed in an inclusive and objective manner. The live aboard community is multifaceted, and we are excellent and concerned stewards of the waterways. We live on them. Please respond to us and the additional concerned organizations.

Respectfully,

Ralph A. Nelson, MD

CAPT USN (retired)

(360) 621-8179

RNelson000@aol.com

Anne E. Nelson, RN, PsyD

-----Original Message-----

From: Sally L. Brown [mailto:slb@u.washington.edu]

Sent: Thursday, December 22, 2011 1:46 PM

To: Glowacki, Margaret

Subject: Shoreline rules

Ms. Glowacki

Another comment on the proposed rules. The proposed revisions are much improved. This is a complicated system and there is not an easy way to simultaneously protect liveaboards and the ecological health of Lake Union. I am a resident at Gas Works Park Marina and we have begun the process of determining the feasibility of installing a combined grey and black water collection system. Your approach to date has been focused on vessels- I would like you to consider the potential to do this using a marina focus. Perhaps instead of capping the number of liveaboards, it would be easier to work to cap the number of slips that are available. Marinas could be required to develop collection systems for both grey and black water. Having no discharges from vessels would essential make liveaboard boats similar in their environmental impact to floating

homes. The remaining difference between the two would be that floating homes cover a larger area and so result in greater shading than liveaboards.

One final suggestion- the barge that I live in is currently grandfathered. When we, or others with similar vessels, haul out to repair the boat it can take many months to do repairs if extensive work is required. The current revised rules have a 6 month cap on time out of the water. I would strongly suggest that this be altered to allow for more time out of the water if active repair work can be documented.

Thank you for your time

Sally Brown

From: bagemup4u@gmail.com [mailto:bagemup4u@gmail.com] **On Behalf Of** Kevin Bagley
Sent: Thursday, December 22, 2011 1:51 PM
To: Glowacki, Margaret
Cc: Bill Wehrenberg; Brian Sykes; John Geisheker; Justin Wood; Keith Ross & Shawna Lambdin; Linda Bagley; Lynne H. Reister; Mike Sherlock; Sean Conner
Subject: Additional Official Comments on Proposed SMP regulations (Draft 2)

Hello Margaret,

In discussions with attorneys, the following issues have been raised in regards to the proposed DPD Shoreline Master Plan as it relates to the "Housebarge" redefinition and associated proposed regulations. We sincerely hope that DPD and the City of Seattle consider the ramifications to the stakeholders as well as the cost to the citizens of Seattle to litigate issues that are both unnecessary and noneffective. Lake Union Liveboard Association seeks to reach an agreement with DPD that is fair, equitable, and is truly effective in protecting our shoreline, without inducing unnecessary catastrophic harm on a small population of law abiding citizens.

1. To be enforceable, a statute or ordinance must provide fair warning of the prohibited conduct. Specifically, it must (a) describe the offence with sufficient definiteness that ordinary people can understand what conduct is prohibited, and (b) establish ascertainable standards that protect against arbitrary enforcement. An ordinance fails the later standard if the prohibited conduct is described by inherently subjective terms.
2. The proposed expansion of the "house barge" definition (see Section 23.60.916 of the draft amended SMP) to all vessels "principally designed as a place of residence" shifts enforcement criteria to a subjective standard that provides little guidance for compliance and is conducive to arbitrary enforcement.
3. No definition is provided for the term "place of residence." However, "residential use" (see Section 23.60.934 of the draft amended SMP) includes multi-family residences, single-family dwelling units, and communal residences.

This definition applies to a wide range of recreational and commercial vessels, however, and ultimately provides little objective guidance as to what constitutes a house barge under the SMP.

4. Most recreational vessels and many commercial vessels are “principally designed as a place of residence” (on smaller recreational vessels, accommodations are configured for single or multi family use; on larger recreational and commercial vessels, accommodations are more in the nature of communal residences). Because the proposed standard focuses on design, as opposed to use, the inclusion of accommodations on a vessel that is not designed for an obvious purpose in addition to accommodating owners or passengers falls within the plain language of the “house barge” definition in the amended SMP.
5. In contrast, the navigation-based distinction between vessels and house barges in the current SMP is objective and roughly parallels the analysis of what constitutes a “vessel” in other regulatory and legal contexts. The current “vessel” definition provides clear and objective criteria by which stakeholders can gauge their compliance with the SMP. There is also far less interpretive discretion involved in enforcing the current SMP, which limits the potential for arbitrary enforcement. Accordingly, the current navigation-based distinction between house barges and vessels should be retained.
6. The shift in focus to vessel design introduces too much ambiguity into the SMP. The stated objectives of the modifications are to limit the impact of live-aboard use on the environment and preserve the public’s access to the water; accordingly the focus should instead be on all live-aboard vessels, regardless of whether they qualify as a “house barge.” Instead it appears as though the DPD is using the SMP amendment process as an opportunity to single out a particular type of vessel (i.e., those that currently qualify as “vessels” under the SMP, but which DPD feels should be subject to regulation as floating homes or house barges), without regard to the SMP amendment objectives.
7. Seattle residents that have acquired or constructed vessels for residential use in accordance with current SMP requirements risk losing the right to use those Vessels under the proposed SMP amendments. The outright prohibition on new house barges after January 1, 2011, effects a total deprivation of the economic value of these vessels, which were designed to be operated and moored in the internal waters of the Seattle area. Moreover, those Seattle residents that have undertaken vessel construction projects subsequent to January 1, 2011, stand to lose the beneficial use of those vessels before they are launched.
8. The regulations contain no clear justification for retroactive application (which, as a matter of law, is subject to a higher degree of scrutiny – see, e.g., *Rhod-AZalea & 35th Inc. v. Snohomish County*, 136 Wn.2d 1, 3 (1998)). Nor did the retroactive introduction of a January 2011 “control date” in October of 2011 provide sufficient notice to potential stakeholders in any reasonable sense.
9. The combination of these factors – (a) the high potential that stakeholders will experience significant losses of reasonable investment expectations, and (b) the lack of reasonable advance notice of this potential – strongly compels the inclusion of a “grandfather” provision to the SMP for vessels launched or under construction as of the SMP amendment date. The grandfather should

establish, at the least, a safe harbor for all compliant vessels as of the effective date of the SMP amendment, as well as for those individuals who can show significant investment in vessels that would otherwise comply with the current SMP when completed.

Thank you for considering these points when revising the Shoreline Management Plan.

Kevin Bagley
President, Lake Union Liveaboard Association

From: Trevina Wang [mailto:trevi_wang@yahoo.com]
Sent: Thursday, December 22, 2011 2:45 PM
To: Glowacki, Margaret
Cc: kevin@thekevin.com
Subject: Proposed housebarge regulations

Dear Ms. Glowacki,

I am writing to express my concern over some of the proposed restrictions for housebarges on Lake Union. My husband and I have been building a navigable liveaboard vessel for the last year and a half and feel that the proposed description of what constitutes a housebarge is so vague and arbitrary that it will give DPD the power to judge a vessels purpose solely based on their aesthetic judgement. It appears that you are trying to make an arbitrary split between liveboards based on whether the bow of a boat is "pointy" or not. Secondly, any retroactive regulations are patently unfair and provide no fair warning for something that involves significant planning and financial commitment. In a city that clearly embraces the deliberative process, you are retroactively making a class of vessels illegal. We will suffer a huge financial loss if you retroactively enforce this vague regulation.

We suggest that your approach be based on a scientific basis. What is the primary concern in these regulations and how can we address them? If it is an environmental concern for Lake Union then address ALL liveboards and land based sources in the drainage basin. The liveaboard community is ready to work hard to develop a proactive plan to address clearly articulated environmental issues and I personally support addressing greywater discharge issues for all liveboards. I think a reasonable timetable for phasing in greywater collection would be an achievable regulation that would actually address a specific and measurable environmental concern.

Please consider the impact of any retroactive regulation carefully. I can understand the desire to get things done quickly but any retroactive regulation raises fundamental issues of fair play.

Seasons greetings,
Trevina Wang
206-465-7333

From: Scott Leviton [mailto:sleviton@tcsandsq.com]
Sent: Thursday, December 22, 2011 3:06 PM
To: Glowacki, Margaret
Subject: A friendly note from a Gasworks Park marina resident

Greetings Ms. Glowacki,

I wish you and your family a lovely and peaceful holiday season.

I am writing today with words of goodness and positive energy, in hopes that we can come together and make living on Lake Union a spiritual as well as an environmentally sustainable experience. My neighbors and I are the most conscientious and nature loving people on the Lake. We wake up each day to the ducks, otters, geese, and water fowl and make sure the waters surrounding our boats are free of trash and debris. We are active stewards of the Lake and have a long history of assisting overturned kayakers and troubled boaters, as well as being friends to our wildlife neighbors.

Please know we are all on the same team – we want a safe passage for the friendly salmon and a clean environment for all creatures.

I find this whole campaign against the loving live aboard community odd, considering a the number of working shipyards on the Lake, which no doubt are adding exponentially more toxic waste, fuel, chemicals, etc. into the Lake compared to the handful of houseboats - not to mention all of the pleasure boaters.

The houseboat communities of Lake Union are friends of Lake Union. We live on the lake and love the lake and are part of the fabric of our great city. No one wants a clean lake more than us.

Godspeed to you Ms. Glowacki. We hope to live on the lake for years and years to come, focused and dedicated to keeping the Lake safe and clean for every person and every creature.

Kind regards,

Scott Leviton
Director of Guest Services
TCS & Starquest Expeditions
3131 Elliott Avenue, Ste. 300
Seattle, WA 98121
P 800-454-4149 / 206.254.0228
F:206-447-7717
sleviton@tcsandsq.com
www.tcsandsq.com

From: Barbara Blankenship [mailto:b_blankenship@hotmail.com]
Sent: Thursday, December 22, 2011 3:12 PM
To: Glowacki, Margaret
Subject: FW: Delivery Status Notification (Failure)

I am writing to support the following proposed change to the SMP proposal:

Owners of fee simple slips that are accessory to a commercial use (as defined under a master use permit) be allowed to moor housebarges or liveaboard vessels. These owners would be subject to city registration and comply with gray water management.

As one of the five owners of slips at Allison Marina that is accessory to the Lake Union Crew boathouse, I have fee simple title and pay King County property tax on my parcel. Given the unique nature of this marina we respectfully request an addition to the current draft that would allow us to remain on our property, and allow us to continue living aboard our vessels. We purchased our slips with the understanding that we would be able to live aboard a vessel floating over our purchased property.

Caratello was designed with a tank to hold gray water, and was designed with low use plumbing fixtures and appliances in mind. The Lake Union environment is one that my husband and I wish to preserve. We actively support keeping our local waters clean.

Our Coast Guard documented vessel was designed by a local architect and marine engineer, both of whom are longtime local houseboat dwellers. *Caratello* was also built at Lake Union Drydock and contributed to the local economy. The maintenance of existing liveaboard vessels on the lake will also provide a stable base of work for skilled labor in the area.

We have travelled extensively and it continues to surprise us at how the world knows Seattle for its houseboats and liveaboard vessels. It makes us a unique city. With city registration and gray water management, this feature could continue long into the future without detriment to our environment.

I also recommend that the requirement for registering housebarges be advanced to coincide with enactment of the Shoreline Management Plan. A retroactive deadline is arbitrary and will only serve to generate lawsuits from those owners who have moved boats onto Lake Union while this planning process has been taking place.

