

# Seattle On Water Resident Stakeholder Group

*Final Report and Recommendations to Seattle City Council*

May 31, 2013



## Seattle On Water Resident Stakeholder Group Members



The following Stakeholder Group members submit this report on Seattle On Water Residences to City Council for their consideration. The stakeholders express their appreciation to City Council for the opportunity to provide input in this process.

Handwritten signature of Kevin Bagley in blue ink.

Kevin Bagley

Handwritten signature of Joseph Bogaard in blue ink.

Joseph Bogaard

Handwritten signature of John Chaney in black ink.

John Chaney

Handwritten signature of Patrick Dunham in black ink.

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Handwritten signature of Barbara Engram in blue ink.

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Handwritten signature of Margie Freeman in blue ink.

Margie Freeman

Handwritten signature of Al Hughes in black ink.

Al Hughes

Handwritten signature of Gail Luhn in blue ink.

Gail Luhn

Handwritten signature of John W. Waterhouse in black ink.

John Waterhouse

Handwritten signature of Chris Wilke in black ink.

Chris Wilke

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## Background

Thousands of people call Seattle’s waters their home. Residents living on the water must comply with Seattle’s Shoreline Master Program (SSMP) rules as contained in Seattle Municipal Code (SMC) Chapter 23.60.<sup>1</sup> Seattle’s Department of Planning and Development (DPD) is responsible for enforcing shoreline regulations and other laws that govern construction on land and over water in Seattle. Seattle Code authorizes residential use on floating homes, house barges, and vessels (see box below for definitions). However, there are a handful of residents who live on the water in structures that might qualify as vessels under the SSMP, but it is unclear if they meet the City’s definition.

### Definitions

#### Floating Home

A single-family dwelling unit constructed on a float, which is moored, anchored, or otherwise secured in waters.

*(as defined in SSMP 23.60.912 “F”)*

#### House Barge

A vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.

*(as defined in SSMP 23.60.916 “H”)*

#### Vessels

Ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships that do not have a means of self-propulsion and steering equipment.

*(as defined in SSMP 23.60.942 “V”)*

## Introduction

On January 28, 2013, Seattle City Council convened a Stakeholder Group process to “develop and consider alternatives for an orderly process to establish the status of residences on the water that are not identified as legal floating homes or legal house barges and are not clearly identified as vessels.” For the purposes of this process, these structures have been referred to as “on water residences”. Seattle City Council hired Triangle Associates, Inc. (Triangle) to facilitate the Stakeholder Group process.

The Stakeholder Group was tasked with two objectives:

1. Recommend possible regulatory or procedural actions that can be taken by the City to provide greater certainty, clarity, or procedural safeguards for on water residences.
2. Recommend possible legislative amendments to Shoreline Master Program (SMP) that the Department of Ecology (Ecology) agrees are sufficiently promising to merit formal review by Ecology if adopted by the Council.

City Council indicated that recommendations were to be consistent with the Shoreline Management Act (SMA) and not designed to legalize structures that are not vessels.

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<sup>1</sup> The City is in the process of updating the Seattle Municipal Code. Chapter 23.60A (Seattle Shoreline Master Program Regulations) is new and is in the process of being added to the Code. However, Chapter 23.60A has not yet been approved, as it is still being reviewed by the Department of Ecology.

There were a total of 5 Stakeholder Group meetings, which took place on March 18, March 26, April 8, April 22, and May 21, 2013. Several Stakeholder Group members met, had discussions, and prepared materials between meeting dates.

## Process

Triangle conducted interviews with all Stakeholder Group members, Ecology, and DPD in February and March 2013 prior to the first meeting. The interviews shed light on participants' background knowledge, history of involvement in the issue, key concerns, suggested recommendations, process design, and logistics.

All Stakeholder Group meetings were open to the public. Public comment was accepted via email and on a laptop provided at all meetings. All public comment received was included in the meeting summaries. All meeting materials (agendas, meeting summaries, draft recommendations, etc.) were distributed to members of the public that requested being added to the email distribution list.

## Stakeholder Group Participants

<b>Kevin Bagley</b>	Lake Union Liveaboard Association
<b>Joseph Bogaard</b>	Save Our Wild Salmon
<b>John Chaney</b>	Lake Union Liveaboard Association
<b>Patrick Dunham</b>	Lake Union Liveaboard Association
<b>Barbara Engram</b>	Lake Union Liveaboard Association
<b>Margie Freeman</b>	Marina owner; President of the Lake Union Association
<b>Al Hughes</b>	Washington Liveaboard Association
<b>Gail Luhn</b>	Shilshole Liveaboard Association
<b>John Waterhouse</b>	Naval Architect
<b>Chris Wilke</b>	Puget Soundkeeper Alliance

## Meeting Attendance

	Meeting 1 3/18/13	Meeting 2 3/25/13	Meeting 3 4/8/13	Meeting 4 4/22/13	Meeting 5 5/21/13
<b>Kevin Bagley</b>	✓	✓	✓	✓	✓
<b>Joseph Bogaard</b>		✓	✓		✓
<b>John Chaney</b>	✓	✓	✓	✓	✓
<b>Patrick Dunham</b>	✓	✓	✓	✓	✓
<b>Barbara Engram</b>	✓	✓	✓	✓	✓
<b>Margie Freeman</b>	✓	✓	✓	✓	✓
<b>Al Hughes</b>	✓	✓	✓	✓	✓
<b>Gail Luhn</b>	✓	✓	✓	✓	✓
<b>John Waterhouse</b>		✓			
<b>Chris Wilke</b>	✓	✓		✓	✓

## **Consensus Definition**

According to the Stakeholder Group ground rules:

*“Consensus is defined as agreement of all members, and will be the preferred method of determining Stakeholder Group agreement on issues. Full consensus involves agreement of all members, described as:*

*Consensus: The group will reach consensus on an issue when it agrees upon a single alternative and each participant can honestly say:*

- *I believe that other participants understand my point of view.*
- *I believe I understand other participants' points of view.*
- *Whether or not I prefer this alternative, I support it because it was arrived at openly and fairly, and it is the best decision for us at this time.*

*In instances where consensus cannot be reached, the pros and cons of the different alternatives and the interests represented will be presented in the final report.”*

However, since only nine of ten Stakeholder Group members were present at the final meeting, which was when documents were considered, vetted, and finalized, **for the purposes of this document, consensus is defined as unanimous agreement from all Stakeholder Group members in attendance at the final meeting.** The SHG member not present at the final meeting was allowed to offer support for consensus agreements and/or provide concern statements on non-consensus proposals. Members present agreed by consensus to make this change to the ground rules.

Proposals that achieved consensus are categorized in this report as recommendations. If consensus was not reached on a given proposal, non-consensus proposals are included, along with any concern statements.

## **Additional Comments**

By consensus, the Stakeholder Group approved the inclusion of the following:

- The City's figure of “150 illegal houseboats” is inaccurate and not based on fact. No evidence was presented to the Stakeholder Group supporting any assertions regarding any “illegal” houseboats.
- Members of the Lake Union Liveboard Association (LULA) performed a statistical analysis based on a visual count using electronic maps and concluded there are approximately 113 houseboats in Seattle waters. Data is available for review.
- Representatives of the Stakeholder Group have estimated that there are from 800 to over 1,000 liveboard vessels of all vessel styles in Seattle. No accurate census of liveboard population is known to exist.
- The proposed Houseboat Vessel Liveboard License (see Recommendation 1) would improve the data on one segment of the liveboard population.
- There is concern in the Houseboat community that the current uncertainty has limited moorage locations because some marina owners are unsure if the houseboats are permitted in Seattle. The proposed license program would provide surety to the marina owners that a specific Houseboat is permitted in Seattle. The majority of the moorage for existing Houseboats is privately owned and on short term leases. The additional surety to the Houseboat owners and their marinas should create sufficient market supply of moorage locations for the existing houseboat community. No licensed Houseboat should be forced to leave Seattle because the owner is unable to locate suitable moorage.

## Recommendations

### Summary Table

Proposal	Consensus reached?	If no, who supports it?	If no, was high-level consensus reached?
Houseboat Vessel Liveaboard License (HVLL)	<b>Yes</b>		
Vessel Evaluation	<b>No</b>	Kevin Bagley; Joseph Bogaard; John Chaney; Patrick Dunham; Barbara Engram; Margie Freeman; Chris Wilke	<b>Yes</b>
Compliance Process	<b>Yes</b>		
Gray Water: Education, Outreach, and Technology	<b>Yes</b>		
Gray Water: Pilot Program	<b>No</b>	Joseph Bogaard; John Chaney; Patrick Dunham; John Waterhouse; Chris Wilke	<b>Yes</b>
Gray Water: Proposed Regulations	<b>No</b>	Chris Wilke; Joseph Bogaard	<b>No</b>
Rules Going Forward	<b>Yes</b>		

### 1. Procedural Clarity for Determining the Status of Existing Liveaboard Houseboats (Voluntary “Houseboat Vessel Liveaboard License”)

#### Introductory Remarks

**The current SMP offers very limited clarity to determine the status of on water residences.**

The current SMP found in Chapter 23.60 of the Seattle Municipal Code addresses many uses in the Shoreline. The regulations related to Floating Homes are found at SMC 23.60.196 and contain almost 2,000 words of regulatory text. The regulations related to House Barges are found at SMC 23.60.090 G and contain 350 words of regulatory text. The regulations for Residences other than Floating Homes is found at SMC 23.60.198 and in 350 words of regulatory text relates to residences over the water but does not refer to vessels. The SSMP at SMC 23.60.018 “Nonregulated actions” states

*“Except as specifically provided otherwise, the regulations of this chapter shall not apply to the operation of boats, ships and other vessels designed and used for navigation;”*

The SMC does not define “*designed and used for navigation.*”

The SMC defines a Structure at 23.60.936 as

*“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts artificially joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, including fences, walls, signs, piers,*

*floats and drydocks, but not including poles, flower-bed frames and other minor incidental improvements, or vessels. (emphasis added)*

From this it might be inferred that a vessel could not be a structure. However, the SMC at 23.60.090 F Identification of Principal Permitted Uses defines floating structures to include some vessels with residential use.

*“Floating structures, including vessels which do not have a means of self-propulsion and steering equipment and which are designed or used as a place of residence, with the exception of house barges moored within the City of Seattle in June 1990 and licensed by the City of Seattle, shall be regulated as floating homes pursuant to this chapter. Locating other non-water-dependent uses over water on floating structures, including vessels, which do not have a means of self-propulsion or steering equipment is prohibited unless specifically permitted on house barges or historic ships by other sections of this chapter.”*

Unlike Floating Homes, House Barges or any other residences other than floating homes the regulatory text for residential use of vessels in the SMP is limited to two phrases both without any further explanation or definition in the SMC.

- ***designed and used for navigation***
- ***a means of self-propulsion and steering equipment***

The Lake Union Liveaboard Association position (referenced in Appendix I) and hundreds of pages of public comments to the many updated SSMP drafts (see DPD website for public comments) show the impact to the houseboat community from this limited code language. Since adoption of the SSMP in 1987, neither the Director of the Department of Design, Construction, and Land Use (DCLU) nor the subsequent DPD Director has issued a Directors Rule in this matter. The only guidance by the City has been a Client Assistance Memo (CAM-229) issued first in 1993 and revised in 2004. The CAM-229 (see Appendix H) specifically contains a legal disclaimer: “This Client Assistance Memo (CAM) should not be used as a substitute for codes or regulations.”

This significant lack of codes or regulations has been in existence since 1990 and a number of vessels have been built, purchased, sold and moved into Seattle waters since that time. Today, the challenge is to help remove the existing uncertainty in the existing houseboat community. Marina operators are also unsure as to which liveaboard vessels are permitted. Many members of the houseboat community have expressed concern about their status (see Appendix L).

Members of the Stakeholder Group, Ecology, and DPD presented alternative titles for the “license”. The title is less important than accomplishing the objective of providing greater certainty, clarity, and procedural safeguards for on water residences. Houseboat Vessel Liveaboard License was agreed to by consensus.

### Recommendation

To that end, a Houseboat Vessel Liveaboard License (HVLL) is proposed that seeks to add a framework for evaluating compliance with the SSMP as found in SMC 23.60.

Adopt a new City ordinance creating a “Houseboat Vessel Liveaboard License” program—a voluntary license program to establish existing houseboats as existing legal conforming uses (City adoption following Ecology review).

- Licensing will provide certainty to Marina operators regarding Houseboats licensed to locate in Seattle marinas.
- Licensing will provide the City with knowledge of the location, registration, ownership, and black water compliance of each licensed Houseboat.



- Licensing will require a Best Management Practices (BMP) agreement from the current and any future owners of the vessel. It also proposes to require compliance with any additional BMPs required at the moorage location or changes to BMPs by the City in the future.
- Licensing will allow the City to focus any enforcement actions on unlicensed “on water residences” and any other SMP compliance issues.
- Licensing will be based on vessel evaluation confirming that an existing liveaboard Houseboat is compliant with existing Seattle Shoreline Master Program regulations including consistency with SMC 23.60.942.V definition of a “vessel”.

See Appendix A for the recommended Houseboat Vessel Liveaboard License document.

**DECISION:** The Stakeholder Group reached consensus on the recommended Houseboat Vessel Liveaboard License.

## ***2. Vessel Evaluation***

### Introductory Remarks

There needs to a consistent way to evaluate the status of a houseboat. The Vessel Evaluation form was proposed as part of the HVLL. While Stakeholder Group members could not reach consensus on the Vessel Evaluation form as written, the Stakeholder Group supports and reached consensus on the higher-level concept of having a vessel evaluation form (joined by John Waterhouse).

### Non-consensus Proposal: Vessel Evaluation form

Offered by: Kevin Bagley (LULA), Joseph Bogaard (Save Our Wild Salmon), John Chaney (LULA), Patrick Dunham (LULA), Barbara Engram (LULA), Margie Freeman (Marina owner), Chris Wilke (Puget Soundkeeper Alliance)

See Appendix B for the proposed Vessel Evaluation form.

### **Statement in support of the Vessel Evaluation as presented**

The Vessel Evaluation Form, as presented at the Final Stakeholder Meeting, was prepared after careful consideration of Stakeholder comments at meeting #4, public comments and importantly input from the state Department of Ecology, and the City Department of Planning and Development. It is clear that both agencies wish to require that any liveaboard use is on a vessel with both a capacity of propulsion and steering. The consensus-adopted Houseboat Vessel Liveaboard License; Attachment 2: Vessel Evaluation provides an economical means for the houseboat owners to verify that their houseboat vessels meet those requirements.

The purpose of the Stakeholder Group was to work to clarify the existing regulations not to impose new regulations. This has been a challenging task since some suggested criteria are neither in the current regulations nor the DPD guidance. For example standards for engine power, freeboard or helm visibility go far beyond clarifying the existing regulations into expanding the existing regulations. The significant range of methods and criteria proposed in the multiple DPD drafts for the updated SSMP have given rise to considerable concern among some liveaboards that new or expanded criteria, which were not published, will be used to evaluate existing vessels.

During Stakeholder Group discussions, two members of the group argued that the evaluation of the houseboat should be done by a marine professional. That, however, can be very costly to the

houseboat owner and, potentially, to the City. Further, there are no such requirements for any other type of vessel used for liveaboard purposes, nor for any other vessel, automobile, aircraft, or other type of property licensed, registered, or permitted within the City of Seattle. There were no bona fide reasons presented why houseboats should be singled out for such expensive and different treatment.

With the adoption by the City of the proposed changes in compliance procedures, as specified in Appendix D to this report, any issues about the accuracy of the vessel evaluation for existing vessels can be dealt with administratively with sufficient time and the least possible expense for both the houseboat owner and the City.

One further argument presented by two group members was that the Houseboat Vessel Liveboard License should be renewed frequently, presumably with new assessment by marine professionals. That process is uncommon in any city licensing, permitting, registration, or assessments, and DPD did not present any examples of this type of renewal. The owner of an over-land residence is not required to renew any permit to continue use as a residence unless some substantial code regulated change is made. This is also complicated by the fact that the City of Seattle does not have a regulatory code for the construction or modification of any vessel.

A frequent renewal will cause both the City and the houseboat owner to have to expend considerable money for the assessment and create the precise type of uncertainty the license program is designed to end. If a houseboat owner had to face reassessment of their vessel, especially if they desired to sell it, it could cause the lack of marketability for the houseboats in general and cause untold work for DPD who would have to frequently deal with the paperwork required and the time necessitated for enforcement officers to carry out this work.

In short, the Vessel Evaluation system proposed as part of the HVLL process stringently applies all state and city regulations, requires accurate reporting by the houseboat owner, creates an environment that frees both the owners and the City from uncertainty, and provides consistency and fairness. No changes should be made to what has been proposed and that is supported by the Stakeholders offering this proposal.

#### Concerns with this Proposal

Offered by: Gail Luhn (Shilshole Liveaboard Association), Al Hughes (Washington Liveaboard Association), and John Waterhouse (Naval architect)

**Statement from Gail Luhn and Al Hughes:** We believe that the requirements of propulsion and steering imposed by the 1990 revisions to the Seattle Municipal Code should be given their plain meaning. Any floating contrivance that seeks to be classified as a vessel must have an effective means of propelling the vessel through the water, and it must be able to do so safely and “not interfere with the normal public use of the water.” SMC 23.60.942. Ultimately, any vessel – including recreational liveaboard vessels – should be required to leave its moorage periodically to demonstrate navigability and seaworthiness. This is nothing less than what is required by the U.S. Coast Guard’s “Inland and International Navigation Rules”.

Self-certification is not our preferred method of conducting the Vessel Evaluation set forth in the Houseboat Vessel Liveaboard License Program. In requesting a HVLL, an owner is voluntarily seeking a benefit from the City and it is not unreasonable that qualification for this benefit would require a third-party inspection.

If the Council permits self-certification, the owner (or other certifying individual) must understand that s/he is making statements to a governmental agency and that there are potential consequences for providing false information. As a proposed compromise, we recommend that the Vessel Evaluation form should contain both a check-off for providing information about propulsion and steering systems and should clearly inform the person completing the form that the City will rely on the certification in issuing any license or other permit.

Non-consensus Proposal: Alternative Propulsion and Steering Section for Vessel Evaluation Form  
Offered by: Gail Luhn (Shilshole Liveaboard Association) and Al Hughes (Washington Liveaboard Association)

An alternative section to the Vessel Evaluation Form is attached at Appendix C for the limited purpose of certifying propulsion and steering.

**DECISION:** Stakeholder Group members did not reach consensus on the Vessel Evaluation form, but reached consensus on the higher-level concept of having a vessel evaluation form (joined by John Waterhouse).

### ***3. Compliance Process***

#### Introductory Remarks

During the Stakeholder meetings members expressed concern about the enforcement process currently used by the DPD. Under the current process, DPD alone investigates complaints and the owner of the vessel in question may not be notified until the completion of the investigation and the issuance of a Notice of Violation (NOV). This results in a process that is unnecessarily adversarial and which does little to facilitate an efficient resolution to any complaint, resulting in significant costs to city taxpayers and the vessel owners and distrust of the City's Department of Planning and Development (DPD).

#### Recommendation

The consensus proposal of the Stakeholders is a "Compliance Process" that is intended to avoid the conflict and expense that the current enforcement process imposes. This process was developed in consultation with DPD and has its agreement as to the essential points. Importantly, this process includes early notification to an owner with the opportunity to provide relevant information and documents and the opportunity for the owner to bring the vessel into compliance if needed. The goal is to set in place a cooperative procedure involving owners and DPD to clarify a vessel's status and to reduce the number of formal Notices of Violation while ensuring compliance with existing rules and regulations.

In addition, because the subjects of the anticipated complaints are peoples' homes (and likely their single largest investment), it is the consensus of the Stakeholders that the process for appealing any decision that would result in the threat of removal of these homes from Seattle waters is inadequate. It is the recommendation of the Stakeholder Group, in which DPD is in agreement, that an appeal from an adverse determination by DPD should be subject to a review process that provides that same level of substantive review as one involving a land-based home under the Land Use and Planning Act.

The recommended compliance process is presented in Appendix D.

**DECISION:** The Stakeholder Group reached consensus on the recommended compliance process (joined by John Waterhouse).

#### ***4. Gray Water: Education, Outreach, and Technology***

##### Introductory Remarks

Recreational boaters, including liveaboards, are very close to our waters and have a special responsibility and concern for water quality. There is an ongoing need to educate existing users. New users come to enjoy the water daily, so investments in education will be repaid by improved awareness. Technological advances will be made in the future and could become industry standards, so these need to be better understood. Therefore, we offer the following recommendations.

##### Recommendations

#### **1. Develop an educational program for Best Management Practices (BMPs) (Coordinated Government and non-governmental organization (NGO) effort)**

- A BMP educational program should be developed to support the existing information programs of the Puget Soundkeeper Alliance, the Recreational Boating Association of Washington, the Washington Liveaboard Association and its chapters and other NGO's along with all Governmental units with responsibilities for water quality in Seattle waters including the City of Seattle, King County, the Port of Seattle, the Department of Ecology and the USCG.
- A primary program goal for a BMP education program would be to increase understanding and compliance with the BMPs as proposed in the updated SSMP and other water quality programs.
- This educational program should include Marina Associations, acknowledging that many marinas already include BMPs in their lease agreements, including those marinas participating in the Clean Marina Washington program.
- These coordinated educational efforts should have a goal of reaching all boat owners and operators in Seattle waters, including those moored in Seattle recreational or commercial marinas. A portion of the outreach of this educational program should be focused on liveaboards including the existing Houseboat community.
- One goal of the educational program should be the reduction and control of gray water discharges to improve water and shoreline ecology. A longer term goal of all gray water educational actions should be total containment using pump-out or other approved disposal means including connection to public sewage treatment systems as noted below.
- Consider establishing a Waste Management Training and Certification Program for all boaters regarding all waste including gray water.
- It should be acknowledged that many liveaboard vessels have design restrictions in attempting to retrofit new systems, including those related to gray water. Although gray water containment or treatment is encouraged for all liveaboard vessels it should be noted that some existing vessels may have considerable constraints based on vessel size and design. Some exemptions should be considered for some types of vessels like sailboats and all vessels under 40 feet in Overall Length.
- If this recommendation is supported by City Council, an important next step would be to develop a plan for implementation.

**2. Explore the cost and feasibility of slipside sewage systems and connections for vessels (Stakeholder process including Ecology, SPU, marina owners and residents)**

- Explore the feasibility of developing sewage collection systems (black and gray water) at marinas for moored vessels
- Encourage and support the voluntary development of waste water collection systems at marinas especially those with significant liveaboard communities and any marina vessel with significant liveaboard use. The condominium ownership of Gas Works Park Marina, Allison Marina, or others may make it a viable and potentially economically feasible opportunity for public support of such an effort.
- It should be acknowledged that establishing a slipside marina sewage system at marinas with short term leases of a year or less may significantly impact both the economic operations and management flexibility at those marinas, including flexibility in assignment of slips. Any economic feasibility analysis would need to include both the owners and tenants to avoid displacing existing liveaboards including houseboats.
- Existing pump-out services are a developed business to primarily meet black water service demand and some gray water. It should be acknowledged that the existing pump-out services do not have the current capacity to pump and remove all gray water from all existing vessels. Additional capacity could be developed related to market demand for more services and larger pump-out capacity on their service vessels.
- If this recommendation is supported by City Council, an important next step would be to develop a plan for implementation.

**3. Explore the availability and feasibility of on-board gray water treatment systems (Stakeholder process led by Ecology including recreational boating organizations (including liveaboards), marine professionals, and industry representatives)**

- Explore the available and feasible options for gray water containment or treatment.
- The Department of Ecology should partner with other stakeholders to establish a project to investigate gray water treatment systems. Partnering with the boating and liveaboard organizations is encouraged in this effort. Any feasible and available systems should be examined and evaluated for short term and long term, costs and benefits. All data and evaluations should be shared with the public.
- If this recommendation is supported by City Council, an important next step would be to develop a plan for implementation.

**DECISION:** The Stakeholder Group reached consensus on the gray water education, outreach, and technology recommendations (joined by John Waterhouse).

## ***5. Gray Water: Pilot Program***

### Introductory Remarks

While Stakeholder Group members could not reach consensus on the Gray Water Pilot Program proposal as written, the Stakeholder Group supports and reached consensus on the higher-level concept of having a gray water pilot. Specifically, the group reached consensus on the following language:

Improving water quality by reducing the production and discharge of gray water will have positive environmental impacts. The Stakeholder Group supports a pilot program that will lead to a better understanding of the options to reducing and improving gray water discharge. The pilot would identify the actual range of water usage for liveaboards and analyze the components of the gray water discharge. It will also assess the interest in voluntary actions to reduce gray water production by the existing liveaboard community. Feasibility of onboard storage would be examined across a wide range of vessel types and the economics of retrofitting systems will be studied. Likewise a survey would be done with the existing pump-out services to determine their capacity and the economics of gray water collection. After analysis of the initial data and liveaboard interest, a pilot project to test a range of installation and treatment systems would be developed, proposed for funding and if funded, implemented to test the feasibility and better understand the economics of increased containment or treatment of gray water. The logical community leader in this effort is Puget Soundkeeper Alliance and a draft non-consensus proposal in this regards can be found in Appendix E.

**DECISION:** The Stakeholder Group reached consensus on the gray water pilot program introductory remarks (joined by John Waterhouse), but not on the proposed Gray Water Pilot Program.

Non-consensus Proposal: Gray Water Pilot Program

Offered by: Joseph Bogaard (Save Our Wild Salmon), John Chaney (LULA), Patrick Dunham (LULA), John Waterhouse (Naval architect), Chris Wilke (Puget Soundkeeper Alliance)

See Appendix E for the proposed gray water pilot program.

Concerns with this proposal

Offered by: Kevin Bagley (LULA), Barbara Engram (LULA), Margie Freeman (Marina owner), Al Hughes (Washington Liveaboard Association), Gail Luhn (Shilshole Liveaboard Association)

**Statement from Gail Luhn and Al Hughes:** Liveaboard boaters, more than any other population, care deeply about the water on which we live. At Shilshole Bay Marina, the use of BMPs has been required for liveaboards for at least ten years. We limit what goes into our sinks and showers so as to limit any impact from cleaning supplies, bath soaps, and food waste. Yet the pilot program proposal strongly suggests that liveaboard boaters – rather than other causes such as storm water runoff or CSO overflows – are responsible for the degradation of water quality. This suggestion is not supported by any scientific study or data, but is the result of negative stereotyping.

While we agree with the fundamental concepts articulated in the Gray Water: Education, Outreach, and Technology recommendations, this proposal exceeds the charge given to our group by the Seattle City Council. The recently adopted Seattle Shoreline Master Program (SSMP) for the first time requires use of BMPs by all recreational boaters – liveaboard and non-liveaboard. This is a significant step toward reducing the impact of boater-generated gray water on water quality in the Seattle shoreline area.

**Statement from Margie Freeman:** This proposal is on the right track to ultimately upgrade all our vessels, not just houseboats and not just liveaboards. I fully support the interim language offered that we obtained full consensus on. I would hope that changes to the larger proposal after reading our concerns would allow Council to endorse it.

## ***6. Gray Water: Proposed Regulations***

### Non-Consensus Proposal: Gray Water: Proposed Regulations

Offered by: Joseph Bogaard (Save Our Wild Salmon), Chris Wilke (Puget Soundkeeper Alliance)

The recommendation is that the City implements a rulemaking process for liveaboard vessels to define requirements and terms of gray water management. At the conclusion of the process, on water residences over a certain size in square feet of walled space (exterior dimension) would be required to install gray water containment and a means of pumping out via standardized fittings to allow for appropriate shoreside disposal, or if appropriate, some form of on-board treatment. Prior to adopting and implementing this new regulation, the City would conduct a Pilot Project to identify the feasibility concerns of various types of vessels and to define under which conditions the requirement might be waived, including a description of the size and types of vessels that would be required to install gray water collection and/or treatment.

This would conclude with a public process to discuss the findings of the pilot project and a schedule to implement the final rule.

See Appendix F for the full gray water proposal, including background information.

### Concerns with this proposal

Offered by: Kevin Bagley (LULA), John Chaney (LULA), Patrick Dunham (LULA), Barbara Engram (LULA), Margie Freeman (Marina owner), Al Hughes (Washington Liveaboard Association), Gail Luhn (Shilshole Liveaboard Association), John Waterhouse (Naval architect)

**Statement from Gail Luhn and Al Hughes:** Both this proposal and the Gray Water Pilot Program presuppose that liveaboard vessels contribute to a supposed decline in water quality. There is no data to support such a conclusion, nor is there any factual support for the contention that liveaboard vessels contribute disproportionately to the introduction of gray water into Seattle waters. This proposal goes even further from the charge of the Stakeholder Group than the Gray Water Pilot Project proposal, however, and would require amendment of the recently passed Seattle Shoreline Master Program.

This proposal would mandate modifications to existing vessels as a condition of continuing to live aboard a vessel in Seattle. It would also impose a financial hardship on many existing liveaboard vessel owners who could be rendered homeless as a result. If modifications to existing vessels are required to retain gray water, many sailboats and smaller vessels may not be able to comply with retention requirements due to space concerns and because of impacts on the stability of the vessel. While the requirement of a treatment system might be less onerous and there may be less threat to the stability of the vessel, it would establish entirely new conditions to live aboard that did not previously exist.

**Statement from Margie Freeman, Barbara Engram, and John Chaney:** We don't believe we as a City are ready for this level of detail yet. I would like to read the Gray Water Pilot conclusions and have it vetted by all concerned before more legislation is passed.

**DECISION:** The Stakeholder Group did not reach consensus on Gray Water: Proposed Regulations.

## **7. Rules Going Forward: Section 23.60A.214**

### Introductory Remarks

The On Water Resident Stakeholder Group was tasked with the goal of recommending to DPD and City Council:

- Possible regulatory or procedural actions that can be taken by the City to provide greater certainty, clarity, or procedural safeguards for on water residences;
- Possible legislative amendments to Shoreline Master Program (SMP) that Ecology agrees are sufficiently promising to merit formal review by Ecology if adopted by the Council.

The group has confirmed that the regulations contained in the SSMP under section 23.60A.214 are, for the most part, not within the scope of the Stakeholder Group. A number of the members of this Stakeholder Group have been more intimately involved during the SSMP development process than any other group. Seattle Municipal Code Sec. 23.60A.214.D.3, states that ***“A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.”*** This provision, taken in isolation, effectively means that any work of the Stakeholders Group is for naught, because as soon as this is approved by the Department of Ecology the Seattle DPD has *carte blanche* to start enforcement action against vessels using new criteria even if those same vessels were compliant under SMC 23.60. Even though such action would constitute a retroactive application of the SSMP, Stakeholders are justifiably concerned that the conflict between the two ordinances would generate unnecessary enforcement actions and court challenges. We hope that our insights into these regulations will be seriously considered by DPD, the City Council as well as the Department of Ecology, which now has responsibility for reviewing these regulations.

### Recommendation

See Appendix G for the Stakeholder Group’s specific recommendations on 23.60A.214.

**DECISION:** The Stakeholder Group reached consensus on the recommendations for Section 23.60A.214 (joined by John Waterhouse).

## **Summary of Agreements**

- The Stakeholder Group reached consensus on the recommended Houseboat Vessel Liveboard License.
- While Stakeholder Group members could not reach consensus on the Vessel Evaluation form as written, the Stakeholder Group supports and reached consensus on the higher-level concept of having a vessel evaluation form (joined by John Waterhouse).



- The Stakeholder Group reached consensus on the recommended compliance process (joined by John Waterhouse).
- The Stakeholder Group reached consensus on the gray water education, outreach, and technology recommendations (joined by John Waterhouse).
- While Stakeholder Group members could not reach consensus on the Gray Water Pilot Program proposal as written, the Stakeholder Group supports and reached consensus on the higher-level concept of having a gray water pilot as well as specific language shown above (joined by John Waterhouse).
- The Stakeholder Group reached consensus on the recommendations for “Rules Going Forward: Section 23.60A.214” (joined by John Waterhouse).

## Closing Remarks

The members of the Stakeholder Group wish to thank the Seattle City Council for the opportunity to provide input and feedback on the important matter of our Shoreline and the presence of houseboat vessels. We would like to thank Joe Burcar and Erik Stockdale from Ecology, Faith Lumsden from DPD, and Jesse Gilliam from the City of Seattle for their attendance at many meetings and active involvement throughout this process. We also thank Robert Wheeler and Sarah Saviskas of Triangle Associates, Inc. for their seemingly endless desire to help our group and for their constant patience. Our journey has given us insight into the understandings – and misunderstandings – of the diversity of liveaboards in the Seattle Shoreline. Our most important realization is that the shorelines have been politicized and the effect of legislative processes often fails to consider the human impacts of political action. This process, on the other hand, demonstrates the City’s commitment to both the environment and the people. We have made some bold recommendations, and we hope our efforts are given serious consideration.

