

April 23,2023

To: **Chair:** Daniel Hubbell
 Vice Chair: Michael Murphy
 Commissioners: Kate Akyuz, Carolyn Boatsman, Michael Curry, Victor Raisys, and Adam Ragheb
 Deputy CPD Director: Alison Van Gorp
 Senior Planner: Adam Zach
 Planner: Molly McGuire

RE: ZTR23-001 First reading of Marina Regulations

Dear Chair Hubbell, Vice Chair Murphy, Commissioners and City Staff,

On behalf of MIBC we want to Thank City Staff for putting together new language to authorize new and redeveloped marinas on the Island. MIBC has reviewed, and also asked our project biologist to review the draft. We ask that Staff be directed to continue to work with us on the following matters.

1. The discussion of Environmental Considerations includes references that apply to saltwater, not to Lake Washington. For example, protecting habitat for forage fish for juvenile salmonids is not an issue in the Lake, this is a salt water issue.
2. The discussion of Marina Regulation Resources includes a good whitepaper from 2001 about the environmental effects of over water structures. In addition, MIBC's biologist recommends to the City a review of the later adopted State standards for building freshwater marinas adopted in 2014, as WAC 220-660-140, as well as the State's Final Programmatic Environmental Impact Statement for that new code (and many related sections), found here: [wdfw01660.pdf \(wa.gov\)](#). For example, there are allowances for floating structures/breakwaters to protect shoreline features, because they do not alter currents and they allow for free movement of fish, unlike fixed breakwaters, such as jetties, that extend from the lakebed to above the water surface. MIBC does not plan a breakwater, but we do believe flexibility for similar floating structures should be allowed.
3. The draft code calls for a SCUP for any new private marina, as well as for redevelopment of any of the three existing marinas on the Island (the Beach Club, the Mercerwood Shore Club, and Covenant Shores). MIBC asks the City to consider allowing redevelopment of an existing marina using just an SSDP, and requiring any new marina to also obtain a SCUP.
4. The draft City regulations include a broad definition of marinas. We ask that the definition be revised to include accessory recreational facilities like swim docks, and similar facilities. MIBC's project plans for safety reason to include redeveloping both moorage for boats, and the swim facilities largely used by member children. We want to ensure that the City's newly adopted code can be used to permit both the moorage and the swim dock.
5. MIBC asks that proposed section L.4.g be revised so that a pump out facility for use by the general public is not required at a privately owned marina that is not open to the general public. MIBC does not currently provide any pump out service and we do not plan to do so in the future.

Most of the boats that moor at MIBC do not even have a head/waste storage capacity. In addition, MIBC is a private club. Requiring a private club to provide a public pump out service increases the cost and liability risks for the club. As described in Attachment B to the Staff Report, requiring pump out facilities is a “local choice” regulation. This means the City is not required by State law to force MIBC and other private clubs to provide this service.

6. MIBC asks that proposed section L.4.h. be revised so that no public restroom is required to at a privately owned marina that is not open to the general public. MIBC does not currently provide restroom access to the general public, and we do not plan to do so in the future. In addition, MIBC is a private club. Requiring a private club to provide public access to a restroom increases the cost and liability risks for the club. As described in Attachment B to the Staff Report, requiring public restrooms is a “local choice” regulation. This means the City is not required by State law to force MIBC and other private clubs to provide this service.

7. MIBC asks that proposed section L.5.c. be revised to also allow alternate spacing for piles, including tighter spacing, if an engineer demonstrates that tighter spacing is necessary. Our biologist has seen circumstances that call for tighter spacing and recommends this revision. MIBC does not plan to need to tighter spacing.

8. MIBC asks that proposed section L.6.a.iv be revised. Our designers believe this section has oversimplified the complicated regulations found at WAC 220-660-140(3)(c)(iv)(A) – (F) into a design standard that cannot be met. The regulation should be clear on how to design appropriate grating, including how grating percentage is measured. A cross reference to WAC 220-660-140(3)(c)(iv)(A) – (F) may work better.

9. MIBC asks that proposed section L.6.b.i. be revised. First, it is unclear how the 150 foot measurement is made when the edge of an outer dock will necessarily be a straight line, but the shoreline is not straight. Second, MIBC’s project designs intentionally extend the revised marina as far into the water as possible so as to maximize protection of the nearshore habitat. We believe there are areas of our design that extend to 152 feet. We ask that section L.6.b.i. be revised to allow greater flexibility to set 150 feet as the goal, but to allow up to 10 percent more length if doing so better protects the nearshore habitat and does not interfere with navigation.

10. In regards to overwater coverage, If an existing marina is proposing to reconstruct their marina under the most up to date codes and regulations, then assessment of current square foot coverage on the lake has no bearing or relevance when assessing the proposed new design. As long as the new design meets all new codes and regulations while using all lake front property within its rights and applicable under the most updated codes, the current structure’s lake coverage has no relevance when assessing a new design.

We are ready to continue the discussions and the hard work to make sure that we create the best code for the existing clubs, the City, for the environment and our community at large.

Thank you,

Gardner Morelli