Sincerely,

Barbara Blankenship
11 E Allison Street #4
Seattle, WA 98102
(206) 605 2466

From: kevin02@gmail.com [mailto:kevin02@gmail.com] **On Behalf Of** Linda M. Bagley
Sent: Thursday, December 22, 2011 4:55 PM
To: Glowacki, Margaret
Cc: Harrell, Bruce; Godden, Jean; O'Brien, Mike; Licata, Nick; Conlin, Richard; Bagshaw, Sally; Clark, Sally; Burgess, Tim; Rasmussen, Tom; Kevin Bagley; Special Agents M. Realty
Subject: Comment on 2nd Draft of Shoreline Management Proposed Changes

December 22, 2011

In regards to: Comment on 2nd Draft of Shoreline Management Proposed Changes

Margaret Glowacki
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Dear Margaret Glowacki:

Comments on SMP 2nd Draft

I am writing to DPD as a Real Estate Broker who specializes in houseboats, house barges and floating homes on Lake Union, Ship Canal and Portage Bay. I also moved to the lake aboard a 1988 vessel in 2006 and was never aware of the 1990 events that occurred with regard to houseboats and barges until late 2008. After being on the lake since 2006 I have learned an immense amount about houseboats and barges, most importantly that there is very little information available to anyone about buying a houseboat / barge. My husband and I have worked very hard at educating new buyers about living on the lake, the importance of caring for the lake by using best management practices and about the existing regulations and requirements. Our buyers have been provided as much information as we have to make the best possible decisions when buying their houseboat, they pay their sales tax, Coast Guard registrations and annual relicensing fees.

We have had the pleasure of meeting and befriending an amazing world of liveaboards in vessels, barges and floating homes on and around the lake who care deeply about the lake and quality of the waters.

I simply do not understand the reasoning for attacking a style of vessel such as a houseboat/barge, while ***80% plus liveaboards on the lake are in boats, vessels, sailboats, yachts with 100% of 300 + in Shilshoe alone, which are designed to have the capability of dumping black water (waste water) overboard.*** Houseboats / Barges ***are not designed to dump waste water***; they must be pumped out by one of the lake services. The vast majority of all liveaboards on the lake take care of and protect our waters, regardless of the style boat, houseboat / barge they live. LULA has made intelligent recommendations to DPD that have been ignored which would be applied equally to all liveaboards to

address greywater. Why did DPD have a complete turnaround with regard to addressing all liveaboards and attack solely the few houseboats in the second draft proposal?

Were you aware that houseboats and house barges are designed to not be able to pump black water in the lake and ALL BLACK WATER is pumped out by one of the local services on the lake while vessels are designed to allow dumping their black water overboard?

The vast majority of liveaboards do not dump black water overboard. If anything, liveaboards are more “Guardians of The Lake” and keep watch for our waters. Are you aware that our houseboat, barge and many of our vessel liveboard community on the lake love and protect the waters we live in by using eco friendly products, picking up garbage from the lake and reporting spills? We love and care for the lake because it is our back yard and we stress to the recreational boaters the importance of not dumping or throwing there garbage in the lake.

This is not the 60’s, our Floating Home, Houseboat/barge and Liveboard community want to do all we can to support clean water. We are making every effort to work with DPD to accomplish this in a fair and reasonable manner for *all liveaboards in the Shoreline Management areas*.

The majority of liveaboards are on yachts, sail boats etc, not houseboats. Maggie you stated in the Seattle PI 12/14 <http://www.seattlepi.com/local/article/Seattle-cracks-down-on-houseboat-like-boats-2400872.php> **“Our waters are preserved for water-dependent uses,” In other words, houseboats are nice and romantic, but not a necessity.”** I am appalled at this attitude and comment! Why did you yourself liveboard on vessel? Did something bad happen to you that you decided houseboats were “romantic and not a necessity?” This comment sounds more of a personal vendetta, without merit, logic and especially science.

In the article Maggie you also say **“Glowacki said the city’s proposal clarifies the intent of the 1990 rule.”** What was DPD doing in 2004 with the CAM 229?

In 2004 the DPD CAM 229 (<http://www.seattle.gov/dpd/publications/cam/cam229.pdf>) was revised to clarify the definitions of Floating Homes, House Barges and Vessels. Did they forget to clarify the rules then?

For all intents and purposes the 1990 changes occurred over 20 years ago and the majority houseboat vessels that have been built or purchased in the past 20 years had no clue about the restriction on housebarges. They bought or built legal houseboat vessels (according to DPD’s Client Assistance Memo CAM-229). It was never stated 20 years ago that DPD did not want to allow new Vessels on the lake that might look like a house barge. DPD has always allowed Vessels as defined in theCAM229 since 1990 – i.e. for the last 20 plus years DPD has made no effort to say their own rule was flawed.

Now you are trying to go retroactive and say the rule that DPD made is flawed; we didn’t mean to say what we stated; and that these legally purchased and designed vessels are

now illegal if they were not on the water and used as a residence retroactively as of January 2011? What kind of sense does that make?

Houseboat vessel owners paid Sales Tax at the time of the purchase, now 9.5% and the state happily took the 9.5%. In 2010 and 2011 I am aware of 30 houseboats re-sold since 2010 to present and all of this sales tax money went to the state. At an average sales price of 200K, a very rough estimate of sales tax to the state would have been 570K. Is the city of Seattle planning to reimburse the sales tax paid by houseboat vessel owners when you change them to a barge? How will you tax these houseboats if you are re-classifying them as barges, which currently pay a property tax annually to the city? Does the Governor know how much money you will be reducing from the state budgets?

This does not include the annual relicensing fees along with all other vessel owners. Again this is currently paid to the state. Does the Governor know that you will be eliminating this money from the state budgets and collecting it as a property tax if you are re-classing vessels to house barges?

House barges pay annual property taxes that go up annually, which was implemented in the 1990 change. I think that the houseboat vessel owners may need to seek legal counsel regarding double taxation if the city decides to re-classify their vessels.

How is DPD planning to compensate the current Houseboat Vessel owners that paid sales tax if they are redefined as barges, then charge property tax annually?

Has DPD considered that many, many of the recreational style liveaboard vessels (i.e. not houseboat style) have never, nor can they ever leave the docks without being towed. Many do not have motors, or their motors are non-functional, and as you put it Maggie can not ever “drive pleurably”. How is this OK, but is not okay for a houseboat?

You also state “liveaboard recreational vessels may be converted back into cruising vessels.”

1. Significantly more recreational vessels become liveaboards than are converted back to Cruising.
2. Houseboats can and do convert from liveaboard to non-liveaboard – How are they different?
3. How does cruising these boats around the lake, pumping obnoxious gasses into the air, spilling their tanks while fueling, and pumping oily bilge into the lake make them better?

Additionally, as a broker selling houseboats/barges, it is ludicrous to state a houseboat can not change the dimensions above or below the waterline. Would you tell a boat style owner they can not changes their dimensions? How do you come to that conclusion and why that a boat owner can not remodel their structure if the fit within their slip? This may be a safety feature, or it may be aesthetics, but why would it be okay for a Recreational boat to do this, but not one without a “Pointy bow?”

How can DPD say no new vessels on the lake as of January 2011? Since when can you write rules and make them retroactive? This is unheard of and again ridiculous. I can understand your writing rules that are effective when the Mayor says it is a rule and puts his approval on it, but since when do we make up rules that go in to affect in the past? Ridiculous!

You have indicated that DPD is attempting to *clarify* the rules of 1990. The current proposal is MORE confusing, less specific, more ambiguous, and therefore works to **UN-clarify** the existing rule. It looks like DPD is using “clarify” as an excuse to CHANGE, not clarify the rule. Is there some document somewhere that indicates “We really meant to say is “No houseboat vessels even if they have engines and navigation systems” even though we wrote the rules state “liveaboard vessels must have a means of propulsion.” The rules were clear and were followed.

. In the Seattle PI article <http://www.seattlepi.com/local/article/Seattle-cracks-down-on-houseboat-like-boats-2400872.php> . You made the following comments; *The city disagrees. It says they're more like houses, and that the motors and steering wheels were a way for owners to circumvent the 1990 barge ban. "They got around that definition," said Maggie Glowacki.* What did they “Get Around?” or “Circumvent?” The rule that was written and clarified by DPD that you say needs now needs clarified? How did these people “Get Around” or “Circumvent” something they could not have known?

Maggie, current houseboat vessels owners (ourselves included) knew nothing about DPD’s 20+ year old 1990 barge ban as you state. How could they? They and I bought legal vessels according to DPD’s rules and regulations. If DPD wrote regulations that weren’t what was intended, why do you feel it is the current owners fault – why would they be “Circumventing” or “Going Around” if you yourself state that the regs are in need of clarification? Why would the city of Seattle allow builders to build and the city to collect sales tax and annual license fees for 20 years on banned barges, then say that we are “Circumventing” or “Going Around” the rules?

I am still stumped with:

- How the city can make a retroactive rule, applying the rule unfairly to people who have not had the opportunity to know what the rules are?
- How the city can ban or re-class a vessel based on the construction style?
- How the city can arbitrarily say one style of vessel liveaboard must have greywater tanks when the majority of liveaboards in the Shoreline live in the other styles?
- How can the city tout that they are protecting our waters but ignore the major contributors to pollution while singling out only a small segment of the liveaboard population.
- How can the city apply remodel rules to one class of vessel?
- How can a more confusing, arbitrary, and discriminatory rule be considered “clarification?”

- Why has the city not considered the LULA proposal, which is more fair, does more to protect the lake, and does not impose catastrophic burdens on its citizens?

I implore you to consider the proposals presented by LULA and work with it to continue educating ALL liveaboards to protect our precious waters.

Sincerely,

Linda M. Bagley

cc: LULA, Mayor McGinn and the City Counsel members

[Linda M. Bagley](mailto:Linda@Specialagents.net)

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-----Original Message-----

From: Bill Cirino [mailto:newbflat@yahoo.com]

Sent: Thursday, December 22, 2011 5:55 PM

To: Glowacki, Margaret

Subject: DOD 's shoreline master program.

Dear Ms Glowacki

I'm writing to express my concerns about the proposals regulations regarding Houseboats and House barges In Seattle. The regulations recommended buy the DPD are vague, unfair and unreasonable.

I have many issues with the proposals in the DPD recommendations. I will only address a few here.

Retroactive limits on house barges..... I find this profoundly unfair and wrong on so many levels. It is decisions like this that make people mad at there local government. Its just plane mean. You are in effect pulling the rug out of from under people...

Mandatory containment and pump out of gray water.... There are many houseboats that have no room for gray water tanks. I simple dockside gray water system is an easy way to deal with this issue. But this is not even an option in the DPD plan. Nor are gray water treatment systems. And i ask you, can you give me the number of someone who will come and pump out my 150 gallons of gray water?....You can't because there isn't one. There in NO infrastructure to have anyone pump gray water. Please allow a variety of

ways to deal with gray water. A reasonable amount of time is required to retrofit for any gray water requirements, and 6 months is not nearly enough. We need years, not months. It is also extremely unfair to single out houseboats for gray water enforcement when all other boats of all types are ignored. This is just unreasonable..... The new regulations as stated are unachievable at the moment.

Arbitrary definition of houseboat/ barge..... This is very messy and needs to be cleared up. The LULA recommendations sound very reasonable.

On a personal note..... If the DPD recommendations are implemented. I will be forced to leave my home. This is my only home. I have all my money invested in it. I will be forced to look for another place to live during which i will have to pay for my slip with my houseboat in it. I will be paying two rents until it sells and i this economy who knows when that will be. All the value in my houseboat will be lost. Would you like to buy a houseboat you cant live in? I do not make enough money to pay rent on both. So i will loose my house and all that i have invested in it. I am not sure i can find rent cheap enough to afford and the financial cushion i have in the value of my home will be gone. The prospect of homelessness is very real. I am not the only one. These decisions are effecting real people in very serious ways. These are homes were families live.... In this economy the reality of homelessness is very real.

Don't turn me out of my home..... give me real achievable solutions to the issues at hand and a reasonable amount of time to implement them.

Thank you.....

Bill Cirino.