## Appendices

## ***A. “Houseboat Vessel Liveaboard License” Program***

The purpose of this license is to provide an administrative program to facilitate the management of residential use on existing houseboat vessels (hereafter, Houseboat(s)) that are not considered a “Floating Home”<sup>2</sup> or “House barge”<sup>3</sup>, and to document the consistency of this existing use with existing City of Seattle (City) Code. Adoption of this program is in recognition of there being various Washington State, Seattle, and Federal code, regulation, and ordinance sections, all of which in whole or in part may be applicable to houseboat-type and other vessels.

To accomplish these objectives, the following will be adopted as a new City ordinance:

1. The “Houseboat Vessel Liveaboard License” program will be administered by the Department of Planning and Development (DPD) or other City department as determined by this new ordinance.

2. This is a voluntary program, open to any owner of a liveaboard houseboat that is used as a place of residence within the City of Seattle. To qualify for a “Houseboat Vessel Liveaboard License”, the Houseboat owner must confirm that the Houseboat is a vessel as defined in the Seattle Shoreline Program (SMC 23.60.942)<sup>4</sup> and shall complete an application including Attachments 1 and 2 (found at the end of this document). To be eligible for this voluntary license program, the Houseboat must have been in the City waters and must have been used as a liveaboard residence prior to the effective date of this new ordinance.

A. The owner of a Houseboat, specified in 2 above, may apply to the City for a “Houseboat Vessel Liveaboard License.” The owner shall have 360 days after the effective date of the enabling ordinance to make application to the City. The application form will be provided by the City and will request the following required information:

1. The name and mailing address of the Houseboat owners.
2. The name (if any) and current Marina location of the Houseboat.

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<sup>2</sup> “Floating Home” according to the City’s SMP (23.60.912”F”) means a single-family dwelling unit constructed on a float, which is moored, anchored, or otherwise secured in waters.

<sup>3</sup> “House barge” according to the City’s SMP (23.60.916 “H”) means a vessel that is designed or used as a place of residence without a means of self propulsion and steering equipment or capability. Historic ships which do not have a means of self-propulsion and steering equipment are regulated as vessels.

<sup>4</sup> “Vessel” according to the City’s SMP (23.60.942 “V”) means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

3. Description of the “Black Water” control on the houseboat (for example, MSD system with pump-out, incineration, composting), and certification by the owner that no “Black Water” (treated or untreated) is being or will be discharged from the houseboat vessel into the waters.

4. Verification by the Houseboat owners of compliance with the Federal Requirements for recreational vessels, and with the City and Washington State Department of Ecology (Ecology) specification of a vessel being designed and used for navigation, as provided in Attachment 2: Designed and Used for Navigation Evaluation.

5. Verification by the Houseboat owners that they will adhere to the requirements of the Best Management Practices detailed in Attachment 1: Best Management Practices Requirements.

B. The Houseboat owners will submit payment of \$100 as a fee with the application.

C. Within 30 days after the City receives the completed application and fee, it will issue a letter to the owners that the City has determined that the license application is complete and the City will issue a “Houseboat Vessel Liveaboard License.” The owners shall display the license in a dock-side window of the Houseboat. The City will provide both hard-copy and “pdf” copy of the license if requested by the owners. A hard-copy of the “Houseboat Vessel Liveaboard License” must be kept onboard the Houseboat.

3. The “Houseboat Vessel Liveaboard License” shall serve as the equivalent of a Certificate of Occupancy establishing the legal liveaboard use of the Houseboat and shall be an affirmative defense for the owners regarding any complaints or notices of violation filed with or issued by the City against the Houseboat except:

A. any allegations that the houseboat is not moored at a lawful location

B. any allegations of “black water” discharge, failure to comply with Best Management Practices (BMPs) as established in the Seattle Shoreline Management Program (SSMP), or other allegations of polluting.

C. any allegations that the information initially submitted on the license application is inaccurate. Any such allegations under this subparagraph C shall only be processed after the license is issued for the Houseboat and shall be processed under the revised enforcement proceedings currently being proposed and adopted by DPD as a result of the current Stakeholder Group process.

4. The “Houseboat Vessel Liveaboard License” shall be only for the Houseboat identified in the application and shall not be transferable to any other Houseboat. It shall be transferable to any subsequent owner.

5. Any owners who do not apply for this voluntary “Houseboat Vessel Liveaboard License” within 360 days of the effective date of the enabling ordinance or by giving notice to the City within the 360 days that the owners invoke the additional three (3) years to bring their houseboat into compliance with the requirements of Attachment 2, may remain “at risk” under various City code sections which might result in a Notice of Violation (N.O.V.) or other and subsequent enforcement actions.

**ATTACHMENT 1**

**HOUSEBOAT VESSEL LIVEBOARD LICENSE**

**Best Management Practices**

Applicant (owner of a Houseboat seeking a “Houseboat Vessel Liveboard License”) agrees to adhere to the following basic Best Management Practices (BMPs) to avoid, minimize and reduce the impacts to habitat ecological functions:

1. To use non-toxic cleaners and other products on the exterior of vessels or that drain into the water.
2. To limit the amount of gray water discharged by minimizing water and soap use and by, whenever possible, using shore side facilities including laundry and shower facilities. Owners should avoid heavy detergents and cleaners, and choose non-toxic, phosphate-free, biodegradable soaps. These should be also be used in minimal quantities to avoid ecological impacts.

If you have achieved the preferred but not required elimination of gray water discharges by using an installed gray water catchment system that either: a) connects to a shore-side sewer system, or b) stores gray water in a holding tank for disposal at pump-out stations or through a pump-out service. Please initial here \_\_\_\_\_ .

3. To dispose of sewage at pump-out stations or through a pump-out service.
4. To dispose of garbage, food scraps, waste material and recyclables into appropriate on-land receptacles.
5. To store outside materials in a secure manner so they do not enter the water because of wind or wave action.
6. To not use herbicides, pesticides, or fertilizers on the vessel.
7. To use a double containment system when using toxic products on the exterior of the vessel to contain spills in the second receptacle and prevent products from entering the water.
8. To use tarps, cloths or other means to prevent any debris entering the water from exterior maintenance projects. Hull scraping and painting, exterior work involving paint, varnish and other toxic substances below the deck, or exterior projects exceeding 25% of the exterior surface are prohibited in Seattle Marinas.
9. To adhere to any other additional BMPs required of liveboard tenants by the marina where the Applicant’s houseboat vessel is moored.
10. To adhere to current BMPs that apply to all vessels, as they may be modified from time to time by the City.

Signed by \_\_\_\_\_ (printed name)

\_\_\_\_\_ (signature) \_\_\_\_\_ (date)

## ***B. Vessel Evaluation Form (Attachment 2 of “Houseboat Vessel Liveboard License” program)***

*Offered by: Kevin Bagley (LULA), Joseph Bogaard (Save Our Wild Salmon), John Chaney (LULA), Patrick Dunham (LULA), Barbara Engram (LULA), Margie Freeman (Marina owner), Chris Wilke (Puget Soundkeeper Alliance)*

### **ATTACHMENT 2**

#### **HOUSEBOAT VESSEL LIVEBOARD LICENSE**

##### **Vessel Evaluation**

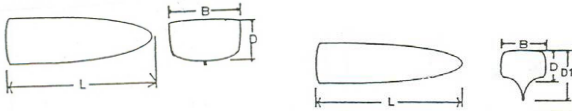
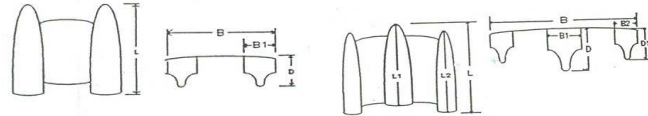
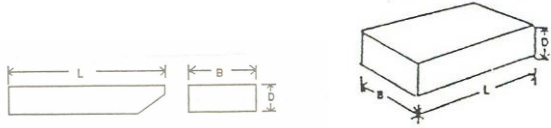
This form is designed to evaluate a liveboard vessel to ascertain compliance with the Shoreline Management Program definition of “Vessel” SMC 23.60.942

"Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

To qualify for a voluntary Houseboat Vessel Liveboard License you must meet the criteria below.

<i>Item</i>	<b>REGISTRATION</b>
1	Your vessel must be WA state registered (33 CFR 173) with the WA state registration characters with current annual decal displayed as required (on the port and starboard bow). Or if your vessel is registered with the WA state <b>and</b> USCG documented, as required (46 CFR 67) with the official number marked (46 CFR 67.121) and current WA annual decal displayed as required (on the port and starboard bow).
2	<p><b>FEDERAL EQUIPMENT REQUIREMENTS</b></p> <p>The following is a list of equipment required by Federal Law. Your vessel must carry the Required Equipment in the following categories applicable to your vessel. The Houseboat owner should verify what equipment is required for the type and size of vessel.</p> <ul style="list-style-type: none"> <li>• Personal Flotation Devices as required by federal and applicable WA state law. (33 CFR 175)</li> <li>• Visual Distress Signals as required by law (33 CFR 175.101) Note: not required to operate between the Montlake Cut and the Locks.</li> <li>• Mounted fire extinguishers of appropriate type, size, and number, as required by law(46 CFR 25)</li> <li>• Sound-producing device of appropriate type and power, as required by law (33 CFR 183)</li> <li>• Navigation lights of appropriate size and type and service, as required by law (33 CFR 83 and COLREGS)</li> <li>• Engine Ventilation System, as required by law., If gasoline powered for electrical generation, mechanical power or propulsion with a permanently installed gasoline engine (33 CFR 175/183)</li> </ul>

	<ul style="list-style-type: none"> <li>• Backfire Flame Arrestor on engine(s), as required by law. If gasoline engine powered except for outboard motors (46 CFR 25/58)</li> <li>• Copy of Navigation Rules (Inland Waters: required for vessels 39.4 feet (12m) or greater) and Chart #1</li> <li>• Marine Sanitation Device (33 CFR 159) if your vessel has an installed toilet and if there is an overboard discharge valve it must be closed and locked or secured in the closed position. Note: Composting or incineration without discharge to the water is conforming. <b>NO DISCHARGE OF SEWAGE IS PERMITTED IN SEATTLE WATERS.</b></li> </ul>
	Recommended publications: <b><i>A Boaters Guide to the Federal Requirements for Recreational Boats and Safety Tips</i></b> and <b><i>Sound Information: A Boater's Guide</i></b> by Puget Soundkeeper Alliance, WA. Remember to also get your <b>Washington State Boaters Education Card</b> , if required by your age group by birth date.
3	<p><b>PLACARD REQUIREMENTS</b></p> <p>The following is a list of placards commonly required by the Federal Regulation. The Houseboat vessel owner should verify what placards are required for the type and size of vessel.</p>
	<ul style="list-style-type: none"> <li>• Oil Pollution Placard, as required by law (33 CFR 151/155) generally 26' (LOA) or longer with machinery space</li> <li>• Garbage Placard, as required by law (33 CFR 151/155) generally 26'(LOA) or longer</li> <li>• CO Warning sticker, as required by law (RCW 88.02.390)</li> <li>• Other placards required for gasoline powered vessels; 33 CFR</li> </ul>
4	<p><b>PROPULSION AND STEERING</b></p> <p><b>Your vessels must have a means of self-propulsion and steering equipment or capability.</b> By signing this application you are verifying that your Houseboat vessel has a method of propulsion and steering that is satisfactory and sufficient for the type and size of your Houseboat to steer your vessel as designed.</p> <p>If you do not believe you met this requirement for your vessel it is recommended that you seek a review by an Accredited or Certified Marine Surveyor or Licensed Naval Architect whose practice it is to design houseboat type recreational vessels.</p>
	<p>PROPULSION: My vessel has a method of propulsion:</p> <p><input type="checkbox"/> Inboard engine(s)</p> <p><input type="checkbox"/> I/O or Stern Drive engine(s)</p> <p><input type="checkbox"/> Outboard engine(s)</p> <p><input type="checkbox"/> FUEL: Gasoline</p> <p><input type="checkbox"/> FUEL: Diesel</p> <p><input type="checkbox"/> Other:</p> <hr/> <p>Note: Outboard motors may be stored off the motor mount.</p>
	<p>STEERING: My vessel has a method for steering:</p> <p><input type="checkbox"/> Tiller</p> <p><input type="checkbox"/> Wheel</p> <p><input type="checkbox"/> Engine Controls</p> <p><input type="checkbox"/> Joy Stick</p> <p><input type="checkbox"/> Other:</p> <hr/> <p>There is good visibility from the steering station to enable safe maneuvering.</p>

<b>5</b>	<b>OPERATIONS</b>
	<b>Your vessels must not be permanently moored.</b> By signing this application you are verifying that your Houseboat has temporary connections and is not permanently moored.
	Your vessel must have mooring cleats or strong points (e.g.: Bollards, Sampson Posts, welded rings) fore and aft both sides? Moorage connections (Lines or wipes) must be temporary and not require the use of tools to disconnect.
	If you use shore power, you must be able to disconnect your shore power by hand without the use of tools?
	If you are connected to city pressurized water, You must be able to disconnect your shore water supply by hand without the use of tools?
<b>6</b>	<b>HULL</b>
	<b>Your vessels must have sound hull, and a recognized configuration designed for navigation.</b> By signing this application you are verifying that your Houseboat vessel has a U.S. Coast Guard recognized hull design as found on the USCG form CG 1261. See those shapes reproduced below and check the hull design of your Houseboat vessel. If you do not believe you met this requirement for your vessel it is recommended that you seek a review by an Accredited or Certified Marine Surveyor or Licensed Naval Architect.
	My vessel has one of the USCG recognized hull shapes? (CG 1261) Check the one that applies.
	<input type="checkbox"/> Ship-shape Hull <input type="checkbox"/> Sail boat  <input type="checkbox"/> Catamaran <input type="checkbox"/> Trimaran  <input type="checkbox"/> Barge Shape Hulls <input type="checkbox"/> Deckhouses 

I (we), \_\_\_\_\_ (print names)  
 certify that the above is true to the best of my (our) knowledge.

Owner signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Owner signature \_\_\_\_\_ Date: \_\_\_\_\_



### ***C. Alternative Propulsion and Steering Section for Vessel Evaluation Form***

*Offered by: Gail Luhn (Shilshole Liveaboard Association) and Al Hughes (Washington Liveaboard Association)*

**Your vessel must be equipped and capable of self-propulsion and steering, including visibility from the steering control(s) sufficient for safe navigation.**

If you have ANY question about whether this requirement is met for your vessel it is recommended that you seek the services of an Accredited or Certified Marine Surveyor or a Licensed Naval Architect whose practice it is to design houseboat type vessels.

**PROPULSION:**

- Inboard engine(s)  
 I/O or Stern Drive engine(s)  
 Outboard engine(s)  
 Other: \_\_\_\_\_

NUMBER of ENGINES: \_\_\_\_\_

TOTAL HORSEPOWER: \_\_\_\_\_  
 (1/2 hp/foot of vessel length is recommended)

**FUEL:**

- Gasoline  
 Diesel  
 Other: \_\_\_\_\_

**STEERING METHOD:**

- Tiller  
 Wheel  
 Engine Controls  
 Other: \_\_\_\_\_

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**BY SIGNING BELOW YOU ARE CERTIFYING THAT THIS HOUSEBOAT VESSEL HAS A MEANS OF PROPULSION AND STEERING THAT IS SATISFACTORY AND SUFFICIENT FOR THE TYPE AND SIZE OF YOUR HOUSEBOAT AND THAT THE OPERATOR HAS SUFFICIENT VISIBILITY FROM THE STEERING CONTROLS TO ENABLE SAFE NAVIGATION.**

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I declare under penalty of perjury that the above information is true and correct.

Signed at Seattle, Washington this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

- Capacity:  Current Registered Owner  
 Marine Surveyor, Accredited/Certified by \_\_\_\_\_  
 Naval Architect, Licensed in the State of Washington

## ***D. Compliance Process***

### **COMPLIANCE PROCESS: LIVEABOARD HOUSEBOAT COMPLAINTS**

1. Service request (complaint) received
  - a. DPD reviews complaint to determine:
    - i. Whether DPD has jurisdiction
    - ii. Whether the complaint describes a condition that would be a violation of the SMP
  - b. DPD determines priorities for action by determining:
    - i. Whether the complaint describes a condition that constitutes a hazard to navigation
    - ii. Whether the complaint describes a condition that results in pollution
    - iii. Whether the complaint describes a condition that involves encroachment on public property
    - iv. Whether the complaint describes violations of other codes enforced by DPD
2. DPD will contact the owner, tenant or other responsible party.
  - a. Ownership records for registered vessels will be used to mail a request for contact directly to the owner of record. If such information is not available, a request for contact will be provided to the marina owner/manager where the subject of the complaint is located, and by posting a notice to the owner on the vessel and/or on the gate to the marina where the vessel is moored or in some other conspicuous location at the marina.
  - b. The owner will be given written notification that:
    - i. A service request has been initiated with DPD that could result in a finding that the vessel is in violation of SMP and could lead to a notice of violation;
    - ii. Specifies each possible violation;
    - iii. Identifies documents and other information that could be supplied by the owner for consideration in evaluating the possible violation;
    - iv. Informs the owner that additional information the owner wishes and believes relevant may be supplied and will be considered; and
    - v. Schedules a deadline date for supplying information to be considered.
  - c. In establishing a reasonable time for an owner to respond, DPD will take into account:
    - i. The length of time the vessel has been at its present moorage prior to any complaint;
    - ii. Whether the complaint was initiated by the City or an outside party;
    - iii. The type, degree and number of alleged violations;
    - iv. Any circumstances beyond the control of the owner;
    - v. The expressed intent of the owner to take actions to comply; and
    - vi. Preliminary actions taken by the owner to bring the vessel into compliance.
  - d. DPD will refrain from all other enforcement/compliance efforts (but not from further investigation) during the pendency of informal resolution efforts undertaken in cooperation between an owner, tenant or other responsible party and DPD to determine the status of and/or remediate a possible violation.
  - e. Certification from a Marine Surveyor certified or accredited by a national professional organization or a Naval Architect licensed in the State of Washington with experience in the design of houseboats, using the Vessel Evaluation Form, will be used to determine whether a liveaboard houseboat is in compliance with the SMC 23.60 and/or 23.60A of the SMC. A HVLL issued to the owner shall be accepted as presumptive evidence that a houseboat is a vessel.
3. When the owner has provided the requested information and/or the deadline has passed, DPD will complete its evaluation of the complaint and may find that:
  - a. The owner is in compliance with SMC 23.60 and/or 23.60A, and
    - i. DPD will so note in its records and website and inform owner of this outcome.

- b. One or more violations have occurred, and issue notice(s) of violation. For each NOV, DPD will provide information as to:
    - i. Corrective action(s) that would bring the vessel into compliance; and
    - ii. A deadline for completion of corrective action(s).
  - c. Owner may submit for consideration an alternative plan for corrective actions, including an alternate proposed deadline, which can be accepted at the discretion of DPD.
  - d. In establishing a reasonable time for corrective action(s), DPD will take into account:
    - i. the complexity of corrective actions;
    - ii. seasonal considerations; and
    - iii. complexity of construction requirements.
4. When the owner has completed required or agreed upon corrective action and is in compliance, DPD will so note in its records and website and inform owner of this outcome.

### **APPELLATE REVIEW**

The Stakeholders Group recognizes that affected houseboat-style vessels that are the focus of this group tend to be permanent, full-time residences and may also represent the single greatest financial investment of their owners. Decisions relating to the status of houseboats under the SMP are currently subject to administrative, review by the King County District Court, and appellate review by the Superior Court. The committee believes that this adjudicative process is inadequate.

A subcommittee of the Stakeholders Group wishes to express its thanks to Faith Lumsden and other employees of the Department of Planning and Development for taking the time to confer on this important issue. This has led to agreement by DPD and the consensus of Stakeholders that changes to the Land Use Code, SMC 23.90, should be made. It is recognized that the Seattle City Attorney's Office will have greater expertise in this effort, but recommends that an exception into SMC 23.90.3018(C) be created to allow owners to seek review by a City Hearing Examiner and a Land Use Petition Act appeal to the Superior Court. The following language is submitted in furtherance of this effort:

“The foregoing shall not apply to enforcement actions in which the application of SMC § 23.60A.214(D) is a material question, which actions may be brought in Superior Court per Chapter 2.04 of the Revised Code of Washington.”

## ***E. Gray Water: Pilot Program***

### **Background**

Over the course of three months in the spring of 2013 an On-Water Residents Stakeholder Group has convened to discuss the issue of liveaboard houseboats on Lake Union. These are broadly defined as a vessel with propulsion that is primarily or substantially designed for liveaboard purposes (a further definition may be forthcoming from the group). The primary purpose of the meeting was to discuss the status and way forward for this group of on-water residents that do not fit neatly within existing definitions as part of the City of Seattle's Shoreline Master Plan update.

Through a series of conversations it has become clear that "gray water" is a chief environmental concern for this type of on-water use. Gray water is defined as non-sewage waste water produced through activities such as use of kitchen/galley sinks, bathroom sinks, washing dishes or clothes and showering. Concerns include introduction of soaps, detergents and other cleaners, food waste including natural oils, nutrients and bacteria. It does not include engine cooling water, deck runoff or bilge water. While gray water is normally not permitted for discharge into public waters from land-based sources or static on-water sources, there is a federal exemption under the Clean Water Act for vessels (only). Washington State's Water Pollution Control Act RCW 90.48 provides no such exemption, but the default practice has been to follow the federal law and exemption for vessels are concerned.

Although some vessels currently collect gray water and have it pumped to mobile or shoreside services for treatment by municipal wastewater systems, most liveaboard vessels and most vessels over 25 feet are only equipped with holding tanks for sewage, or black water, (plumbed directly from marine "heads" or toilets). Most of these vessels do not have a means for capturing gray water which is generally allowed to discharge untreated. Sewage holding tanks are usually not adequately sized to hold the volumes of gray water which can be several times greater than black water. Additionally, mobile pump-out services which are increasingly common for black water management in the Seattle area, may not be adequately equipped to handle a large demand for increased volumes of wastewater if the two systems were combined.

While several marinas have attempted to limit gray water through Best Management Practices (BMPs) such as disallowing onboard laundry or showing, or encouraging minimal use of soaps, this approach may not be adequately protecting water quality and a technological solution may be more appropriate.

Because of these lingering, questions the Stakeholder Committee expressed support for a technological, financial and social science study to explore the feasibility and community support for improved gray water management through collection and disposal through municipal wastewater treatment systems. Additionally if resources permit, a pilot project to demonstrate the effectiveness of various systems would be conducted and the possibilities of on-board water treatment may be discussed. This document serves as a pre-proposal for a feasibility study or pilot program to analyze and test potential solutions. It lays out a general scope of possibilities and attempts to quantify the cost of implementing those solutions on a small-scale basis.

### **Option 1: Feasibility Study (cost \$3-6k)**

The first logical step towards action on gray water capture systems is to conduct a feasibility study with a representative sample of vessels on Lake Union. This process would involve first identifying liveaboard vessels on the lake which are not permanently connected to city sewer. Next, vessels would be categorized and ranked according to size, complexity of existing systems, and volume of available bilge/storage space. Of these vessels, those with larger gross tonnage and vessels with barge-style hulls would likely be most appropriate candidates to test systems. Next, marine engineers would need to be consulted to determine the feasibility and cost of installing new gray water holding tanks and re-plumbing

sinks, dishwashers, or washing machines to drain into these tanks. These systems may include filtration, float switch operated pumps, or be simple gravity-fed tanks. Finally, mobile pump-out services would be interviewed to determine their ability to collect gray water, as well as any increased costs to their business if they need to scale up their equipment to handle larger volumes of liquid. If resources permit additional scope, alternate approaches involving filtration and/or settling to reduce pollutants will be included.

Another key component of a feasibility study is determining liveaboards' willingness to participate in a gray water capture program. This can be accomplished through social science techniques such as surveys and interviews. Key questions to be asked would include:

- Would you install a gray water tank on your vessel?
- What costs are you willing to incur to install a gray water management system?
- If a law were passed requiring gray water tank installation on all liveboard vessels, would you continue to live aboard?

### **Option 2: Small-Scale Pilot Project (\$10-20k)**

This option would include first conducting the above feasibility study and then implementing the results with one or two of the most appropriate vessels. Marine engineers would need to design, fabricate and install a system on a vessel that is large enough to accept increased tankage without major structural refitting. After installation, a mobile pump-out service would be contracted to provide gray water removal and a monitoring plan would be written to track the volume of gray water collected over a 6-12 month time period. Follow-up interviews would be conducted with vessel owners to determine any problems or obstacles with the usability of the system.

### **Option 3: Representative Pilot Project (\$30-50k)**

This option would include the feasibility study, a detailed monitoring program and follow-up interviews, but would be expanded to include a wide range of liveboard vessels on the lake. It is well known that vessels come in a variety of shapes and sizes and people live on board "boats" that range from 25' sailboats to 60 or 70' multi-story barge structures. In order to determine the true feasibility of implementing gray water containment systems on all residents of Lake Union and other Seattle shorelines, it is important to commission marine engineers to design and install systems on board representative samples of each vessel type. Each vessel will likely provide unique challenges to system design and installation and before new regulations are written, or systems are mandated across the board, it is critical to anticipate potential obstacles. It is anticipated that challenges would be greater on smaller vessels, which already have a dearth of spare storage space and smaller annual operating and maintenance budgets.

## ***F. Gray Water: Proposed Regulations***

### **Introduction**

As a society we have severely degraded our marine environment over the last few hundred years. Water pollution is a major cause of this degradation. There are many sources of water pollution including sewer overflows, industrial wastewater, stormwater runoff and non-point pollution. It is envisioned by the federal Clean Water Act that additional controls will be imposed over time in order to eliminate pollution sources to better protect our waterways.<sup>5</sup> Progress is being made in many of these areas which is already yielding benefits for protecting aquatic life and beneficial human uses.

Some of these advances are difficult, or perceived as difficult, and others are relatively easy to achieve. Many advances once perceived as difficult have now been implemented and have become common place over time. Most advances in water quality protection provide economic and cultural benefits to public resources by protecting beneficial uses of public waterways. Gray water is a source of pollution that is receiving additional attention and is worthy of consideration.

### **What is gray water?**

Gray water is wastewater from a vessel's sinks, showers and/or laundry. It is not mixed with blackwater/sewage. If it becomes mixed with blackwater, it becomes blackwater and is regulated as such. It generally does not include bilgewater, although on some vessels, a bilge is used to collect gray water.

### **Why is gray water important?**

Gray water contains or may contain food waste, bacteria, detergents, soaps and other contaminants. Soaps and detergents have been shown to kill fish in very dilute quantities and can actually increase the toxic effects of certain pollutants in water, especially petroleum hydrocarbons. Some research investigating the use of soaps in car washes shows that soaps may be lethal to rainbow trout down to concentrations of 1.6 parts per million (LC<sub>50</sub>).<sup>6</sup>

Gray water also contains nutrients which help fuel algal blooms that result in eutrophication and low dissolved oxygen especially during times of seasonal die offs after blooms occur.

### **How is gray water regulated?**

Gray water is not permitted to enter public waters from businesses, homes or recreational vehicles. Gray water from commercial vessels, including vessels for hire, is regulated by the Vessel General Permit (VGP) issued under the National Pollutant Discharge Elimination System (NPDES) under the federal Clean Water Act. Under the Clean Boating Act of 2009, gray water aboard recreational vessels under 79 feet is exempted from needing an NPDES permit under the Clean Water Act. The EPA and Coast Guard are in the process of developing enforceable Best Management Practices (BMPs) around gray water and other topics, as required by the Clean Boating Act of 2009.

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<sup>5</sup> **Clean Water Act (1972), Sec. 101. Declaration of Goals and Policy**

(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of his Act--

(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;  
 (2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

<sup>6</sup> **“Practical” Fish Toxicity Report** Environmental Partners, Inc., 2007 <http://www.carwash.org/docs/default-document-library/fish-toxicity-test-report.pdf?sfvrsn=0> Note: this study involved experiments with collected car wash effluent and a repeated experiment using only diluted detergent.

Gray water qualifies as a pollutant under the Washington State Water Pollution Control Act, RCW 90.48, which does not provide an exemption for vessels. It follows that gray water discharges would be illegal under RCW 90.48.

It would appear that federal and state laws are in conflict on the topic of gray water. However, states have the ability to further restrict pollutants beyond federal requirements. (This power is used in the State's Combined Sewer Overflow (CSO) control program, for example).

**Why gray water should be considered differently for houseboat vessels vs. conventional vessels.**

Houseboat vessels are in the process of being defined by the Seattle On Water Resident Stakeholder Group and the current uncertain status of some vessels may soon become resolved through a license or permit as a result of this process. Although vessels of all types vary greatly, clearly there are some differences between vessel types, particularly between vessels built primarily as residences and those built primarily for navigation. Aboard a conventional vessel, a premium of space is often given for nautical necessity. Design concerns that prevent these vessels' ability to collect and store gray water or to allow retrofits for gray water collection include streamlined hull shape and storage needs like anchor storage, fresh water storage, blackwater storage, safety equipment storage, fuel storage, etc.

Houseboat vessels on the other hand often have vertical walls, larger interior space, larger bilges and more square feet for a given length. Some indeed have gray water catchment systems installed already, which gives evidence of feasibility.

Other concerns relating to residential uses of houseboat vessels involve the quantity of gray water, relative to other vessels. This is a big concern because it limits dilution effects and could be made worse by the density of some houseboat communities (up to 60% or 70% of certain marinas), and the relatively larger freshwater storage and/or pressurized municipal water connections that permit larger volumes of water to be used on some larger vessels (more information needed on this). These two factors may create significantly larger volumes of gray water and higher concentrations in the waterway, potentially increasing lethality or chronic effects on aquatic life.

In addition, strong consideration should be given to disallow the use of certain appliances (dishwashers, clothes washers) onboard some larger recreational vessels and some larger houseboat vessels. It is the opinion of this author that such uses should be banned by the City for vessels docked within city limits. It is not known by this author how many vessels have such appliances, other than they are believed to exist. Prohibiting the use of these appliances would reduce the volume and toxicity of gray water discharges and is clearly within the authority under RCW 90.48 and the goals of the Shoreline Management Act.

Given available facts, information and belief, it is the opinion of this author that some standard be applied for mandatory gray water collection, and it is appropriate that the vessel type and size be considered, perhaps a certain square footage. As a preliminary number, I suggest houseboat vessels over 320 square feet of walled living space be required to collect, store, and pump gray water for shoreside disposal via municipal sewer systems.

Retrofit of gray water catchment would not be without cost to the vessel owner, but given other maintenance needs, it is not believed to be onerous or out of proportion and would provide significant benefits in water quality protection.

As part of the stakeholder process, a proposal for a Gray Water Pilot Project is being introduced. This is included as a separate item for consideration by the group and will have valuable regardless of the adoption of any recommendations stated here. If the City were interested in further regulating gray water according to what is outlined here, the Pilot Project would be necessary to define the way forward.

As a practical concern, vessel owners would need time to install equipment and service providers would need to develop additional capacity to provide pump outs of gray water. Therefore it is appropriate that some length of time, perhaps up to five years, be given to develop this capability, both aboard vessels and in the capacity of service providers.

**Recommendation**

The City implements a rulemaking process for liveaboard vessels to define requirements and terms of gray water management. At the conclusion of the process, on water residences over a certain size in square feet of walled space (exterior dimension) would be required to install gray water containment and a means of pumping out via standardized fittings to allow for appropriate shoreside disposal, or if appropriate, some form of on-board treatment. Prior to adopting and implementing this new regulation, the City would conduct a Pilot Project to identify the feasibility concerns of various types of vessels and to define under which conditions the requirement might be waived, including a description of the size and types of vessels that would be required to install gray water collection and/or treatment.

This would conclude with a public process to discuss the findings of the pilot project and a schedule to implement the final rule.



## ***G. Rules Going Forward: Section 23.60A.214***

### **Introductory Comments**

Significant changes were made to the Draft SSMP specifically to section 23.60A.214 at the end of the SSMP review by the Planning Land Use and Sustainability Committee and adoption process at Council with less than 24 hours for public review and very little time allotted for public comment before these changes were approved and forwarded to the full Council. After careful review of 23.60A.214 we conclude that much of this new section seems problematic. In its current form it may not prevent problems in the future and will be prone to interpretation.

The language of SMC 214B.1a.8 (“Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats”) may infringe on the rights and reputations of the manufacturers listed and may lead to litigation. The Stakeholder Group members believe this should be removed in its entirety.

We further suggest that the City review and revise the vessel evaluation standards at 23.60A.214.C to establish a Vessel Evaluation process in a form substantially similar to the Vessel Evaluation process in Attachment 2 of the Houseboat Vessel Liveaboard License proposal. The lack of clear standards is part of the issue our Stakeholder Group is now examining. Greater clarity will yield less uncertainty in the future. The requirement to have inboard engines is especially troublesome given the direction of new boat design and the potential for ongoing pollution risk from inboard engines.

