



ZTR23-001

Shoreline Regulations for Marina and Swim Facilities

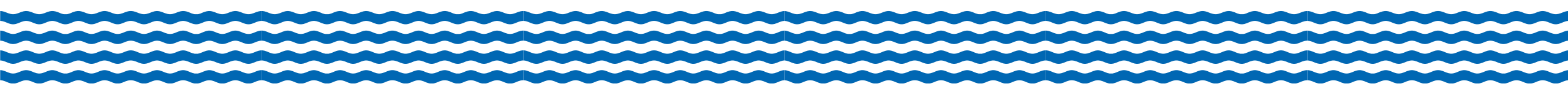
Mercer Island City Code (MICC)
19.13.040 Table B, 19.13.050,
19.13.010(E), and 19.16.010

City Of Mercer Island City Council
September 19, 2023
Molly McGuire, Planner
Department of Community Planning and
Development



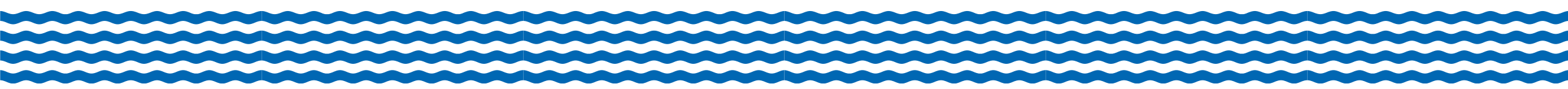
Purpose

- Present the Planning Commission (PC) Recommendation and Ordinance No. 23C-15 to City Council for a first reading.
- Set a second reading and adoption of Ordinance No. 23C-15.



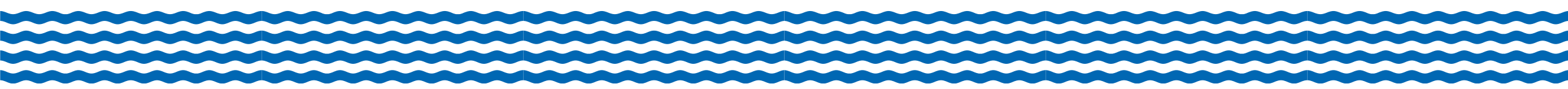
Process

- February to June – PC review.
- June 7 – Joint Public Hearing with Department of Ecology and PC Recommendation to City Council to adopt.
- August 3 – Initial Determination of Consistency received from Ecology.
- **September 19 – City Council first reading of Ordinance No. 23C-15**
- October 3 (Tentative) – City Council second reading and adoption.



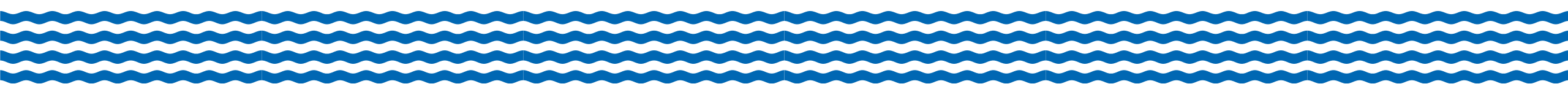
Background

- The Shoreline Master Program (SMP) regulates land use and development within the shoreline jurisdiction.
- Cities are required to adopt an SMP under the WA Shoreline Management Act (SMA).
- The SMA allows cities to adopt local shoreline regulations provided they are consistent with the state standards, reviewed for consistency with the SMP by the WA Dept. of Ecology.



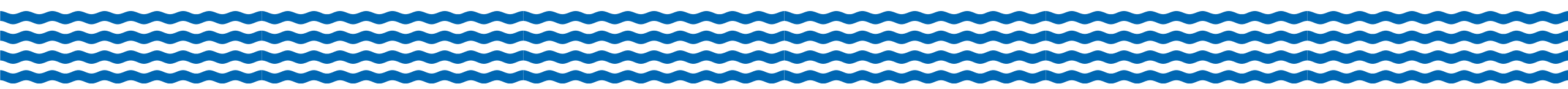
Background: Joint Review

- The Washington Administrative Code (WAC) authorizes local governments to make necessary amendments to the SMP and allows the use of a joint review process with Ecology.
 - Close coordination with Ecology through meetings and public comment
- The City received a Determination of Consistency from Ecology on August 3 in support of the PC recommendation to City Council.



Background: Docket Request

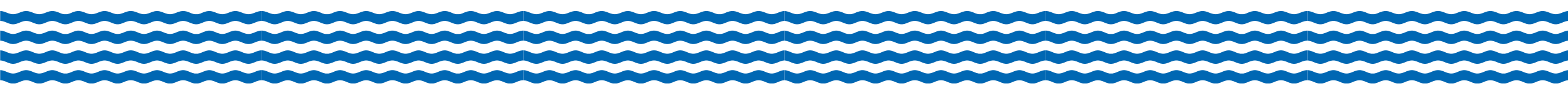
- The Mercer Island Beach Club (MIBC) submitted a proposed amendment to the Mercer Island SMP during the 2022 Docket, and added to the 2023 work program by Resolution 1641
- **Original Amendment Request:** Amend MICC 19.13.040 Table B – Shoreland Uses Waterward of the Ordinary High Water Mark Footnote, allowing for any existing private club or residential community serving more than 10 families to use a shoreline conditional use permit for the redevelopment of its moorage facilities