From: Joanne Gies [mailto:joannegies@hotmail.com]
Sent: Thursday, December 22, 2011 9:23 PM
To: Glowacki, Margaret
Subject: Proposed SMP regulations

I just wanted to get a very quick letter in noting that I am very concerned and opposed to the proposed DPD Shoreline Management Plan. I own a houseboat slip at Gas Works Marina and have had it for 7 years. My dream is to build a houseboat when I retire in 5 years. I am a very responsible landowner and that responsibility carries over to water space. I do not want to see my vision of this city and my retirement dream be thrown away.

Thank you

From: Dan Iverson [mailto:dan.iverson1@gmail.com]
Sent: Thursday, December 22, 2011 11:08 PM
To: Glowacki, Margaret

Cc: Signa Moe

Subject: Comments on Shoreline Management 2nd revision

Dear Ms. Glowicki:

Five years ago my wife purchased a house boat on Lake Union and the slip it spends most of its time in; she took out a mortgage, paid her taxes, and lived a careful, deliberately environmentally low-impact lifestyle, and has always lived as a scrupulously law abiding citizen. Four years ago I joined her on the boat; we were married, and we've now had two children. We both work full time, pay our taxes, and try hard to be good citizens. We are not wealthy people; we support ourselves with our work; I would describe us as conventionally middle class, struggling to keep our heads above water in an wealthy and expensive city.

You can imagine our horror when we discovered last year that DPD was holding its final meeting to revise the shoreline regulations in such a way as to retroactively label us criminals and make our home unlawful and render our one asset valueless (leaving us, of course, holding a mortgage on something we would neither be able to sell nor allowed to live in). When we then discovered that DPD had been working for two years to draft this legislation and had not only not reached out to our community, but had carefully kept us in the dark the whole time... well, I'm sure you can imagine how we felt. I feel I should add that it did not escape our attention that DPD had carefully grandfathered in all of the floating homes of our millionaire and billionaire neighbors, and scrupulously protected the most environmentally detrimental uses of the marine environment. Only live aboard houseboat and recreational boat owners were affected.

While we welcome the changes that have been made from the first draft, the proposed rules, as written in the second draft would still have the affect of rendering our position untenable. Any revision of the shoreline management regulations must recognize as valid and legal all barges, boats, houseboats or other craft that were considered valid and legal under the old regulations. Any new restrictions must "grandfather" in all of those vessels, barges and other pieces of real property that had been considered legal prior to the new rules. It is wrong to put restrictions on these vessels that have no connection to the stated purpose of the rules in question. If DPD is concerned about gray water, it is legitimate to discuss requirements for handling gray water; it is not legitimate to put restrictions on height or depth or future alterations to the boats that do not affect the issue of gray water. If DPD has specific concerns about safety, stability, or other issues, DPD must draft regulations regarding those specific

issues based on real science and engineering, just as they would do for any structure on dry land.

Finally, I would leave you with a few questions to ponder:

- How the city can make a retroactive rule, applying the rule unfairly to people who have not had the opportunity to know what the rules would be in the future? It has always been my understanding that such ex-post facto changes are illegal.
- Why should the city can ban or re-class a vessel based on the construction style?
- How the city can arbitrarily say one style of vessel liveaboard must have greywater tanks when the majority of liveaboards in the Shoreline live in the other styles?
- The City has not demonstrated that houseboats have any affect on pollution in the lake, or that such boat have significant gray water. If the city were truly interested in protecting our waters, why have they not installed filtration on storm sewer outlets into the lake, or otherwise acted to limit the scientifically known major sources of pollution?
- Why apply remodel rules to one class of vessel?
- How can a more confusing, arbitrary, and discriminatory rule be considered a “clarification?”
- Why has the city not considered the LULA proposal, which is more fair, does more to protect the lake, and does not impose catastrophic burdens on its citizens?

Sincerely yours,

Dan Iverson,
Gas Works Park Marina
tax payer, voter & citizen.

December 20, 2011
Margaret Glowacki
c/o City of Seattle
Department of Planning and Development

Dan Kruzich
P.O. Box 17352
Seattle, WA. 98127

Dear Ms. Glowacki:

I am writing in protest to your draft Shoreline Master Plan update. I totally reject the changes you propose as unnecessary and unjustified. These rules changes are not in

the public's best interest and instead limit citizens' rights, privileges, and freedoms in the guise of a policy of protecting the environment. The Department's radical update of the Shoreline Master Plan throws out decades of established building codes and standards with a unbalanced and arbitrary new set of rules and definitions.

Lets admit that you Mr. Marshall Foster, Alan Justad, John Skelton, Ben Perkowski and others are pushing an environmental agenda as a justification for eliminating a iconic lifestyle that is almost as old as Seattle itself. The irony of this is that the Planning Department has spent 23 million dollars to rehabilitate low and moderate housing stock in the city and awards developers tax exemptions, waivers of height restrictions, floor area exemptions, and gives grants for low and moderate housing, while trying to eliminating the liveaboard community that is a portion of the city building stock.

Recognizing that the City Council will probably succumb to this deception the best we can probably hope for is to blunt the worst of the proposed changes. Therefore I would suggest:

- Retain the current definition of House Boat. Changing the name does nothing but disguise that a cherished lifestyle is being threatened.
- Phase in changes to be adapted over a five year timeline. This will allow current liveaboards to adapt to changes requiring capture of grey water.
- Do not start the five year adaptation period until the City Council approves the changes.
- Liveaboard numbers should be allowed to increase depending on ability to meet standards, not some arbitrary artificially determined number or percentage. This means Chapter 23.60.204, A. and H. of the revised Master Plan should be stricken.

In summation I call on the Mayor to purge the staff of the Department of Planning and Development who have by their actions demonstrated a radical revisionist attitude toward liveaboards contrary to the best interest of the citizens of the city.

I suggest the city is working at cross purposes by banning through revisions to the Shoreline Master Plan the right to live aboard our vessels and at the same time awarding tax exemptions, building standard waivers, and subsidies to builders of low and moderate housing. Keep the low income housing stock that the liveaboards represent and don't impare it further.

Adopt only the minimum necessary building code changes necessary to fulfill the goal of causing no further harm but not a wholesale revision of the building standards that have successfully guided our cities development.

Thank you for your consideration.

Sincerely,

Dan Kruzich

From: Carol Brown [mailto:brownie@w-link.net]

Sent: Friday, December 23, 2011 12:26 AM

To: Glowacki, Margaret

Subject: Comments on the SMP and its effects on house boats, house barges, and liveaboard vessels

Dear Ms. Glowacki:^[1]

I want to start out by saying that of COURSE I want our waters and shoreline to be protected. However, I must confess that I'm puzzled by the latest proposed regulations and the application of what appears to be a discriminatory application of the rules to a tiny number of housebarges and houseboats.

Grey water.

- I haven't seen any scientific research addressing the problem of grey water in our lakes, so the regulations don't seem to be based on any scientific evidence that grey water is harmful. (I called your office when you were out, and they were unable to supply me with any such data.)
- What is the pollution effect of this tiny number of boats (150 is, I believe, your number) and the 1,000 some other liveaboards on Seattle's waters? (Or the pollution in comparison to the discharge into our lakes of millions of gallons of water from the city's storm drains when there are big rains—along with the concomitant pollution washed down from city streets? Or compared to the grey water discharge of the huge number of boats, tour ships, tugs, and other vessels that ply our waters. It seems odd to place such draconian requirements on 150 vessels (only about 13% of the total number of people who live on the water) and their pollution of the water, without addressing—and regulating—the other, far more significant pollution.

Sealed overboard discharges. This requirement—that "...all overboard discharges are required to be sealed and contain a means for conveying all waste water"—would be a huge burden on many (if not most) house barges. At the least, it would be prohibitively expensive and at most, impossible to retrofit a small vessel (particularly with the added constraint that they could not alter the "external dimensions above or below the water"). (I'm sure you're well aware of the *size* of tank that would be needed to hold at least a week's grey water.) Furthermore, this would certainly not meet the state guidelines (that prompted the redesign of Seattle's plan) which require "reasonable accommodation" of existing house barges.^[2]

-
1. ^[1] 1. Protect the ecological functions of the shoreline areas;
 2. Encourage water-dependent uses;
 3. Provide for maximum public access to and enjoyment of the shorelines of the City; and
 4. Preserve, enhance, and increase views of the water.

^[2] Requiring houseboats and housebarges to contain and dispose of grey water without any time to accommodate these regulations as you know, state regulations prompting this redesign of the plan require. Absent evidence that graywater discharge is an environmental hazard or that modifications could

Unfair implementation date. Why would “the effective date of the ordinance” apply to floating homes but houseboats and house barges had to exist and be “use[d] for residential purposes” as of January 2011? It seems capricious and arbitrary to make a regulation that requires compliance *after the fact*.

I urge you to consider the suggestions proposed by the Lake Union Liveaboard Association to limit the overall number of residences over the water and to reduce (and ultimately to eliminate) their grey water discharge. The Association’s proposed regulations would develop definitions of vessels, house barges, and so on, that would be measurable in fact, would apply the rules evenly to all of us who live on and use the water, would be enforceable, and would, at the same time, protect the “ecological functions of the shoreline areas.”

Regards,
Carol Brown

From: Signa Moe [mailto:signa.moe@gmail.com]

Sent: Friday, December 23, 2011 12:44 AM

To: Glowacki, Margaret

Cc: KEVIN@THEKEVLIN.COM

Subject: Shoreline Proposal

Dear Ms Glowacki,

I am writing in response to the second draft of the Shoreline Management Plan. I am following this proposal carefully via reading many of the letters submitted to you that are currently posted on the LULA site, attending meetings at LULA and at my marina and reading/listening to radio and newspaper coverage of the issue. I’m a current member of the Lake Union community and am alarmed at the current proposal. I agree with many of the letters submitted to you previously and currently posted on the LULA website and I will not repeat their very valid points (<http://www.lakeunionliveaboard.com/letters-to-dpd/>).

The lake community is varied and very culturally rich. It is worth preserving for many reasons. Targeting house barges and boats will not improve grey water discharges or limit what is considered “non-water” dependent use. The proposal is specifically targeting a community of artisans. With this proposal, large expensive Yachts and other large commercially made motorboats will eventually populate the Seattle waterways. Graduates from the woodworking/boat building schools of Seattle have helped design

be made to comply with the proposed regulations at reasonable cost, I find it difficult to see how this is reasonable accommodation. It might be reasonable to require new housebarges (that replace existing vessels) to install graywater containment tanks, because they could be designed with this requirement in mind, but requiring retrofitting is a heavy burden. At the very minimum, a process should be added to the regulations for obtaining a variance from these requirements where impracticable. Some barges are quite a bit smaller than ours and I can’t imagine where they would put a large enough tank.

and work on many of these boats targeted in the current proposal. If these vessels are targeted for attrition there will be a loss of business and jobs for the boat yards and shipwrights whom currently are employed by this cottage industry.

I am especially concerned that my vessel will become worthless with the current proposals. I am concerned that if it burns or is damaged in the big fall winds, I will not be able to replace the vessel with another locally made handcrafted vessel. Under the current proposal, any insurance money would likely go towards a commercially made "classic" vessel. I am concerned that if my boat needs to be dry-docked for repairs and these repairs go beyond 6 months, under the current proposal, my boat cannot return to it's slip. I am concerned about grey water restriction – how can any vessel meet those requirements in 6 months let alone a whole community? As the list goes on, I wonder how it is that legally this new proposal can be enforced. Is the city of Seattle going to reimburse me for my boat purchase after making it retroactively illegal?

I want to support local businesses. I do not want to see Seattle marinas of the future without this element of creativity that is an essential part of Seattle's past and should be protected for the future. I would hate to see the lake full of expensive live aboard yachts moored in the current spaces occupied but our eclectic community. Just because a vessel is hand crafted, it does NOT mean that it has a larger over water presence.