### **Recommendations**

We recommend that vessels in possession of a Houseboat Vessel Liveaboard License be added as a conforming use under the new 23.60A.214 “Standards for using vessels as dwelling units.” Existing houseboats already have physical restraints on their expansion based on hull designs and slip size. Clarity as a conforming use and development will remove any potential concern by lenders or insurance providers regarding legal status. It will also remove the burden on DPD for verifying compliance, ongoing tracking, and any verification associated with being a non-conforming use or development. The classification as non-conforming use or development is an unnecessary constraint on personal property and is not a reasonable accommodation of the existing houseboat community as provided in the SMA guidelines. If our recommendation below to replace the entire 214 B section is not implemented then we recommend that a section recognizing existing licensed Houseboats be enacted.

Documentation proving that all 34 House Barges successfully completed their permitting process as required under 23.60.090.G has been located and is in the files at DPD. Section 23.60A.204 Compliance with conditions serves no purpose and should be deleted.

**Section 23.60A.214 with changes as noted above is encouraged to be adopted. Here is the language without strike-outs:**

### **23.60A.214 Standards for using vessels as dwelling units**

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled, and

- a. Be designed as a conventional recreational vessel; and/or
- b. Be designed as a commercial vessel and is a United States Coast Guard certified working tugboat; and/or
- c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency; and/or
- d. Meet the requirements of 23.60A.214(B)(2).

2. Vessels manufactured after the effective date of this ordinance may not be used as liveaboard vessels if they have a Barge Shaped Hull or Deckhouse Hull as identified in Section III of the U.S. Coast Guard form CG-1261 Builder's certification or are registered as an "H" Houseboat type of boat with the Washington Department of Licensing except:

- a. The total enclosed heated floor area is less than 1,125 square feet or 9,000 cubic feet whichever is less, and
- b. There is no discharge of sewage into the water, treated or untreated, and
- c. There is no discharge of gray water unless treated to a Washington State approved standard; or all gray water is fully contained and either pumped out for disposal or connected to a waste water system (exterior holding tank for pumping or sewer system) that removes the gray water to an approved disposal location.

3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for vessels used as dwelling units are as follows.

1. All vessels must meet the requirements of SMC 23.60A.214(B). In particular there must be:

- a. An integrated hull.
- b. A self-propulsion and steering system effective for safe navigation.

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and does not have a Houseboat Vessel Liveaboard License (HVLL), and was used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.

2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.

3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D, except those vessels holding a HVLL, but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

**Below is the original version of SMC 23.60A.214 in redline format.**

### **23.60A.214 Standards for using vessels as dwelling units**

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B, or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled and ~~shall~~:

a. Be designed primarily as a conventional recreational vessel; ~~and/or as set out in this subsection 23.60A.214.B.1 as follows:~~

- 1) ~~A sail boat, such as those manufactured by Catalina, Pacific Seacraft, Hunter, or Hinekley;~~
- 2) ~~A cabin cruiser, such as those manufactured by Bayliner or Cris Craft;~~

- ~~3) A trawler yacht, such as those manufactured by Grand Banks, Nordic or Choy Lee;~~
- ~~4) A tug, such as those manufactured by Nordic Tug or Ranger Tugs;~~
- ~~5) A motor yacht cruiser, such as those manufactured by Bayliner, Sea Ray and Carver;~~
- ~~6) A multi-hulled power boat, such as those manufactured by World Cat;~~
- ~~7) A sport fishing boat, such as those manufactured by Glacier Bay, Grady White and Boston Whaler; and~~
- ~~8) Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats; or~~

- b. Be designed ~~primarily~~ as a commercial vessel and is a United States Coast Guard certified working tugboat; and/or
- c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency; and/or-
- d. Meet the requirements of 23.60A.214(B)(2).

2. ~~The vessel is safely operable and operates under self-propulsion integrated into the hull and steerage that is sufficient to reasonably move the vessel.~~ Vessels manufactured after the effective date of this ordinance may not be used as liveaboard vessels if they have a Barge Shaped Hull or Deckhouse Hull as identified in Section III of the U.S. Coast Guard form CG-1261 Builder's certification or are registered as an "H" Houseboat type of boat with the Washington Department of Licensing except:

- a. The total enclosed heated floor area is less than 1,125 square feet or 9,000 cubic feet whichever is less, and
- b. There is no discharge of sewage into the water, treated or untreated, and
- c. There is no discharge of gray water unless treated to a Washington State approved standard; or all gray water is fully contained and either pumped out for disposal or connected to a waste water system (exterior holding tank for pumping or sewer system) that removes the gray water to an approved disposal location.

3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for ~~conventional recreational~~ vessels used as dwelling units are as follows: ~~In considering whether a vessel meets the design standards in subsection 23.60A.214.B.1.a the following configuration and features shall be considered:~~

- 1. All vessels must meet the requirements of SMC 23.60a 214(B). In particular there must be:
  - a. An integrated hull.
  - b. A self-propulsion and steering system effective for safe navigation.
- ~~1. Hull shape: clearly defined bow, hull shaped to reduce resistance;~~
- ~~2. Deck gear: cleats, chocks, anchors, scuppers, bulwarks~~
- ~~3. Propulsion & steering system: inboard engine & transmission with propeller & rudder or inboard/outboard drive system.~~
- ~~4. Helm station: layout of control & monitoring systems, visibility for safe navigation.~~

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and ~~does not have a Houseboat Vessel Liveaboard License (HVLL), and was~~ used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.

2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.

3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D, ~~except those vessels holding a HVLL,~~ but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

***H. CAM-229 (2004 version)***

# Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

## Residential Use of a Floating Home, House Barge or Vessel

— Includes Permit Requirements for Residential Use of a House Barge

Updated July 7, 2004

For the Department of Planning and Development (DPD), the City department responsible for enforcing shoreline regulations and other laws that govern construction on land and over water in Seattle, the distinction between the residential use of a floating home, house barge or vessel is a crucial one.

DPD must often determine if a questionable residence over water is a floating home, house barge, or vessel. This Client Assistance Memo is intended to assist owners of floating homes, house barges, and vessels in determining which of these categories applies to their property, so they can comply with Seattle's Shoreline Master Program (SSMP) rules as contained in Seattle Municipal Code (SMC) Chapter 23.60.

### Category Descriptions

**IMPORTANT:** Be sure to read all three descriptions below in order to determine which category applies.

#### Floating Homes

SSMP defines a floating home as a single-family dwelling constructed on a float that is moored, anchored, or otherwise secured in waters. Seattle's construction codes apply to floating homes and have requirements similar to those for houses built on land. Floating homes are required to be located in approved "floating home moorages" and have direct connections to sewer and water utilities, in addition to other location and design restrictions. The number of authorized moorage locations for new floating homes is very limited.

#### House Barges

The SSMP defines a house barge as a vessel that is both:

1. designed and used for navigation but lacks a means of self-propulsion and steering equipment or capability (for example, it is designed and used for navigation by towing); and
2. designed or used as a place of residence.

A house barge houses people over water, but does not need to comply with the construction and utility requirements applicable to floating homes. Only house barges that have been continuously moored and used for residential purposes within the City of Seattle since June 1990 are allowed, and they are regulated as nonconforming uses. They must be moored in recreational marinas, meet State water quality standards, and demonstrate that all overboard discharges have been sealed and that a satisfactory means of conveying waste-water to an approved disposal facility has been provided.

There are approximately 34 authorized house barges in Seattle. New house barges are not permitted.

Moorage restrictions on house barges and floating homes are intended to preserve moorage space for boats rather than non-water-dependent residential uses.

#### Vessels

Boats, ships, barges, or other floating craft that are both designed and used for navigation and that do not interfere with the normal public use of the water are classified as vessels. Vessels are not regulated by the City's construction codes.

Vessels must be moored at a site that has the appropriate use permits for providing moorage to that type of vessel. Uses on vessels must be consistent with the policy of the Shoreline Management Act and with the regulations of the Land Use Code and the SSMP, even if no shoreline substantial development permit is required. Incidental residential use of a bona fide vessel is permitted under the shoreline regulations.

Several unique features of vessels with residential



use differentiate them from house barges and floating homes. Vessels must be designed for navigation, including having a seaworthy hull design that meets U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems. They are capable of being used for water transportation, and if they are used for residential purposes they must be able to travel under their own power to open water, including a method for steering and propulsion, deck fittings, navigational and nautical equipment, and the required marine hardware (absent these features, they will be categorized as house barges, as described above).

In addition, vessels must be used for navigation in a manner consistent with the type of vessel. Finally, vessels must be registered with federal, state, or county agencies. (**NOTE:** Being registered alone does not mean that something will be classified as a vessel for the purposes of the City's Codes—a vessel must be *designed* and *used* for navigation.)

A structure on the water lacking any of these features does not qualify as a vessel and is subject to the SSMP and other City codes as a structure and as an obstruction.

### When House Barges Are Permitted

House barges are permitted if all of the following conditions are met (per SMC 23.60):

1. The house barge has been moored and used for residential purposes within the city of Seattle continuously since June 1990.
2. The house barge permit applicant has demonstrated compliance with City and State water quality standards for discharge by toilet. Plumbing systems must be maintained to prevent overboard discharge of sewage.
3. House barge owners must continue to demonstrate, consistent with State water quality standards, that all overboard discharges have been sealed and that satisfactory means of conveying wastewater to an approved disposal facility have been provided.

#### Code Citation on Exceptions and Conditions:

*DPD's Director, after consultation with State Department of Ecology (Northwest Regional Office) water quality staff, may grant an exception to this requirement based upon approval of a detailed plan that considers all feasible measures to control and minimize overboard discharge of wastewater.*

*Permits may require conditions which limit overboard discharge of wastewater or the adverse environmental consequences thereof to the maximum extent practicable. Permit conditions may require implementation of best management practices for minimizing wastewater discharges, or the use of alternative treatment and disposal methods. (SMC 23.60.090.G.3)*

4. The house barge can only be moored at a recreational marina, as defined by the SMC. Relocation of an established house barge to a different recreational marina within Seattle is permitted, if notice is provided to DPD. House barge permits are transferable between owners of the same house barge, but are not transferable to another house barge. Change of ownership information shall be provided to DPD. **When a house barge is removed from Seattle waters for more than six (6) months, the permit establishing its use will be rescinded and the house barge is prohibited from relocating in Seattle waters.**
5. Residential house barges shall be regulated as a nonconforming use and shall be subject to the standards of SMC 23.60.122.

### Questions?

If you have a question about residential uses permitted over water in Seattle, please contact a shoreline inspector on DPD's Code Compliance staff at (206) 615-0808.

If you wish to report a complaint about a potential violation of Seattle's shoreline regulations, call DPD's 24-hour Complaint Hotline at (206) 615-0808.

## Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Publications" and "Codes" pages of our website at [www.seattle.gov/dpd](http://www.seattle.gov/dpd). Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Avenue in downtown Seattle, (206) 684-8467.

# Residential House Barge Permit Application

**NOTE:** Only house barges that have been moored and used within the City of Seattle since June 1990 are allowed as nonconforming uses. **House barges newer than 1990 are not permitted.**

## Owner Information

### I. Owner Information

Name: \_\_\_\_\_

Mailing Address of Owner: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### II. Tenant Information (if applicable)

Name: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_

### III. Location of Residential House Barge

Address: \_\_\_\_\_

\_\_\_\_\_

Moorage Location: \_\_\_\_\_

Moorage Slip Number: \_\_\_\_\_

Date residence established: \_\_\_\_\_

## Registration Information

King County Assessor's Tax Number: \_\_\_\_\_

**NOTE:** House barges used for residential purposes are considered personal property by the King County Assessor's Office, and the owners are required to register this residential use for tax purposes. Please contact the King County Department of Assessments, King County Administration Building, Room 807, 500 Fourth Ave. in downtown Seattle, (206) 296-7300.

## Permit Approval (this section to be completed by DPD staff only)

This house barge meets the permit requirements for a RESIDENTIAL HOUSE BARGE, as verified and inspected by:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Decal Assignment Number: \_\_\_\_\_

\_\_\_\_\_

## ***I. List of Background Documents Distributed to Stakeholder Group***

The following background documents were compiled by Stakeholder Group members, DPD, and Ecology as homework in-between Stakeholder Group meetings. These materials were distributed to the Stakeholder Group and the public. These materials have been provided to City Council staff via CD and are available upon request.

1. Client Assistance Memo (CAM) 229 (also found in Appendix H)
2. Memo from Ecology, dated December 11, 2012
3. Letter from Ecology, dated January 10, 2013
4. LULA Background Paper
5. LULA Background Definitions
6. LULA “Houseboats Myths and Facts”
7. LULA Graphic comparing total slips to liveaboard use in Seattle
8. LULA Department of Licensing statistics for all registered vessels in WA by County and Type
9. SMP 23.60 and SMP 23.60A Code
10. Stewart v. Dutra Construction Case
11. US v. Boyden Case
12. Lozman v. City of Riviera Beach Case
13. 1990 House Barges Ordinance
14. Floating Home Moorages language, found in both 23.60 and 23.60A
15. DPD Response to Requested Enforcement Process Information (including recreational vessel checklist)
16. Ecology Response to Requested Background Information
17. US Coast Guard Builder’s Certification and First Transfer of Title form
18. WA Department of Licensing Vessel Title Application form
19. Article on liveaboards now being accepted by the Port of Anacortes
20. Concern Statement submitted by Gail Luhn and Al Hughes on the Vessel Evaluation Form (sent to only Stakeholder Group on 4/22/13)



## J. Meeting Summaries

### Seattle On Water Resident Stakeholder Group

#### Meeting #1 Summary

Monday, March 18, 2013, 3:30–6:30 pm

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#### 3:30 p.m. Welcome/Introductions and Introductory Comments

Bob Wheeler, facilitator from Triangle Associates (Triangle), welcomed meeting participants to the first Seattle On Water Resident Stakeholder Group meeting. He apologized for any inconvenience with the last minute meeting location change. Stakeholder Group members and the public did a round of introductions, and the facilitator reviewed the agenda and meeting materials.

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#### 3:50 p.m. Review Group Process/Groundrules

The facilitator reviewed the draft “Group Process and Groundrules” document, which outlined the Stakeholder Group’s charge from City Council, objectives, process, composition, and groundrules. The facilitator also reviewed a possible work plan and schedule. There were no immediate objections to the groundrules, but it was requested that future Triangle emails include the Stakeholders in the “To” line rather than “BCC” so they can communicate as necessary, recognizing that it is good practice not to use “Reply All” unless absolutely necessary. Non-Stakeholder Group members will still be listed in “BCC”.

A stakeholder asked if there is any flexibility in the April 30<sup>th</sup> deadline since the Stakeholder Group started later than originally intended; Triangle will pose this question to City Council staff and report back.

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#### 4:00 p.m. Perspectives

Each Stakeholder, the Department of Ecology (Ecology), and the Department of Planning and Development (DPD) gave a brief statement on their interest in participating in this effort, desired outcomes, and what success looks like.

- **Margie Freeman, marina owner**, has been involved in the Shoreline Master Program (SMP) for 3-4 years. As a marine operator, it is important that operators are clear about what is legal since marinas are the final destination for vessels/non-vessels. The process will be successful if everyone is treated equally and clarity is achieved.
- **Barb Engram, Lake Union Liveaboard Association (LULA)**, is a liveaboard and is concerned about her investment. The process has been flawed, and it is important that this process is done right. The process will be successful if the rules are very clear and do not require a lot of interpretation (it is clear what you can/cannot do), if they relate to the SMP, and if they are fair.
- **Chris Wilke, Puget Soundkeeper Alliance**, works for a locally based environmental nonprofit focused primarily on water quality. They are out on Lake Union every week looking for pollution and litter, and the organization is involved in setting water quality regulations at the State and enforcement level. He has never worked on SMP issues and is concerned about water quality. The process will be successful if the Group nails down definitions, including what qualifies for each category (vessel, floating home, On Water Residence, etc.).
- **Gail Luhn, Shilshole Liveaboard Association**, is involved in this process because she’s concerned about “the domino effect”—what happens to On Water Residences could ultimately happen to recreational boats and others. The process will be successful if the process is fair ecologically, residentially, etc. If the status quo changes, as few people as possible should be hurt.
- **Kevin Bagley, LULA**, has been a liveaboard since 2006. He has been actively involved in this process for a long time, and there has been a lot of uncertainty and lack of clarity. The process

will be successful if the houseboat/vessel lifestyle is preserved and people do not lose their homes. Additionally, the rules will be clear and not open to interpretation.

- **Al Hughes, Washington Liveaboard Association**, has been a liveaboard on a sailboat since 1981. The process will be successful if he can continue to live aboard his boat, as he is also concerned about a domino effect.
- **Patrick Dunham, LULA**, has been a liveaboard for 3 years and has heard a lot of rumors and inflammatory statements about On Water Residences. He is confused about what the City’s problem is with On Water Residences and would like an explanation (from DPD, City Council, or the Attorney’s office).
- **John Chaney, LULA**, worked on getting the Shoreline Management Act (SMA) passed when he was in college. He somewhat recently became a houseboat owner and has spent a lot of time trying to understand the background on this issue and what has been going on. The process will be successful if it provides greater clarity and procedural safeguards.
- **Geoff Tallent and Joe Burcar, Ecology**, expressed that this process is important to them because they understand we are talking about people’s homes and investments, and because Ecology is devoting staff and resources to this issue. They are committed to working towards a solution. The process will be successful if the existing community gains more certainty and clarity, as people don’t even know where they stand. Their job is to look for a path forward that is consistent with the SMA, the current SMP (23.60), and the SMP-Guidelines for new updates (WAC 173-26 Part 3); is legally defensible; and enables co-management of the SMP between Ecology and the City of Seattle. The City’s proposed SMP (23.60a) has been developed consistent with the SMP-Guidelines (WAC 173-26).
- **Diane Sugimura, DPD**, expressed her appreciation of everyone’s help on this issue. DPD tries to ensure that its regulations are consistent with Ecology and State regulations. She would also like clarity on the regulations.

The Stakeholder Group decided it would be helpful to clarify what the group is and is not trying to address.

The Group is addressing:	The Group is NOT addressing:
On Water Residences/Vessels that people live on	<ul style="list-style-type: none"> <li>• Floating Homes—already defined</li> <li>• 34 House Barges—already defined</li> </ul>
Existing On Water Residences <ul style="list-style-type: none"> <li>○ How to provide reasonable accommodation for an existing on-water community?</li> </ul>	Future On Water Residences—it has been determined that these are not preferred uses.
Existing SMP 23.60 Code <ul style="list-style-type: none"> <li>○ One Exception: The City’s proposed code 23.60a creates a new criteria for vessels used for On Water Residences that do not meet new regulations—“non-conforming uses”</li> </ul>	Updated SMP 23.60a Code (with one exception), since it has not been approved yet <ul style="list-style-type: none"> <li>○ 23.60a states that future residences should have “no net loss” of ecological function. While there is confusion about what this means and it is important for marinas, it is not something the group will address.</li> </ul>
Gray water	Black water (sewage)
How to identify the primary purpose of On Water Residences, since the SMA is about use, not structure. Residential use is discouraged under the SMA because it’s not water dependent.	The bigger policy question of why living on water isn’t favored in the SMA.
Developing a process for determining what is a vessel.	

<p>There is a desire for clarity on what is a vessel.</p> <ul style="list-style-type: none"> <li>○ What are they, what aren't they according to the State/City?</li> <li>○ How are they regulated?</li> <li>○ How do best management practices fit in?</li> </ul>	
<p>Developing process recommendations for enforcement of the law.</p>	
<p>How the shift happened from "water dependent" to "no longer water dependent"</p>	
<p>What are marina operators supposed to do in the future? There are financial implications either way.</p>	

**Stakeholder Group Discussion and Comments:**

- We should not begin the discussion by stating there are 113 questionable/illegal residences. They should be innocent unless proven guilty. Rules have been interpreted in ways that make some residences illegal, but they are not proven to be illegal.
- It was noted that some rules say "over water" and some say "on water", resulting in confusion. Stakeholder Group members indicated that they are "on water" residences.
- The City and Ecology discussed what a vessel is from their perspectives.
  - **Ecology:** There are 3 statutes Ecology operates under:
    - The Revised Code of Washington (RCW 90.58) is the "Shoreline Management Act" (SMA). The main policies of the SMA are provided in RCW 90.58.020.
    - SMP Guidelines (WAC 173-26) are state standards which local governments must follow in drafting their updated SMP's.
    - Shoreline Management Permit/Enforcement Procedures Washington Administrative Code (WAC 173-27) provides additional definitions, review criteria, and permitting procedures to support implementation of shoreline regulations.

The State definition of a vessel in WAC 173-27-030 (18) is: "Ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water."
  - **City:** The City's SSMP definition is almost the same as above, with the addition of "including historic ships that do not have means of self-propulsion and steering equipment."
- The Stakeholder Group discussed the need to come up with recommendations on how to clarify "designed and used for navigation and do not interfere with the normal public use of the water," as found in the current definition of a vessel. Does this refer to actual use, being capable of use, function, purpose?
- It was noted that the 1993 version of CAM 229 is different from the 2004 version. It is not right for a person to be expected to determine if they are a vessel per the CAM 229 because it is guidance, not the law—the WACs, RCWs, and SMPs are the law—and the CAM 229 is one interpretation of the law. The interpretation of the law has changed, and various interpretations are resulting in Notice of Violations (e.g. required styles of windows), yet no one knows what the rules are. Concern was expressed that using the CAM 229 as law could result in a domino effect.
- There is a "ticking time bomb for pointy-shaped vessels that are docked." Those living aboard "pointy-nose vessels" are no longer water-dependent according to the revised rules (SMP 23.60a), and it is unclear if these vessels are allowed in a marina.

- It was noted that a maritime attorney could be of use at some point in the future.

What additional background information is needed?

It was noted that given the short timeframe between meetings, volunteers will be needed to collect the information requested below:

Subject	Assignment	Action Item
Supreme Court Case: Lozman v. City of Riviera Beach, Florida	Triangle	Find language by EOD Friday
SMP 23.60 and 23.60a Code <ul style="list-style-type: none"> <li>• Definition section</li> <li>• Marina section</li> <li>• What are the specific parts that apply to On Water Residents/ houseboats?</li> </ul>	DPD	Provide language/photos to Triangle by EOD Friday
1990 amendment to SMP on House Barges (34 allowed)		
Factual data of On Water Residences. If it exists, get data showing the # of On Water Residences that don't comply.		
Photos of what On Water Residences look like, how large they are, etc.		
What is the City process for interpreting SMP provisions and enforcing them? What has the City been doing?		
What is the implication if one is not declared a vessel? What happens to excise tax registration?		
What is the role between State and City government? <ul style="list-style-type: none"> <li>• Where are Agency obligations?</li> <li>• Provide State regulatory framework</li> </ul>	Joe Burcar, Ecology	Provide language to Triangle by EOD Friday
"Net loss of Ecological function" in general and what is the basis for the City's proposed SMP 23.60a Code <ul style="list-style-type: none"> <li>• Where can this be found?</li> <li>• How is this measured?</li> </ul>	TBD	TBD
What are examples of State studies on gray water?		
What is Ecology's stance on how the SMP Guidelines apply to this issue? (WAC 173-26)		
Clean Water Act exemption for gray water (90.048)	TBD	TBD
What is the status of Federal regulation of gray water?	TBD	TBD
Information on Marina Insurance	TBD	TBD
Case law—has this been to any courts at the state level? (This may not be available.)	TBD	TBD
Coast Guard Vessels and Department of Licensing	TBD	TBD

**6:20 p.m. Next Steps**

The next Stakeholder Group meeting is Monday, March 25<sup>th</sup>, 2:00-5:00 pm at the Center for Wooden Boats.

## Homework

Stakeholder Group members will:

1. Read the interview summary and consider the proposed options for addressing the issues.
2. Collect background information listed above, as assigned, and designate someone for unassigned items.
3. Read meeting materials prior to the meeting.

## Agenda Items for next meeting

- Interview Summary
- Information
  - 23.60 v 23.60a
  - What is the problem from the City's perspective?
- Definitions—email out definition template
- Clarifying points/footnotes to be made with those definitions

## Public Comments Received

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The following bullets are comments received from the public during the meeting. They have been sorted by theme and mildly edited for grammar/formatting, but the responses have not been revised.

### Process

- The time frame of the number of meetings does not allow for bringing in experts in the field to glean important information.
- When looking at the Process item #2, the area was limited to Washington; the prior draft said Western US. It should be extended to all western states for salt water and fresh water – waters connected to and flowing into salt water.
- The DPD, EPA, the City should have a responsibility to provide ALL the information THIS group needs – full disclosure.
- We need Experts to support this group, it was to be part of the Process, and it looks like no time has been allowed for this resource.
- I have great concern that all participants of the SH have not been provided the existing law and the process that has brought them to this process. EDUCATE THEM.

### Definitions

- For clarity, definitions shall be firmly declared.
- The term Capable of Navigation shall apply to all vessels.
- Buildings OVER WATER shall be CLEARLY differentiated from ON WATER RESIDENTS.
- Consider developing a definition of LIVEABOARD USE OF A VESSEL – to clarify it.
- A Vessel is self-contained and always has the option, by very definition, to connect to dock facilities. A floating home is not self-contained and must remain in one place, and be serviced by City Utilities.
- A SOLUTION: Vessel versus Floating Home: A vessel has a displacement HULL, a Floating home is a house, built on a RAFT (float). Further, a Vessel if Capable of Navigation (CAM 229) and house, built on a float, which has propulsion and is capable of navigation, is not a Floating Home, therefore, it is a Vessel.
- This needs clarity “move to open Water under their own power.” Most all vessels require some assistance leaving and returning to a dock or moorage, and this should be seriously reviewed and included in a clear understandable flexible so as to apply fairly.

- CATAGORIES ISSUE: There should not need to be a category of houseboats, any more than ski boats...they are all recognized types of vessel by the State Department of Licensing. Use LIVEABOARD.

### Environment

- IF THIS IS ABOUT THE ENVIRONMENT and GRAY WATER, why are liveaboards on other vessels, capable or not capable of navigation, not being targeted and included?
- There seems to be a focus on Houseboats, as opposed to environment. If this is about the environment, then it should engage all vessels used for liveaboard and be consistent and clear. I bring this up as the original and subsequent CAM229 has incorrectly sited standards and laws. A goal would be to more clearly state that: ALL Vessels in Washington waters shall meet all the Applicable Federal Laws, and International Rules to which their vessel falls. NO NEW LAWS should apply until all International and Federal Laws recognized and sited in any document. For the incorrectly sited "USCG Standards" there are only Laws which are overseen and enforced by the USCG. THIS CONTRIBUTES TO CLARITY. All 'Standards' are voluntary.

### Vessels

- To have Houseboats reconfirmed as a type of vessel recognized by the State of Washington, the DOL, and all as simply a vessel.
- People have always lived aboard vessels. It is not about "use", it is about LIFESTYLE. That LIFESTYLE cannot be accomplished anywhere but on the water.
- Specifically; a houseboat is designed to live aboard, frankly the use is what it is designed for and should be recognized even more so than on other types of vessels. So if anything, liveaboards shall be limited to houseboat type. (SILLY). USE is critical. It is a LIFESTYLE. We chose to live aboard, not and apartment, trailer, house, condo, etc. A Choice – Our CHOICE of LIFESTYLE is at stake here.
- I would like to see all liveaboard vessels treated equally rather than have 'houseboats' singled out for regulation. (Capt. Scott Chamberlin, houseboat owner/resident)
- When addressing the issue of liveaboard use, and knowing that the City is targeting a specific style/shape, and knowing that the communication to the public has been unclear; the PROCESS should be very generous to all vessels that the City has a question, that the term "Capable of Navigation" be generously applied as it would to ALL VESSELS.
- There should be an incorporation of the BMP for all liveaboard vessels.
- This is NOT about existing on water residences, unless we include ALL residential use of all vessels. THIS HAS Focus on Specific Styles of vessels which are defined as houseboats. This inappropriate target of this style vessel and more importantly shall we focus on the ISSUE. WHAT IS THE CITY PROBLEM with this style vessel. It is either all vessels or not vessels.

### Miscellaneous Comments

- ASK EPA: Why is it not preferred?
- As presented to the City Council and ignored, all the existing EPA laws should somehow be included here for all vessels, and those used for liveaboard; such as: Clean Air Act, Clean Water Act, The Refuse Act of 1889 (Year?), etc. which apply to vessels.
- ASK Waterhouse: why is he pushing preferred use of Commercial and not Recreational as well? Houseboats are Recreational Vessels.
- WHY is the City using different criteria to measure vessels now in the Notice of Violation, than is published LAW? GET a copy for this group to review what the City is using.

## Meeting Attendees

Stakeholder Group Members				
	Name	Affiliation	Email	Attended?
1.	Kevin Bagley	Lake Union Liveaboard Association	<a href="mailto:bagemup4u@gmail.com">bagemup4u@gmail.com</a> ; <a href="mailto:kevin@thekevin.com">kevin@thekevin.com</a>	✓
2.	Joseph Bogaard	Save Our Wild Salmon	<a href="mailto:joseph@wildsalmon.org">joseph@wildsalmon.org</a>	
3.	John Chaney	Lake Union Liveaboard Association	<a href="mailto:jchaney@nwlink.com">jchaney@nwlink.com</a>	✓
4.	Patrick Dunham	Lake Union Liveaboard Association	<a href="mailto:pdkoloa@yahoo.com">pdkoloa@yahoo.com</a>	✓
5.	Barb Engram	Lake Union Liveaboard Association	<a href="mailto:barbengram1@yahoo.com">barbengram1@yahoo.com</a>	✓
6.	Margie Freeman	Marina owner	<a href="mailto:margie@fremonttugboat.com">margie@fremonttugboat.com</a>	✓
7.	Al Hughes	Washington Liveaboard Association	<a href="mailto:dogbark184@yahoo.com">dogbark184@yahoo.com</a>	✓
8.	Gail Luhn	Shilshole Liveaboard Association	<a href="mailto:gail.luhn@luhnlawpllc.com">gail.luhn@luhnlawpllc.com</a>	✓
9.	John Waterhouse	Elliott Bay Design Group, Naval Architect	<a href="mailto:jwaterhouse@ebdg.com">jwaterhouse@ebdg.com</a>	
10.	Chris Wilke	Puget Soundkeeper Alliance	<a href="mailto:chris@pugetsoundkeeper.org">chris@pugetsoundkeeper.org</a>	✓

Stakeholder Group Resources				
	Name	Affiliation	Email	Attended?
1.	Diane Sugimura	Department of Planning and Development	<a href="mailto:diane.sugimura@seattle.gov">diane.sugimura@seattle.gov</a>	✓
2.	Joe Burcar	Department of Ecology	<a href="mailto:joe.burcar@ecy.wa.gov">joe.burcar@ecy.wa.gov</a>	✓
3.	Geoff Tallent	Department of Ecology	<a href="mailto:geoff.tallent@ecy.wa.gov">geoff.tallent@ecy.wa.gov</a>	✓
4.	Sarah Saviskas	Triangle Associates, Inc.	<a href="mailto:ssaviskas@triangleassociates.com">ssaviskas@triangleassociates.com</a>	✓
5.	Bob Wheeler (facilitator)	Triangle Associates, Inc.	<a href="mailto:rwheeler@triangleassociates.com">rwheeler@triangleassociates.com</a>	✓

Public Attendees		
	Name	Affiliation
1.	Linda Bagley	Special Agents, Inc.
2.	Dwight Knechtel	Pump Me Out
3.	Peter Schrappen	NMTA
4.	Brit Sojka	UW Marine Affairs & Houseboat resident
5.	Michael Modde	Houseboat resident
6.	Scott Chamberlin	Houseboat owner
7.	Josh Brown	Yacht owner
8.	Shannon Cheng	Houseboat owner
9.	Kelli Goodwin	Houseboat owner/capt/tug capt
10.	Mauri Shuler	LULA
11.	Linda Spangenberg	Houseboat owner/LULA
12.	Linda Langford	GWPM slip owner
13.	Peggy Weiss	SWPM slip owner
14.	Sally Cretorac	Houseboat owner
15.	Susan Neff	Liveaboard
16.	Faith Fogarty	GWPM Houseboat
17.	Ralph A Nelson	GWPM owner
18.	Chris Kelly	Liveaboard
19.	Shawn Griggs	Attorney for Vessel Owners
20.	Kara Lagerloef	Liveaboard
21.	Anamaria Aliste	Liveaboard
22.	Jesse Gilliam	Legislative Aide to Council President Clark
23.	Lynne Reister	Marine Surveyor



## Seattle On Water Resident Stakeholder Group Meeting #2 Summary

Monday, March 25, 2013, 2:00–5:00 p.m.  
Center for Wooden Boats

### 2:00 p.m. Welcome/Introductions

Bob Wheeler, facilitator from Triangle Associates (Triangle), welcomed meeting participants to the second Seattle On Water Resident Stakeholder Group meeting. Stakeholder Group members and the public did a round of introductions, and the facilitator reviewed the agenda and meeting materials. The group then reviewed the meeting summary and requested that:

1. The word “residential” be changed to “recreational” at the bottom of page 1;
2. The word “legal” be changed to “preferred uses” in the chart on page 2;
3. City and State definitions for “vessel” on page 3 include the specific source;
4. The “Decision” on page 3 be changed to read as “The Stakeholder Group discussed the need to come up with...”; and
5. Any requested changes submitted via email that were not actually stated at the meeting are omitted.