PC Recommendation/ Ordinance No. 23C-15

Section 1: Amends MICC 19.13.010

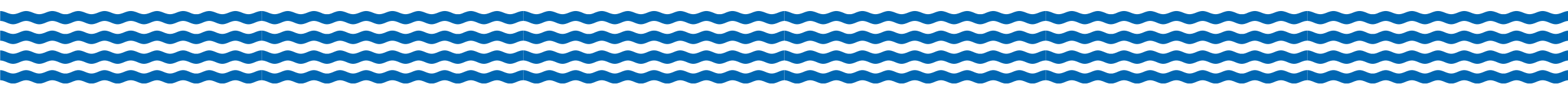
- This section establishes the relationship of the SMP and other federal and state laws.
- Provides clarification for processing shoreline permits, such as Shoreline Substantial Development Permits and Shoreline Conditional Use Permits, by adopting Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures by reference.



PC Recommendation/ Ordinance No. 23C-15

Section 2: Amends MICC 19.13.040

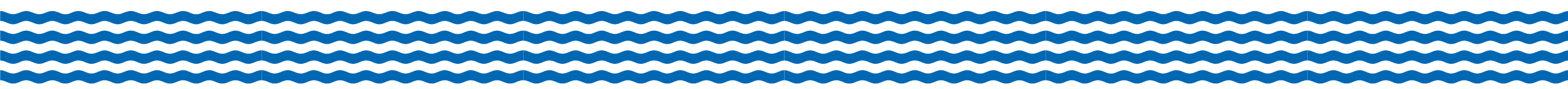
- “Marina” is added as a new use to Table B Shoreland Uses Waterward of the Ordinary High Water Mark in the Urban Residential Shoreline Environment Designation through the Shoreline Conditional Use Permit process
- Shoreline Conditional Use Permit applications must demonstrate compliance with the criteria in WAC 173-27-160, and any applicable standards in the SMP



PC Recommendation/ Ordinance No. 23C-15

Section 3: Amends MICC 19.13.050

- Establishes shoreland development standards for “marina” that are consistent with state regulations for boating facilities and marinas. The proposed standards include regulations for eligibility, location, size, and environmental requirements for marina facilities:
 - Limited to only those organizations that provide significant public access
 - Limited to the minimum size necessary based on the required demand analysis
 - Limited to only those locations where a marina exists before the adoption of this Ordinance



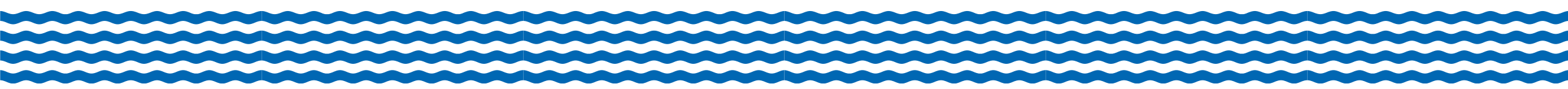
PC Recommendation/ Ordinance No. 23C-15

Section 4: Amends MICC 19.16.010

- “Marina” is added as a new definition to the Definitions section in the MICC:
 - A private or public moorage facility providing the purchase, lease, and/or use of a slip for storing, berthing, and securing watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as swim facilities, waste collection, boat sales, or rental activities, and retail establishments providing fuel service, repair, or service of watercraft. Marinas do not include moorage facilities serving four or fewer single-family residences.

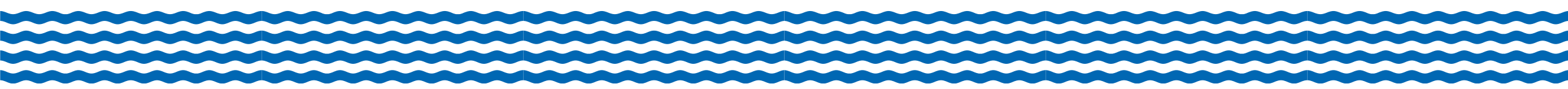
Amendments to Section 3

- Staff recommends amendments to the following:
 - MICC 19.13.050(L)(2)(b) – “The marina ~~is owned or operated by an organization or corporation serving~~ serves at least fifty (50) people; or”
 - MICC 19.13.050(L)(4)(k) – “Floating homes and live aboard vessels are prohibited in marinas.”
 - MICC 19.13.050(L)(6)(b)(ii) – “The code official may condition approval ~~to reduce the maximum of the~~ length to reduce the effects of overwater structures on navigability of the waterway.”



Amendments to Section 4

- Staff recommends amendments to the following:
 - MICC 19.16.010 - A private or public moorage facility providing the purchase, lease, and/or use of a slip for storing, berthing, and securing watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as swim facilities, waste collection, ~~boat sales~~, or rental activities, and retail establishments providing fuel service, repair, or service of watercraft. Marinas do not include moorage facilities serving four or fewer single-family residences.



Recommendation

Direct staff to make the 4 amendments as presented and move to set Ordinance 23C-15 for second reading and adoption at the October 3, 2023, City Council meeting.

Effective Date

Since the City is utilizing the joint review process with Ecology, the proposed amendments will be submitted to Ecology following City Council adoption. Ecology will conduct a second and final review for approval. Ordinance No. 23C-15 will not go into effect until final approval from Ecology is issued.