Sincerely,

Signa Moe

From: Julie Charles [mailto:juliecharles@yahoo.com]
Sent: Friday, December 23, 2011 1:28 AM
To: Glowacki, Margaret
Subject: Re: SMP

Dear Ms. Glowacki:

Thank you for the opportunity to comment on Shoreline Master Program (SMP). I am kept awake at night worrying how rather arbitrary changes will effect me economically and my ability to live the simple life that I enjoy as a live aboard. Already, it seems to me that the value of my home and therefore my investment, which I count on as retirement approaches, has been tremendously impacted as so many houseboats have gone up or sale fearing what might come next. I have chosen to be cautiously optimistic that all of this will be looked at from all points of view and settled with fairness and in such a way that the live aboard community may continue to act as the great ambassadors of Seattle tourism that they should be and presently are.

Other letters have been so much more detailed than mine, and have included the economic and scientific facts and arguments to be made. I just thought it wouldn't be right not to write and applaud the efforts of LULA, and at least be counted as another live

aboard who is terribly concerned with the very real impact that changes will have on not only myself, but on my many friends and neighbors.

Sincerely,

Julie Charles

61yr. old mom of 3, grandmother of 3, and good steward to the waters of Lake Union

From: Scott Dossett [mailto:scott@DossettArt.com]

Sent: Friday, December 23, 2011 1:57 AM

To: Glowacki, Margaret

Subject: Regarding the DPD Shoreline Master Program

Dear Margaret Glowacki,

A year and a half ago, I purchased a grandfathered House Barge at Gasworks Park Marina. I have lived on it full time, and have started a small business doing Computer Animation from the barge. I am committed to helping improve the quality of the Lake and the environment. But the Shoreline Master Program, as I understand it, unfairly targets a small portion of the people that use Lake Union, who are already using clean, green practices with their grey water, as best they can. The proposal also blurs and subjectifies the definition of a House Barge, which is currently clearly defined. By arbitrarily redefining a Vessel to a House Barge based on the visual appearance, and requiring them to install greywater tanks and find a pump-out solution within 6 months, while not allowing them to modify the boat hull to accommodate this, is extremely unreasonable.

I currently have a greywater holding tank in my House Barge, and I would fully support having it pumped out and disposed of, but there is currently no infrastructure to have greywater pumped out from House Barges and Vessels. I support the reduction of grey water into the lake, as long as there is time for infrastructures and alternatives to be implemented, at a reasonable cost to those affected, and at a shared burden to all users of Lake Union. By my understanding, the DPD proposal does not work toward this end, therefore I do not support it.

The Lake Union Liveaboard Association (LULA) has an alternative proposal which I fully support. It retains the current, clear definitions of a House Barge and a Liveaboard Vessel. It allows time to research and implement greywater infrastructures and alternatives, and shares the burden among all users of the lake, over a more reasonable period of time.

The DPD proposal would also create confusion and conflicts in regards to the taxing, licensing, insuring, and financing differences between Vessels and House Barges. The LULA proposal takes these into consideration, and will do far more good for Lake Union, without creating a huge financial and regulatory impact on a small and arbitrary number of Lake users.

Shoreline Plan or no plan, I would still work with my Marina and fellow liveboards towards greywater solutions. As I understand, most of the Floating Homes and some Barges have already invested in this infrastructure, and have found solutions that works for them. And I applaud that. Please allow the rest of us the time and support to work towards the same thing.

Thank you for your time,
Scott Dossett

Owner & Animator at Starboard Motion
2143 N Northlake Way, Slip 27
Seattle, WA 98103
Cell: 831-917-0372

From: donna bendokas [mailto:dbendokas@hotmail.com]
Sent: Friday, December 23, 2011 8:26 AM
To: Glowacki, Margaret
Subject: Proposed Lake Union Liveboard Regulations

Dear Ms. Glowacki,

The proposed regulations for those of us living on Lake Union, on barges and vessels, are prohibitive. Retro-fitting my barge to collect grey water would be impossible. There simply isn't space for a grey water holding tank on my boat. I would have to leave, losing the lifestyle that I love and I would be destroyed financially. Additionally, there is no infrastructure in place to collect the grey water from our homes. This is my home, I love and respect the "Lake". In other words we are concerned and careful when it comes to our grey water and what is put into the Lake. The Lake is being polluted in so many other ways, businesses, run-off, and recreational boaters. Those of us living on our boats are a fraction, by comparison, and I would venture to say we are all very careful and respectful of the Lake. It is our home.

Seattle, has a long history associated with house boats. It is part of the "magic" of Seattle. If these regulations are enacted, the house boats, will gradually disappear due to attrition and other factors. I urge you to reconsider, compromise and listen to the Lake Union Liveboard Association's comments, ideas and valid suggestions.

Thank you for your time and consideration.

Sincerely,
Donna Bendokas and Mario Lambarena

From: Kim Dahmen [mailto:kadahmen@yahoo.com]
Sent: Friday, December 23, 2011 9:43 AM
To: Glowacki, Margaret

Cc: kevin@thekevin.com
Subject: SMP comments

December 22nd, 2011

Dear Ms. Glowacki,

Our names are Kim & Liza Dahmen and we are writing in response to the 2nd Draft of the Shoreline Master Plan. We own and live aboard one of a handful of licensed housebarges built prior to 1990.

We feel DPD's proposed Shoreline Management Plan regulations are unfairly targeting the small population of houseboats without regard to the environment or the serious personal and financial loss to the small community of houseboat owners. The regulations as they currently stand will cause irreparable harm to our investment, as well as to the many houseboat and housebarge residents who will be unable to install grey water containment systems due to structural and flotation restrictions. In addition, the current language eliminates the ability for us to rebuild our home should disaster strike in the form of fire or other events beyond our control, which will seriously jeopardize our ability to obtain the necessary insurance to protect our housebarge.

We heartily support LULAs proposal of alternatives to the SMP which we have included below.

Lake Union Liveaboard Association

Proposal for Alternatives to SMP Changes Affecting Liveaboards

1. Root issues are:

- a. Limiting the overall number of residences over water
- b. Reduce/eliminate greywater discharge by these residences.

2. Definition of "Over Water Residence "

Any vessel that is a Primary Residence as defined by the IRS guidelines or is used as an over-water residential rental (minimum 3 month term)

3. Vessel Occupancy Permits (VOP)

Any vessel meeting the above Over Water Residence is required to obtain a Vessel

Occupancy Permit (subject to Phase In period).

4. Permit Types “Addresses grey water”

Type 1 = Compliant – little or no discharge (Containment / Disposal or Approved Filtering System)

Type 2 = Competent – Proven competency in BMP & green boating practices (Certificate required)

Type 3 = Non-Compliant

5. Permit Fees (Fees listed as examples)

Type 1 (FREE (may not be increased beyond this amount))

Type 2 (\$60/Year (May not be increased beyond this amount))

Type 3 (\$60/Year years 1-2 years, \$200 per year thereafter – May not be increased beyond this amount)

(Fees may be used for mitigation of environmental impact in Seattle waters and for cost of registration)

6. Limitation of VOP – “Addresses the number of over water residences”

After establishing a baseline (over 2 year period), limit VOPs to 125% of Baseline

Additional Type 1 permits are allowed until all permits reach 150% of Baseline

7. Phase in of Permitting Process

Years 1 & 2 Establishment of Baseline

Year 3 & beyond – Permits Required, late comers allowed with proof of residency

End of Year 5 – Late comer period ends

8. Miscellaneous details

- Marina managers validate VOP with city website
- Permits are transferrable

- Permits are moveable
- Housebarge definition remains the same (No Redefinition) See Seattle City CAM 229
- Liveaboard definition goes away (Replaced by Over Water Residence)
- Status of permit type validated by independent inspector

Thank you for your consideration.

Kim Dahmen & Liza Brice-Dahmen

From: Jeff Reiter [mailto:jeffreiter2@gmail.com]

Sent: Friday, December 23, 2011 10:09 AM

To: Glowacki, Margaret

Subject: Shoreline management plan concerns

Hello Ms. Glowacki, I am a resident of Gas Works Park Marina and am writing to express some concerns over the revised shoreline management plan. I should first say that I have appreciated your response to concerns voiced previously about the original plan, and your willingness to hear feedback about the plan. In my opinion, the revised plan is a definite improvement over the original. However, I do continue to have significant worries about some aspects of the revised plan.

As you no doubt have heard by now, Gas Works Park Marina is in a rather unique situation among the liveaboard population, in that our slips are all individually owned. We operate as a homeowner association. Of course, this means we all have mortgages on our slips (and housebarges). I have lived in the marina for 9 years, and always owned my slip and housebarge. However, last year I decided to move to a new slip. I purchased the new slip, and have been renting out the original slip (waiting until the housing market improves so I can sell it). Thus, I currently have a mortgage on two slips. I am losing a little bit of money every money by renting the original slip out instead of selling it, but this would not normally be a problem because I would expect to recoup that money when selling the slip.

What I did not anticipate or know is that the rules about liveaboards were about to change. (Had I known this, I certainly would not have purchased a second slip.) The proposed changes make me very worried about my ability to sell the original slip. If, as proposed in the revised plan, no new liveaboards would be allowed onto Lake Union, this would severely hinder my ability to sell the original slip. The only people who would be able to purchase the slip would be liveaboards already present on the lake; a possibility, but certainly a small pool of possible purchasers. (I highly doubt that anyone would purchase the slip for its current value, about \$120,000, simply to keep a recreational boat in the marina.) Thus, I expect to take a large financial hit if the revised plan is enacted, owing to a greatly reduced ability to sell my original slip.

I understand that there are not likely very many people in my exact situation. However, there are doubtless some others who would be similarly affected. I am not a wealthy person, and I have worked very hard and saved money and "played by the rules" for many years now. I know you cannot write rules for one person, but it simply does not seem fair to me that with the stroke of your pen you could decimate the property value of one of my slips and send me quite possibly into bankruptcy.

I hope you take this into consideration when looking at your plan. Thank you for any help you provide with this issue.

Sincerely,

Jeff Reiter
2143 N. Northlake Way, #38
Seattle, WA 98103
(206)-979-6334

From: John Chaney [mailto:jchaney@nwlink.com]
Sent: Friday, December 23, 2011 10:42 AM
To: Glowacki, Margaret
Cc: Skelton, John
Subject: Houseboat issue

Hello Maggie

I am truly sorry to have missed all the years of engagement and preparation that you, John and the City have invested in this update to the SMP.

I was a bit surprised by the some of the photo's that accompanied a Seattle PI Article on houseboats/housebarges. I can see the concern with the very large size of some of these structures. Perhaps it is a bit like pornography or art, and we might "know it" when we "see" it. A public meeting to discuss the issue as approached in the 2nd draft would have helped me orient to that part of the issue and work to press for different regulatory solutions. I tried to reviewed all, and I mean all, of the materials on your website including all the presentations and did not clearly "see" this aspect of the issue.

I am truly struck by the very small size of the vessels on our dock and by the intense environmental awareness of our dock mates. With varying levels of skill, we would make an interesting flotilla. The ire and genuine concern is widely felt and will surface when this goes to public hearings. They all just want to carry on their lives, which is part of the lifestyle of this community, but I sense this housebarge proposal will focus them.

I hope that you are exploring ways to differentiate between the obvious McMansion "vessels" and the modest vessels at my dock. The current approach does not impress me as the best possible approach. Gross weight calculated by displacement, footprint or enclosed cubic area all seem better suited to distinguishing the giant from the modest

including its environmental impact. I am not a naval architect but the issues of center of gravity, wind resistance, and the propulsion required to move a vessel might be different ways to approach the concerns with more equitable outcome. My vessel has been hauled without the use of a drydock, is that true of these large vessels? DOL examined my vessel at initial registration and found it to be a vessel and not something else trying to be a vessel. Perhaps the issue deserves a different regulatory approach that involves the registration process by other government agencies. If they are not registered as a vessel, then they are something else.