Triangle will email the final meeting summary to the distribution list.

### 2:10 p.m. Presentation of Approaches

The facilitator reviewed a draft table of contents for the recommendations report. Triangle will begin drafting some language for the introductory sections of the report, which can serve as a basis for Stakeholder Group dialogue, and the group will primarily be working to develop language for the “Options” and “Recommendations” sections.

It was noted that City Council approved the Stakeholder Group’s request to extend the report deadline to May 31, 2013, so the meetings can now take place every other week instead of every week. The revised meeting schedule is as follows:

Date	Time	Location	Basic Topics
Monday April 8 <sup>th</sup>	2:00-5:00 pm	Fremont Library	Formation of Options
Monday April 22 <sup>nd</sup>	2:00-5:00 pm	Center for Wooden Boats	Draft Report
Monday May 6 <sup>th</sup>	5:30-8:30 pm	Fremont Tugboat Conference Room (same as Meeting #1)	Finalize Report

### 2:30 p.m. Interview Summary and Discussion

Sarah Saviskas, Triangle, gave a brief presentation summarizing the themes that emerged from the interviews she conducted with Stakeholder Group members, Ecology, and the City prior to the first meeting. During the interviews, she heard several potential solutions for addressing the issue, which will be helpful in this dialogue and can be used as a jumping off point for the final recommendations report.

### 2:45 p.m. Information Presentations and Discussion

Stakeholder Group members gave individual presentations on information they researched that was requested at the previous meeting. This section is organized by presentation.

### Three Relevant Court Cases

- ***Lozman versus City of Riviera Beach, Florida:***
  - This case helps define what is and isn't a vessel. It determined that a vessel needs to be able to transport people and goods on navigable waters under its own power.
  - If the City were to apply this same definition, it would be hard for some people to meet this definition. Therefore, this case is troublesome for this group and muddies the water.
  - Those with propulsion, steering, and the ability to generate power, come closer to "unmuddying the waters" and looking like a vessel, as defined by this case.
- ***Stewart versus Dutra Construction:***
  - This case defines a vessel as including "every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water."
  - This case is more helpful to this Stakeholder Group than Lozman because it includes "capable of being used" in the definition.
  - The court said the primary purpose does not have to be "capable of movement".
  - It is unclear if this applies to houseboats.
- ***US versus Boyden:***
  - This case looks at whether houseboats are considered structures subject to the Rivers and Harbors Appropriation Act of 1899.
  - It was noted that affidavits are important to this case—did someone see you out on the water?
  - It is unclear if Section 10 applies to Lake Union.
- Some Stakeholder Group members felt the group needs to agree on a definition of vessel. Others disagreed and felt this was unnecessary.
- There was concern about moving forward, as there are many vague regulations that are unenforceable, and the Stakeholders do not have clear guidance from the City. One Stakeholder noted that the group has to make do with the information that is available. The Supreme Court frequently has to make decisions based on the information that is available.

### Ecology presentation

Joe Burcar reviewed his handout based on questions asked at the last meeting. Regarding the question "*What is the difference in roles between the State and City in Shoreline Management? What is the State's obligation?*", Joe emphasized that this is a challenging question. If the Stakeholder Group can add clarity to this question without coming up with new definitions or recommending a code change, the group will not need to address most of what is in his response. If the group does develop a formal recommendation for a code change, his response addresses how they have to go about it.

It was noted that the State and City have a unique partnership where the State provides technical resources and minimum guidelines/standards for what local jurisdictions need to satisfy. Local jurisdictions must then implement those standards, and Ecology plays a minimum role in this. It was also pointed out that Ecology has to review and approve SMPs. Regarding the question on "No Net Loss", it was noted that this is a jurisdictional-specific definition which varies greatly from jurisdiction to jurisdiction.

One stakeholder expressed concern that there is no clarification between "on water" and "over water" in the SMA and RCW (as discussed on page 3 of his handout under "Shoreline Use"). Joe explained that there is no clear distinction between the two phrases in the guidelines. In this same section, another stakeholder pointed out that the Residential Use standard WAC 173-26-241 (3)(j) directs local

jurisdictions to “prohibit new over-water residences (including floating homes)”—this standard therefore accommodates vessels, but not future over-water structures.

#### Kevin Bagley presentation

There is still question as to how many On Water Residences there are, which stems from the fact that DPD has used a figure of 150 illegal houseboats. Kevin described a study that was conducted since no action was being taken to determine an accurate estimate of On Water Residences. It was described as an accurate snapshot, but not a statistically valid count. The study conducted did not judge “legal versus not legal”.

They used images from Google Maps to try and count slips, which required making “guestimates”. They counted the total number of slips, vacant slips, and floating homes, and they counted anything with a rectangular hull as a houseboat (some could have been house barges, floats, etc.). They counted 184 rectangular structures, and assuming this included the 34 legal house barges, brought the number down to 150. They honed this number further from their own personal knowledge, which resulted in a total of 113 rectangular structures that could be houseboats, though they still do not know how many of those are liveaboards. There are some caveats to the study, including that it was a summer day, so many boats were out on the water, and summer is the busiest time with the highest count.

- Possible recommendation in report

The recommendations report should include a statement summarizing the Stakeholder’s view on the City’s figure of “150 illegal houseboats” and that this is not based on fact. For example, “The Stakeholder Group estimates that there are in excess of ### liveaboard vessels in the City, 113 of which might be houseboats.”

It is unclear at this time how much weight this point should hold in the report, so it was suggested that this point be revisited when the report’s focus is clearer.

- One individual expressed that there appear to be some inflated slip count numbers, though it is unclear by what degree, and if we are going to use numbers in the report, we need to be very careful. The study identified slips in dry docks, floating home locations where residents can park dinghies or vessels, etc. On the other hand, it was pointed out that there are likely a significant number of slips that were not counted because they were under cover and could not be seen.

#### Margie Freeman presentation

The US Coast Guard’s checklist could be used as a jumping off point when considering how to define a vessel. The checklist looks at what a vessel is made out of, means of propulsion, etc.

If this Stakeholder Group develops criteria for being a vessel, it will be important to know what kinds of boats marinas can accept in the future since they must work closely with boat brokers and builders. Marinas are concerned about maintaining their ability to fill their slips, so there is concern about builders building vessels in the future that aren’t technically vessels.

#### John Chaney presentation

John reviewed the four LULA documents that were provided.

- **Definitions:** John expressed that the Stakeholder Group is not here to talk about floating homes or house barges; they are here to talk about vessels. They are trying to figure out how many

houseboats there are and what they are, since there are many different definitions for vessels. Different SMPs in Washington have different definitions of vessels.

- It was noted that different agencies have different definitions for different vessels which are based on different statutory requirements.
- A graphic was used that shows proportionally what size issue we are dealing with. As a proportion of the overall number of spaces on the water, houseboats are a pretty small percentage.
  - It was noted that 126 houseboats are registered in King County.
- LULA views black water as a non-issue—black water gets pumped out.
- There was a question about what are the Best Management Practices (BMPs) for gray water.
  - At this point, the City does not have BMPs. BMPs are included in SMP Code 23.60a, not 23.60. However, certain marinas require them, such as Gas Works, Seattle Marina, and Shilshole Bay Marina.
- One individual expressed that Stakeholder Group members need to be careful not to point fingers at other liveaboards on the Steering Group—they must be liveaboards together.

#### Comments on DPD's Response

There is still confusion about DPD's enforcement process and how the provided checklist is used. This checklist has never been made available to the public and goes beyond what is in the CAM 229, and different checklists have been provided in the past, so it's hard for anyone to know what criteria must be met.

#### Houseboat Tour

Chris Wilke and other Stakeholder Group members toured three marinas and one dock on March 22, 2013. He was struck by a few things:

- Many houseboats are very well maintained.
- Most appear to have a good method for dealing with black water. There are deck plates on the surface and no Y valve. Some had gray water discharge holding tanks as well.
- It is difficult to define the houseboats (pointy-nose vessels versus boxy vessels).

He indicated that gray water is a big concern, as it is a strong pollutant. A lot of the houseboats may have space onboard for installing a gray water tank. One option noted was to set limits, such as vessels over a certain length must pump-out gray water. One Stakeholder Group member noted that SMP 23.60a requires BMPs for gray water for all vessels, such as using phosphate-free soaps; houseboat owners agreed to follow the BMPs when they signed their moorage agreements and abide by the honor code system.

#### **3:45 p.m. Definitions, Clarifications, and Options**

The Stakeholder Group reviewed the draft Options Worksheet, and Triangle conducted a live-editing session based on feedback provided. It was agreed that Triangle would revise the worksheet based on requested changes, and each Stakeholder Group member would fill it out in advance of the next meeting. This worksheet will likely be used as the basis for the recommendations produced by the Stakeholder Group; it is intended to focus the group's work on the recommendations, keeping in mind the objectives provided by the City.

#### **4:30 p.m. Additional Information Needs**

Requested Information	Assignment
Give a presentation on the enforcement process and how checklists are used to better understand how they are enforcing their definition of a vessel	Seattle DPD
How many Notices of Violation (NOV) have been given (if it's available for public record)	Seattle DPD
Gray water Best Management Practices for different marinas	Margie Freeman

- Several Stakeholder Group members indicated that there continues to confusion surrounding SMP 23.60 and 23.60a. While the recommendations will primarily focus on 23.60, they also need to address “non-conforming uses” in 23.60a.

#### 4:45 p.m. Next Steps and Adjourn

The next Stakeholder Group meeting is Monday, April 8<sup>th</sup>, 2:00-5:00 pm at the Fremont Library.

In advance of the next meeting, Stakeholder Group members will:

1. Fill out the revised Options Worksheet that Triangle is developing and email responses to Sarah Saviskas **by EOD Tuesday, April 2<sup>nd</sup>**.
2. Read meeting materials prior to the meeting.

#### Public Comment

Name: Lynne Reister

Affiliation: LULA, WLA, Liveaboard, Boat Owner, Marine Surveyor

Comments:

1. We do not have ANSWER to Patrick’s Question as to what is THE REAL PROBLEM, from the City.
2. It is unfair to say that “THEY DID NOT KNOW WE WERE BREAKING THE LAW” None of us felt there was any question about our boat that we made great efforts to assure we were following the CAM229 together with “ALL” of the applicable regulations and standards which apply to our vessels. We all registered our Recreational Vessels in the proper type with the DOL. We were confident we were in full compliance with all vessel requirements.
3. I recommend that we use the VESSEL definition in the US Code, Title 1, Section 3. It is also inappropriate to have any more than ‘one’ definition.
4. Complaint Based Process. There MUST be a rule that (A.) The process is transparent, and the complaint must be revealed in writing to the party (Disclosure) and (B.) The CITY /DPD may not be a party placing a complaint, or perpetrating a complaint. (There is clear evidence the DPD has begged folks to place complaints – it was like Christmas to the excited DPD staff to pass the plan through council so they could go issue their Notices of Violations – the Next day) One must ask – and get this answer-How did they suddenly get 5-6 complaints?
5. I agree, and you would too; a barge, carrying sand, pulled or pushed across the Lake Union are vessels. The definition IS critical to this group; by the very fact that the STATE has defined a houseboat as a Recreational Vessel.
6. ELECTRICITY: Many types of vessels operate on the water, even circumnavigation without generating electricity from an engine/propulsion. People live on Lake Union who have ocean going sail boats with no more power than their sails. A vessel needs to provide Navigation Lighting, and there are many methods to do so without electricity (kerosene, oil, diesel, propane, CNG, SOLAR, etc. DO NOT use this as a feature only capable of occurring from electrical power.
7. Generate your own WATER, like a water maker? No vessel is required to have this function to qualify as a vessel whatsoever. A better approach would be to say, vessels are self-sustaining or

- self-contained, (Tankage, fuel, etc.) like most all vessels folks live on are self-sustaining, and hook to shore utilities only by choice, not requirement like a floating home.
8. I am so sick and tired of the City basing decision on no science or facts with this topic. They have been present with the FACTS, truth, and science and intentionally ignored it.
  9. The facts that Margie presented regarding the houseboats recognized and defined have been formally presented to both the DPD and the CITY, and they ignore it. THAT is why we need the answer to #1.
  10. FACT: Of the 115 registered houseboats, some of the house barges still register as vessels due to their requirement as a vessel, their insurance and their financing. Please add this to the facts decisions are made upon.
  11. This group needs to recognize that the City Public Records Disclosure rep. Jill Vanneman, has stated and repeated that the City Inspectors DO NOT use a check list, but they will NOT provide the public with this information. The check list does have three versions. But they are using 'something', like Gail said, they need to disclose that. This supports the fact that no person can find the rules for houseboats owners and builders, who have sought, actively sought this information and we need the SG to take this into serious consideration, this mistreatment and unfair attention to this small group.
  12. I support Chris Wilke's statement concerning gray water, including from washing machines. Then it may NOT focus on only houseboats, because many, many vessels, other than houseboats do have laundry facilities. More education for boaters, not just posting a BMP in a marina would be a good approach.
  13. The plan should be to not separate the square boat folks live on at all. The FOCUS should address Water Residents, those who live aboard vessels. And, based on all our concerns for the environment then this would suggest we should move toward a DEFINITION: for Water Residents who live on whatever type boat (registered) and FOCUS then on the gray water from ALL water Residents, no matter what type of vessel we live on. Let's define Water resident, and then make a Clean Boat / Water Resident Certificate. (These have all been proposed).
  14. Liveaboard! The SDOT has, for the purpose of establishing RPZ – Residential Parking Zone measurement for people who live on their vessels as their Primary Residence. I was on the Stake Holder Group who established this, the first, RPZ, for water residences on Westlake Avenue North. ONLY residents can obtain a RPZ parking permit. SO – Let's use that. We submitted Lease, or rental agreements, utility bills or our DOL vessel Registrations all with our address as evidence that we were a live aboard water resident.

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Name: Mauri Shuler

Affiliation: LULA

Comment: Chris Wilke's idea for grey water containment on vessels, based on size, is faulty to the degree that I have a 45 foot houseboat with no laundry/no dishwasher. Yet many pointy yachts of the same size DO have those facilities. It is not about size, it is about BMPs and the facilities onboard. There should be no distinction among LIVEBOARDS. What applies to one type of vessel should apply to the other types of vessels.

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Name: Ralph Nelson

Affiliation:

Comment: It is unfortunate those chosen for, and important for, decision making do not make the meetings a priority in their day. This reflects their lack of sincerity in making the process successful. Those of us here differ in our assessment of the importance of the meeting outcomes. The outcome of this discussion is of the greatest importance to us. It affects our chosen lifestyle and the investments

into our homes. Too bad others do not feel the same urgency or at least some empathy. Monday the 25th, two people with strong opinions and great influence were late: the Soundkeeper representative showed up at the break and the Ecology representative missed the first 30-plus minutes of the meeting. A third member was absent the prior week and yesterday expressed the need to be brought up to date with information that had been discussed the previous week. They are sending the message that the process is not important to them. Maybe it is or maybe it isn't to them, but it is to me as a stakeholder.

### Meeting Attendees

Stakeholder Group Members				
	Name	Affiliation	Email	Attended?
1.	Kevin Bagley	Lake Union Liveaboard Association	<a href="mailto:bagemup4u@gmail.com">bagemup4u@gmail.com</a> ; <a href="mailto:kevin@thekevin.com">kevin@thekevin.com</a>	✓
2.	Joseph Bogaard	Save Our Wild Salmon	<a href="mailto:joseph@wildsalmon.org">joseph@wildsalmon.org</a>	✓
3.	John Chaney	Lake Union Liveaboard Association	<a href="mailto:jchaney@nwlink.com">jchaney@nwlink.com</a>	✓
4.	Patrick Dunham	Lake Union Liveaboard Association	<a href="mailto:pdkoloa@yahoo.com">pdkoloa@yahoo.com</a>	✓
5.	Barb Engram	Lake Union Liveaboard Association	<a href="mailto:barbengram1@yahoo.com">barbengram1@yahoo.com</a>	✓
6.	Margie Freeman	Marina owner	<a href="mailto:margie@fremonttugboat.com">margie@fremonttugboat.com</a>	✓
7.	Al Hughes	Washington Liveaboard Association	<a href="mailto:dogbark184@yahoo.com">dogbark184@yahoo.com</a>	✓
8.	Gail Luhn	Shilshole Liveaboard Association	<a href="mailto:gail.luhn@luhnlawpllc.com">gail.luhn@luhnlawpllc.com</a>	✓
9.	John Waterhouse	Elliott Bay Design Group, Naval Architect	<a href="mailto:jwaterhouse@ebdg.com">jwaterhouse@ebdg.com</a>	✓
10.	Chris Wilke	Puget Soundkeeper Alliance	<a href="mailto:chris@pugetsoundkeeper.org">chris@pugetsoundkeeper.org</a>	✓

Stakeholder Group Resources				
	Name	Affiliation	Email	Attended?
1.	Joe Burcar	Department of Ecology	<a href="mailto:joe.burcar@ecy.wa.gov">joe.burcar@ecy.wa.gov</a>	✓
2.	Sarah Saviskas	Triangle Associates, Inc.	<a href="mailto:ssaviskas@triangleassociates.com">ssaviskas@triangleassociates.com</a>	✓
3.	Bob Wheeler (facilitator)	Triangle Associates, Inc.	<a href="mailto:rwheeler@triangleassociates.com">rwheeler@triangleassociates.com</a>	✓

Public Attendees (from sign-in sheet)		
	Name	Affiliation
1.	Ralph A Nelson	LULA
2.	Anne Nelson	LULA
3.	Susan Neff	LULA, Liveaboard, boat builder
4.	Lynne Reister	LULA, Liveaboard, boat builder
5.	Michael Modde	Houseboat resident
6.	Segulja-Lay	Dunato's Boatyard

7.	Faith Fogarty	GWPM Houseboat
8.	Dwight Knechtel	Pump Me Out
9.	Marta Schee	Houseboat owner
10.	Langdon Miller	Houseboat owner
11.	Charles Draper	
12.	Mauri Shuler	LULA
13.	Michele Diafos	Houseboat owner, LULA
14.	Linda Tate	Houseboat owner, LULA
15.	John Geisheker	Houseboat
16.	Michaelle Wettelam	Houseboat



## Seattle On Water Resident Stakeholder Group Meeting #3 Summary

Monday, April 8, 2013, 2:00–5:00 p.m.  
Fremont Library

### 2:00 p.m. Welcome/Introductions

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Bob Wheeler, facilitator from Triangle Associates (Triangle), welcomed meeting participants to the third Seattle On Water Resident Stakeholder Group (SHG) meeting. Stakeholder Group members and the public did a round of introductions, and the facilitator reviewed the agenda and meeting materials. Pending the requested changes, the Stakeholder Group approved the meeting summary. Bob also discussed the need to prioritize items in the options worksheet, as the group will likely not have time to dive fully into all nine items. It was agreed that the SHG would focus on the following items:

- #1: Developing a process for clarifying what is a vessel
- #2: Existing On Water Residences
- #3: Existing SMP 23.60 Code
- #7: What recommendations should be made related to the City's SMP enforcement process

### 2:10 p.m. DPD Presentation

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Faith Lumsden, the Director of Code Compliance at Seattle's Department of Planning and Development (DPD) spoke about the enforcement process and then answered questions from Stakeholder Group members.

- DPD enforces on a complaint basis only. This process may be something the group wants to consider.
- She estimated that in the last 5 years, DPD has given out less than 12 notices of violation (NOVs).
- DPD looks at a range of factors as a guideline, including the DPD checklist, which is used as a jumping off point. DPD is hoping this group can help improve the process of determining: does an On Water Residence meet the code criteria or not?
- It was noted that DPD is typically not allowed onto a structure, so they usually conduct observations from the dock.
- **What code criteria are you using?**
  - "Designed and used for navigation"
  - It was noted that if the group is considering different, more specific criteria, it is important to think about how DPD will enforce it.
- **How do DPD and the City know about dealing with violations? How does DPD look at these and make a determination?**
  - The City has a lot of experience in interpreting what uses are allowed over the water and in the shoreline zones. The City has experience interpreting the shoreline code and considering residential use. The question of residential uses on a vessel has come up. It is very challenging interpreting "designed and used for navigation"—they have some guidelines they try to apply, but they do not have a list of X, Y, and Z items.
- **Has DPD ever gone to Department of Licensing or US Coast Guard to determine if someone has a license as a vessel or documentation as a vessel?**
  - DPD currently waits for the vessel owner to send in that information as part of their response to a NOV. However, they could definitely ask for this information.
- **What is the current avenue for informing citizens what the current criteria are?**

- DPD would like input on this, and it has a public engagement group which could potentially be used.
- **Is there a desire to find a lack of enforcement or compliance?**
  - DPD just wants to answer the question and do so from a neutral perspective.
- **A current NOV is pending against a marina owner and an owner. Is there any difference in the way these are dealt with?**
  - The Code has DPD issue the citation to the “responsible party”, and this can be the actual property owner (moorage owner or houseboat owner).
- **Would DPD take umbrage at a maritime inspector doing the inspections?**
  - No.

### 2:30 p.m. Discussion of Options

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The Stakeholder Group reviewed the Options Worksheet (color-coded by author), which was completed by Stakeholder Group members as homework, and used it as the basis for discussion. The group then developed draft report content via a live-editing session, which included sections on:

- Procedural clarity for determining the status of existing On Water Residences;
- Process for determining what is a vessel;
- Enforcement;
- Education, Outreach, and Technology Actions;
- Other Recommendations; and
- Going Forward.

Stakeholder Group members will refine the draft language in subgroups prior to the next meeting.

### 4:45 p.m. Next Steps and Adjourn

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The next Stakeholder Group meeting is Monday, April 22<sup>nd</sup>, 2:00-5:00 pm at the Center for Wooden Boats.

### Public Comment

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Name: Linda Spangenberg

Affiliation: Houseboat dweller

Comment: Regarding “going backward,” what if, instead of haggling over what is a vessel, we declare that a vessel is a floating structure that was designed and is capable of being used for navigation? Then, we just need to come up with criteria to decide whether or not Boat X was indeed designed to be able to navigate (go) and if it would be capable of doing so.

Does an assignment of a vessel registration number by the Coast Guard automatically suggest that the contrivance was designed and is capable (theoretically) of navigation?

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Name: SUSAN NEFF

Affiliation: LIVEBOARD AND SAILOR

Comment: I would like to make several points, the first of which addresses the question listed above.

- 1) WA State Vessel Registration is strictly a paper-based process. At no point does a neutral individual make a determination as to a contrivance’s status as a vessel. The contrivance is not viewed, even in photos, as part of the registration process. A wide variety of floating structures can obtain WA State Vessel Registration without even confirming that they float.
- 2) Per my recent conversation with employees of the main USCG Certification Center, obtaining USCG certification for a vessel is also a paper-based process. The only factor taken into

consideration as to whether or not the structure is actually a vessel, is the Builder's Certificate. There is no outside confirmation of the structure as a vessel. The qualifications of the builder are not reviewed. Nor is there ANY evaluation to check for a conflict of interest on the part of the builder.

- 3) Part of any recommendation by this group to the City of Seattle that involves the use of maritime professionals needs to include a way of addressing potential conflicts of interest by the maritime professionals involved in determining vessel status.

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Name: Riley Haggard  
Comment: Email sent to Triangle on 4/11/13

Sarah-

Thanks for the information. I was wondering about two things:

1) I saw the following "Vessel has the ability to depart and return to its mooring under its own power" under the "vessel checklist" in exhibit B. Will this test be administered for ALL liveaboards on Seattle waters including sailboats, cabin cruisers, cruise-a-homes, etc? I think it is only fair that all liveaboards must demonstrate they can successfully perform this task, not just houseboats.

2) I have heard there will be a grandfather date for houseboats already on Seattle waters? Do we have any idea when that date will take effect? Does this include South Park Marina and the Duwamish River?

Take care,  
Riley Haggard, MPA

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Name: Lynne Reister  
Affiliation: LULA, Liveaboard, boat builder  
Comment: Email sent to full SHG on 4/12/13

SARAH;

I believe it would be of benefit to the SG to have the answer to this question.

Please understand that I support anything we can do to not only mitigate any environmental damage and obtain NNL. With that in mind, I inquire:

To: Joseph Bucar;

Regarding Gray Water Discharge:

Can you explain to this stakeholders group why, specifically, exercising greater gray water controls on a small number of houseboat type live-aboard vessel outweighs (requiring legislation), or draws the focus of the DOE rather than the consideration of the residential uses of other types of recreational vessel which far out number the houseboat type perhaps by 10 to 15 times?

And have no ability to discharge Black water.

Why are they the target? Help us understand.

Thank you,  
Lynne Reister

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Name: Susan Neff  
Comment: Email sent to Triangle on 4/19/13

Sarah,

After reviewing the Draft Report Content (DRC) containing feedback from DOE and DPD, there is a comment that I would like to submit (at the last minute).

Per the DOE comments from the DRC noted below, guidance from additional sources should be considered, but does not override existing guidelines. Many references have been made at meetings and in the DRC which advocate the use of a 'Marine Professional'. This has me concerned. It is my believe, that how 'Marine Professional' is applied, has the potential to create significant problems in the future. If the use of 'Marine Professional' is included in the final recommendations of the SHG to the City Council, it needs to be better defined prior to the recommendations submission. If not, we will likely be fighting over who qualifies as a 'Marine Professional' somewhere down the line.

In order to avoid future problems, I offer the following suggestions.

1. 'Marine Professional' be replaced by 'Marine Professional/s approved by the DPD for the purpose of assessing these structures'.
2. 'Marine Professional' be replaced by 'Marine Professional/s without a conflict-of-interest in the process. A conflict-of-interest for the purpose of evaluating residential floating structures status as a vessel would include ownership or residence in such a structure or business interests related to establishing such structures as legal and allowed.'
3. 'Marine Professional' be defined as including specific criteria or licensure.

Ecology Comment: Existing guidance should be considered, but should not limit reliance on additional guidance to apply the existing regulations to existing residential floating structures/houseboats.

Rationale: The fundamental goal of this Stakeholder process is to look for ways to further clarify how the existing SSMP regulations should be applied to existing residential floating structures (houseboats). Therefore, in order to work toward this goal, stakeholder members should be able to suggest new guidance resources

Thanks,  
Susan Neff

## Meeting Attendees

Stakeholder Group Members				
	Name	Affiliation	Email	Attended?
1.	Kevin Bagley	Lake Union Liveaboard Association	<a href="mailto:bagemup4u@gmail.com">bagemup4u@gmail.com</a> ; <a href="mailto:kevin@thekevin.com">kevin@thekevin.com</a>	✓
2.	Joseph Bogaard	Save Our Wild Salmon	<a href="mailto:joseph@wildsalmon.org">joseph@wildsalmon.org</a>	✓
3.	John Chaney	Lake Union Liveaboard Association	<a href="mailto:jchaney@nwlink.com">jchaney@nwlink.com</a>	✓
4.	Patrick Dunham	Lake Union Liveaboard Association	<a href="mailto:pdkoloa@yahoo.com">pdkoloa@yahoo.com</a>	✓
5.	Barb Engram	Lake Union Liveaboard Association	<a href="mailto:barbengram1@yahoo.com">barbengram1@yahoo.com</a>	✓
6.	Margie Freeman	Marina owner	<a href="mailto:margie@fremonttugboat.com">margie@fremonttugboat.com</a>	✓
7.	Al Hughes	Washington Liveaboard Association	<a href="mailto:dogbark184@yahoo.com">dogbark184@yahoo.com</a>	✓
8.	Gail Luhn	Shilshole Liveaboard Association	<a href="mailto:gail.luhn@luhnlawpllc.com">gail.luhn@luhnlawpllc.com</a>	✓

9.	John Waterhouse	Elliott Bay Design Group, Naval Architect	<a href="mailto:jwaterhouse@ebdg.com">jwaterhouse@ebdg.com</a>	
10.	Chris Wilke	Puget Soundkeeper Alliance	<a href="mailto:chris@pugetsoundkeeper.org">chris@pugetsoundkeeper.org</a>	

Stakeholder Group Resources				
	Name	Affiliation	Email	Attended?
1.	Joe Burcar	Department of Ecology	<a href="mailto:joe.burcar@ecy.wa.gov">joe.burcar@ecy.wa.gov</a>	✓
2.	Sarah Saviskas	Triangle Associates, Inc.	<a href="mailto:ssaviskas@triangleassociates.com">ssaviskas@triangleassociates.com</a>	✓
3.	Bob Wheeler (facilitator)	Triangle Associates, Inc.	<a href="mailto:rwheeler@triangleassociates.com">rwheeler@triangleassociates.com</a>	✓
4.	Faith Lumsden	DPD	<a href="mailto:Faith.Lumsden@seattle.gov">Faith.Lumsden@seattle.gov</a>	✓

Public Attendees (from sign-in sheet)		
	Name	Affiliation
1.	Gregory Baumann	Houseboat owner
2.	Shannon Cheng	Houseboat owner
3.	Ethan O'Connor	Houseboat owner, full-time liveaboard
4.	Michael Modde	Houseboat resident
5.	Hal Urbanek	Houseboat owner
6.	Lynne Reister	LULA, Liveaboard, boat builder
7.	Kara Lagerloef	Liveaboard
8.	Shawn Griggs	Attorney for Vessel Owners
9.	Anne Tonks	Owns barge grandfathered
10.	Peter Bohne	Own houseboat, Westlake Marina
11.	Jesse Gilliam	Legislative Aide to Council President Clark
12.	Langdon Miller	Houseboat owner
13.	Marta Schee	Houseboat owner
14.	Linda Spangenberg	Houseboat owner/LULA
15.	Scott Chamberlin	Houseboat owner
16.	Susan Neff	LULA, Liveaboard, boat builder
17.	Linda Bagley	Special Agents, Inc.

## Seattle On Water Resident Stakeholder Group Meeting #4 Summary

Monday, April 22, 2013, 2:00–5:00 p.m.  
Center for Wooden Boats

### 2:00 p.m. Welcome/Introductions

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Bob Wheeler, facilitator from Triangle Associates (Triangle), welcomed meeting participants to the fourth Seattle On Water Resident Stakeholder Group (SHG) meeting. Stakeholder Group members and the public did a round of introductions, and the facilitator reviewed the agenda and meeting materials. Pending the correction of a typo, the Stakeholder Group approved the meeting summary.

The facilitator thanked SHG members for their hard work conducted between meetings. One SHG member expressed concern about DPD requesting major changes to the recommendations between now and final meeting. There was a request for voting at the final meeting to be “weighted” given that a few SHG members have not been as active as others throughout this process.

### 2:10 p.m. Report Template

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Triangle reviewed the preliminary draft report with the Stakeholder Group. Triangle drafted language for the background, introduction, and process sections, and it incorporated other recommendations developed by stakeholders. There was a suggestion to use a different photo on the report cover. Steering Committee members also requested that Triangle change the definitions of Floating Homes and House Barges to the SSMP definitions instead of those from CAM 229.

- **Action Item:** Committee members to send alternate cover photos to Sarah Saviskas.
- **Action Item:** Stakeholder Group members to provide feedback to Triangle on existing report language ASAP.
- **Action Item:** Triangle to include meeting summaries and public comment as appendices.
- **Action Item:** Triangle to change the definitions of Floating Homes and House Barges to the SSMP definitions instead of those from CAM 229.

### 2:30 p.m. Discussion of Draft Report Content

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Please see the revised draft worksheet (titled “*Worksheet from Meeting #4 v 4-26-13(2) draft*”), which was sent to the email distribution list on April 26, for a summary of the discussion.

### 4:45 p.m. Next Steps and Adjourn

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The final Stakeholder Group meeting is April 21, 2013, 11:00 a.m. - 3:00 p.m. at the Fremont Tugboat Company Conference Room (same location as meeting #1).

### Public Comment

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**Name:** Susan Neff

**Affiliation:** liveaboard

- With regards to the flowchart, the top box on the left should read “I’m not sure I have a vessel . . . AND/OR a complaint has been received by DPD and it needs to determine whether or not my structure qualifies as a vessel.”
- Also, time to compliance should include one summer to allow for work on the vessel. In my opinion, compliance time should be 18 months with the option for DPD to grant a second 18 month extension, if the owner can demonstrate substantial movement towards compliance such as work in progress, hard copy plans and/or contracts or financial limitations.

- In support of Gail’s comments about licensure, granting an open-ended license as opposed to periodic monitoring or license renewal is a significant contributing factor to some of the house barge problems that have devolved over time.
- In response to Barb Engram’s comments, I think re-evaluation is needed to assess for modifications to the structure, including expansions, that may make it no longer a vessel. One time licensure would provide a loophole for creative types to design a floating structure specifically to meet the licensure requirement. Once the licensure is obtained, the “vessel” could be remodeled to the point of being unrecognizable as a vessel. After 1990, the adding of navigation lights and an outboard to a structure that would otherwise be considered a house barge or a floating home is what resulted in the problem we are trying to address now. In my opinion, an open-ended “houseboat-vessel license” would just allow for the continued displacement of recreational vessels by questionable on-water residential structures.
- With BMP and law limiting the MAINTANANCE/construction on a vessel in the water to 25%, would pressure washing of the exterior of a structure count as maintenance? From my observations of the increasing amount of pressure washing occurring at the marina where I live, including pressure washing of the treated-timber docks, too much debris is unnecessarily entering the water from this activity.
- I suspect the views expressed opposing further regulation of gray water on liveaboard structures are very similar to the arguments made when black water discharge was initially limited and made illegal.
- It is my impression that the vessel evaluation is designed to pass all of the existing structures. A propulsion test is essential. And it cannot be a one-time test. If it is a one-time test, it will be abused.
- In response to John Chaney’s support of including recommendation for “safe harbor” status for houseboat-vessels – Would these “safe harbor” provisions apply to conventional recreational vessels? If not, this would be unfair. In addition, it would further have the potential of further displacing conventional vessels by permanently-moored but “licensed” houseboat-vessels in opposition to the SMA.

### Meeting Attendees

Stakeholder Group Members				
	Name	Affiliation	Email	Attended?
1.	Kevin Bagley	Lake Union Liveaboard Association	<a href="mailto:bagemup4u@gmail.com">bagemup4u@gmail.com</a> ; <a href="mailto:kevin@thekevin.com">kevin@thekevin.com</a>	✓
2.	Joseph Bogaard	Save Our Wild Salmon	<a href="mailto:joseph@wildsalmon.org">joseph@wildsalmon.org</a>	
3.	John Chaney	Lake Union Liveaboard Association	<a href="mailto:jchaney@nwlink.com">jchaney@nwlink.com</a>	✓
4.	Patrick Dunham	Lake Union Liveaboard Association	<a href="mailto:pdkoloa@yahoo.com">pdkoloa@yahoo.com</a>	✓
5.	Barb Engram	Lake Union Liveaboard Association	<a href="mailto:barbengram1@yahoo.com">barbengram1@yahoo.com</a>	✓
6.	Margie Freeman	Marina owner	<a href="mailto:margie@fremonttugboat.com">margie@fremonttugboat.com</a>	✓
7.	Al Hughes	Washington Liveaboard Association	<a href="mailto:dogbark184@yahoo.com">dogbark184@yahoo.com</a>	✓
8.	Gail Luhn	Shilshole Liveaboard Association	<a href="mailto:gail.luhn@luhnlawpllc.com">gail.luhn@luhnlawpllc.com</a>	✓

9.	John Waterhouse	Elliott Bay Design Group, Naval Architect	<a href="mailto:jwaterhouse@ebdg.com">jwaterhouse@ebdg.com</a>	
10.	Chris Wilke	Puget Soundkeeper Alliance	<a href="mailto:chris@pugetsoundkeeper.org">chris@pugetsoundkeeper.org</a>	✓

Stakeholder Group Resources				
	Name	Affiliation	Email	Attended?
1.	Joe Burcar	Department of Ecology	<a href="mailto:joe.burcar@ecy.wa.gov">joe.burcar@ecy.wa.gov</a>	✓
2.	Erik Stockdale	Department of Ecology	<a href="mailto:ESTO461@ECY.WA.GOV">ESTO461@ECY.WA.GOV</a>	✓
3.	Sarah Saviskas	Triangle Associates, Inc.	<a href="mailto:ssaviskas@triangleassociates.com">ssaviskas@triangleassociates.com</a>	✓
4.	Bob Wheeler (facilitator)	Triangle Associates, Inc.	<a href="mailto:rwheeler@triangleassociates.com">rwheeler@triangleassociates.com</a>	✓
5.	Faith Lumsden	DPD	<a href="mailto:Faith.Lumsden@seattle.gov">Faith.Lumsden@seattle.gov</a>	✓

Public Attendees (from sign-in sheet)		
	Name	Affiliation
1.	Linda Spangenberg	Houseboat owner/LULA
2.	Van Iverson	Boat owner
3.	Stacy Marchesano	Holmes Weddle and Barcott
4.	Susan Neff	LULA, Liveaboard, boat builder
5.	Peter Bohne	Own houseboat, Westlake Marina
6.	Charles Draper	Association of Independent Moorages Salmon Bay Marina

**There was a 5<sup>th</sup> meeting on May 21, 2013 for which there was no meeting summary. The final report was the meeting product and incorporates discussion held at the last meeting.**



## ***K. Public Comment from Stakeholder Group members***

### **Statement by John Chaney, SG meeting 5-21-13**

I have lived in Seattle for over a half century and one special iconic part of Seattle is the houseboat community. For me this embraces all the varied forms of Floating Homes, House Barges and vessels. At one time thousands lived on the water, today that number has dwindled.

I am new to living on the water and it is a very special lifestyle. It has its trauma when dock connections freeze in the winter, with the constant cool temperatures and all the variations in wave action. But to live with the movement of the water is a very special experience.

The Department of Ecology and some segments of our community feel this use infringes on the public's interest in the water. I know from when I helped support the Shoreline Management Act before voters, all buildings over the water including over the water residences like those in Madison Park, Lake Union and West Seattle which permanently invaded, covered and changed those waters. Never did I imagine that those images of environmental degradation would now include vessels on the water.

Today, by law, Floating Homes are water dependent while recreational vessels are of a lesser standard and grudgingly permitted. Our Houseboat community is outlawed in the new SSMP although as an existing community Ecology clearly recognizes that a reasonable accommodation should be made for existing communities. Today we discuss what that reasonable accommodation is.

In part the boundaries of our discussion are in the City Code and its words. Ecology and DPD have clarified their positions to emphasize the need for vessels to have capacity for propulsion, steering and a sound hull. So as I look to the words of the code, neither the City nor the Ecology has put forth any in-depth guidance on the issue of residences on the water. I emphasize on the water as opposed to over the water, since in any source I can consult "over" has a distinctly different meaning from "on." But laying that aside, what are the words we must use.

A floating home is a structure more or less permanently fixed in place on the water. It is not expected to have any features of a vessel and the Floating Homes Association has been adamant that they are not vessels. Even though the vernacular refers to them as houseboats, they are not what we are discussing today.

A House Barge, uniquely created in Seattle in 1990's, is a vessel which does not have steering and propulsion or the capacity for such.

A floating structure may include a vessel that lacks propulsion and steering, even though it is a vessel.

We cannot be a House Barge or a floating structure, so we must be avessels.

As a vessel we must be "designed and used for navigation" and when we parse those words, it appears to me that there may be many ways to meet that standard.

How are we a vessel? We are registered or documented as vessels and we are required by the federal government, as vessels, to have specific safety equipment.

The existing SSMP says that we are generally exempt from City SSMP requirements except we must be a vessel and not a floating structure or House Barge. The key words are propulsion and steering. Although

DPD claims these are required for all residential uses on vessels, to the best of my knowledge, DPD has only chosen to bring enforcement actions against a few vessels that by design look too “house-like.”

So today, we will discuss words and intent, we will talk about how to apply them in the absence of clear standards and criteria. We will make recommendations on my home and the homes of members of my community. I take this very seriously and ask that others do the same. This is not an abstract discussion without impacts to real people. People will lose their homes and some will suffer adverse economic effects. This is not a task I take lightly. It is a task I approach with a sense of humanity and humility. I do not know all nor am I privy to the thoughts of those that created most of these Houseboats, but I do know many of those who call them home. This is about threading our way through a series of passages in a manner that is both legal and humane. It may be easy to miss the narrow passage and declare the objective too difficult, but I challenge you to continue trying until we can find a route that saves our little fleet.

## Summary Comments from Kevin Bagley

For the purpose of my comments, the term houseboat is used to loosely describe vessels that have a more “house-like” appearance than other vessels. I have believed from the start and continue to believe that houseboats cannot be clearly defined and that we are discussing a type of vessel akin to a Yacht, Trawler, or Cruiser.

### The Formation of the On Water Resident Stakeholder Group

The formation of the On Water Resident Stakeholder Group arose from a concerted effort of the Lake Union Liveboard Association (LULA) to be allowed to have a voice in regulations being created by the Department of Planning and Development (DPD) as part of the Seattle Shoreline Master Plan. LULA participated in many meetings and members provided hundreds of letters to support their position that the houseboat vessels on Lake Union were legally created, bought, or sold using guidelines provided by DPD (from 1990 through 2004). LULA has repeatedly requested to be part of the regulation process and welcomed the opportunity to participate in the On Water Resident Stakeholder Group.

### Participation

I applaud those that have consistently participated in the Stakeholder process. The formation of the group was defined by City Council and, as is evidenced by attendance, did not truly reflect stakeholders. Those that participated **had a stake in the process** and **those that did not fully participate did not have a stake in the process**. In fairness to those that actively participated, the participating group should at a minimum form the consensus body, and preferably, the Stakeholder Group should be redefined to comprised of those that regularly participated.

### Why are Existing Houseboats an Issue?

This question has been asked by Stakeholder members and has not received a clear answer. Since 1990, DPD has allowed houseboats to be built and placed in Seattle waters and has provided little if any guidance on special requirements for these vessels. The only guidance given during that time was that they needed to have propulsion and steering. At no time did DPD indicate that these vessels needed to have specific horse power, or visibility requirements, or freeboard, or special engine types, or specific hull types. Even when they were approached by potential houseboat builders, DPD never indicated nor provided any document that provided any guidance on construction criteria. As a result, people were left to their best judgment on interpreting the regulations. It is very difficult to understand after 23 years, the sudden shift in perception and enforcement which has left people in fear of losing their homes or being financially ruined. Would Seattle be a better city after destroying these people’s homes, lives, and financial viability?

In the last 2 years, DPD has made accusations about 150 “illegal” houseboats, yet has failed to define a houseboat, nor present any criteria that make these vessels legal or illegal. Public comments have been made by DPD officials that are derogatory to these vessel owners and have painted them in a bad light. In truth, the houseboat community is a caring, diverse, environmentally conscious group that has significant concern for Seattle waters.

### Promises Made

In June 2011, DPD indicated that all existing houseboats would be “Grandfathered.” As recently as the inception of the On Water Resident Stakeholder Group, DPD and City Council members have walked the docks, viewing the houseboat community and made promises that “You will be grandfathered.” At some level, it seems that there is an understanding of the lack of clarity and a desire to protect those people who acted in good faith when they bought or built their houseboat vessel.

### **The Consequences of Our Actions**

A common thread indicated at the start of our proceedings was that a good solution would prevent people from losing their homes and would provide certainty for these people.

### **New Rules and Additional Criteria = Removal of Houseboat Vessels**

It is very important for everyone to understand the consequences of creating NEW RULES, and ADDITIONAL CRITERIA that previously did not exist. For every NEW RULE created, there is likely to be one houseboat vessel that does not meet the NEW RULE. Prior to our actions, that NEW RULE did not exist. Some might argue that it “should have been interpreted” but in reality, should someone lose their home, be financially ruined, or their lives devastated because of one possible interpretation?

### **Removal of Houseboat Vessels = Improved Seattle Waters?**

As we add criteria and eliminate existing vessels, we should look to see what positive impact this will have on our City and Seattle Waters. As the City enforces these actions and removes a few houseboats that fail these new - retroactive criteria, will Seattle be a better place? Will Seattle waters improve as a result? The answer is clear. Seattle will have made a giant step backwards to achieve virtually nothing other than punitive action.

- Removing Houseboat Vessels will not make us safer.
- Removing Houseboat Vessels will not make Seattle waters cleaner.
- Removing a few Houseboat Vessels will not make more room for other vessels (and one has to ask why they should be favored?)
- Removing Houseboat Vessels will not make the City more attractive

### **Facing the Reality**

I would ask for each member of the On Water Resident Stakeholder Group to introduce themselves to one of the people that face losing their home or being financially devastated. Meeting these people, you will understand that these people purchased or built their homes with no intent of deception or malice, and have been blindsided by a change in attitude and enforcement.

We must understand that adding new rules and creating new criteria RETROACTIVELY, is a slippery slope. The City can and will make changes retroactively based on their interpretations. DPD representatives have stated their “NEW” regulations going forward are simply a clarification of the original 1990 regulations. This is VERY ALARMING.

### **Conclusion**

Please support the Houseboat Vessel Liveaboard License program. This proposal is reasonable, and meets every criteria (and then some) stated by every published DPD document from 1990 to present.

**Comments from Barbara Engram**

## Gasworks Park Marina

I have lived on Lake Union for almost 10 years now. It is hard to describe how happy and proud I am to live in a community that is committed to walking lightly on the earth. My neighbors and I actively recycle; we live in small spaces and consume far fewer resources than even the average on land resident. We work to maintain and improve the quality of the water in the lake: it is our front yard. Members of the public have open access to the water at our marina: they often have lunch or just enjoy the view from our terrace, come to our bulkhead to fish, photograph or paint or just enjoy the water views. They can swing in our swing. Imagine my dismay at being characterized as a person who deliberately sneaks around rules, pollutes the lake and somehow unfairly uses space that should be shared by everyone.

On the stakeholders group I represent the Lake Union Liveaboard Association as well as the members of my own smaller community, Gasworks Park Marina. I was motivated to join and work with this group because I felt the proposed rules were inconsistent, unclear and prejudicial and were developed without input from important stakeholders, in violation of both DPD and Ecology rules. I believe that we have the right as citizens to expect better than this from our government and that we have a responsibility to speak up and try to be part of the solution to such problems. On a more personal note, I have a vested interest in protecting my home. I have owned two houseboats, both constructed by known and respected boat builders in the Seattle area. Not only I but they too believed the resulting vessels were legal. But I am now being told that this is not necessarily so and fear that unpublished and retroactively altered standards will be used to determine my legality. And I am not alone in facing this alarming prospect.

The purpose of the Shoreline management plan is to protect water quality, protect public access and to ensure a variety of uses of the various shoreline environments. The approach to regulating liveaboard houseboats has focused very restrictive rules on a very small portion of the population of water uses in Seattle, in spite of the fact that:

1. No evidence has been produced that shows that houseboats are major polluters of Seattle waters
2. No evidence has been produced to substantiate the claims of the numbers of illegal vessels in Seattle waters
3. No evidence has been produced to show that houseboats take up enough space to make moorage for recreational vessels hard to find
4. The percentage of waterfront occupied by the approximately 113 houseboats cannot possibly represent a significant impediment to public access to Seattle waters. At Gasworks Park, we have 71 slips, occupy approximately 180 feet of waterfront, all of which, even though it is private property, is accessible to the public for their enjoyment.

This stakeholders group has worked hard; we have looked at background sources and information, attempted to determine how many houseboats there are in Seattle waters and listened to public commentary. We have worked through draft after draft of suggested regulations and procedures. We have produced documents which we feel are clear and fair.

I, and all those whom I represent ask that these documents be accorded the serious consideration they deserve. To do otherwise would be to waste the money spent and the time of numerous people who participated in this effort and to ignore the legitimate concerns of the citizens affected by these rules.

## Statement by SG Margie Freeman, Marina Owners

Going into this process, I stated that a successful outcome would incorporate clarity and fairness for everyone involved.

The term “everyone” includes houseboat owners, marina operators, Department of Planning & Development (DPD), Department of Ecology (Ecology) and the builders and manufacturers of vessels.

We came to the final meeting of this group with those two goals at our fingertips. They were ours to embrace or to throw away. As luck would have it we, on the committee, are all leaders and used to making decisions – including those decisions that are for the greater good and we are not shy about asking our counterparts in government to follow suit.

During this five-meeting process, we have learned certain parameters we had to work within:

- The definition of vessel used by Ecology/DPD will be used.
- All vessels must have propulsion and steering.
- Houseboats must be vessels, now and in the future.
- BMPs and the handling of gray water are important pieces of the puzzle going forward that need special attention.

I also made some personal observations:

- Rules going forward [23.60A.214] are not clear or fair. The changes we have proposed to this section attempt to modify future liveboards on some hulls to a reasonable size - which unless we are told otherwise – seems to be of concern to administrators.
- Use of the License, et al, should take the burden away from DPD by making the Compliance component the only reason large amounts of time might need to be expended.
- Much time, effort and angst has been spent on a very small segment of our boating population. We need to make this process as easy as possible on the houseboat owners and to trust them to do the right thing.

Throughout this process, I have tried to keep in mind how our words affect each group – be it marinas, houseboat owners, boaters, builders, architects or administrators. Out of the eight proposals, we have five solid recommendations, endorsed by all on the committee.

There are also two proposals (#1 & #2 below) that deserve further scrutiny by the Council, DPD and Ecology and one proposal that is ahead of its time (#3 below):

1. Vessel Evaluation. This proposal makes the whole License system outlined by the committee coherent. It is the essence of whether a houseboat is a vessel or not. As such, it is an essential piece to whether or not marinas will accept a houseboat as a vessel. It is also an essential piece for builders and manufacturers to rely on in the future.

In clarifying how the Compliance piece would work, DPD noted that if a complaint is made, they would need to respond by showing up to see if the complaint was valid regardless of whether or not the Evaluation was completed by a professional or by the owner. If this is the case, then creating more work and expense for the houseboat owner by involving a professional is unnecessary. In my mind, the proposal fosters both clarity and fairness as it stands.

2. Gray water Pilot. This proposal is on the right track to ultimately upgrade all our vessels, not just houseboats and not just liveboards. I fully support the interim language offered that we obtained

full consensus on. I would hope that changes to the larger proposal after reading our concerns would allow Council to endorse it.

3. Gray Water Proposal. I don't believe we as a City are ready for this level of detail yet. I would like to read the Gray Water Pilot conclusions and have it vetted by all concerned before more legislation is passed.
4. There is also one piece of the committee's charge that did not get enough assessment and that is if houseboats would be an allowable vessel to build or purchase to use in Seattle at all in the future. If the answer is in the affirmative, the question becomes: Would they be able to be used to live on board?

The SSMP is fairly clear that vessels legally moored in a marina are allowed to be used as liveaboards. This committee has hopefully created a template for evaluating whether any boat is a vessel or not. If a boat passes this litmus test and is indeed a vessel, it should follow that living on board is allowed. This line of thinking for the future also needs to pass the clarity and fairness test.

So, we would ask the Council, DPD and Ecology: do the following incorporate clarity and fairness?

- License [HVLL]
- BMP's
- Evaluation
- Compliance
- Education
- Rules Going Forward [Section Changes to 23.60A]
- Gray Water Pilot
- Gray Water Proposal

This committee had a very tight timeline and a huge amount of work went on between meetings. How smoothly the variables came together can be traced to the efforts of the facilitators. The assistance given by Ecology and DPD was authentic and extremely valuable.

It has been a genuine pleasure to work with such respectful, knowledgeable committee members. I hope our paths will cross again in the future.

### ***L. Public Comment from non-Stakeholder Group members***

This appendix contains public comments made to the Stakeholder Group regarding proposals it considered. Some comments are directed to early drafts of the report, and upon review by the Stakeholder Group, they were incorporated or considered for the final report.

Public comment received prior to April 26, 2013 is reflected in the meeting summaries, as these comments primarily related to discussions held at the meetings. This appendix reflects public comment received April 26–May 28, 2013, and the thirty-six individuals and two organizations reflected in this appendix are listed below. Public comment submitted after 8:00 a.m. on May 28, 2013 is not included in this report.

- Gregory Baumann
- Barbara Blankenship
- Peter Bohne
- Capt. Scott Chamberlin
- Sally Cvetovac
- Linda M. Bagley
- Ardis Burr
- Bob & Kathy Dannenhold
- Sam DeBord
- Michele Diafos
- Faith Fogarty
- Kilroy Hughes
- Ed and Diane Kuehl
- Nicholas Kushmerick
- Gary, Marcia and Kara Lagerloef
- Regina Lyons
- Langdon L Miller, MD
- Gordon Myers
- Susan Neff
- Anne Nelson
- Ralph A. Nelson
- Matt Pontious
- Neil and Carol Pontious
- Lynne Reister
- Pete Rogerson
- Natalie Saaris
- Marta Schee
- Mauri Shuler
- Nathan Vorwerk
- Peggy Weiss
- Susan Welch
  
- NW Marine Trade Association (NMTA) by Peter Schrappen
- Sundance Mfg Inc. by Nick Buck-Niehaus



**Sarah Saviskas**

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**From:** p.rogeron@comcast.net  
**Sent:** Tuesday, May 07, 2013 8:01 PM  
**To:** Sarah Saviskas  
**Subject:** Re: DPD response to Seattle On Water Resident Stakeholder Group

Sounds like the feds want to be very nice about how they kick out all of the floating homes and house barges that were trying to masquerade as vessels. You folks have done so much work. Yikes, this does not look good.

pete rogeron

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**Sarah Saviskas**

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**From:** Barbara Blankenship <b\_blankenship@hotmail.com>  
**Sent:** Sunday, May 12, 2013 5:06 PM  
**To:** Sarah Saviskas  
**Subject:** Public comment for SHG

To members of the On the Water Residence Stakeholder Group:

My husband and I have spent much of our retirement nestegg in building our boat Caratello. We spent considerable time and monetary resources investigating the regulations on the books at the time we constructed her. We hired reputable professionals to design and build the hull and our boat to meet the criteria that is currently in place. My husband, an out of work contractor due to the recession, has put countless hours in the construction of the superstructure of the boat and her systems.

*We designed her to be a vessel that would be able to move to various parts of Puget Sound during good sailing weather and be moored the rest of the time at our fee simple moorage at the Allison Marina.*

We are in full support of the voluntary license program. We are also in support of a one year time to apply for such license and a three year period for individuals who have to modify their vessels to comply.

The reasoning behind the three year period for individuals to comply is simple:

1. There are limited marine professionals that would be qualified to create the designs or implement the designs in the local area. This would generate a considerable amount of work that would have to be interleaved into the preexisting work schedules .
2. Given the current lending environment, which has been adversely affected by the uncertain status of our types of vessels and how they relate to the SMP, as well as the general state of the economy, this additional time would give individuals a chance to raise the funding to make the required changes.

We are in full support of the best practices educational proposal to minimize gray water impact.

We stand to lose more than a half a million dollars in equity if more restrictive definitions of propulsion, steering, and hull design are implemented. This would be a crippling blow to my husband and myself who are both in our mid-50s and would have limited time to rebuild this part of our retirement nestegg.

Barbara Blankenship

**Sarah Saviskas**

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**From:** Michele Diafos <diafosmichele40@gmail.com>  
**Sent:** Wednesday, May 15, 2013 9:35 PM  
**To:** Sarah Saviskas  
**Subject:** Stakeholder meetings.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sarah,

Thank you for your work on keeping us informed of the progress.

I wish to echo my voice of concern, as a now senior citizen living on Social Security, I do not have other options for living other than my housebarge, which I have been on for nearly 20 years.

The mess that is now attempting to be cleaned up is not of our making.

It is and has been the lack of building codes, permitting processes that has left citizens, who wish to abide by laws, and do, out in the cold. Our homes are here. They are all we have.

To retroactively impose regulations to add power, steerage and other outrageously expensive additions, will be a very foolish choice. The very "pollution" the EPA wishes to guard against will be added in the way of gasoline containers, oil contaminants, etc. The very insurance companies we pay premiums to, do not wish to insure our vessels when they have motors due to the obvious: Fire Danger.

I look forward to an outcome that is fair to the folks who are living on their assorted floating homes and only imposes the new regulations on those yet to be built vessels.

That would be fair and just.

Expectantly yours,

Michele Diafos

Houseboat Salsa

**Sarah Saviskas**

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**From:** Lynne Reister @ LodeStar Marine <lodestarmarine@aol.com>  
**Sent:** Friday, May 17, 2013 2:15 PM  
**To:** Sarah Saviskas  
**Subject:** Public Comment  
**Attachments:** Public Comment By Lynne Reister.pdf

Sarah,

I am submitting my comments on the ATTACHMENT 2

They are attached.  
Please distribute.

I would add that, I see a number of criteria which seem to be added to the documents which are not in the existing Law; they should not be included in any evaluation of any existing vessels.

A thorough review of all documents in this process and the enforcement, call for features not already existing should be removed.

Thank you,  
Lynne Reister

***Lodestar: - Guiding Principle; ideal; as, Let the pursuit of truth be your lodestar.***

Middle English; lode (course), hence a star by which to direct one's way!

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May 16, 2013

Stake Holders Group:

In reviewing the referenced ATTACHMENT, I note that although describing the vessels components it applies a weighted Point System. I have pointed out a number of outcomes, which a VESSEL, would not pass a system such this when it should. Some of this is due to a number of Federal Laws and International Laws which apply differently to different vessels. One needs a thorough understanding of all these to accurately apply them.

I believe this is an appropriate direction to help to define the vessel, although using 'points' may not be the best approach for the reasons sighted below. We need a better way!

I have added some corrective information as well. I hope this helps.

COMMENTS: ATTACHMENT 2 Revised 41813

#8 and 9 Only apply to a vessel with inboard engines. A vessel with Outboard Engines could not answer YES to 8 or 9. This would reduce the score of a vessel meeting the requirement for Propulsion.

**#16 Regarding the comment, the HP may be rounded to the neared whole Number.**

If doing so, this may indicate that a vessel with a 9.9 HP engine round to 10 HP. This alteration of the true HP of the engine would make the vessel illegal where engine HP must be "Less than 10 HP". That is why outboards are made which are 9.9 HP. There is a very good reason that HP is stated as it is (9.9, 15, 20, etc.) You would be altering a factor affecting the legality of the vessel by allowing this 'rounding up'.

**SUGGESTION:** This section is asking for two factors: Number of engines and Total HP/ It should be clearly requested like: Inboard Engines: # of engines \_\_\_\_ Total Horse Power \_\_\_\_ HP

**Recommendation:** Simply say "State the Total Horse Power"

**Remove:** "Engine Hp rating may be rounded to the next full number."

**#19 regarding "Does your vessel have a method of controlling speed and direction from the steering station."**

Although this is not unreasonable, it is greater in scope that the current existing SMA definition, adding criteria which is not existing. The requirement is to have "Propulsion"

**#23 Freeboard: The requirement makes no sense when it includes the statement "whichever is less"**

For Example:

If you have a vessel with a 40' LWL, then ½" per ft of LWL equals 20".

If you have a vessel with a 30' LWL, then ½" per ft of LWL equals 15".

Freeboard is imposing a Building standard or Code. There is no recommended Minimum Freeboard. It is based on the design element of each vessel.

Freeboard can vary, from its static designed freeboard, by many factors.

**Recommendation:** Remove Freeboard Requirement

**Include:** "The vessel shall have a Sound Hull." A professional can determine if it has a sound hull. Most all vessels carry Marine Surveys which have evaluated the vessel for a sound hull or it is likely it is on the bottom or uninsured.

**Including:** "Average ½" for each per foot of length at the waterline (LWL) in static position" - is not unreasonable.

**Rational:** If you limit or place a minimum freeboard you are not only imposing design factor but, inadvertently could affect/ or limit the reserve flotation capability or stability of a vessel, creating a dangerous condition. (City Building Codes do not apply to vessels)

**#25 Does you vessel have a power source operable without shore supply?**

**Say what you want to say with #25! What do you want the power to power?**

Is what you are trying to get at here is, “Does the vessel have power for its navigation lighting”?  
Emergency Bilge Pumps? Water Pumps?

There is no requirement that any vessel to have specific power for any specific purpose while underway to run any specific system other than those required by Federal and International Laws applicable to that vessel. Even Some engines today are run on Propane and require no electrical power. Manual systems are acceptable for all these other sources: pumping water, bilge pumps, propane or CNG for cooking, etc.

**Producing electrical power is not a reasonable nor necessary requirement other than perhaps for Navigational Lighting, although Navigation Lights are not required to be electrical and not required to be powered by vessel produced power. They may even be temporary and battery powered if they meet the Internationals Rules of the Road configuration and lumins applicable to the vessel.**

Power can be generated from a number of sources. Most ALL recreational vessels typically connect to shore power while moored to use the AC to operate a battery charger, which maintains the batteries to supply DC Power (to start engines, operate lighting, pumps, etc.). Many vessels do not have battery charger while disconnected from shore power and if they do not have an alternate source of charging (Inboard engine alternators, generators, solar power); they need to return to the dock ultimately to recharge the batteries.

Typical smaller recreational vessels have AC appliances and unless they are connected to shore power, they cannot operate these appliances unless they have an alternate source of power – which is not required – as typically these appliances are not operated underway. The question is – WHAT is behind this question???



#11

Any vessel without an Installed Marine Head cannot meet #11, such as Composting and Incinerating which are not installed marine heads or, Port a Potty (Self Contained). This would make a legitimate installation, economically and environmentally friendly installation potentially fall out of compliance.

**DID you really mean to say in NOTE 3:** “You must be able to answer YES to 15 or 17? If so, it could imply that it can be self-propelled with NO method of steering, OR it have a method of steering and no capability of self-propulsion.

It is repeated in the Green section on Page four(4) beginning with: “If you answered YES to questions 1 (registered and 15 or 17...”

**Did you not mean to say:** “You must be able to answer yes to both 15 and 17”.



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#22 Proportions: Should it read: Is your Vessel at least twice as long (LOA) as it is wide (**Beam**)?

\*\*\*\*\*

**POINT SCORING:**

There are 31 Questions.

A vessel must have a minimum score of 22

A vessel should not get a Point for #2 – it is optional and only applies to vessels with a Minimum capacity of 5 Net Tons.

Numbers 8 and 9 can only be met by vessels with Gasoline inboard engines; a vessel with Diesel engines could not comply.

Number 10: Only if a vessel of 39.5 feet (12m) IS ocean-going [not potentially ocean-going], is it required to carry a copy of the Navigation Rules, **and it must carry too, Navigational Chart 1**(Add to #10). But if it is NOT ocean- going but an inland-water vessel, this is not a requirement.

- A vessel under 26 feet reasonably cannot meet: 2, 4, 10, 12, 13, 24, 25, 31 may not meet #1, 4, 8,9,24, 25, 30, 31. That would give it a score of 15 – It would fail!
- Vessels >26 and < 39.5 Feet reasonably may not be able to meet: 2, 8, 9, 10, 11, 15(?) or 17(?), 24, 25 could result in a score of 23 – This Failing!
- A vessel 39.5 feet or more, diesel powered, reasonably may not be able to meet: 2, 4, 8, 9, 11, 24, 25 and may not be required to meet #10 and may result in a score of 23 or 24 – This Failing!

\*\*\*\*\*

Lynne Reister

Marine Surveyor



## **COMMENTS: Seattle On Water Working Report DRAFT v 4-18-13**

I observe, on Page 6, that the Licensing Program says:

*"Licensing will provide the City with knowledge of the location, registration, ownership, and black water compliance of each licensed Houseboat."*

THIS implies that someone (with no authority in the marine field) would need to board a private vessel to inspect - There should be a full restriction of any process which requires boarding to inspect any privately owned US vessels (Private Property) unless by the USCG for a potential violation of the Federal Law applying to that vessel. The existing Federal Law indicates that all Black Water Overboard Discharge Valves or Systems be closed, and secured in the "Closed" position on all vessels with marine toilets within 3 miles of the continental United States.

If this is to be imposed, it should be required of ALL VESSELS on Seattle Waters or none.

I would suggest that this be handled in one of two ways:

1 – All vessels with Marine Toilets in Seattle be boarded, inspected to determine / confirm that the vessel is in compliance with the Federal Law: 33 CFR 183 OR no vessels are boarded and inspected. If boarding is required, then the USCG is the organization empowered by the US Congress and the US Code with the authority to uphold these Laws. No other party has that authority.

2 – A statement be included that all vessels, including Live-Aboard Vessels, in the City of Seattle must be in compliance with the Federal Laws applicable to that vessel.

3- Remove this Requirement from the License Program as it is pre-existing.

Rational:

The Laws are existing which address this issue.

Attempting to control any one factor on one type of liveaboard vessel without applying it to any and all other types of live-aboard vessels is clearly prejudicial based on style/type of vessel and neglects to be concerned with the Black Water on the couple of hundred, perhaps a thousand other vessels used as liveaboard vessels.

By imposing this, it allows a person to enter your Private Property- this would never be tolerated in anyone's home. It is clearly over-reaching.

Lynne

**Sarah Saviskas**

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**From:** RANELSONS@aol.com  
**Sent:** Monday, May 20, 2013 2:01 PM  
**To:** Sarah Saviskas  
**Subject:** Public Comment re. Stakeholders Group

To Triangle Associates -

Thanks for your involvement and this opportunity for individuals to express their thoughts and concerns. In addition, a special "thank you" to the Stakeholder Group for their efforts to more clearly specify appropriate regulations and licensing policies.

I am a retired Lake Union housebarge owner and live aboard for almost seven years. I deeply value our waterways and all efforts made to protect and preserve them. I believe that the majority of Seattle live aboards respect and value their relationship to the environment, the city and one another. Unfortunately, the city's effort to retroactively regulate live aboard vessels and their owners demonstrates a process that is and has been flawed for some time. It is troubling that such a great deal of confusion continues to even exist about what a vessel is or is not and how it is classified. I am hopeful that professional input and common sense prevail (Note - Marine Surveyor Lynne Reister's public comments, in particular).