The grey (gray) water issue is another place where the potential magnitude could be better explored and applied. Our water use is very modest and our marina provides restrooms, showers and laundry facilities that we use to further limit our water use. Without an equitable application to all vessels with residential capacity or use, this feels like a tiny "victory" with a greater long term defeat on the environmental front.

I am hopeful that you are considering further alternatives to this issue. It still does not yet seem like the right fit. I know you have invested considerable time and effort toward this issue. Like any public issue, the interactions can become a bit shrill and at times even personal. And I know it can feel like an ever greater burden, but I just ask that you consider investing more into achieving the best possible solution. I would appreciate that and know that my fellow dock mates would too.

Best Regards, John Chaney

John Chaney
31425 SE Issaquah Fall City Road
Fall City, WA 98024-6508
(c) 206-243-2966
jchaney@nwlinc.com

From: John Geisheker [mailto:docdirector.geisheker@gmail.com]
Sent: Friday, December 23, 2011 11:47 AM
To: Glowacki, Margaret
Subject: COMMENT ON THE NEW DPD REGULATIONS AFFECTING VESSELS

John V. Geisheker, J.D., LL.M., Attorney-at-Law
2040 Westlake Ave., N., Suite #420
Seattle, WA 98109
Tel. +1. 206. 465. 6636
docdirector.geisheker@gmail.com

December 21, 2011

Ms. Margaret Glowacki
City of Seattle
Department

of Planning and Development

Dear Ms. Glowacki:

I write to comment on the second draft of the Shoreline Master Plan and its proposed regulation of liveaboard and recreational vessels within the waters of the City of Seattle.

I write as both a liveaboard vessel owner and an attorney with a Master of Laws in Admiralty, who taught maritime law as a former Professor of Admiralty. I am more than a little familiar with regulation of the proposed sort. And as a Board Member of the Lake Union Liveaboard Association, I appreciate the efforts of the City to protect the quality of life for its citizens and to preserve Seattle's historic waterfront.

However, I have the following personal and legal misgivings concerning the current proposal, especially the definition of a vessel 'designed principally as a residence' and the required containment of greywater by only one, hard-to-distinguish, class of vessels:

A VESSEL 'PRINCIPALLY DESIGNED AS A RESIDENCE'—I do not think the City of Seattle will be able to effectively distinguish between vessels designed as residences from those recreational vessels with unmistakable and familiar residential features such as beds, kitchens, toilets, and household furniture, features common to both shoreside homes and all recreational vessels above the smallest runabouts.

To attempt such a distinction invites litigation by aggrieved houseboat owners who can rightfully claim that imposition of a distinction without a difference is vague, whimsical, capricious, and arbitrary. For more than two centuries U.S. Federal statutory and Admiralty common law has been scrupulously careful not to define 'vessel' too narrowly, for numerous historical and practical reasons.

If a vessel is provided with a means of propulsion as well as state and federally – mandated safety equipment, it is very difficult for me as an attorney to see how the City will be able to determine whether it is a 'recreational vessel' or a 'vessel designed as a residence' since most medium-size and larger vessels are invariably designed as 'residences' with residential features and equipment. Certainly this cannot be determined on appearance alone, and is not likely to fall within the expertise of a clerk issuing permits. To do so merely invites a grinding series of lawsuits by aggrieved owners, which suits the City will be obliged to defend.

How, for instance, does the City propose to distinguish between an older, liveaboard, recreational vessel with non-working engines, (there are hundreds of such in our region) –which will never move again under its own power– from a recently built 'housebarge' with functional engines in a hull designed by a naval architect? A pointed bow is not going to be enough of an index of seaworthiness –or lack thereof– to impress a judge.

GREY WATER—While it would be ideal if nothing entered Lake Union except the purest rainwater (free of lawn chemicals, vehicle exhaust, brake lining dust, and other

contaminants), I know of no science which shows a detrimental effect of minor amounts of greywater from vessels. Indeed, the entire water of Lake Union, for instance, is said to change every *eight days*.

If there has been an environmental study of the water of Lake Union, it has entirely escaped my notice. The notion that houseboats (or ‘housebarges’) are a major point-source of pollution is merely speculative if that science is not in place.

Added to which, the fleet of recreational vessels used 2-3-4 or more days each week during our 9-month boating season dwarfs the small number of liveaboard vessels. If greywater needs to be regulated, –and that has not yet been demonstrated– it should be regulated for *all* vessels. That is, *without exception*, on a timetable that encourages compliance and creates incentives for both vessel owners and industries to service those vessels. It cannot arrive as an immediate mandate for full compliance on a small segment of the boating community without tempting the affected owners to subterfuge and flouting the law.

There are good reasons why the proposed regulations are impractical:

*There is no infrastructure currently in place to pump greywater into a service vessel as there is for ‘black water’ (toilet / marine head discharge). To require vessels to contain greywater immediately is very much like demanding that rural homeowners with septic tanks immediately hook up to a city sewer, when there is no ‘city’ nearby.

*The number of vessels for which the City proposes to require containment is too limited to generate the needed infrastructure even in the medium-term;

*The increased quantity of greywater would require larger service vessels –themselves creating a new impact on the local environment– which would not be able to enter, or maneuver safely within, most Seattle marinas;

*Containment of grey water in any quantity would affect the safety of recreational vessels which were not purpose-built to distribute or accommodate that increased weight with its concomitant loss of buoyancy and stability;

*Retro-fitting of the existing fleet to contain grey-water is thus entirely impractical, both from an economic as well as a naval architectural standpoint, with the currently available technology.

*Requiring that all overboard fittings be sealed deprives vessel owners of the necessary use of bilge pump discharge outlets when there is flooding from any source. The proposed regulations are written in such a way as to obviate this very necessary vessel safety feature.

POSSIBLE SOLUTIONS

*What *might* make sense is a requirement that NEW vessels be so equipped. This is how the historical problem of black water discharge was solved. It was ‘phased-in’ at the manufacturing level, with ever more rigorous regulation, much the way seat-belts and other safety features became slowly required in cars, year-by-year.

*Another solution is a lengthy phase-in period, with time for the infrastructure to develop and for vessel design to change, with incentives for compliance and disincentives for non-compliance. Such changes might include affordable on-board particulate settling and filtration systems. But affordable industrial devices to do this, and which might fit on a small vessel, are not yet available.

*IF the City were to regulate ALL recreational vessels during a phase-in period, that might provide the necessary market force to speed up such development. As proposed, the regulations affect a small group of vessels, indistinguishable from other recreational vessels, whose immediate imposition effectively deprives them of not only their property, but potentially their only home. Making a houseboat effectively ‘unlivable,’ and the houseboat owner homeless, is indisputably a constructive ‘taking’ under the law. Doing so on a limited but piecemeal basis does not advance the larger goal of fleet-wide compliance.

CONCLUSION:

I believe the City needs to go back to the drawing board, budget for and conduct the science needed to determine the actual impact of greywater on City waters. With that science in hand, the City could schedule a phased-in period for full compliance on all vessels which contribute to purported contamination of City waters, --if that is indeed the scientific conclusion. That would avoid targeting a small community of houseboat owners who are a major tourist attraction in Seattle, whose ‘homes’ feed entire industries including Argosy, Kenmore Air, the Ducks, and many other local businesses for whom the houseboat community is as iconic as the Space Needle.

Thank you for your careful consideration of my comments which I respectfully ask be a part of the formal record of comments during the comment period.

Sincerely yours,

John V. Geisheker, J.D., LL.M. (Admir.)

Attorney at Law

John V. Geisheker, J.D., LL.M.
2040 Westlake Ave. N., Suite #420
Seattle, WA 98109
tel [+1. 206. 465. 6636](tel:+12064656636)

From: Bruce Jensen [mailto:bwjseattle@mac.com]

Sent: Friday, December 23, 2011 12:11 PM

To: Glowacki, Margaret

Cc: KEVIN@THEKEVLIN.COM; gwpm.mgr@gmail.com; Conlin, Richard; Bagshaw, Sally; Burgess, Tim; Godden, Jean; Harrell, Bruce; Licata, Nick; O'Brien, Mike; Rasmussen, Tom; susan.welch@malteurop.com; Susan Welch

Subject: Concerns about Shoreline Master Plan

Dear Ms. Glowacki:

Please consider my comments below with regard to the latest draft of the Shoreline Master Plan:

Liveboards are a valuable asset

Seattle's houseboat community provides important diversity in Seattle housing choices. It is unique and should be considered a cultural treasure that needs to be protected. We've watched literally thousands of "Ride the Duck" boats go by and can hear them discussing our houseboats as they describe the rich mix of uses that interplay on Lake Union to their passengers.

Besides the cultural legacy, I believe that liveboards not only make marinas but also make the lake safer. For example, because my wife noticed a kayaker capsize near our marina one cold spring day, she was able to quickly respond. She rescued the kayaker, brought her back to our houseboat and was able to quickly treat her for hypothermia. Without her vigilance from our houseboat, the outcome might have been tragic.

Proposed housebarge rules are unfair

To begin with, the definition of which houseboats will become housebarges is vague and arbitrary, and unfairly discriminates against a certain type of boat and lake user. Furthermore, my understanding is that under the proposed rules, liveboards other than those deemed to be "housebarges", as well as all other boats on the lake will continue to be able to discharge gray water freely.

Secondly, the infrastructure needed to collect gray water from houseboats currently doesn't exist. However, if some marinas managed have collection systems designed and constructed on their docks, it seems to me that new housebarges SHOULD be welcomed to moor there. Why would the City not welcome more housebarges if the issue of gray water no longer exists? To be clear, at a minimum there should be an exemption for new housebarges on Lake Union, if they are moored at a properly retrofit marina, and if they have been retrofit to be able to use the system.

Houseboats are environmentally conscientious

Houseboat owners that we know are environmentally conscientious. For example, on our boat, we recycle, compost all food waste and paper plates (so they don't have to be washed), grill outside so no grease is produced or pans to be washed. We estimate that we produce less than 3 gallons of gray water per day with very low concentrations of phosphorous and nitrogen from our sink.

Our boat also has a shower, however it is used only about once a week on average as we deliberately take most of our showers are taken off-site. Many houseboats do not even have showers and rely completely on marina or work facilities and therefore produce no gray water in addition to that coming from the sink. A generous estimate is that on our houseboat, we produce an additional 20 gallons of very dilute gray water from our shower each week.

To our knowledge, no audits have been done on the contribution houseboats contribute to pollution, and it is our contention that the amount of gray water and pollutant concentrations is less than you think.

Dilution and Flushing rates show that houseboat contributions are tiny and ineffectual

Lake Union receives flow from the entire WRIA 8 Cedar-Sammamish Watershed, including flows from the Cedar River, May Creek, Coal Creek, Kelsey Creek, Yarrow Creek, Juanita Creek, Tibbets Creek, Issaquah Creek, Bear Creek, North Creek, Swamp Creek, Little Bear Creek, Lewis Creek, McAleer Creek, Thornton Creek, Lyon Creek, Forbes Creek, as well as urban runoff from Renton, Bellevue, Mercer Island, Issaquah, Newcastle, Redmond, Woodinville, Bothell, Kenmore and much of Seattle. Water from all of these sources flows through the ship canal and out to Puget Sound. Lake Union acts like a wide spot in the river of this continuously flowing system.

According to the King County Water and Land Resources Division website, Lake Union's volume is 20,000 acre-feet (6,516,576,000 gallons of water). The website indicates that the entire lake is "flushed" 52 times per year. Therefore, on average, any gray water in the lake is flushed out to Puget Sound within a week. This is a very different situation than it would be if Lake Union did not have this natural cleansing power. It is very unusual for the flushing time of a lake to be so brief. By comparison, Lake Sammamish flushes about every 92 weeks and Lake Washington about every 120 weeks. I realize that the flushing rate diminishes each summer as the flows from all the rivers in the watershed diminish, but the effect is still the same, and any pollutants that are generated during the other eight or nine months of the year are long gone by the time summer arrives.