I strongly encourage that existing live aboard vessels NOT be unnecessarily targeted at any point in time as long as they comply with the proposed Liveaboard Houseboat Vessel License program and practice Best Management Practices. Please respect and fairly regulate all homeowners in our city, including those who have chosen and been allowed to pursue living on our waterways.

Sincerely,

Anne Nelson  
Gas Works Park Marina #61

**Sarah Saviskas**

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**From:** Ardis Burr <aburr@tcsandsq.com>  
**Sent:** Monday, May 20, 2013 1:31 PM  
**To:** Sarah Saviskas  
**Subject:** I support the LHVL

Dear Sarah,

I'm certainly glad for the existence of the Stakeholder group. I wanted to be on it, but learned after it was formed who was part of it. But, I'm fortunate to know some of the members and am keeping up to speed through them.

The Liveaboard Houseboat Vessel License (LHVL) program is important to me because I believe that I own and live in one of the 125 houseboats which is on "shaky ground."

It was a dream I held for several years, saved money towards, did research, investigation, interviews, and even stayed in one overnight to see if I'd get seasick. At the time I made the decision to do it, everything I learned told me two things: 1, that the structure I wanted to build and live in would conform to the rules of Seattle and the Coast Guard and 2, that rules were vague and unclear and I would likely be like all the rest of the Lake Union liveaboards, in a constant struggle with the city to justify our existence.

But this dream was really important to me and I made it happen. I am support LHVL:

-I want to grow old and live there forever, I love it. I want certainty that my home will still be mine, even after I'm done paying off the mortgage

-I want to be sure that my neighbors, on whatever dock I happen to be on, be it industrial zone, or typical marina, are all following the good practices about protecting Mother Earth and the water that's our home.

Some choices I made that effect my time and pocketbook in terms of my own Best Management Practices:

-build a home with no toxic anything including paint, flooring, carpet

-of course pump-out black water

-pick up the trash around my houseboat – I live near a boat ramp and a lot of trash is left there by city boaters.

-use no cleaners that aren't safe

-use shampoo and soaps that are 100% biodegradable.

And more, let me know if you're interested!

Appendix L

Thank you,

Ardis Burr

**Sarah Saviskas**

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**From:** Barbara Blankenship <b\_blankenship@hotmail.com>  
**Sent:** Monday, May 20, 2013 11:04 AM  
**To:** Sarah Saviskas  
**Subject:** Stakeholders meeting additional communication

This is a followup to my prior communication to the SHG.

Additional points that I would like to make:

1. We followed the regulations that were in place at the time.
2. We support the voluntary licensing program.
3. We support education on best use practices to supplement what we are already doing to preserve water quality.
4. We would like the Stakeholders Group to understand that the overall number of houseboats compared with other vessels that serve as liveaboard residences is small. We would support a universal nonvoluntary license for liveaboard vessels in the future so that the City could have an accurate count of the total number of these types of vessels that currently reside within the City limits. We feel that the current practice by certain boating organizations to target our small group is a tactic to divert attention away from the likely much larger amount of gray water that these vessels generate.
5. If gray water management is to be required -- ALL vessels need to comply, not just a small subset.
6. We actively support ongoing clean up efforts and will continue to do so.
7. Lastly, we are appreciative of all of the efforts of the SHG in working towards a solution of this matter.

Barbara Blankenship  
*Caratello*

Robert E. Dannenhold  
Kathleen E. Dannenhold  
905 N. Northlake Way  
Seattle, Washington, 98103

Dear Stakeholders Group and City Officials,

We appreciate the hard work of the Stakeholders Group, the DPD, the DOE, and all others involved in deciding on the definition of "boat" as it relates to housing structures on the waters of Lake Union in the city of Seattle.

We would also like to express our concerns about the impact this definition will have on the lives of those now living on the lake who built their boat homes according to all the rules in existence at that time.

Building our own boat home, or houseboat vessel, has been a three-year project involving a marine architect and a longtime Seattle shipbuilder. We chose them to build our boat not only for their technical skills and experience but also because of their knowledge of ecologically friendly design and construction. The builder is himself a long-time Lake Union resident and deeply committed to preserving its natural resources by creating structures that will have the smallest possible impact on the environment. Since moving onto our houseboat vessel in August, 2012, we have also been good stewards of the lake in every way possible. We are vigilant

about picking up trash left in public spaces and are quiet and respectful residents. Our black water is pumped weekly and we only use environmentally safe washing and cleaning products.

From 2011-2012, as our house vessel, now called "El Barco", was being built, we contacted Maggie Glowacki in the Seattle Department of Planning & Development several times because of the vague requirements for building that were in place. We were determined to make sure that we were meeting all requirements. In our last phone conversation on April 15, 2011, she advised us to get the boat into the water "as soon as possible" as there "could be possible changes to requirements for house vessels 'down the road'". She also told us she would have one of the City attorneys get back in touch with me to give me "a feel" as to anything new I should be aware of. I never received that call, and assumed there was nothing significant to report. Maggie was always friendly, professional and helpful.

All work proceeded as planned, and, after signing our moorage lease and selling our house we finally moved onto El Barco in August of 2012. We also went through the Vessel Documentation process and obtained Washington State vessel licensing, which involved paying huge fees and taxes to the State of Washington and the City of Seattle. These taxes and fees were received and deposited.

In the building of El Barco we have followed every rule we were told to follow and beyond, building a vessel with yacht-like energy efficiency and battery back-up systems. The rule for powering a vessel is .5 horsepower per foot but we went beyond that. Steering? yes. Visibility? Yes. Can we take El Barco out

for cruises on the lake? We can, and without tugboat assistance. We have two outboard motors but do not keep them on the vessel because of the possible environmental risk of leaking oil. It takes less than 30 minutes to install them on the permanent brackets.

Our house vessel was built to be non-polluting and environmentally sensitive. She is completely safe, with a hull displacement designed for slow speed and stability.

Again, we appreciate all of the hard work everyone is putting into creating new rules for the future of Lake Union and its long tradition of floating homes, houseboats and live-aboards. But let's not do this in a way that negatively impacts current vessels whose owners followed all the rules in place at the time. To do so is unfair and possibly unethical.

Respectfully submitted,  
Bob & Kathy Dannenhold



**Sarah Saviskas**

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**From:** Diane Kuehl <d.kuehl@comcast.net>  
**Sent:** Monday, May 20, 2013 9:39 AM  
**To:** Sarah Saviskas

Much appreciation to the **On Water Resident Stakeholder Group** for the final drafts of important documents that will allow our family members to resume building their dreams and living without fear of losing their home and all of our physical and monetary investments in our contributions to the Seattle water culture. The professional and comprehensive development of the **Liveaboard Houseboat Vessel License** is evidence of the work and commitment of so many people for the good of the natural environment and also those who have made their homes in it. This stakeholder group has been successful in giving on water residents back their voice.

As we have followed the development of this process, we are still amazed at the focus of so few residences in a lake that supports so many different living situations. This license process will allow these few minorities to follow a sanctioned path that will give back the right to their homes without fear of losing them. When our family members built their vessel, they were very careful to follow approved practices and sought guidance from what were believed to be the governing offices. This past year has been a roller coaster of threats and misinformation that the license procedure should end in a logical and professional manner.

We support the proposed **Liveaboard Houseboat Vessel License** program!

Sincerely,  
Ed and Diane Kuehl  
815-229-7235

**Sarah Saviskas**

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**From:** Gary Lagerloef <gary.lagerloef@gmail.com>  
**Sent:** Monday, May 20, 2013 2:05 PM  
**To:** Sarah Saviskas  
**Cc:** Kari Lagerloef; Marcia Lagerloef; John Chaney  
**Subject:** Re: Public Comments due by 2:00 pm

**Importance:** High

Dear Sarah,

Please forward to the Stakeholders Group the following comments:

1. As co owners of a vessel of the type being addressed by the Stakeholders Group, we fully endorse the proposed policy to provide owners with a license or other appropriate documentation from DPD that certifies the vessel is in legal compliance with the existing SMP, and will be grandfathered under the new SMP.
2. Regarding vessel evaluation criteria, we believe that the DOE guidelines that the evaluation *require "steering", "propulsion", and verification that the hull is designed for navigation* is simple and sufficient. The DPD appears to be imposing retroactive standards that are subjective.
  - o "Steering capability, including good visibility for safe navigation" leaves open subjective interpretation of what is good visibility. The existence of steering capability is all that should be required.
  - o "A method of propulsion[1] sufficient to navigate safely" leaves open subjective interpretation of what is sufficient to navigate safely. A clear standard is needed such as a minimum ratio of horsepower to vessel length (0.5 hp/ft for example).
  - o "A hull and structure designed for navigation" needs to be clear and unambiguous. An integral watertight hull is all that should be required.
3. We believe that the evaluation process not be left to the DPD alone. Instead, we recommend it include a team of evaluators that included DPD staff plus licensed marine professionals (surveyors and architects).

With thanks,

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Gary, Marcia and Kara Lagerloef  
10426 NE South Beach Dr.  
Bainbridge Island, WA 98110, USA  
Phone: 1-206-842-8942

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**Sarah Saviskas**

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**From:** captgordonmyers <captgordonmyers@aol.com>  
**Sent:** Sunday, May 19, 2013 10:11 PM  
**To:** Sarah Saviskas  
**Subject:** Houseboat support

Anything I can do?

I am an owner of the only liveaboard

Housebarge in Chandlers cove.

#29 license from city.

Comply with all best practices and work to keep the lake clean through both Puget Soundkeepers and my participation in the U.S. Coast Guard Auxiliary. In addition I am a volunteer with the Parks Dept. And

NW Seaport.

Gordon Myers

206 650 7797

From my Android phone on T-Mobile. The first nationwide 4G network.

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**From:** Greg Baumann <gregbaumann@juno.com>  
**Sent:** Monday, May 20, 2013 2:00 PM  
**To:** Sarah Saviskas  
**Subject:** Public Comment on Gray Water Pilot Proposal

### Public Comment on Gray Water Pilot Proposal

As a part-time liveaboard on a houseboat style motor vessel with twin engines and two helm stations, I would like to address the "Gray Water Pilot Proposal" submitted by the Puget Soundkeeper Alliance as an addendum to the Stakeholder Group's final recommendations to the city of Seattle. In a nutshell, the proposal to contain gray water on liveaboard vessels, while commendable in its aim, is overreaching and unfeasible in its proposed execution. There's no need for the taxpayers of Seattle, or any other group, to shoulder the \$100,000 estimated cost burden of this discriminatory gray water pilot proposal (targeted at certain vessels) for the following fundamental reasons:

- 1) There has never been an industry standard to contain gray water on recreational vessels for good reason. It's simply unfeasible from a design standpoint on the vast majority of vessels (regardless of hull design) due to volumetric and weight and balance considerations;
- 2) Notwithstanding the aforementioned impediments to onboard gray water containment, it would be cost-prohibitive to dispose of large quantities of gray water by presently available marine pump-out services which charge upwards of .40 per gallon plus trip fees.

I am very familiar with the cost of marine pump-out services, having utilized the services of two different marine pump-out operators on Lake Union over the past seven years, and I have spoken with both proprietors. One of these proprietors recalled having a conversation with the author of the "gray water pilot proposal" regarding this subject, and it is my understanding that he argued against the proposal based on his knowledge of the vessels that he services and the amount of tankage required to pump-out gray water. In other words, common sense and real-world experts inform us that the proposed fix to the perceived problem is not only impractical from an installation and implementation standpoint, but it is far too expensive at the end-user level to even warrant consideration.

A better alternative, but still beyond the scope of the stakeholder group's charge, would be to refocus the author's environmental aims on a proposal to the city for a pilot program to hookup of a certain percentage of liveaboard slips to city sewage and designate such slips as "liveaboard compliant" slips regardless of vessel design. This would be a more "sound" and sustainable environmental solution to the gray water issue and could also be implemented in such a way as to provide an alternative means of compliance (vessel licensing) for a certain subset of vessels that may otherwise face possible violations from the DPD (vessels not meeting the SMP's "designed and used for navigation" criteria).

In closing, I would like to express my appreciation to the Stakeholder Group for their resolve in crafting a "Liveaboard Vessel License" program that is palatable to all, and to provide clarity and security with respect to the SMP to owners of houseboat-style vessels going forward.

Regards,

Gregory Baumann

There were a total of 5 Stakeholder Group meetings, which took place on March 18, March 26, April 8, April 22, and May 21, 2013. Several stakeholder Group members met, had discussions, prepared materials between meeting dates.

**Process**

Triangle conducted interviews with all Stakeholder Group members, Ecology, and DPD in February and March 2013 prior to the first meeting. The interviews shed light on participants’ background knowledge, history of involvement in the issue, key concerns, suggested recommendations, process design, and logistics.

All Stakeholder Group meetings were open to the public. Public comment was accepted via email and on a laptop provided at all meetings. All public comment received was included in the meeting summaries. All meeting materials (agendas, meeting summaries, draft recommendations, etc.) were distributed to members of the public that requested being added to the email distribution list.

**Stakeholder Group Participants**

<b>Kevin Bagley</b>	Lake Union Liveboard Association
<b>Joseph Bogaard</b>	Save Our Wild Salmon
<b>John Chaney</b>	Lake Union Liveboard Association
<b>Patrick Dunham</b>	Lake Union Liveboard Association
<b>Barbara Engram</b>	Lake Union Liveboard Association
<b>Margie Freeman</b>	Marina owner; President of the Lake Union Association
<b>Al Hughes</b>	Washington Liveboard Association
<b>Gail Luhn</b>	Shilshole Liveboard Association
<b>John Waterhouse</b>	Naval Architect
<b>Chris Wilke</b>	Puget Soundkeeper Alliance

**Meeting Attendance**

	Meeting 1 3/18/13	Meeting 2 3/18/13	Meeting 3 3/18/13	Meeting 4 3/18/13	Meeting 5 5/21/13
<b>Kevin Bagley</b>	✓	✓	✓	✓	✓
<b>Joseph Bogaard</b>		✓	✓		
<b>John Chaney</b>	✓	✓	✓	✓	✓
<b>Patrick Dunham</b>	✓	✓	✓	✓	✓
<b>Barbara Engram</b>	✓	✓	✓	✓	✓
<b>Margie Freeman</b>	✓	✓	✓	✓	✓
<b>Al Hughes</b>	✓	✓	✓	✓	✓
<b>Gail Luhn</b>	✓	✓	✓	✓	✓
<b>John Waterhouse</b>		✓			
<b>Chris Wilke</b>	✓	✓		✓	✓

**Comment [LR1]:** Contributions from this party should not be considered in this process.

**Comment [LR2]:** Contributions from this party should not be considered in this process.

**Consensus Definition**

For the purposes of this process, consensus is defined as unanimous agreement from all Stakeholder Group members in attendance at the final meeting (potentially all SHG members). Proposals that achieved consensus are categorized as recommendations. If consensus could not be reached on a given

proposal, multiple non-consensus proposals are included on the concept from interest-groups (e.g. the Lake Union Liveboard Association (LULA), environmental groups, etc.)

## Recommendations

TBD which will fall under Recommendations vs. Non-Consensus Proposals

### Procedural Clarity for Determining the Status of On Water Residences (change title?)

Adopt a new City ordinance creating a “Liveboard Houseboat Vessel License” program—a voluntary license program to establish existing houseboats as existing legal conforming uses (City adoption following ECY review). See Appendix 1 for the recommended document.

- Licensing will provide certainty to Marina operators regarding Houseboats licensed to locate in Seattle marinas.
- Licensing will provide the City with knowledge of the location, registration, ownership, and black water compliance of each licensed Houseboat.
- Licensing will require a BMP agreement from the current and any future owners of the vessel. It also proposed to require compliance with any additional BMPs required at the moorage location or changes to BMPs by the City in the future.
- Licensing will allow the City to focus any enforcement actions on unlicensed “on water residences” and any other SMP compliance issues.
- Licensing will be based on vessel evaluation confirming that an existing liveboard Houseboat is compliant with existing Shoreline Master Program regulations including consistency with SMC 23.60.942.V definition of a “vessel”.

### Process for Clarifying What is a Vessel (change title?)

See Appendix 2.

### Compliance Process

ADD 1-2 sentences introductory language

#### COMPLIANCE PROCESS: LIVEBOARD HOUSEBOAT COMPLAINTS

1. Service request (complaint) received
  - a. DPD reviews complaint to determine:
    - i. Whether DPD has jurisdiction
    - ii. Whether the complaint describes a condition that would be a violation of the SMP
  - b. DPD determines priorities for action by determining:
    - ~~i.~~ Whether the complaint describes a condition that **not interfere with the normal public use of the navigable waters constitutes a hazard to navigation**
    - ~~ii.~~ Whether the complaint describes a condition that results in **pollution**
    - ~~iii.~~ Whether the complaint describes a condition that involves encroachment on public property
    - ~~iv.~~ Whether the complaint describes violations of other codes enforced by DPD
    - iv. **Whether the compaaaint should be referred to another agency for review or attention**
2. DPD will contact the owner, tenant or other responsible party.
  - a. Ownership records, if available, will be used to mail a request for contact directly to the owner of record. If such information is not available, a request for contact will be provided to the marina owner/manager where the subject of the complaint is located, and by posting -a notice to the owner on the vessel and/or on the gate to the marina where the vessel is moored or in some other conspicuous location at the marina.
  - b. The owner will be given written notification that:

**Comment [LR3]:** Should there be a specific Complaint FORM so the Complaint Process is uniform for any and all vessels, Rather than the wild goose chases and complaints by parties with no knowledge of vessels, or the law as we are experiencing now.

**Comment [LR4]:**

**Comment [LR5]:** Would this not apply to all vessels and be enforced by the responsible Federal Agency and applicable to any vessel?

**Comment [LR6]:** POLLUTION: That should be specified what Pollution. An examples: Fuel spills are found in Lake Union. The spill drifts atop the water and may be found anywhere other than where is originated, and this may not have come from the vessel surrounded by the slip – this is often the case.

Fuel Spills are reported to the USCG – they have jurisdiction as I understand it. As a matter of Practice, Marinas are reluctant to REPORT any spills that drift into their marinas and may appear near a vessel(s) because, I as I understand it from my Marina manager, that whomever reports the spill can be held responsible, even though they did not cause and do not know who caused the spill. THIS makes marina managers or other reluctant to report and, more importantly, an expensive and extensive investigation could ensue with no clear outcome. So: the question is – POLLUTION of what kind under the SMP?????

**Comment [LR7]:** Ownership papers are always available through the DOL/

- i. A service request has been initiated with DPD that could result in a finding that the vessel is in violation of SMP and could lead to a notice of violation;
      - ii. Advise the vessel owner the identification of the party who initiated the complaint and specifically what the complaint stated.
      - iii. Specifies each possible violation;
      - iv. Identifies documents and other information that could be supplied by the owner for consideration in evaluating the possible violation;
      - v. Informs the owner that additional information the owner wishes and believes relevant may be supplied and will be considered; and
      - vi. Schedules a deadline date for supplying information to be considered.
    - c. In establishing a reasonable time for an owner to respond, DPD will take into account:
      - i. The length of time the vessel has been at its present moorage prior to any complaint;
      - ii. Whether the complaint was initiated by the City or an outside party;
      - iii. The type, degree and number of alleged violations;
      - iv. Any circumstances beyond the control of the owner;
      - v. The expressed intent of the owner to take actions to comply; and
      - vi. Preliminary actions taken by the owner to bring the vessel into compliance.
    - d. DPD will refrain from all other enforcement/compliance efforts (but not from further investigation) during the pendency of informal resolution efforts undertaken in cooperation between an owner, tenant or other responsible party and DPD to determine the status of and/or remediate a possible violation.
    - e. In determining whether a liveboard houseboat is in compliance with the SMC 23.60 and/or 23.60A of the SMC, certification from an approved marine professional using the Vessel Evaluation Form or a Liveboard Houseboat License issued to the owner shall be accepted as presumptive evidence that a houseboat is a vessel.
  - 3. When the owner has provided the requested information and/or the deadline has passed, DPD will complete its evaluation of the complaint and may find that:
    - a. The owner is in compliance with SMC 23.60 and/or 23.60A, and
      - i. DPD will so note in its records and website and inform owner of this outcome.
    - b. One or more violations have occurred, and issue notice(s) of violation. For each NOV, DPD will provide information as to:
      - i. Corrective action(s) that would bring the vessel into compliance; and
      - ii. A deadline for completion of corrective action(s).
    - c. Owner may submit for consideration an alternative plan for corrective actions, including an alternate proposed deadline, which can be accepted at the discretion of DPD.
    - d. In establishing a reasonable time for corrective action(s), DPD will take into account:
      - i. the complexity of corrective actions;
      - ii. seasonal considerations; and
      - iii. construction requirements.
  - 4. When the owner has completed required or agreed upon corrective action and is in compliance, DPD will so note in its records and website and inform owner of this outcome.

**Comment [LR8]:**

**Comment [LR9]:** No complaint should be issued to any vessel owner based only on written or verbal statement from any party until confirmed that a violation has occurred. This is tantamount to being GUILTY until proven INNOCENT. Wild and create Goose Chases and unnecessary actions by the DPD staff.

**Formatted:** Underline

**Comment [LR10]:** How would this affect the owner's ability to respond timely? What is the thinking here?

**Comment [LR11]:** How would this affect the owner's ability to respond timely? What is the thinking here?

**Comment [LR12]:** Who approves the Professional????

**Comment [LR13]:** Agreed to with the vessel owner

**Comment [LR14]:** agreed upon with the vessel owner

**Comment [LR15]:** "Complexity" of any construction/alteration requirements

**Education, Outreach, and Technology Actions**  
Changes from meeting #4 review are in RED

1. **Develop an educational program for Best Management Practices (BMP) (Coordinated Government and NGO effort)**
  - A BMP educational program should be developed to support the existing information programs of the Puget Soundkeeper Alliance, the Recreational Boating Association of Washington, the Washington Liveboard Association and its chapters and all Governmental units with responsibilities for water

~~5) Permit holders shall pay a fee to the Department commensurate with the cost to the Department of reviewing the submissions to comply with this subsection 23.60A.204.B.3.e.~~

**Section 23.60A.214 with changes as noted above is encouraged to be adopted. Here is the language without strike-outs:**

**23.60A.214 Standards for using vessels as dwelling units**

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled.
2. Vessels manufactured after the effective date of this ordinance may not be used as liveaboard vessels if they have a Barge Shaped Hull or Deckhouse Hull as identified in Section III of the U.S. Coast Guard form CG-1261 Builder's certification or are registered as an "H" Houseboat type of boat with the Washington Department of Licensing except:
  - a. The total enclosed heated floor area is less than 1,125 square feet or 9,000 cubic feet whichever is less, and
  - b. There is no discharge of sewage into the water, treated or untreated, and
  - c. There is no discharge of gray water unless treated to a Washington State approved standard; or all gray water is fully contained and either pumped out for disposal or connected to a waste water system (exterior holding tank for pumping or sewer system) that removes the gray water to an approved disposal location.
3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for vessels used as dwelling units are as follows.

1. All other vessels must be conventional or meet the Vessel Evaluation -Form guidelines. In particular there must be:
  - a. An integrated hull.
  - b. A self-propulsion and steering system effective for safe navigation.

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and does not have a Liveaboard Houseboat Vessel License, and was used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.
2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.
3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D, except those vessels holding a Liveaboard Houseboat Vessel License, but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

**Comment [LR16]:** Is Integrated Defined? Should if be left up to an untrained eye?



### Section 23.60A.214 as adopted in Ordinance 124105

23.60A.214 Standards for using vessels as dwelling units

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B, or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures allowed in subsection 23.60.A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled and shall:

a. Be designed primarily as a conventional recreational vessel as set out in this subsection 23.60A.214.B.1 as follows:

- 1) A sail boat, such as those manufactured by Catalina, Pacific Seacraft, Hunter, or Hinckley.
- 2) A cabin cruiser, such as those manufactured by Bayliner or Chris Craft;
- 3) A trawler yacht, such as those manufactured by Grand Banks, Nordic or Choy Lee;
- 4) A tug, such as those manufactured by Nordic Tug or Ranger Tugs;
- 5) A motor yacht cruiser, such as those manufactured by Bayliner, Sea Ray and Carver;
- 6) A multi-hulled power or sail boat, such as those manufactured by World Cat;
- 7) A sport fishing boat, such as those manufactured by Glacier Bay, Grady White and Boston Whaler; and
- 8) Not including shanty boats and houseboats, such as those manufactured by Destiny Yachts, Harbormaster, Adventure Craft, Harbormaster, Fantasy or Gibson, Atkin and Company and East Coast Houseboats; or

b. Be designed primarily as a commercial vessel and/or is a United States Coast Guard certified working tugboat; or

c. Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency.

2. **The vessel is safely operable and operates under self-propulsion** integrated into the hull and steerage that is sufficient to reasonably move the vessel.

3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for conventional recreational vessels used as dwelling units. In considering whether a vessel meets the design standards in subsection 23.60A.214.B.1.a the following configuration and features shall be considered:

1. Hull shape: clearly defined bow, hull shaped to reduce resistance;
2. Deck gear: cleats, chocks, anchors, scuppers, bulwarks
3. Propulsion & steering system: inboard engine & transmission with propeller & rudder or inboard/outboard drive system.
4. Helm station: layout of control & monitoring systems, visibility for safe navigation.

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.

2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water.

3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

**Comment [LR17]:**

Is this section intended to be included if the SG is suggesting that it be altered and or sections eliminated?

**Comment [LR18]:** This section should be removed as it is prejudicial to specific manufacturers and designs which are not recognized types of vessels such as 'Shanty'.

The vessels Designed by these manufacturers are designed and used for navigation and meet all the requirements as other recreational vessels.

**Comment [LR19]:**

All engines are removable, and not integral or integrated. Outboard as well as inboard engines are attached to the vessel hull in order to carry them safely over the seas.

The statement should reasonably stop at: **The vessel is safely operable and operates under self-propulsion.**

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**Comment [LR20]:** Monitoring what specifically?

**Comment [LR21]:** This would apply to House Barge vessels as well.

## Gray Water

### Introduction

As a society we have severely degraded our marine environment over the last few hundred years. Water pollution is a major cause of this degradation. There are many sources of water pollution including sewer overflows, industrial wastewater, stormwater runoff and non-point pollution. It is envisioned by the federal Clean Water Act that additional controls will be “ratched down” over time in order eliminate pollution sources to better protect our waterways.<sup>2</sup> Progress is being made in many of these areas which is already yielding benefits for protecting aquatic life and beneficial human uses.

Some of these advances are difficult, or perceived as difficult, and others are relatively easy to achieve. Many advances once perceived as difficult have now been implemented and have become common place over time. Most advances in water quality protection provide economic and cultural benefits to public resources by protecting beneficial uses of public waterways. Gray water is a source of pollution that is receiving additional attention and is worthy of consideration.

### What is gray water?

Gray water is wastewater from a vessel’s sinks, showers and/or laundry. It is not mixed with blackwater/sewage. If it becomes mixed with blackwater, it becomes blackwater and is regulated as such. It generally does not include bilgewater, although on some vessels, a bilge is used to collect gray water.

### Why is gray water important?

Gray water contains or may contain food waste, bacteria, detergents, soaps and other contaminants. Soaps and detergents have been shown to kill fish in very dilute quantities and can actually increase the toxic effects of certain pollutants in water, especially petroleum hydrocarbons. Some research investigating the use of soaps in car washes shows that soaps may be lethal to rainbow trout down to concentrations of 1.6 parts per million (LC<sub>50</sub>).<sup>3</sup>

Gray water also contains nutrients which help fuel algal blooms that result in eutrophication and low dissolved oxygen especially during times of seasonal die offs after blooms occur.

### How is gray water regulated?

Gray water is not permitted to enter public waters from businesses, homes or recreational vehicles. Gray water from commercial vessels, including vessels for hire, is regulated by the Vessel General Permit (VGP) issued under the National Pollutant Discharge Elimination System (NPDES) under the federal Clean Water Act. Under the Clean Boating Act of 2009, gray water aboard recreational vessels under 79 feet is exempted from needing an NPDES permit under the Clean Water Act. The EPA and Coast Guard are in the process of developing enforceable Best Management Practices (BMPs) around gray water and other topics, as required by the Clean Boating Act of 2009.

<sup>2</sup> **Clean Water Act (1972), Sec. 101. Declaration of Goals and Policy.**

(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of his Act--

(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;  
 (2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

<sup>3</sup> **“Practical” Fish Toxicity Report** Environmental Partners, Inc., 2007 <http://www.carwash.org/docs/default-document-library/fish-toxicity-test-report.pdf?sfvrsn=0> Note: this study involved experiments with collected car wash effluent and a repeated experiment using only diluted detergent.

**Comment [LR22]:** I have made my comments directly into Chris Wilke’s Document rather than in this document. Please refer to: Gray\_Water\_Policy\_Proposal\_CW COMMENTS by Lynne Reister

3. The “Liveaboard Houseboat Vessel License” shall serve as the equivalent of a Certificate of Occupancy establishing the legal liveaboard use of the Houseboat and shall be an affirmative defense for the owners regarding any complaints or notices of violation filed with or issued by the City against the Houseboat except:

- A. any allegations that the houseboat is not moored at a lawful location
- B. any allegations of “black water” discharge, failure to comply with Best Management Practices (BMPs) as established in the Seattle Shoreline Management Program (SSMP), or other allegations of polluting.
- C. any allegations that the information initially submitted on the license application is inaccurate. Any such allegations under this subparagraph C shall only be processed after the license is issued for the Houseboat and shall be processed under the revised enforcement proceedings currently being proposed and adopted by DPD as a result of the current Stakeholder Group process.

4. The “Liveaboard Houseboat Vessel License” shall be only for the Houseboat identified in the application and shall not be transferable to any other Houseboat. It shall be transferable to any subsequent owner.

5. Any owners who do not apply for this voluntary “Liveaboard Houseboat Vessel License” within 360 days of the effective date of the enabling ordinance or by giving notice to the City within the 360 days that the owners invoke the additional three (3) years to bring their houseboat into compliance with the requirements of Attachment 2, may remain “at risk” under various City code sections which might result in a Notice of Violation (N.O.V.) or other and subsequent enforcement actions.

**Comment [LR23]:** Based on the 23 years period of time where no vessel owner has felt concern or the need to seek any knowledge of the status of there vessel, resting assured that there are no issues, there should be broad allowances here. Because many owners of these vessels have no idea that changes to legislation are being made which do or may affect them, there should be ample and wide flexibility to this area. Every effort should be made to notify vessel owners, individually of any changes to the laws which may affect them without their knowledge, not the least of them being a letter sent to very owner of a D.O.L. Registered Houseboat once the Ordinance is adopted. NOTE; Due to the fact the D.O.L. had stopped mailing reminders to all vessel owners to reregister their vessels annually, (unwittingly so, placing many vessel owners in potential violation of the law) the average vessel owner is vulnerable to violations and the D.O.L. has reduced their revenue by such a move. This is unfortunate decision made by the State – intentionally placing vessel owner in violation of the law. It would be prudent to go reinstate the annual Notification Process and go to the minimal expense of notification to vessel owner in order to generate much needed state revenue funds.

**ATTACHMENT 1**

**LIVEABOARD HOUSEBOAT VESSEL LICENSE**  
**Best Management Practices**

Applicant (owner of a Houseboat seeking a “Liveaboard Houseboat Vessel License”) agrees to adhere to the following basic Best Management Practices (BMPs) to avoid, minimize and reduce the impacts to habitat ecological functions:

1. To use non-toxic cleaners and other products on the exterior of vessels or that drain into the water.
2. To limit the amount of gray water discharged by minimizing water and soap use and by, whenever possible, using shore side facilities including laundry and shower facilities. Owners should avoid heavy detergents and cleaners, and choose non-toxic, phosphate-free, biodegradable soaps. These should be also be used in minimal quantities to avoid ecological impacts.
3. To dispose of sewage at pump-out stations or through a pump-out service.
4. To dispose of garbage, food scraps, waste material and recyclables into appropriate on-land receptacles.
5. To store outside materials in a secure manner so they do not enter the water because of wind or wave action.
6. To not use herbicides, pesticides, or fertilizers on the vessel.
7. To use a double containment system when using toxic products on the exterior of the vessel to contain spills in the second receptacle and prevent products from entering the water.
8. To use tarps, cloths or other means to prevent any debris entering the water from exterior maintenance projects. Hull scraping and painting, or exterior projects exceeding 25% of the exterior surface are prohibited in Seattle Marina’s.
9. To adhere to any other additional BMPs required of liveaboard tenants by the marina where the Applicant’s houseboat vessel is moored.
10. To adhere to current BMPs ~~that~~ which apply to all vessels, as they may be modified from time to time by the City.

Signed by \_\_\_\_\_ (printed name)

\_\_\_\_\_ (signature) \_\_\_\_\_ (date)

	<p>position. Note: Composting or incineration without discharge to the water is conforming. <b>NO DISCHARGE OF SEWAGE IS PERMITTED IN SEATTLE WATERS.</b></p>
	<p>Recommended publications: <b><i>A Boaters Guide to the Federal Requirements for Recreational Boats and Safety Tips</i></b> and <b><i>Sound Information: A Boater's Guide</i></b> by Puget Soundkeeper Alliance, WA. Remember to also get your <b>Washington State Boaters Education Card</b>, if required by your age group by birth date.</p>
3	<p><b>PLACARD REQUIREMENTS</b></p> <p>The following is a list of placards commonly required by the Federal Regulation. The Houseboat vessel owner should verify what placards are required for the type and size of vessel.</p>
	<ul style="list-style-type: none"> <li>• Oil Pollution Placard, as required by law (33 CFR 151/155) generally 26' (LOA) or longer with machinery space</li> <li>• Garbage Placard, as required by law (33 CFR 151/155) generally 26'(LOA) or longer</li> <li>• CO Warning sticker, as required by law (RCW 88.02.390)</li> <li>• Other placards required for gasoline powered vessels; 33 CFR</li> </ul>
4	<p><b>PROPULSION AND STEERING</b></p> <p><b>Your vessels must have a means of self-propulsion and steering equipment or capability.</b> By signing this application you are verifying that your Houseboat <del>vessel</del> <u>has vessel has</u> a method of propulsion and steering that is satisfactory and sufficient for the type and size of your Houseboat to steer your vessel as designed. <u>An owner may, additionally, chose to provide a statement made by a Marine Professional qualified to do so(note 1), confirming that the method of propulsion and steering that is satisfactory and sufficient for the type and size of your Houseboat to steer the vessel as designed.</u></p> <p>If you do not believe you met this requirement for your vessel it is recommended that you seek a review by an Accredited or Certified Marine Surveyor or Licensed Naval Architect whose practice it is to design houseboats type recreational vessel.</p> <p><u>Note 1: Naval Architect (for recreational vessels), Master Marine Mechanic, Marine Engineer, Marine Surveyor for Recreational/Small Craft, etc.</u></p> <p>PROPULSION: My vessel has a method of propulsion:</p> <p><input type="checkbox"/> Inboard engine(s)</p> <p><input type="checkbox"/> I/O or Stern Drive engine(s)</p> <p><input type="checkbox"/> Outboard engine(s)</p> <p><input type="checkbox"/> FUEL: Gasoline</p> <p><input type="checkbox"/> FUEL: Diesel</p> <p><input type="checkbox"/> Other: _____</p> <p>Note: Outboard motors may be stored off the motor mount.</p> <p>STEERING: My vessel has a method for steering?</p> <p><input type="checkbox"/> Tiller</p> <p><input type="checkbox"/> Wheel</p> <p><input type="checkbox"/> Engine Controls</p> <p><input type="checkbox"/> Joy Stick</p> <p><input type="checkbox"/> Other: _____</p> <p>There is good visibility from the steering station to enable safely maneuvering.</p>

**DRAFT Gray Water Policy Proposal to the Seattle  
On Water Resident Stakeholder Group**

Chris Wilke, Puget Soundkeeper Alliance  
May 17, 2013

*Stakeholder notes:*

*This is a draft proposal that is being developed to provide the City with recommendations for improving policies regarding gray water discharges. I realize that the committee has voted to move away from any strong policy recommendations in this area, however I believe this is a significant issue and plan to submit a proposal as an addendum to the final report and will welcome any input an/or any potential "signers-on".*

Chris Wilke, Puget Soundkeeper Alliance  
May 17, 2013

**Introduction**

As a society we have severely degraded our marine environment over the last few hundred years. Water pollution is a major cause of this degradation. There are many sources of water pollution including sewer overflows, industrial wastewater, stormwater runoff and non-point pollution. It is envisioned by the federal Clean Water Act that additional controls will be "ratched down" over time in order eliminate pollution sources to better protect our waterways.<sup>1</sup> Progress is being made in many of these areas which is already yeilding benefits for protecting aquatic life and beneficial human uses.

Some of these advances are difficult, or perceived as difficult, and others are relatively easy to achieve. Many advances once perceived as difficult have now been implemented and have become common place over time. Most advances in water quality protection provide economic and cultural benefits to public resources by protecting beneficial uses of public waterways. Gray water is a source of pollution that is receiving additional attention and is worthy of consideration.

<sup>1</sup> **Clean Water Act (1972), Sec. 101. Declaration of Goals and Policy.**

(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of his Act --

(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;  
(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

**Comment [LR1]:**

Chris, I have offered some comments I will hope you will take note of. I am happy and willing to help with this Pilot, as I deal daily with vessels all over Puget Sound and Washington and can contribute this knowledge to the PSA. In the past, I have donated my time to inspect/survey the SPA vessels, perhaps prior to your time.

I'd suggest that, if you are not already working with the Puget Sound NDZ groups that PSA align their efforts.

**What is gray water?**

Gray water is wastewater from a vessel’s sinks, showers and/or laundry. It is not mixed with blackwater/sewage. If it becomes mixed with blackwater, it becomes blackwater and is regulated as such. It generally does not include bilgewater, although on some vessels, a bilge is used to collect gray water.

**Why is gray water important?**

Gray water contains or may contain food waste, bacteria, detergents, soaps and other contaminants. Soaps and detergents have been shown to kill fish in very dilute quantities and can actually increase the toxic effects of certain pollutants in water, especially petroleum hydrocarbons. Some research investigating the use of soaps in car washes shows that soaps may be lethal to rainbow trout down to concentrations of 1.6 parts per million (LC<sub>50</sub>).<sup>2</sup>

Gray water also contains nutrients which help fuel algal blooms that result in eutrofication and low dissolved oxygen especiall during times of seasonal die offs after blooms occur.

**How is gray water regulated?**

Gray water is not permitted to enter public waters from businesses, homes or recreational vehicles. Gray water from commercial vessels, including vessels for hire, is regulated by the The Vessel General Permit (VGP) issued under the National Pollutant Discharge Elimination System (NPDES) under the federal Clean Water Act. Under the Clean Boating Act of 2009, gray water aboard recreational vessels under 79 feet is exempted from needing an NPDES permit under the Clean Water Act. The EPA and Coast Guard are in the process of developing enforceable Best Management Practices (BMPs) around gray water and other topics, as required by the Clean Boating Act of 2009.

Gray water qualifies as a pollutant under the Washington State Water Pollution Control Act, RCW 90.48, which does not provide an exemption for vessels. It follows that gray water discharges would be illegal under RCW 90.48.

It would appear that federal and state law are in conflict on the topic of gray water. However, states have the ability to further restrict pollutants beyond federal requirements. (This power is used in the State’s Combined Sewer Overflow (CSO) control program, for example).

**Why gray water should be considered differently for houseboat vessels vs. conventional vessels.**

Houseboat vessels are in the process of being defined by the Seattle On Water Residents Stakeholder Committee and the current uncertain status of some vessels may soon become resolved through a license or permit as a result of this process. Although vessels

<sup>2</sup> “Practical” Fish Toxicity Report Environmental Partners, Inc., 2007  
<http://www.carwash.org/docs/default-document-library/fish-toxicity-test-report.pdf?sfvrsn=0> Note: this study involved experiments with collected car wash effluent and a repeated experiment using only diluted detergent.

**Comment [LR2]:** Suggest adding, that NO Graywater may be discharged to a bilge for pump out.

**Comment [LR3]:** Chris, IGNORING BILGE WATER IS A GROSS OVERSIGHT!  
 Bilge Water can contain, Oil, Fuel, Grease, Petroleum Products, Antifreeze, Cleaners, which are very toxic and fluids which place Fuels and Oil in suspension.  
 HOUSEBOATS HAVE NONE OF THESE!

This is such a huge un addressed polluting issue from our environment, and in my opinion, far more environmentally damaging this bilge water should not go on treated. There are methods available to filter minimally, the oil products from this water and particulated. I would recommend that this be seriously explored.

Special Note:  
 Houseboat designs have very little bilge space, and generally do not have internal engine spaces, and have little or not way of having anything but fresh water enter their bilges, and contain all waste fluids with NO capacity for discharge from overboard fitting and generally need to have no capacity other than a manual bilge pumping method of an accidental fresh water system spill, and often have no thru hull fittings in the hull below the waterline, and only minimal above water fittings.  
 Attention should be addressed to other types of vessels, other than houseboat types for the gray water issues.

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**Comment [LR4]:** The City exceeds this CSO each time they have a spill...and this is where the concentration of effort should be made - Controlling City Sewer Accidental Discharges and Storm Run off.  
 Rather than concentration on a small number of vessels when all vessels used for Live Aboard should be addressed. *I agree we can leessen our impact, but reasonably so!*

of all types vary greatly, clearly there are some differences between vessel types, particularly between vessels built primarily as residences and those built primarily for navigation. Aboard a conventional vessel, a premium of space is often given for nautical necessity. Design concerns that prevent these vessels' ability to collect and store gray water or to allow retrofits for gray water collection include streamlined hull shape and storage needs like anchor storage, fresh water storage, blackwater storage, safety equipment storage, fuel storage, etc.

Houseboat vessels on the otherhand often have vertical walls, larger interior space, larger bilges and more square feet for a given length. **Some** indeed have gray water catchment systems installed already, which gives evidence of feasibility.

Other concerns relating to residential uses of houseboat vessels involve the quantity of gray water, relative to other vessels. This is a big concern because it limits dilution effects and could be made worse by the density of some houseboat communities (up to 60% or 70% of certain marinas), and the relatively larger freshwater storage and/or pressurized municipal water connections that permit larger volumes of water to be used on some larger vessels (more information needed on **this**). These two factors may create significantly larger volumes of gray water and higher concentrations in the waterway, potentially increasing lethality or chronic effects on aquatic life.

In addition, strong consideration should be given to disallow the use of certain appliances (dishwashers, clothes **washers**) **onboard some larger recreational vessels and some larger houseboat vessels**. It is the opinion of this author that such uses should be banned by the city for vessels docked within city limits. It is not known by this author how many vessels have such appliances, other than they are believed to exist. **Prohibiting the use of these appliances** would reduce the volume and toxicity of gray water discharges and is clearly within the authority under RCW 90.48 and the goals of the Shoreline Management Act.

Given available facts, information and belief, it is the opinion of this author that some standard be applied for mandatory gray water collection, and it is appropriate that the vessel type and size be considered, perhaps a certain square footage. As a preliminary number, I suggest houseboat vessels over 320 square feet of walled living space be required to collect, store and pump gray water for shoreside disposal via municipal sewer **systems**.

Retrofit of gray water catchment would not be without cost to the vessel owner, but given other maintenance needs, it is not believed to be onerous or out of proportion and would provide significant benefits in water quality **protection**.

As part of the stakeholder process, a proposal for a Gray Water Pilot Project is being introduced. This is included as a separate item for consideration by the group and will have valuable regardless of the adoption of any recommendations stated here. If the city were interested in further regulating gray water according to what is outlined here, the Pilot Project would be necessary to define the way forward.

**Comment [LR5]:** Chris, **This statement is not accurate** and neglects to recognize that it is not the shape of the walls which afford which impact space for tankage, but the fact that there are minimal bilge spaces and sometimes no bilges at all on houseboat designed vessel. I inspect these vessel regularly, some have no bilge space, many have bilges of 5" to 1 foot. On other type vessels (I would never agree with the term conventional vessels as there are none) the design includes tankage space, as doe that of a houseboat. Adding Gray Water containment to ANY type vessel would clearly alter the interior space, potentially reducing the value of the vessel. In a few cases I have observed, if may be possible to direct gray water to a black water tank.

**Comment [LR6]:** Good Point-regarding the . Here it should added that the Houseboat Vessels used as On Water Residences which do have the Tankage Capacity for Fresh Water Systems and use the City Pressure Water for filling their tanks be exempt from any regulation. POINT: All recreational vessels with onboard ammenites to allow live aboard, do have fesh water tankage.

**Comment [LR7]:** For a Vessel owner to NOT use, or Remove appliances would REDUCE the Value of the vessel significantly.

**Comment [LR8]:** Wahing machines and dishwashers are standard installations in many perhaps most large vessels which remain exempt under the Clean Water Act (Under 72 feet) Would it be a better idea – to simply use the BMP regarding Gray Water to make a reenforcing statement to 'Limit' the use of these appliances.

**Comment [LR9]:**  
 1 THIS WOULD REQUIRE that each vessel be hard plumbed to City Sewer and to do so would require the vessel always remain in a single slip or location and be hard plumbed.  
 2- It would require that every (houseboat) vessel over 320 sf, remain stationanary wit no ability to relocate in a Marina or to another Marina.  
 3- This would require that the city require pumping to all marinas and to all slips, and many slips lenghts are not defined such as a side tie dock of 100 ft which could serve on vessel or 3 to four vessles . This is unainable.  
 Note: We have houseboats with 30 day lease/moorage agreements.  
 QUESTION: How could any Marina provide the capacity to have a sewer connection to evrey slip which is or could potentially be used by a Liveaboard, or houseboat of this size.?

**Comment [LR10]:** I would not agree unless ALL Liveaboard VESSELS be required to do so – this is well-meaning but clearly prejudical, on vessels which would have the same discharge rates. LIMITING nad Filtering is the Answer. Until the City of Seattle has NO OVERFLOWS from their SEWER SYSTEMS into Seattle Waters, no full containment rules should be enforced.

**Comment [LR11]:** What would not be unreasonable it to have a small catchment system for settling of particulates and then filtering of overboard discharge of gray water. Many of our houseboat vessels have that now.



As a practical concern, vessel owners would need time to install equipment and service providers would need to develop additional capacity to provide pump outs of gray water. Therefore it is appropriate that some length of time, perhaps up to five years, be given to develop this capability, both aboard vessels and in the capacity of service providers.

**Comment [LR12]:** Any requirement to remove or not use appliances would impose a NET LOSS to Vessel Owners of the Value of their Property. The SMP and SMA are to have NO NET LOSS.

**DRAFT Recommendation:**

The City implements a rulemaking process for liveaboard vessels to define requirements and terms of gray water management. At the conclusion of the process, on water residences over a certain size in square feet of walled space (exterior dimension) would be required to install gray water containment and a means of pumping out via standardized fittings to allow for appropriate shoreside disposal, or if appropriate, some form of on-board treatment. Prior to adopting and implementing this new regulation, the city would conduct a Pilot Project to identify the feasibility concerns of various types of vessels and to define under which conditions the requirement might be waived, including a description of the size and types of vessels that would be required to install gray water collection and/or treatment.

**Comment [LR13]:** Should this be for all vessels, the measurements of the exterior need to be SPECIFICALLY defined; from the waterline to the top of the house / pilot house, etc. Such as the USCG Documented Gross or Net, Plus the Super structure interior (Gross or Net)

This would conclude with a public process to discuss the findings of the pilot project and a schedule to implement the final rule.

### Statement Regarding Section 23.60a.214 (Rules Going Forward)

The On-Water Resident Stakeholder group was tasked with the following goals:

**Recommend to DPD and City Council:**

**Possible regulatory or procedural actions that can be taken by the City to provide greater certainty, clarity, or procedural safeguards for on water residences;**

**Possible legislative amendments to Shoreline Master Program (SMP) that the Department of Ecology (DOE) agrees are sufficiently promising to merit formal review by DOE if adopted by the Council.**

The group has confirmed that the regulations contained in the SSMP under section 23.60a.214 are, for the most part, not within the scope of the Stakeholder group. However, a number of the members of this stakeholder group have been more intimately involved during the development process than any other group and there is a connection to the section 23.60a.214 via the reference in 23.60a.214 D 3 **“A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.”**. We hope that our insights into these regulations will be seriously considered by DPD, the City Council as well as the Department of Ecology, who now has the responsibility of reviewing these regulations.

**Recommendations:**

**1) Clarify legal status of Liveaboard License holders in the future**

We recommend that vessels in possession of a Liveaboard Houseboat Vessel License be added as a compliant conforming class under the new 23.60A.214 Standards for using vessels as dwelling units. Existing houseboats already have some physical restraints on their expansions based on hull designs and slip size. Clarity as a conforming use and development will remove any potential concern by lenders or insurance providers regarding legal status. It will also remove the burden on DPD for verifying compliance, ongoing tracking, and any verification associated with being a non-conforming use or development. The classification as non-conforming use or development is an unnecessary constraint on personal property and is not a reasonable accommodation of the existing houseboat community as provided in the SMA guidelines. If our recommendation below to replace the entire 214 B section is not implemented then insertion of the following new section is recommended to recognize existing licensed Houseboats.

Add a new section to: 23.60A.214.B.1

**c. Be a vessel with a Liveaboard Houseboat Vessel License issued by the City of Seattle; or  
d. Be a Vessel (Recreational or Commercial) designed and used for navigation**

**ed-e** Be designed as a fishing vessel and have current fishing license issued by a federal or state commercial fishing regulatory agency.

Significant changes were made to the Draft SSMP specifically to section 23.60A.214 at the end of the SSMP review by the Planning Land Use and Sustainability Committee and adoption process at Council with less than 24 hours for public review and very little time allotted for public comment before these changes were approved and forwarded to the full Council. After careful review of 23.60A.214 we conclude that much of this new section seems problematic. In its current form it may not prevent problems in the future and will be prone to interpretation.

**Comment [LR1]:** LYNNE REISTER – I have made comments in the body of this test which are in addition to those I made in this content, in the other documents prepared for the May 21<sup>st</sup>, 2013 meeting. Please refer to them. LR

**Comment [LR2]:** Were we changing the Dwelling unit to On-Water Residence”?

**Comment [LR3]:** Why is this statement here? It could imply that there be no expansion. Only going forward is there any mention of expansion. Section F

**Comment [LR4]:** Is there any reason why any vessel whatsoever may request a Liveaboard License???

~~5) Permit holders shall pay a fee to the Department commensurate with the cost to the Department of reviewing the submissions to comply with this subsection 23.60A.204.B.3.c.~~

**Section 23.60A.214 with changes as noted above is encouraged to be adopted. Here is the language without strike-outs:**

**23.60A.214 Standards for using vessels as dwelling units**

A. Structures designed primarily as dwelling units shall comply with the standards in subsection 23.60A.206.B or Sections 23.60A.202 and 23.60A.204, and otherwise are prohibited over water.

B. As of the effective date of this ordinance, in addition to the structures ~~allowed~~ in subsection 23.60A.214.A, a vessel that meets the definition for vessel in Section 23.60A.942 may be used as a dwelling unit according to the following:

1. Design. A vessel may be custom made or manufactured and may be mono-hulled or multiple-hulled.

2. Vessels manufactured after the effective date of this ordinance may not be used as liveaboard vessels if they have a Barge Shaped Hull or Deckhouse Hull as identified in Section III of the U.S. Coast Guard form CG-1261 Builder's certification or are registered as an "H" Houseboat type of boat with the Washington Department of Licensing except:

a. The total enclosed heated floor area is less than 1,125 square feet or 9,000 cubic feet whichever is less, and

b. There is no discharge of sewage into the water, treated or untreated, and

c. There is no discharge of gray water unless treated to a Washington State approved standard; or all gray water is fully contained and either pumped out for disposal or connected to a waste water system (exterior holding tank for pumping or sewer system) that removes the gray water to an approved disposal location.

3. The vessel is moored at a recreational or commercial marina that complies with the standards set out in Section 23.60A.200.

C. Standards for vessels used as dwelling units are as follows.

1. All other vessels must be conventional or meet the Vessel Evaluation- Form guidelines. In particular there must be:

a. An integrated hull.

b. A self-propulsion and steering system effective for safe navigation.

D. Other vessels used as dwelling units

1. If a vessel was moored in the City and does not have a Liveaboard Houseboat Vessel License, and was used as a dwelling unit prior to the effective date of this ordinance, it may continue to be used as a dwelling unit if it is moored at a lawful location and complies with subsection 23.60A.214.D.2.

2. To be a vessel it shall be designed and used for navigation and not interfere with the normal public use of the water. ADD: Mooring of a vessel is normal use of any vessel.

3. A dwelling unit on a vessel that meets the standards of this subsection 23.60A.214.D, except those vessels holding a Liveaboard Houseboat Vessel License, but that does not meet the standards of subsection 23.60A.214.C is a nonconforming use.

**Comment [LR5]:** Mooring of vessels, regardless of type is normal public use of the water

**Sarah Saviskas**

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**From:** Lynne Reister @ Lodestar Marine <lodestarmarine@aol.com>  
**Sent:** Monday, May 20, 2013 2:07 PM  
**To:** Sarah Saviskas  
**Subject:** One More Comment

One more Comment

Sarah;

- 1- The Burden Of Proof MUST BE on the Complainer that a Violation has taken place.
- 2- We do not want to lose our Vessels - they are our homes and my life savings and all funds available are in this Vessel. These vessels cannot go to Tidal / Exposed waters as many others. They are designed for water like Lake Union.

The Internet has been down at my marina and th Manager JUST got this network up.  
I hope you will see your way to adding this Public Comment.

Lynne Reister

PS; You can call Commercial marina to confirm this issue

**Lodestar: - Guiding Principle; ideal; as, Let the pursuit of truth be your lodestar.**

Middle English; lode (course), hence a star by which to direct one's way!

Lynne H. Reister, AMS, SAMS LodeStar Marine - Surveying and Consulting

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**Sarah Saviskas**

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**From:** Marta Schee <martaschee@gmail.com>  
**Sent:** Monday, May 20, 2013 12:56 PM  
**To:** Sarah Saviskas  
**Subject:** a public comment to share

Hi, All,

First, I want to thank you all for your service - the time and effort that you have put into this project shows and is very commendable.

I personally want to urge you to support the plan put forward by LULA. I think that it addresses the project with outcomes that will be good for us who live on the lake and for the city. And I want to reiterate a few points which you have heard from me in the past.

1. The focus of the project is on us roughly 120 "houseboat vessels" in Seattle waters. I think it might be tempting to believe that the group is charged with helping the city produce a plan for liveaboards in the future. I know I have lots of ideas about that, too. And most people do want to be positive and helpful. While I think that the city would be best served to continue to allow this group to help with that project, it is most definitely not the project at hand. I want to remind you all that you are concerned primarily with those of us who already have a spot on the lake. We are not hypothetical - we are real and through their actions the city holds our homes and savings in their hands. I urge you to keep that thought very present.

2. Whatever impact we have on the ecological/social/tax-base of our city constitutes the footprint of roughly 200 souls. Please resist the temptation to make assumptions about these impacts. We do pay taxes through our moorage fees; we do represent people who care for and care about our neighborhoods; and we are not a gigantic source of environmental pollution. Most of us do not fire-up our engines and cruise around the lake spewing oil and gas. Most of us have hot water tanks which, at best, allow us a 5-minute shower. Many of us do not have dishwashers or clotheswashers.

3. Some folks are making a big issue of lines of sight relating to vessel navigability. I would urge you to realize that the new technologies available will make those concerns obsolete as pertains any requirements vis-a-vis navigation stations/helms. Currently, bow-thrusters with joystick and wi-fi connections are available for any vessel. That means that any vessel, including mine and the other houseboat vessels, can be outfitted with these. That means that old-school sight lines will be somewhat irrelevant in future. I also urge you to understand that there are many, many trawlers and sailboats in our marinas who couldn't move out of their moorings if their lives depended on it. And anyway, why does that matter? We are allowed to buy a car, keep it licensed and registered, but no one is requiring us to ever drive it. Why should boats be different?

3. I am also concerned about the notion that we must prove that we are vessels on a regular basis. Do homeowners on land have to prove that theirs is a house on some sort of schedule? Do we need to prove to the state that our autos are autos when we renew a registration? Emphatically, NO. So why houseboats? I think that once we are registered, or certified, or whatever agreement/accommodation comes from the city it should stand until the vessel is either sold or permits are requested to make substantive changes to the vessel. (yes, I am suggesting that we should be treated like houses - permits for building and permits for structural changes) Registration implies only that we check off certain boxes and send in our fees.

4. The difference between a live-aboard trawler or sailboat and a houseboat vessel is not much more than looks. The intent is the same. The city is ultimately taking a position that discriminates on looks - they have stepped back from environmental impact, and they have stepped back from every other iteration of their proposals. Why?? Because their proposals are not based on any science or any other measurable attribute - and they cannot justify them. What they did not do to regulate/register/control houseboat vessels in the past, they should do going forward with the help and input of people who are knowledgeable about the issue. But they

Appendix L  
should not retro-actively punish those of us already living on Seattle waters. We are not criminals or scofflaws, and are not trying to pull some sort of scam on the city. We are citizens who bought a place to live within the city limits. We have been criticized for not "doing our homework" before we bought. What homework would that have been? When we bought our houseboat three years ago, there was an active market in houseboats, houseboats were being listed on the MLS, and houseboat living was considered legal. Vessel titling was provided by the state, vessel licensing was required by the state, insurance was provided by maritime insurers, and maritime loans were available. Inspections were recommended. All of these activities established a legal framework that indicated the legitimacy of the houseboat as a vessel and did not suggest the need to prove this fact any more than one would prove that a house is house or a car is a car upon transfer of ownership.

5. I think it is also pertinent that we remember that these suggestions are not intended to serve the motivations of any single other person or group of people - they are meant to address an issue of fairness and accommodation for us who live on the waters around Seattle in boxy-shaped vessels who have been indicted (unfairly in my view) by our choice to do so. It annoys me that owners of pointy-shaped vessels somehow are assumed to have the moral high ground when they don't. **All** of us who live on the lake in any vessel or contrivance have our share of opportunities to pollute, to occupy space in place of recreational vessels, or to take care of our waters and be good citizens sharing the fun of it all with other citizens.

Thanks again for your time and your thoughtfulness and your fairness.

Best,  
Marta Schee

My statement to the Stakeholder Group

We bought a beautiful boat a few years ago and we use it part-time as a place to hang out on the lake. It is a houseboat. Houseboats are a class of vessel, like cruisers, tankers, sailboats, speedboats, ferries. It is a catamaran with twin outboards, which provide the steering. It is angular on top, by the “cats” are raked. It has all the vestiges of a vessel, certainly those required by the state and the Coast Guard and we are registered by both.

This vessel is a recreational boat. We entertain friends, swim, watch the other boats and do just as many other boaters do: just sit on the boat and enjoy the scenery and the gentle rocking of the water. We even hire local musicians to play concerts on our dock in the summertime.

It has a bed and a kitchen but no laundry or disposal or other modern appliances. We use Best Management Practices and have the sewage pumped weekly. The grey water is minimal from the shower (biodegradable soap only) and the hand-washed dishes (again, biodegradable only.) We are very conscious of the environment and supporters of various environmental causes. We clean up the waterway with a long-handled net, the garbage strewn by weekend boats, usually.

We also own a boat slip, including the land under the water, on Eastlake. Again, we are highly conscientious of the water quality in the lake.

I think this concern about houseboats arose by accident: somewhere during the evolution of people and interpretations of the Shoreline Management Act, living “OVER” the water became confused with living “ON” or “IN” the water... on a boat.

There are hundreds of boats being lived-aboard in Seattle... there are pointy-ended boats and square-ended boats. The distinction over how they are treated is a false one and should not be made.

Next to our boat is an old ferry. It has two apartments on board and probably a laundry room. It was lived aboard until a few years ago. Yet, it has NO engines or steering as they were removed years ago.

Propulsion is the enemy of the environment. Gasoline and diesel engines spew fumes which land right into the water. They leak oil. Even electric motors have oil lubricant. Requiring propulsion on houseboats is discriminatory, as many pointy-boats have no propulsion either. And we do not want them to USE the propulsion, as it would be a net loss of water quality.

Even if we do not live on our boat full time, we may need to someday or someone else may buy it and need to use it as affordable living space. I do not want to have our investment and our recreational boat singled out for extraordinary compliance issues that other boats are not subject to. It will diminish, if not exclude, any chance for someone else to use it as it was intended.

My statement to the Stakeholder Group

These are real lives of modest people you are tampering with. These are small affordable homes of highly conscientious people. It is quite a serious matter.

Vessels are designed for different purposes and they should be allowed to be used for those purposes. The City of Seattle would be grossly limiting creativity and even its own maritime identity by restricting the design of vessels.

The fleet of houseboats is very small in Seattle. Very small. An inappropriate amount of attention, time and money has been expended in the effort to regulate or restrict their use.

Please take the little remaining time you have to approve a common-sense, simple and free method to protect this legacy fleet in Seattle.

Mauri Shuler  
206-819-3819



**Sarah Saviskas**

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**From:** Natalie Saaris <npotok@gmail.com>  
**Sent:** Monday, May 20, 2013 8:01 AM  
**To:** Sarah Saviskas  
**Subject:** On Water Resident Stakeholder Group

Dear Ms. Saviskas,

I am a houseboat owner on Lake Union, and I wanted to convey my appreciation of the Stakeholder Group process that has allowed liveboards to have a voice in negotiating on-water regulations.

The SMP regulations affect me directly. My husband and I bought our houseboat three years ago, and we followed all the necessary precautions - we pay a hefty fee each year for our vessel registration, we got a loan from a local bank, we had our boat surveyed, we got it insured, and we bought it from people who had lived on the vessel for over a decade in the same marina; we figured that we were following the law to a T. You can imagine what it was like to have the SMP suddenly target houseboat owners and accuse people like us of trying to skirt the law. We were very concerned that the value of our house would be reduced to nothing, or that we would have to relocate our home away from Seattle. With a baby on the way and most of our savings tied to our home, it was shocking to learn that we were in this situation.

I'm writing to let you know that I support the Proposed Liveboard Houseboat Vessel License program. It meets and exceeds every published criteria for liveboard Vessels, requires license holders to adhere to the Best Management Practices (which we have always already done), provides certainty and clarity for Existing Houseboat Vessels, and assures no loss of value to legal houseboat vessels.

I hope that we can move forward on this issue.

Best,  
Natalie Saaris

**Sarah Saviskas**

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**From:** Nathan Vorwerk <nathan@paymentgear.com>  
**Sent:** Monday, May 20, 2013 2:30 PM  
**To:** Sarah Saviskas  
**Subject:** Proposed Liveaboard Houseboat Vessel License

I wanted to thank the stakeholder group for their work on this important initiative. As a business owner and liveaboard I think it's extraordinarily important to have a clear path for protecting the assets and liberties of our community members, as well as to maintain a high level of environmental stewardship. This is why I have invested hundreds of thousands of dollars into my vessel and am going over and beyond the existing requirements, however vague and ambiguous they may be, to ensure the longevity of our unique lifestyle and invaluable resources. I believe the aim of the proposed liveaboard licensing program is to reinforce those values, which the majority of the community already adheres to, while further protecting our investments and livelihoods. I would implore any and all decision makers to move ahead with this program as it has been carefully and thoughtfully constructed by qualified individuals who have a solid grasp of the issues and share the same ideals as the City and State representatives.

NATHAN VORWERK | CEO

[PAYMENTGEAR.COM](http://PAYMENTGEAR.COM)

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**Sarah Saviskas**

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**From:** peggy weiss <pweiss@uw.edu>  
**Sent:** Monday, May 20, 2013 12:21 PM  
**To:** Sarah Saviskas  
**Subject:** RE: Public Comments due by 2:00 pm

Hi Sarah,

I don't know if it's applicable here, but I thought I'd let you know that I was recently declined for insurance coverage BECAUSE my houseboat had an independent means of propulsion! I told them that removing the motor would put me in direct conflict with the regulations, but they turned me down anyway. I've since found another insurer, but I wondered if anyone else had encountered this problem...There is definitely confusion out there.

Feel free to add this to the public comment if there's any reason to.

Peggy Weiss  
Gasworks Park Marina, 3  
206 795 3039

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**Sarah Saviskas**

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**From:** peter bohne <pbohne@hotmail.com>  
**Sent:** Monday, May 20, 2013 2:12 PM  
**To:** Sarah Saviskas  
**Subject:** Houseboat licensing and Stakeholder group

Hi all -

I'd like to add my comment to the record for the 5/21 Stakeholder Group meeting. I've attended several of these in the public audience, as a Houseboat owner.

I'd like to express my huge thanks to all the SG members for all the incredible effort they've put into this process on my and others' behalf. I'd hoped to be able to attend tomorrow's meeting as well but will unfortunately be unable to due to work. Your efforts are so very appreciated and seen.

I want to add my voice to the urgent call for a houseboat licensing program so that we don't have to continue to waste time and resources re-visiting this issue again and again. The time has come. As a houseboat owner whose houseboat is his primary and only residence, this is important to me so that I don't have to continue to wonder if I'll be the next one tagged with a NOV by DPD. And so that I don't have to see the value of my investment plummet in value due to all the uncertainty about whether someone would ever want to buy my home if at some point I decided to sell it. And it's just plain unfair - this is my home, my only home, and I bought it in good faith, not realizing the controversy around houseboats in general. I've had a dream of living on the water since I was a small kid growing up in the desert southwest.

The City has been very remiss in drafting the original regulations/guidelines decades ago and also by not enforcing those regulations/guidelines all through the many years since then. These regulations and guidelines were and are very vague and open to much subjective interpretation. They are currently being interpreted by individuals in the City government who appear to have an agenda of their own against houseboats in general.