As I mentioned, we estimate that our houseboat produces up to about 3 gallons of low-concentration gray water per day (21 gallons per week) and perhaps 20 gallons of gray water from the shower. Even though many houseboats do not have showers, let's assume that on average, each produces a similar amount as our boat - about 41-gallons of dilute gray water per week. To be more conservative, let's round it up to 50 gallons.

Therefore, if there is a total of 100 houseboats on the entire lake, this extrapolates to 5000 gallons of dilute gray water per week from the ENTIRE houseboat population. These 5000 gallons are diluted by the 6.5 billion gallons of water in Lake Union (a dilution factor of 1.3 million), and are transported to Puget Sound on average within a week. In our case, since we live on the north end of the lake close to the ship canal, transport of our rinse water to Puget Sound is probably even quicker.

How does this compare with the contribution of gray water from the entire population of liveaboards and other boats in Lake Union? How does this compare with concerns about the oil, grease, and petroleum products generated by all of boats motoring around the lake? How does this compare with all of the non-point source pollution generated by the many square miles of urban development surrounding Lake Sammamish, Lake Washington, and Lake Union?

It seems to me that houseboats contributions are tiny and insignificant, and especially given the dilution and flushing rates which occur in Lake Union, houseboats are being unfairly picked on, and the proposed harsh regulations in the SMP will provide no benefit.

Thanks for your thoughtful consideration,

Bruce Jensen

From: Brett Luartes [mailto:bluartes@msn.com]
Sent: Friday, December 23, 2011 12:13 PM
To: Glowacki, Margaret
Cc: KEVIN@THEKEVLIN.COM
Subject: SMP Draft 2 feedback

Hello Margaret,

In discussions with attorneys, the following issues have been raised in regards to the proposed DPD Shoreline Master Plan as it relates to the "Housebarge" redefinition and associated proposed regulations. We sincerely hope that DPD and the City of Seattle consider the ramifications to the stakeholders as well as the cost to the citizens of Seattle to litigate issues that are both unnecessary and noneffective. Lake Union Liveaboard Association seeks to reach an agreement with DPD that is fair, equitable, and is truly effective in protecting our shoreline, without inducing unnecessary catastrophic harm on a small population of law abiding citizens.

1. To be enforceable, a statute or ordinance must provide fair warning of the prohibited conduct. Specifically, it must (a) describe the offence with sufficient definiteness that ordinary people can understand what conduct is prohibited, and (b) establish ascertainable standards that protect against arbitrary enforcement. An

ordinance fails the later standard if the prohibited conduct is described by inherently subjective terms.

2. The proposed expansion of the “house barge” definition (see Section 23.60.916 of the draft amended SMP) to all vessels “principally designed as a place of residence” shifts enforcement criteria to a subjective standard that provides little guidance for compliance and is conducive to arbitrary enforcement.
3. No definition is provided for the term “place of residence.” However, “residential use” (see Section 23.60.934 of the draft amended SMP) includes multi-family residences, single-family dwelling units, and communal residences. This definition applies to a wide range of recreational and commercial vessels, however, and ultimately provides little objective guidance as to what constitutes a house barge under the SMP.
4. Most recreational vessels and many commercial vessels are “principally designed as a place of residence” (on smaller recreational vessels, accommodations are configured for single or multi family use; on larger recreational and commercial vessels, accommodations are more in the nature of communal residences). Because the proposed standard focuses on design, as opposed to use, the inclusion of accommodations on a vessel that is not designed for an obvious purpose in addition to accommodating owners or passengers falls within the plain language of the “house barge” definition in the amended SMP.
5. In contrast, the navigation-based distinction between vessels and house barges in the current SMP is objective and roughly parallels the analysis of what constitutes a “vessel” in other regulatory and legal contexts. The current “vessel” definition provides clear and objective criteria by which stakeholders can gauge their compliance with the SMP. There is also far less interpretive discretion involved in enforcing the current SMP, which limits the potential for arbitrary enforcement. Accordingly, the current navigation-based distinction between house barges and vessels should be retained and the DPD should be required to follow their own definitions. These regulations should also provide repercussions for when the DPD does not follow their own definitions as this is currently a practice that needs to be discontinued as it is a financial risk to tax payers.
6. The shift in focus to vessel design introduces too much ambiguity into the SMP. The stated objectives of the modifications are to limit the impact of live-aboard use on the environment and preserve the public’s access to the water; accordingly the focus should instead be on all live-aboard vessels, regardless of whether they qualify as a “house barge.” Instead it appears as though the DPD is using the SMP amendment process as an opportunity to single out a particular type of vessel (i.e., those that currently qualify as “vessels” under the SMP, but which DPD feels should be subject to regulation as floating homes or house barges), without regard to the SMP amendment objectives.
7. The addition of restrictions on live-a-boards on lake Washington, while it is one way to meet the second objective it contradicts the 3rd objective. By requiring the same regulations in Lake Washington that are proposed in Lake Union you meet both objective and because of this is more appropriate.
8. Seattle residents that have acquired or constructed vessels for residential use in accordance with current SMP requirements risk losing the right to use those

Vessels under the proposed SMP amendments. The outright prohibition on new house barges after January 1, 2011, effects a total deprivation of the economic value of these vessels, which were designed to be operated and moored in the internal waters of the Seattle area. Moreover, those Seattle residents that have undertaken vessel construction projects subsequent to January 1, 2011, stand to lose the beneficial use of those vessels before they are launched.

9. The regulations contain no clear justification for retroactive application (which, as a matter of law, is subject to a higher degree of scrutiny – see, e.g., *Rhod-AZalea & 35th Inc. v. Snohomish County*, 136 Wn.2d 1, 3 (1998)). Nor did the retroactive introduction of a January 2011 “control date” in October of 2011 provide sufficient notice to potential stakeholders in any reasonable sense.
10. The combination of these factors – (a) the high potential that stakeholders will experience significant losses of reasonable investment expectations, and (b) the lack of reasonable advance notice of this potential – strongly compels the inclusion of a “grandfather” provision to the SMP for vessels launched or under construction as of the SMP amendment date. The grandfather should establish, at the least, a safe harbor for all compliant vessels as of the effective date of the SMP amendment, as well as for those individuals who can show significant investment in vessels that would otherwise comply with the current SMP when completed.

Thank you for considering these points when revising the Shoreline Management Plan.

Sincerely,

Brett Luartes

From: Michelle Simon [mailto:dr.michelle@earthlink.net]

Sent: Friday, December 23, 2011 1:09 PM

To: Glowacki, Margaret

Subject: Comments on the proposed DPD SMP

Margaret Glowacki
700 5th Avenue, Suite 2000
P.O. Box34019
Seattle, WA 98124-4019

December 23, 2011

Dear Ms. Glowacki,

My husband and I bought a vessel docked in Lake Union last month. We both love the lake. Part of our motivation was to experience the unique lifestyle afforded by living on a boat. Seattle is a wonderful city and is one of the few places where the climate and culture allow this type of lifestyle. Clearly, this appreciation is shared by many others. The passengers on the Duck Boat tours which frequent the lake are always very interested in the houseboats, house barges and floating homes. I've had my picture taken simply because I was on the deck of my boat more than I would have ever expected. The liveaboard community, and specifically house boats and barges, are certainly contributing to the culture of Seattle and seems to function in part as a tourist attraction.

We recently learned about the Department of Planning and Development's proposed Shoreline Management Plan (SMP) regulations and are alarmed and confused. My husband and I are late to the game and are beginning to realize that this process has been underway without inclusion of a voice from the liveaboard community. The house barge and live aboard community is comprised of a diverse spectrum of Seattle's population. We are "stakeholders" who were not included in the proposal process despite the Citizens Advisory Committee (CAC) charter to involve all "stakeholders" and the public. I am curious about why Triangle Associates (the consultant facilitator) or the DPD itself did not find, contact and invite someone from such a sizeable "stakeholder" group as the live aboard community? That is a glaring omission since your own overview presentation given during the first CAC meeting on 5/27/2008 listed "house barges" as an "issue". Yet still, our community was not included in the deliberations. The President of the Lake Union Liveaboard Association (LULA) has tried unsuccessfully to engage you and your staff in discussions about the proposed regulations. Nevertheless, the conclusions and rules emanating from those deliberations directly and profoundly impact us negatively.

The **ambiguity of the proposed regulation** is troubling. The proposed expansion of the "house barge" definition (see Section 23.60.916 of the draft amended SMP) to all vessels "principally designed as a place of residence" is clearly a **subjective standard** that provides little guidance for compliance and is conducive to arbitrary enforcement. This is a completely unclear standard. By contrast, the previous rule which retained the distinction between navigation-based vessels and house barges in the current SMP is objective and roughly parallels the analysis of what constitutes a "vessel" in other regulatory and legal contexts. The current "vessel" definition provides clear and objective criteria by which stakeholders can gauge their compliance with the SMP. There is also far less interpretive discretion involved in enforcing the current SMP, which limits the potential for arbitrary enforcement. Accordingly, **the current navigation-based distinction between house barges and vessels should be retained.**

In trying to understand further **why** such onerous proposals have been made by DPD I explored several areas:

Perhaps this is mandated by the State?

In researching the WAC 173-26-241 [3][j] that is the underpinning guidance for the SMP, it states the following:

"New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property."

This language honors the rights of the existing floating and/or over water residences. It acknowledges the property rights of the existing community as well as

the minimum necessary expansion of those communities. This language also recognizes constitutional and legal limitations necessary to protect private property. I do not think the proposed regulations meet the intent of this guiding WAC and instead go far beyond it.

Perhaps it is the house barge or houseboat population?

I wanted to learn the scope of the house barge “issue” as referred to in the first Citizens Advisory Committee meeting in 5/27/08. A history link article states that “ at mid-century Seattle was home to nearly 2,500 houseboats -- a number that has dwindled to about 500 today (mainly on Lake Union).” (1) This is not a population expanding out of control. In fact, house boats and house barge population is effectively limited already through the marina permitting system. The City of Seattle already grants permits to marina owners to regulate the numbers of boats that can moor on their private docks. Marina owners then choose to allow liveaboards, a category that includes any vessel that someone chooses to take up residence in. Because so few marinas permit liveaboards the number of these kinds of vessels is limited. They are greatly outnumbered by hundreds of other kinds of boats temporarily or permanently docked or moored on the lake. Houseboats and barges represent an even smaller fraction of the total liveaboards in Seattle, yet the regulations do not target other liveboard vessels. To single out this small portion of all liveaboards suggests that there is some distinguishing characteristic not common to other liveaboards. **I see no argument for the regulatory focus on houseboats and house barges as distinct from other liveboard vessels.**

Perhaps it is the Salmon fry issue?

There was a statement from one of your aides during a phone call to your office where she suggested that houseboats contribute to excess Bass populations and that decreases salmon populations. This may be a reason for the aim of decreasing over water residencies, but it is not stated as one and that lack of transparency is concerning in a regulatory agency. Second, in my brief internet search on the health of Lake Union I learned that the lake has been steadily getting healthier, the largest benefit was gained in 1968 after waste water was no longer allowed into the lake. The only reference I could find to Bass being a problem was a sentence in a document on the King County Major Lakes Monitoring website where in discussing a recent downward trend in Sockeye fry populations it is stated:

"Largemouth and smallmouth bass are potential predators on sockeye, and one theory is that an increase in the number of boat docks has resulted in an increase in habitat for the bass. **However, the spatial overlap between them and the sockeye may not be sufficient for there to be much of an impact.**" (2)

The relationship between Bass and Salmon fry is a theory at this point relating to an increase in the number of “dock boats” not specifically houseboats or even liveboard vessels. Dock boats would incorporate all boats, including recreational. The county website also states that

"Research into the cause of the decline is under way by several agencies. It includes research on food supply, predation, and physical damage from the Government Locks during out-migration." (3)

Clearly, this is not a phenomenon with established causation at this point, and the new regulations miss the proposed cause since they do not limit the number of liveaboard vessels which seems to contradict the hypothetical concern for increasing numbers of over water residencies.

Perhaps it is the greywater as pollution issue?

The greywater containment clause in the new regulations is problematic from many angles and I am compelled to understand the reasoning behind this regulation as well. From documents provided by DPD I understand that greywater is considered a pollutant. **I would understand if the topic were black water, as this is discharge from toilets and is not even possible on houseboats,** but greywater, discharge from sinks and showers is mostly just water. Unless city water is a pollutant, the "polluting component" must come from surfactants, or soaps, and the material they wash away, dirt, food scraps, oils, etc. I understand the major concern to be with the phosphorus content and its effect on algae growth. Due to recent legislative action by the State of Washington, the phosphorus content of soaps is tightly controlled. On the Washington State Department of Ecology website it states:

"Phosphorus in detergents IS and has been a problem for Washington State and its waters. Laundry detergent containing phosphorus has been banned since 1994. Major manufacturers in the United States made the switch in laundry soaps to help keep waters clean. The same is true for automatic dishwasher soaps as of July 1, 2010, when Washington retailers may only sell low- and no-phosphate automatic dishwasher detergents for residential use...."

The law says that Washington will stop the distribution and sale of automatic dishwasher detergents that contain more than 0.5 percent phosphorus on July 1, 2010. Because soaps designed for washing dishes by hand are already phosphorus-free, the new requirement affects only soaps used in automatic dishwashers." (4)

The intent of the law is to decrease the phosphorus content of greywater, wherever the source. Since this law has been in effect since 2010, the amount of phosphorus in all greywater has decreased. I would like to understand what the continuing concern is about houseboat greywater discharges. Additionally, houseboats represent only about 1/10th of the liveaboard community, to target this small minority alone does not make sense if the goal is to reduce greywater emissions on the lake. Also, the proposed regulations do not limit the greywater discharges from liveaboard vessels which represent a much larger population than houseboats, by any definition.

Furthermore, passing a regulation that has leaves those regulated with no means to comply is ill conceived. There is no infrastructure on the lake to collect greywater from houseboats. If there were infrastructure, where would they dispose of the water? There is no timeline adequate to enable the development of that infrastructure or alternative

options such as filtration or dockside collection. How is this good governance? There is no practical consideration of the impossible burden being put upon a small minority of liveaboard vessels. Nor is there any compelling argument that it is wise or necessary.

Finally I considered a possible bias:

I am concerned that there is a negative bias on your part towards the houseboat community. I learned that in a Seattle PI article <http://www.seattlepi.com/local/article/Seattle-cracks-down-on-houseboat-like-boats-2400872.php> you made the following comments: *The city disagrees. It says they're more like houses, and that the motors and steering wheels were a way for owners to circumvent the 1990 barge ban. "They got around that definition," said Maggie Glowacki.* What did you mean by "get around?" and "circumvent?". The rule that was in place by DPD was written and adhered to since 1990. We bought a vessel which had served as a residence for families for 20 years before us. To have a public official **assign these dishonest intentions** to us simply due to the fact that we live aboard a vessel, is a bit offensive. It certainly appears as an inappropriate bias on your part and without other clear, compelling reasons for these regulatory changes, makes me wonder if it is not part of the motivation. I cannot but wonder why retroactive implementation of growth restrictions is even being considered. This just seems mean spirited and capricious.

In summary:

- There seems to be little to no scientific backing to support the need for regulatory changes proposed for houseboats.
- To single out a small minority of the liveaboard community with these proposed regulatory changes would do little to effect anything except the quality of live and value of property of these houseboats and house barges.
- Proposed regulations impose unachievable outcomes with regard to greywater disposal.
- Classification of a house barge vs. houseboat becomes ambiguous and open to subjective determination.
- Ambiguity in vessel classification leads to possible double taxation for those who paid sales tax on purchase of their vessel and may be additionally subject to property tax.
- There has been no inclusion of the houseboat/housebarge community in the regulatory process even though we are clearly the most effected community members.

My experience so far with the liveaboard community is that these are stewards of the environment and very concerned about the health of the lake, it's flora, and it's and fauna. I would hope that there is a substantive discussion and reconsideration of the proposed regulations. I would like to see a moratorium on these proposed regulations in

order for an **advisory group to be convened which would include members of LULA.** We do live in a representative democracy; those being regulated should have representation in the discussion. I would welcome the opportunity to be part of that process. These are our homes.

Sincerely,

Michelle Simon

(1) Peter Blecha, August 04, 2010, "Newspaper features Seattle's houseboat colony on January 5, 1902". HistoryLink.org Essay 9503

(2) <http://green.kingcounty.gov/lakes/Lake-Washington-Story.aspx>

(3) ibid

(4) <http://www.ecy.wa.gov/programs/wq/nonpoint/phosphorus/law.html>

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showers is mostly just water. Unless city water is a pollutant, the “polluting component” must come from surfactants, or soaps, and the material they wash away, dirt, food scraps, oils, etc. I understand the major concern to be with the phosphorus content and its effect on algae growth. Due to recent legislative action by the State of Washington, the phosphorus content of soaps is tightly controlled. On the Washington State Department of Ecology website it states:

“Phosphorus in detergents IS and has been a problem for Washington State and its waters. Laundry detergent containing phosphorus has been banned since 1994. Major manufacturers in the United States made the switch in laundry soaps to help keep waters clean. The same is true for automatic dishwasher soaps as of July 1, 2010, when Washington retailers may only sell low- and no-phosphate automatic dishwasher detergents for residential use....”

The law says that Washington will stop the distribution and sale of automatic dishwasher detergents that contain more than 0.5 percent phosphorus on July 1, 2010. Because soaps designed for washing dishes by hand are already phosphorus-free, the new requirement affects only soaps used in automatic dishwashers." (4)

The intent of the law is to decrease the phosphorus content of greywater, wherever the source. Since this law has been in effect since 2010, the amount of phosphorus in all greywater has decreased. I would like to understand what the continuing concern is about houseboat greywater discharges. Additionally, houseboats represent only about 1/10th of the liveaboard community, to target this small minority alone does not make sense if the goal is to reduce greywater emissions on the lake. Also, the proposed regulations do not limit the greywater discharges from liveaboard vessels which represent a much larger population than houseboats, by any definition.

Furthermore, passing a regulation that has leaves those regulated with no means to comply is ill conceived. There is no infrastructure on the lake to collect greywater from houseboats. If there were infrastructure, where would they dispose of the water? There is no timeline adequate to enable the development of that infrastructure or alternative options such as filtration or dockside collection. How is this good governance? There is no practical consideration of the impossible burden being put upon a small minority of liveaboard vessels. Nor is there any compelling argument that it is wise or necessary.

Finally I considered a possible bias:

I am concerned that there is a negative bias on your part towards the houseboat community. I learned that in a Seattle PI article <http://www.seattlepi.com/local/article/Seattle-cracks-down-on-houseboat-like-boats-2400872.php> you made the following comments: *The city disagrees. It says they're more like houses, and that the motors and steering wheels were a way for owners to circumvent the 1990 barge ban. "They got around that definition," said Maggie Glowacki.* What did you mean by “get around?” and “circumvent?”. The rule that was in place by DPD was written and adhered to since 1990. We bought a vessel which had served as a residence for families for 20 years before us. To have a public official **assign**

these dishonest intentions to us simply due to the fact that we live aboard a vessel, is a bit offensive. It certainly appears as an inappropriate bias on your part and without other clear, compelling reasons for these regulatory changes, makes me wonder if it is not part of the motivation. I cannot but wonder why retroactive implementation of growth restrictions is even being considered. This just seems mean spirited and capricious.

In summary:

- There seems to be little to no scientific backing to support the need for regulatory changes proposed for houseboats.
- To single out a small minority of the liveaboard community with these proposed regulatory changes would do little to effect anything except the quality of live and value of property of these houseboats and house barges.
- Proposed regulations impose unachievable outcomes with regard to greywater disposal.
- Classification of a house barge vs. houseboat becomes ambiguous and open to subjective determination.
- Ambiguity in vessel classification leads to possible double taxation for those who paid sales tax on purchase of their vessel and may be additionally subject to property tax.
- There has been no inclusion of the houseboat/housebarge community in the regulatory process even though we are clearly the most effected community members.

My experience so far with the liveaboard community is that these are stewards of the environment and very concerned about the health of the lake, it's flora, and it's and fauna. I would hope that there is a substantive discussion and reconsideration of the proposed regulations. I would like to see a moratorium on these proposed regulations in order for an **advisory group to be convened which would include members of LULA.** We do live in a representative democracy; those being regulated should have representation in the discussion. I would welcome the opportunity to be part of that process. These are our homes.

Sincerely,

Michelle Simon

(1) Peter Blecha, August 04, 2010, "Newspaper features Seattle's houseboat colony on January 5, 1902". HistoryLink.org Essay 9503

(2) <http://green.kingcounty.gov/lakes/Lake-Washington-Story.aspx>

(3) *ibid*

(4) <http://www.ecy.wa.gov/programs/wq/nonpoint/phosphorus/law.html>

CC: Diane Sugimura, Director of DPD
December 23, 2011

Maggie Glowacki
Senior Land Use Planner
Department of Planning and Development
City of Seattle
700 5th Avenue, Suite 2000
PO Box 34019
Seattle, WA 98124-4019

Re: Comments on the second draft of the 2011 Seattle Shoreline Management Program (SMP)

The City of Seattle - DPD is proposing new Shoreline Management regulations to “control” house barges on Lake Union. This effort represents what amounts to a frivolous waste of taxpayer dollars at a time when we can least afford it. Here is why such regulations are unnecessary.

First of all, house boats and house barges are in themselves a self-regulated system. The City of Seattle already grants permits to marina owners to regulate the numbers of boats that can moor on their private docks. Marina owners can fill these spaces as they wish and many do not allow what are generally called “liveaboards”, a category that includes every kind of floating vessel on which people choose to take up residence. Because so few marinas permit liveaboards the number of these kinds of vessels is limited. In fact, only 40 live aboard vessels have been added to the lake in the last 20 years. Prior to this time, in 1990, about 110 house barges were given permission to stay on the lake (“grandfathered in”) under the Shoreline Management Plan. Today, there are about 150 live aboard vessels on the lake. They are greatly outnumbered by hundreds of other kinds of boats temporarily or permanently docked or moored on the lake.

In addition to the issue of “growing numbers” of live-aboard vessels the City continually raises the issue of risk from “grey water” discharged by such vessels. The fact is that there is little grey water impact. Many boats on the lake, which are not liveaboards release grey water into the lake every day, most of it vastly more polluting than the highly filtered waste from live aboard vessels. Replacing liveaboards with non-live aboard boats will not solve this problem, if it even is a problem. The truth of the matter is that the City of Seattle currently operates a system of 125 overflow outlets all around the lake’s edge that dump hundreds of thousands of gallons of excess sewer and rain runoff into Lake Union day after day, year after year. This, the City’s “dirty little secret”, is never discussed when issues of grey water come up.

In addition, newer house barges and other vessels built to look like residences are built “green”. They have the space on board to incorporate grey water storage and

filtration as well as the sewer treatment and/or pump out capability that all liveaboard vessels must have. Such residences have a light footprint on the lake. Moreover, their owners act as unofficial stewards for the shoreline, picking up trash from high use areas such as along the Burke Gilman Trail or around Gas Works Park. If the lake is clean of debris and litter it is the year-around residents who can be thanked.

In a recent interview with the Seattle Post-Intelligencer, Margaret Glowacki, from City of Seattle DPD states that housebarge owners are “circumventing the law” by living on Lake Union. We ask, Which law is she referring to? Federal maritime law, to which boats and vessels of all kinds must adhere? Federal maritime law, which supercedes state and local ordinances? There are no laws prohibiting vessels from Lake Union, including vessels that look like houses.