I wish to make it clear that I support the proposed Houseboat liveaboard Licensing program. This seems to me to be an excellent way to finally dispense with the subjective targeting of Houseboats for removal from Seattle waters. This whole issue needs to be finally put to rest. Keep in mind that Houseboats are a large and unique aspect of Seattle's eclectic and water-based identity. Think of the public outcry if word is disseminated that the City is going to start removing them. This program meets or exceeds all liveaboard vessel criteria that have been published.

I support BMP - I myself have a washer/dryer that I don't use - I have my laundry done by commercial services. I have a dishwasher but it does not get used at all except for a once-per-month rinse cycle to keep the pipes and seals in good shape. Otherwise it is a glorified dish drying rack. All the soaps and cleaners I use are special biodegradable versions. Most of my showers are done at a fitness gym where I have a membership.

Peter Bohne  
1900 Westlake Ave N  
Seattle, WA 98109

-- pete

pbohne at hotmail dot com

"It is unwise to insult a doughnut by refusing to eat it."

Appendix L

**Sarah Saviskas**

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**From:** RNelson000@aol.com  
**Sent:** Monday, May 20, 2013 2:08 PM  
**To:** Sarah Saviskas  
**Subject:** Re: Public Comments due by 2:00 pm

Sarah and Triangle Associates:

I wish to thank the city Council for authorizing this stakeholders group, as they should have, in the name of representative and transparent governance. I wish to thank this stakeholders group for their efforts to bring some measure of sanity to the chaotic and hugely prejudiced sequence of events that led to these meetings.

However, I want to level some deservedly earned criticism as well. First I want to address the role of Triangle Associates, then that of Mayor McGinn and lastly that of the Department of Planning and Development (DPD).

Triangle Associates was tasked with forming a "stakeholders group back 5-6 years ago. The formation of that group was flawed in leaving out representation for hundreds of people who are just now being acknowledged in this newest "stakeholders group." To be fair, Triangle was tasked by the DPD, which set up the guidelines which Triangle used. So, though culpable, Triangle was collateral damage. They just needed more open and honest guidelines.

If I paraphrase Mayor McGinn's answer to my letter to him last year, he basically said I was on the water illegally. I own a perfectly legal house barge. He was in error. But, to give him the benefit of the doubt, he probably directed someone in DPD to answer my letter. Delegation is always such a trap when it goes wrong! Nevertheless, he did not understand the situation very well and allowed his signature to go out in a grievously erroneous letter which did not please me.

My real anger goes out to the DPD which was phenomenally prejudiced against houseboats, very poorly informed (constantly confusing houseboats, house barges, floating homes and vessels as well as black water and gray water). The DPD left out an important segment of the citizenry involved in the deliberations of the Shoreline Management Plan (one can question if it constituted a deliberate omission) by not including live-aboards and houseboats. My accusation that this was deliberate is substantiated by Maggie Glowacki when she included house boats as an "issue" in her first presentation to the Citizens Advisory Committee (CAC) on 27 May 2008. If we were a problem, why were we not included on the committee? The DPD and its leadership must be held accountable for the extra time, effort and cost of these extended negotiations. It was their fault that the process was flawed, not transparent and chaotic until now.

There are obvious conflicting views and positions concerning the waters of Seattle. There are agendas. But, at least the process was made more open through the efforts of the City Council to recognize the exclusion of an important group of citizens.

Again, I want to thank the participants of this newest group for their tremendous efforts. Even if issues remain, it cannot be said that you did not try.

Ralph A. Nelson, house barge owner and live-aboard

**Sarah Saviskas**

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**From:** Sally Virgin <simbree@gmail.com>  
**Sent:** Monday, May 20, 2013 1:21 PM  
**To:** Sarah Saviskas  
**Subject:** Public comment Houseboat vessels

I am a houseboat owner and live aboard on Lake Union. The issues regarding houseboats are important to me because I have invested all of my savings in a houseboat. This is my home.

I support the Liveaboard Vessel License Program:

- Meets and exceeds every published criteria for liveaboard Vessels.
- Requires license holders to adhere to the Best Management Practices -Provides certainty and clarity for Existing Houseboat Vessels -Assures no loss of value to legal houseboat vessels

I disagree with the addition of new, and unpublished criteria for houseboat vessels. I follow the existing regulations, and Best Management Practices.

I filter my grey water, and have my black water pumped out on a regular basis.

I appreciate all of the hard work that the Stakeholder group has put forth.

Sally Cvetovac  
206.271.6488

Sent from my iPad

**Sarah Saviskas**

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**From:** Sam DeBord <sam@seattlehome.com>  
**Sent:** Sunday, May 19, 2013 1:35 PM  
**To:** Sarah Saviskas  
**Subject:** Houseboat stakeholders

Hi Sarah,

Thanks for taking the time to work with the houseboat stakeholders group. I know that this small group of homeowners take a lot of time and attention, but I think it's significant they are a tiny portion of the vessels on Lake Union with a very unique history.

I hope that any recommendations will focus on the fact that these houseboat vessels are already well regulated and a historical part of the lakefront community. They are good stewards of Lake Union, and deserve to have their current lifestyle preserved without expensive or onerous new regulations intended for the thousands of other vessels that visit and inhabit the lake intermittently.

Thank you again for your time, and have a nice week.

**Sam DeBord**

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State Director | WA Association of REALTORS®  
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**Sarah Saviskas**

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**From:** scott owen <scottchamberlin@hotmail.com>  
**Sent:** Sunday, May 19, 2013 12:29 PM  
**To:** Sarah Saviskas  
**Subject:** Houseboats

Hello Sarah,

Just a quick message to say that I appreciate the work you and the stakeholder group have been doing and that I fully support the proposed Liveaboard Houseboat license program. As a professional mariner who has seen the results of uninhibited pollution in various parts of the world I - and most professional mariners - take all reasonable precautions to make sure that we put NOTHING harmful into the marine environment, so I favor the requirement to follow the Best Management Practices. I see no need for dishwashing machines and clothes washers on vessels that put their grey water into the environment. Furthermore, there are cleaning products that have very low impact on water environments and it is not that hard to acquire them.

I made every effort to follow the local requirements for a houseboat when I built mine several years ago, though it was difficult to ascertain exactly what those requirements were. Of course, being a professional mariner, I had a much better idea of what a vessel capable of navigation in inland waters and lakes requires. In fact, I have enjoyed getting underway with my houseboat if only for the reactions of people on shore who have never seen such an odd vessel and are quick to pull out their cameras.

Resolving the issues in a way that allows existing liveaboard houseboats to continue as they have, and set requirements for future liveaboards is important and probably should have been done long ago. I hope this will put an end to this unfortunate situation.

Capt. Scott Chamberlin

**Sarah Saviskas**

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**From:** Matt <bigfoodmobile@gmail.com>  
**Sent:** Sunday, May 19, 2013 4:19 PM  
**To:** Sarah Saviskas  
**Subject:** Houseboats

Hi

First of all I want to thank the members of the stake holder group for putting in the time and energy to try and work this out. We have lived on a houseboat for the past 6 years. During that time we have always used best management practices and cared for the lake. We support the Stakeholder group and hope to see a productive outcome to this process. As a fraction of a percent of vessels that are registered and moored in Seattle, we have felt unfairly targeted by DPD on this matter. Clearly 110 houseboats are not going to make a substantial negative impact on water quality when there are thousands of other unregulated live-aboards on these waters. We believe we built our vessel in good faith (and with permission from DPD) and hope to continue to live here as the hard working, tax paying citizens of Seattle that we are. After months and months of living in fear that our lifestyle, homes, and life savings will be taken from us, we really hope that the stake holder group can come to a compromise that will work for all. We understand the need and importance for a city to protect its aquatic life, but it also has the responsibility to protect the lives and well being of its citizens.

Thank you

Matt Pontious

**Sarah Saviskas**

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**From:** Faith Fogarty <faithfog@hotmail.com>  
**Sent:** Sunday, May 19, 2013 11:28 AM  
**To:** Sarah Saviskas  
**Subject:** My support for the Stakeholder Group's proposal

To whom it may concern:

I am a live-aboard houseboat owner and I can't say how much I appreciate the excellent work (hard ) that the SG has done these past few months. I am overwhelmed with gratitude to their devoting so much of their time and energy to work something out for the City and for the live-aboards.

I am very impressed with the Proposed Live-aboard Houseboat Vessel License program, which will be fair and effective. I am a strong supporter of BMPs and minimizing any kind of pollution of our watery "backyards." I even contain and flush down the land toilet any dirty gray water I produce.

I would be so relieved and grateful to have clear guidelines as to what is expected of me as a houseboat owner.

The SG's Proposal will provide that clarity and reassure the City and other interested parties that we few houseboat vessels are good stewards of Seattle's waters and will continue to contribute to Seattle's character as a livable, fun city.

Thanks so much,  
Faith Fogarty  
Houseboat owner

**Sarah Saviskas**

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**From:** Kilroy Hughes <kilroy\_hughes@hotmail.com>  
**Sent:** Monday, May 20, 2013 3:26 PM  
**To:** Sarah Saviskas  
**Subject:** Proposed Houseboat Rules

I would like to express my concern about proposed rules that might impact existing houseboats. The apparent plan to retroactively apply new rules to existing vessels is creating uncertainty that is unethical and possibly illegal.

Consider your personal situation if your home was declared "illegal" by a zoning change. Say there is a change in the Shoreline Management Act interpretation of "wetlands", and you are told your home shouldn't have been built where it is because the location now qualifies as a wetland. You would probably expect the city or whoever took did this "taking" to pay you fair market value plus pain and suffering, and take them to court if they didn't. But, in the mean time, you couldn't sell or finance your home because no one would risk it.

I'm a houseboat owner, and purchased my boat about six years ago in compliance with all existing rules at the time that define a vessel ... as vague as those rules were ("designed and used for navigation"). The vessel was surveyed by a marine expert, had a motor, steering, running lights, a head and holding tank, a sturdy hull, a battery and 12 volt system for head, running lights, bilge pump, etc. that allow a vessel to function on water (navigate?). It is shaped like a shoebox to maximize living space.

Now rules about vessel shape and other design details are being proposed that would say my houseboat isn't a vessel by Seattle's new definition, so it is retroactively "non-conforming" because it is shaped like a shoe box (and other arbitrary "vessel" constraints proposed). Just the possibility of being retroactively ruled "non-conforming" has destroyed my home's value, my ability to sell it, etc. Nowhere in any laws I've seen is there a rule against rectangular vessels, and there would be lots of commercial and recreational boats that would have a problem with that.

This attempt to redefine vessels to eliminate a small number of houseboats (just over 100) was a deal negotiated to avoid new gray water requirements on several thousand "pointy" pleasure boats, and limit live aboard population on Seattle waters without actual zoning policy or DOE regulations on gray water. There are valid reasons to limit gray water discharge and the live aboard population, but those problems should be directly addressed, not avoided by attacking the small community of houseboats that are one of Seattle's defining characteristics.

The city council rushed through new city interpretation of the Shoreline Management Act that could make my home (houseboat) "illegal" and worthless without an opportunity for comment by those most effected. My home will not regain its value until the doubt created by the new city rules is favorably clarified.

I support the efforts of the stakeholders group that has worked on clarifying the status of existing live aboard vessels, and support more specific requirements for new live aboard vessel; but vessels that were launched and occupied in accordance with the rules in effect should be clarified as conforming live aboard vessels, and new rules intended to controlling gray water and live aboard population should set measureable goals that are scientifically justified, not scapegoat houseboats to avoid the real issues.

Kilroy Hughes

20 May 2013

Sarah Saviskas, Associate  
Triangle Associates, Inc

**Re: Support for Liveaboard Houseboat Vessel License Program**

Dear Ms Saviskas:

I am writing in support of the stakeholder process that is seeking to provide equitable and just solutions relating to liveaboard vessels moored in Seattle marinas.

I am a physician who moved to Seattle in 2010 to work in the city's biotechnology industry developing new drugs for patients with cancer. In coming to Seattle, I was attracted not only by a job prospect but also by the eclectic charm offered by the city as a place to live. My wife and I joined the Seattle liveaboard community, purchasing a vessel on Lake Union.

At the time of this purchase, we had every indication that the conveyance we purchased was a vessel and conformed to appropriate rules and regulations. It had a well-manufactured steel hull, had been in city waters for some years, was registered with the state, was insured with a marine insurance broker, could be financed by institutions specializing in marine lending, and was moored at a marina surrounded by liveaboard vessels of varying shapes and sizes, many of which looked similar in appearance to our craft. Since our purchase, we have maintained the vessel with new weatherproofing and paint and kept its systems in good working order. We have routinely ensured black water pumpout as required by the design of the vessel. We have sought to minimize gray water impact (for example, washing clothes at an on-shore laundromat facility). We have paid taxes to the city and state through moorage fees and licensing.

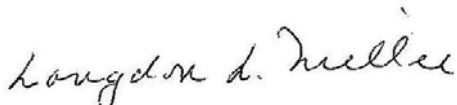
Given these circumstances, I feel that we have demonstrated a dedication to the greater good, a commitment to the broader Seattle community, and a willingness to invest in our vessel considering both the value of the craft and the safety and aesthetic sensibilities of our neighbors. Certainly, we have not sought to show a disregard for the law. Thus, we have been disappointed by the concept that our boat, along with the approximately 125 other self-described houseboats in Seattle waters, would be now judged to be particularly objectionable merely based on the shape of the vessel. Given the surfeit of slips available in Seattle waters, we, as a group who own houseboats, have not been denying shoreline access to other boaters. We, as a small group of vessels housing fewer than 250 people, have not been contributing an inordinate amount of environmental harm relative to that generated by the 10,000's of commercial and recreational vessels that are docked in Seattle waters.

Given the current circumstances, I support a liveaboard houseboat vessel license program. Such a program would demonstrate good governance on the part of the City of Seattle because it would:

- Build on existing regulation without expending further resources toward devising unwieldy or unenforceable new standards that are likely to be challenged as vague, arbitrary, or capricious in their enforcement
- Encourage owners to ensure that their liveaboard vessels are safe, well maintained, and conform to best management practices as a function of preserving the value of their investments in those vessels
- Offer reasonable and deft accommodation between the City of Seattle and existing houseboat owners such that city officials and regulators can set aside this small but thorny issue and refocus their efforts and resources on much larger and more pressing problems
- Provide a solution that reassures existing houseboat owners such that they do not engage the city in costly, time-consuming, and painful litigation in order to preserve their investments and their homes

My thanks to the stakeholders group for their careful deliberations and to the City of Seattle and the Department of Ecology for supporting a thoughtful, judicious, and temperate approach.

Sincerely yours,



Langdon L Miller, MD

**From:** kevin02@gmail.com on behalf of Linda M. Bagley <linda@specialagents.net>  
**Sent:** Monday, May 20, 2013 3:37 PM  
**To:** Sarah Saviskas  
**Subject:** Public comment for On Water Resident Stakeholder Group

Public Comment:

I would like to thank each of you for all of your hard work and efforts with many hours in meetings and out of meetings, research, documentation to help with identify a fair and reasonable means of addressing DPD's issues with houseboat vessels. I especially commend ALL the LULA Stake Holder Group members for their devotion and commitment long before the stake holder group began and applaud them for showing up to every meeting.

***I find it very difficult to understand why full voting rights are given to Stakeholders that have not attended every meeting. Voting rights should be based on the percentage of time attended.***

***My primary issue with this entire process and comments made by DPD:*** WHY has DPD (the City of Seattle) attacked a very small portion of liveaboards in the SMA (Shoreline Management Area)? We are only talking about approximately 125 houseboat vessels while there are hundreds, if not thousands of liveaboards aboard all types of vessels in the SMA.

This is NOT about gray water or the city of Seattle and Ecology would be addressing the total numbers of liveaboards in the SMA, regardless of the shape of the vessel.

As a licensed real estate broker and a licensed yacht broker who deals with the sale of liveaboard vessels on the lake, I am getting 10 to 20 requests a month for a liveaboard vessel (all shapes and sizes) from people who wish to live on the water. I do not think Ecology and DPD can fathom how many people are actually living aboard vessels in the SMP. If there is not a ***Liveaboard License*** program initiated for ***ALL*** liveaboards, regardless of vessel shape then Ecology has failed to address the ultimate problems facing the Ecology. Department of Ecology and the City of Seattle will repeat their battle yet again in 20 years.

***This should not be about the shape of houseboat vessels, this is and should be about licensing liveaboards. Period! End of Story!!! If the goal is to protect Seattle Waters why have we spent thousands of dollars, man hours and law suits because of a shape of vessel?***

I applaud our houseboat liveaboards in Seattle for their love and care of our Seattle waters. I know many, many of my fellow liveaboards in houseboat vessels who care deeply about our waters.

I applaud and sincerely thank our LULA Stakeholder team for their tireless, exhausting hours of commitment to saving our homes and helping protect life aboard for all both now and in the future.

I applaud and sincerely thank the Department of Ecology for their obvious concern and commitment for fairness to the houseboat vessel community.

Thank you,

--

Linda M. Bagley  
Managing Broker / Owner  
[Special Agents Realty](#)  
[Special Agents Houseboats](#)

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Seattle, WA 98103

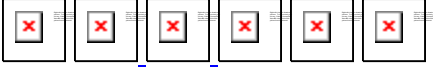
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**Sarah Saviskas**

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**From:** NPontious@aol.com  
**Sent:** Monday, May 20, 2013 6:23 PM  
**To:** Sarah Saviskas  
**Subject:** lula issues

To Whom It May Concern:

We are writing to ask your consideration for the Live Aboards on Lake Union. We thank you for your participation in this matter. We feel the Live Aboards present a good asset to the city and the lake. They are unique and such a large part of the aura of Seattle and the Pacific Northwest.

Our son has lived there for a period of years and has been an ardent caretaker of Lake Union. It is his home and he has complied with all that was asked. When he began his life on Lake Union, he went to every agency that had any say in the vessels on the lake. At best, the guidelines were vague and not definitive, but he did whatever was suggested. What else could a person do? He has always been willing to go the extra mile to be in compliance. It seems that grand fathering in the vessels and Live Aboards that are and have been on the lake is appropriate and fair. They are not large in number and should not be threatened.

Again, thanks you for your help in this matter.

Sincerely,

Neil and Carol Pontious  
Rockford, Il. 61114



**Sarah Saviskas**

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**From:** kushmerick@gmail.com on behalf of Nicholas Kushmerick <nick@kushmerick.org>  
**Sent:** Tuesday, May 21, 2013 1:29 PM  
**To:** Sarah Saviskas  
**Subject:** Lake Union - liveaboard vessels - comment

Ms Saviskas --

Please submit this message to the Stakeholder Group for its consideration.

I live aboard a houseboat on Lake Union. As the owner and occupant, I am fortunate to be a member of the lake's small but vibrant live-aboard community. I firmly believe that my community makes a substantial contribution to what makes Seattle such a special city.

When "duck boat" tourists visit the lake, they "ooh" and "ahh" at the mega-yachts, but the stronger reaction by far is when they catch a glimpse of our unusual lifestyle.

My houseboat is a legitimate vessel like the hundreds of others on the lake: it is registered as such with the state, and it is equipped with personal flotation devices, a full set of navigation lights, an anchor, a potable water tank and pump, a marine toilet, its pontoons hull are designed for high-speed travel, its permanently installed engines and fuel tanks are capable of many hours of independent navigation, etc. My houseboat certainly does not resemble typical "pointy" vessels, but there is no justification for treating my vessel differently from others on the basis of this superficial distinction.

Lake Union is my backyard, so like other members of my community I take great care to avoid pollution. My black-water is of course stored and pumped by a licensed pump-out service, I use biodegradable soaps sparingly, and I collect garbage that floats by. Our eyes and ears also serve to quickly identify problems, from petty vandalism, to inadequate lines or fenders, to the serious vessel fire that occurred last summer at my marina.

For all these reasons, I strongly endorse the the proposed Liveaboard Houseboat Vessel License program. This license would ensure that Seattle continues to benefit from the safe and sustainable Lake Union houseboat community.

Thank you for your hard work in coordinating the Stakeholder Group.

Nicholas Kushmerick

**Sarah Saviskas**

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**From:** lyons.mediation@gmail.com on behalf of Regina Lyons  
<Regina@Counterpointresolutions.com>  
**Sent:** Monday, May 20, 2013 10:14 PM  
**To:** Sarah Saviskas  
**Subject:** Re: Tuesday meeting

Hello Sarah and Stakeholder Group,

Thank you for the work you have done in the past many months. As a long time slip owner and resident at Gasworks Park Marina, I greatly appreciate the effort to put into place a workable process to protect the homes of many, many people.

As a person who has been living on Lake Union for about 30 years, I want to mention the stewardship aspect of life on water. Day after day, month after month, year after year, we come and go from our homes, looking into the water, enjoying its tranquility. We are watchdogs of oil spills, methane bubbling up, how many ducklings are around, and how the lake is being treated. We are not making our living from the water, and do not have the conflict of interest the businesses around us may have. In fact, there have been several times that things were amiss, and I was unable to get any agency's attention to address a lake problem, being told about different jurisdictions.

So please complete this important work, so that our homes are protected. And in turn, the lake will have our continued protection.

Sincerely,

Regina Lyons

Gasworks Park Marina Slip 50

**Sarah Saviskas**

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**From:** Susan Welch <swelch111@gmail.com>  
**Sent:** Monday, May 20, 2013 10:07 PM  
**To:** Sarah Saviskas  
**Cc:** Bruce Jensen  
**Subject:** Houseboat Liveboard Vessels - Stakeholders' Group communication

To Whom It May Concern;

I would like to thank the members of the Stakeholders' Group for their time, patience and perseverance in attaining consensus on how best to move forward with clarifying the status of Liveboard homes such as mine.

My name is Susan Welch, and my family has lived on Lake Union for 6 and a half years. After renting a small houseboat for several months, we decided to buy a houseboat vessel at the condominium community at Gasworks Park Marina. It quickly became apparent that we had discovered a lifestyle and culture that we treasured. The houseboat is not only my home but also my primary asset. The potential destruction of its value would cause great financial hardship. I know that for many of my neighbors, the hardship would be immediate and devastating.

For the past 6 years, we have become increasingly mindful stewards of not just the lake, but the environment in general. We not only engage with best practices regarding waste water, but also have been stewards of the lake and the people who enjoy it. We have saved two kayakers from potential drowning and have removed flotsam from the lake that presented environmental hazards. My son calls Gasworks Park his backyard and has befriended and helped homeless people who find shelter there. He has done school projects on Lake Union water quality.

Most importantly, we have made this our home. I value each of my neighbors and feel strongly that each of them – including those who have received NOVs – has a right to be defined as a vessel – and to Liveboard legally. I support the Liveboard houseboat vessel license program. The proposed requirement for the city to identify the specific violations, and to seek to resolve the matter through communication, is especially important.

Please stop DPD's continuous stream of new requirements regarding the definition of existing Liveboard vessels, so that we can manage the health of our urban waterways together, building consensus, not by destroying people's homes and lives.

Sincerely,

Susan Welch

*Susan Welch*



May 27, 2013

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Twin Bridges Marina

*Promoting the  
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Dear Stakeholder Group:

Thank you for extending the time to make public comments. While the Northwest Marine Trade Association (NMTA) was disappointed that a spot on the workgroup was not carved out for the trade association that represents marine surveyors, boat builders, boatyards and marinas, we do stand by the comments made by the sole marina representative Margie Freeman, who is a longtime member of NMTA.

As way of background, NMTA represents all of the recreational boating businesses that make up the state's \$4.02 billion boating industry. The hours that our association has spent with Department of Ecology through the years are too many to count. Recent examples include working with Ecology on the bills to phase-out copper-bottom paint and exempt boatyards from substantial development permits as well as the Ruckelshaus Center meetings to discuss the most recent NPDES Boatyard Permits.

To remind you, NMTA took the lead on the phase-out of copper-bottom paint, which has caused considerable unease with national groups like Boat U.S. and our industry leaders around the country. This bill (SB 5436) serves as the best example that we will not back down to doing what's right for the environment and business. In the Northwest and the City of Seattle, one cannot choose one over the other. They must go hand-in-hand.

From that frame, I submit my public comments to you. Our "ask" is that you remember that houseboats are a longtime fixture of our city's vitality. More to this point, we respectfully disagree that houseboats are not good for the city's economy or the boating industry. This comment has been made on more than one occasion. I have followed up with Paul Sorensen of BST Associates (bstassoc@seanet.com) a local economist who specializes in this very issue. His comments reflect our trade association's position: "The impact that house boats have on recreational boating is minimal. With respect to marinas, the supply of moorage is much higher than the demand at the present time and will be for at least the near-term future, if not longer. In addition, there is a paradigm shift underway. Dry storage of boats is very successful and has extended from boats in the 20 to 36 foot range in stacked dry storage to much larger boats (60+ feet) in single tier upland storage. This submarket could influence future marina development. I am not aware of any water-dependant business that was constrained from development or expansion by house boats in Puget Sound. This is

not the case for waterfront upland redevelopment, which is impacting the supply of marina slips across the country.”

It is unclear to us how you can address the current situation of Houseboats without thinking about future construction of vessels. Providing clarity around what is deemed acceptable provides our boat builders the predictability needed to remain competitive in a segment that was the first to see the looming Great Recession and the last ones to come out of it. We hope you will find accommodations for designers that have taken steps to protect the environment (for example those designs that have captured 100 percent of the gray water). It's this type of innovation that makes Seattle unique and should serve as a model for the rest of the country.

**Along those lines, we remain steadfast that specific brands should not be called out while others are not explicitly listed and left out of the market.** Playing favorites this way seems ripe for future controversy and we hope you will correct that. We do support the group's work around the Liveaboard Houseboat Vessel License, and especially the Vessel Evaluation, but our angle is different because we do not represent the owners of these vessels. Rather, it's the marinas, builders and insurers that need this clarity and would welcome sunshine on these definitions. To underscore our position, we urge you to provide clear parameters whenever possible and especially in section 23.60A.214. Again, Margie Freeman's input, as a marina owner and operator, on this specific section falls in line with what you would have seen had NMTA had a formal position in this group.

Again, thank you for the opportunity to weigh in. I have been a regular attendee of these meetings in the audience. I applaud the work of Triangle and Associates and appreciate the City hiring them to move the conversation forward.

Sincerely,



Peter Schrapfen

Director of Government Affairs, NW Marine Trade Association

**From:** Susan Neff <sneffff@hotmail.com>  
**Sent:** Tuesday, May 28, 2013 2:20 AM  
**To:** Sarah Saviskas  
**Subject:** SHG falls short

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

27MAY2013

City Council Members,

The City Council of Seattle provided those effected by the current and future Seattle Shoreline Master Programs (with respect to liveaboard structures), an opportunity to have significant influence by forming a StakeHolders Group (SHG). It is my view that this opportunity has been squandered.

In many areas the guidelines and boundaries put forth by the City have been ignored. A particularly glaring example follows. Directions from the City Council included the statement, "*Recommendations are to be consistent with the Shoreline Management Act (SMA) and not designed to legalize structures that are not vessels.*" (*my underlining*) Yet, this is what the proposed Houseboat Vessel Liveaboard License would do. In addition, the proposals for 'going forward' lay the groundwork for an expanding Houseboat Vessel Liveaboard community. The recommendations as written would allow for permanently-moored-structures-designed-primarily-as-residences without addressing any of the three basic policy areas of the SMA. Given the slightest opportunity, this expansion will occur.

In my opinion, the pivotal issue here was determining clarity and fairness in defining a vessel for the purpose of the current and future SSMP. The 'designed and used for navigation and do not interfere with the normal public use of the water . . . .' clause of the current SSMP was repeatedly dodged by a large contingency of the SHG. Propulsion is a critical component of navigation and consequently of vessel design and safety. A propulsion test can not be excluded from consideration. Yet, attempts to discuss propulsion testing during SHG meetings were met with an outright refusal to engage.

Because basic directives from the City Council to the SHG and feedback from DPD and DOE staff was sometimes ignored or challenged at meetings, much of what is recommended by the SHG will prove to be unusable. There are some notable exceptions. The work done towards developing a Compliance Process with the DPD and parts of the Education, Outreach and Technology section merit consideration. The lack of consensus on limiting graywater discharge was disappointing. But the discussion and the possible pilot study will hopefully move us a step closer to containing graywater in our vulnerable lakes.

My thanks to the City Council for allowing stakeholders this opportunity and to the DOE for their financial support. Thru this process, past protestations by some citizens that 'my voice is not being heard' can be put to rest. The excellent facilitators, Bob Wheeler and Sarah Saviskas, deserve to be acknowledged for the skill and diplomacy they brought to the table.

Sincerely,

Susan Neff  
Liveaboard and Sailor

Public Comment: On Water Residents from Lynne Reister, Liveaboard, Vessel Owner, Marine Surveyor and Investigator

Thank you to the commitment of those stalwart individual who unselfishly devoted their time, resources and energy, and those who supported them and assisted in the Stakeholders Group Process.

This comment is directed to City Council, DPD and DOE, the Stakeholders Group members, the General Public and all those who live on the water in Seattle.

The Stakeholder Group Report consists primarily of three categories:

- Vessel Evaluation
- Houseboat Liveaboard License
- Gray Water Pilot / Proposal

The task was to:

1. Recommend possible regulatory or procedural actions that can be taken by the City to provide greater certainty, clarity, or procedural safeguards for on water residences
2. Recommend possible legislative amendments to Shoreline Master Program (SMP) that the Department of Ecology (ECY) agrees are sufficiently promising to merit formal review by ECY if adopted by the Council.

So now, with regard to task #1, the proposed Vessel Evaluation components conforms to the existing SMA and will add certainty, and clarification to the existing houseboat communities. The Vessel Evaluation complies with the existing SMA.

With regard to task #1, the Houseboat Liveaboard License provides a procedural action which the city can take to assure certainty for and a safeguard for on water residence who meet the Vessel Evaluation. This should be adopted as presented.

With regard to task #2, the Stakeholder's Group has proposed a Grey Water Pilot program, which should address the/any environmental concerns which should have been the focus of this process rather than the shape of the Houseboats / Liveaboard Issue. Gray water was not an initial issue of the SMP, nor was the houseboat style issue ever stated as a focus of the SMP / SMA until well into the process during the initial Citizens Advisory Committee or within their Report.

The DPD is similar to Allan Greenspan when he said; *"I know you think you understand what you thought I(DPD) said but I'm not sure you realize that what you heard is not what I meant"* We cannot run a government like that.

The law needs to be clear and certain. The DPD failed to do this for nearly 23 years they said they 'really meant something else, and, as a result, many families and individuals are at the risk of losing their vessels and their homes due to the DPD's failure to make clear what they meant. These individuals have followed the law and the CAM229 to the "T" and they should not be forced to lose their vessels /residences due to a failure of the DPD/ SMA to be clear. The city needs to step up to the plate and make this right. The Vessel Evaluation Form will allow them to do this. This New Proposal will assure the public knows what is "meant."

This is the opportunity to have the DPD do the RIGHT THING, face up to their oversight and misleading information, and accept the proposal 'as-is' and submit it to the City Council with their support and then on to Department of Ecology for their review and support. Ecology has been very involved with the Stakeholders Group Process; they helped and influenced the Final Report with their input and with that said, it should insure the acceptance of the Stakeholders Group's Final Report.

I urge the DPD to support this On Water Residence Report, as presented, to the DPD for review and presentation, without interference, to the City Council for further review and approval by Department of Ecology. I urge the City Council to adopt this Report / Proposal as presented. The People are Speaking!

By doing so, it will avoid any further confusion, and uncertainty for those living on existing legal houseboats in the Seattle waters. It will clearly state the criteria by which a vessel must qualify with no grey areas for random interpretation or the addition of any criteria which is being unfairly and inappropriately imposed on individual owners now.

I would add that a private vessel should not need to defend itself against random, untrue threats and accusations. A factor needs to be added that any complaint lodged against any liveaboard must be supported by substantial and irrefutable supportive evidence with undisputable facts that the vessel does not meet, or has violated the SMA before any notice, action or service memo is issued; The Burden of Proof should be borne by the complaining party or a complaint should not be activated.

Respectfully, Lynne H. Reister

Dear Stakeholder Group,

First and foremost Sundance would like to extend our gratitude to the members of the stakeholder group for their efforts on the important issues surrounding the SMP and liveboards on Seattle waterways.

As a local yacht manufacturer, we at Sundance strongly agree with the Stakeholder Group's conclusion that section 23.60A.214 of the SMP is problematic, prone to interpretation, and inviting of litigation. We disagree with discriminating against different types of vessels based on appearance and we disagree with the naming of specific brands of vessels as permitted or not permitted as liveboards on Seattle waterways.

We would like to see clear guidelines for manufacturers (and vessel owners) moving forward to provide greater certainty for all parties involved including but not limited to manufacturers, owners, lenders, and insurers.

We thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Buck-Niehaus', with a long horizontal line extending to the right.

Nick Buck-Niehaus  
Sundance Mfg Inc.