Finally, DPD and the City of Seattle are attempting to make an issue of “overwater structures” as a factor in juvenile salmon survival and salmon migration. Once again, the facts do not support this premise. A review of primary research and secondary literature by a University of Washington research team over the past ten years clearly shows that salmon are not only not harmed by such structures but in fact have improved survival rates because of them, especially near piers, barges and docks.

Lake Union is a very special place and attracts thousands of visitors each year because of, not in spite of, its diverse marine uses. Seaplanes and sailboats, crab boats and long liners, kayaks and paddleboards, row boats and rowing shells and yes, houseboats and housebarges, are all a part of iconic Lake Union. The lake today embraces a wonderful mix of industrial, pleasure and residential vessels of every possible description. There is no other place like it in the United States, and tourists and locals alike enjoy immersing themselves in its lore and taking tours of its many idiosyncrasies.

In addition to supporting the tourism industry, housebarge and houseboat residents also support businesses and organizations in nearby communities. They generally commute to local retailers and other destinations on foot or by bike, further diminishing their carbon footprint. Finally, houseboats and housebarges are part of Seattle’s identity (“Sleepless in Seattle” anyone?), lending additional character to the core of our great city.

The current DPD bell-ringing about Shoreline Management brings to mind the movie “Wag the Dog,” where the President of the United States creates a phony war to divert attention from other issues. The DPD is similarly expending great amounts of taxpayer time and taxpayer money to attack “enemy” house barges rather than address the real problem – sewer overflow and other untreated runoff water flowing directly into the lake.

We challenge DPD to get its priorities right and start using precious taxpayer dollars to solve real problems. To tell us that new proposed regulations are necessary to comply with the state’s Shoreline Management Plan is another smokescreen. We would also like to know how this “new regulation” became “retroactive” to January, 2011 when

you are still accepting “public comment” and nothing has been approved to date. What ever happened to establishing the rules first, so the public can follow the new rule rather than be expected to have “special powers” to know what the DPD is going to come up with in the future? The state plan allows for local decision making by individual communities because each community is so different. It is up to our city to decide what works best for the people who live here. “Protecting” them from too many houseboats and barges is ludicrous, wasteful, and a breach of public trust.

Regards,
Patti A. Bishop
206-419-4749

From: Dwight Knechtel [mailto:dwight@pumpmeout.com]
Sent: Friday, December 23, 2011 5:18 PM
To: Glowacki, Margaret
Subject: Comments regarding proposed SMP regulations

Dear Ms. Glowacki:

I own one of the pumpout services serving Seattle area marinas. We operate 3 pumpout boats covering Puget Sound from Anacortes south to Tacoma. Each week, year 'round, we pump over 200 boats.

One of our boats is based on Lake Union where we have lots of clients. These clients range from small recreational boats to mega yachts and, of course, liveaboards. We pump liveaboard clients on tiny sailboats, big sailboats, house barges, powerboats old and new - small and large. The one common thing I see among virtually all liveaboards is a strong concern for the water. They take care of the water and the environment because it's the right thing to do, not because of any regulations. This concern for the environment does not change with the size of the boat, or the type of boat - or barge.

Your proposed regulations seem to single out one type of boat - the house barge - as being somehow worse than the others. In my experience, that is not a realistic view. House barge residents are just as sensitive to their impact on the water as any other liveaboard.

You have proposed that grey water be contained and removed. That could provide interesting challenges for everyone involved. Large volumes of water are heavy, bulky and can affect the stability of a boat. In the case of some house barges, there could be room to easily add tankage. Others will require significant modifications. For most traditional boats being used as a liveaboard, grey water tankage will be difficult if not impossible to add. There just isn't space. As a pumpout service, we can accommodate our clients' need to pump grey water. It will cost more and may require more frequent visits.

Your regulations hope to reduce grey water, yet the one type of liveaboard most able to accommodate grey water tankage is being banned.

The LULA proposal seems to address these grey water issues in a more fair and sensible manner. Each boat could comply to the extent possible in their situation. There is enough time to allow planning - and saving - for expensive modifications.

Thanks for reading,

Dwight Knechtel
Pump Me Out LLC
dwight@pumpmeout.com

From: Megan Smith [mailto:megansmith206@gmail.com]

Sent: Friday, December 23, 2011 5:53 PM

To: Glowacki, Margaret

Cc: Clark, Sally; Licata, Nick; Bagshaw, Sally; Burgess, Tim; Conlin, Richard; Godden, Jean; Harrell, Bruce; O'Brien, Mike; Rasmussen, Tom;
governor.gregoire@governor.wa.gov

Subject: Seattle's Proposed Shoreline Management Plan Comment

Maggie Glowacki
700 5th Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019
December 23, 2011

Dear Ms. Glowacki:

A year ago, my partner and I purchased a grandfathered, legal, city permitted, House Barge at Gasworks Park Marina after having owned a floating home on Portage Bay. We live on it full time. We paid extra money and gave extra thought to the "Grandfathered, legal, city permitted" piece of the equation, thinking we were free from the City of Seattle's constant attempts to do away with Houseboats, house barges, and floating homes over many generations.

We are tired of being the target of the city of Seattle's bureaucracy. We are tired of living with the idea that our homes may be rendered valueless should the city make them so. The shoreline management plan is a smoke screen for some other unspoken agenda because it's stated goals cannot be fairly applied. If my barge succumbs to a fire I would not be able to rebuild it? If a rebuild took longer than 6 months we are just out of luck? You could not enforce that on a land home. Is the city prepared for the ensuing lawsuit(s)?

Houseboats, house barges, and floating homes make up a huge portion of what is unique and special about Seattle. They are part of what makes Seattle, Seattle, much like the Space Needle and the Pike Place Market.

Much of what has been proposed is based on unscientific conclusions and will not accomplish your stated goals, which is why I am very suspicious of it. If you are trying to do away with pollution on the lake we support that wholeheartedly, but please don't make us the scapegoat in that effort when there are many other factors at play (Which have all been spelled out in other letters to you) contributing to that. I live across the channel from a Superfund site for crying out loud!

There are so many holes in these proposals (which again have been spelled out by others so I won't do it again here) that this will be a legal nightmare for the city should it not be drastically modified. Can you imagine being threatened for years with the loss of use or value of the home you worked so hard for?

I hope that you, and the city council, and the mayor, and the governor (all of whom I am CC'ing on this) will reconsider your position.

I hope everyone I have CC'd on this will visit:

<http://www.lakeunionliveaboard.com/letters-to-dpd/> and read many of the letters that have been submitted to date so as to better understand how this singles us out and profoundly affects our lives.

Very Sincerely,

Megan Smith

From: Cody Spanner [mailto:spanners@charter.net]

Sent: Friday, December 23, 2011 9:17 PM

To: Glowacki, Margaret

Cc: Spanner, Gary E

Subject: comments to 2nd draft shoreline master plan 2011

Ms. Glowacki,

As the owner of what Seattle defines as a house barge (we call it a houseboat) moored on Lake Union, I am submitting a few comments to the 2nd draft of the 2011 Shoreline Master Plan.

23.60.204.E. -- I strongly object to the requirement that all overboard discharges be sealed, if applied to only house barges but not to other vessels. If the objective of the Plan is to protect the Seattle aquatic environment, then all vessels should be regulated the same. Gray water is gray water regardless of the type of vessel from which it comes. There is some ambiguity about this requirement, in any case, because the FAQs state that gray water from house barges must be treated, not contained. I would be in favor of all

vessels filtering or treating their gray water; such a rule would lead to cleaner water for all. Further, while all gray water is the same regardless of the vessel, not all gray water is the same regardless of how it was generated. I feel that kitchen gray water should be treated, filtered, or contained. Kitchen water contains by far more biological components than shower water.

23.60.916.H -- Definitions. I feel that house barges should be capable of self propulsion and navigation. As I stated earlier, we call our house barge a houseboat because it performs as a boat.

Discrimination against house barges -- Throughout the draft Plan, house barges are unwisely discriminated against. A far larger source of environmental damage in Seattle lakes is stormwater runoff from streets. If the objective of the Plan is to help keep the lakes cleaner, stormwater runoff from streets needs to be addressed in meaningful fashion. Also, as far as the environment is concerned, a vessel is a vessel. The hull and superstructure style don't affect the environment, discharges do.

House barges as live-aboard vessels -- There appears to be an assumption that all house barges are live-aboards. This simply isn't so; many house barges are not used as live-aboards. Perhaps this assumption is why house barges are discriminated against in the Plan. Regulations that apply to live-aboard vessels should be applied to live-aboard house barges, and regulations that apply to non-live-aboard vessels should be applied to non-live-aboard house barges.

Thank you for your consideration. I look forward to a Plan that fairly treats all water users while protecting the lake environment of Seattle.

Sincerely,

Gary E. Spanner
509-430-0098

From: Jared Owen [mailto:jaredowen@gmail.com]
Sent: Saturday, December 24, 2011 6:41 PM
To: Glowacki, Margaret
Subject: Seattle Boater issues

Dear Ms. Glowacki,

I am a boater in the greater Seattle Area. I have two lists that I believe are detrimental to boaters and need to be eliminated or refined.

I find the following proposed ordinances with the following numbers to be objectionable and need to be eliminated from the Ordinance.

23.60.002 Title and purpose. Section B.3 -[Taking Private lands - too many restrictions](#)
23.60.162 Standards for parking and loading zone requirements section 2. [Eliminates](#)

necessary parking for boaters and businesses

23.60.164 Standards for regulated public access -Sections:C,D,E,F,G,H,I,J,K Takes private property without compensation to owners.

23.60.200 Standards for marinas, commercial and recreational Over regulates marinas and its tenants and restricts small vessel moorage.

23.60.204 Standards for house barges Eliminates future house barges and over regulates house barges made before January 1, 2011.

23.60.214 Standards for live-aboard uses on vessels Over regulates boaters.

23.60.215 Standards for uses on vessels Over regulates boaters.

23.60.216 Standards for vessel moorage Over regulates marinas and moorages.

23.60.514 Regulated public access in the UM Environment Takes private property without compensating the owners.

Further the following ordnances with the following numbers that need the suggested revisions (In red).

23.60.002 Title and purpose "B.1 "Protect the ecological functions of the shoreline areas *insofar as practical"* Per governing RCW statute

23.60.012 Inconsistent development prohibited.

~~DELETE~~ "including a use that is located on a vessel" Over regulates boaters.

23.60.027 Ecological Mitigation and Measuring Program: 1. Use best available science combined with *realistic economic considerations (which may be arbitrated)* to determine values for ecological functions measured in habitat units; *This adds economic conditions for future applicability so businesses can survive.*

23.60.162 Standards for parking and loading zone requirements

B. New off-street parking and parking structures shall be located at least 50 feet from the OHW mark *when reasonable*. The Director may modify this requirement to allow parking required pursuant to Section 23.54, ~~for lots that have a lot depth of less than 75 feet of dry land. In such cases the parking is prohibited within shoreline setbacks and shall be located as far upland from the OHW mark as reasonable.~~

23.60.162 Standards for parking and loading zone requirements Eliminates necessary boaters parking.

~~DELETE #2~~

23.60.164 Standards for regulated public access

Should apply **only** to Public land, not private land. **Delete all** if applied to Private land.

23.60.200 Standards for marinas, commercial and recreational **Micro** **Manages** marinas and moorages **without taking any liability** **Delete** Section E.1 b & c add and the City of Seattle will award the Marina a release from damage for any and all incidence. **Or Strike all of statute.**

23.60.924 Definitions -- "**L**" "Live-aboard vessel" means a vessel that is used as a dwelling unit ~~for more than a total of thirty days in any forty five day period or more than a total of ninety days in any three hundred sixty five day period;~~ or where the occupant or occupants identify the vessel or the facility where it is moored as their residence for voting, mail, tax, or similar purposes.

Thank you for considering the above recommendations.

Respectfully
Jared Owen