

**Mercer Island Beach Club Marina – Criteria Compliance Narrative**

**Consistency with WAC 173-27-160, Review Criteria for Conditional Use Permits**

<b>Code Reference</b>	<b>Development Standard Compliance</b>
<p>(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:</p>	<p>Mercer Island Beach Club (MIBC) is applying for a SCUP as required for a marina in the shoreline Urban Residential Environment waterward of the OHWM, per Table B in MICC 19.13.040. The project is to reconfigure an existing multi-access point marina into a single-point access marina by replacing four docks with a new fixed shoreward and floating seaward slip marina. The project also includes replacing a swim platform reconfigured log boom to protect the platform and adjacent swim area (“Project”).</p>
<p>(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;</p>	<p>The Project complies with the City’s shoreline policies as demonstrated throughout this application. The proposed use of the Project will be consistent with RCW 90.58.020 by fostering reasonable and appropriate use of the shoreline while also restoring the natural character of the shoreline. The Project will reduce overwater coverage within 30 feet of the shore by approximately 600 square feet and it will reduce shadowing by using grated decking. Additionally, boat moorage will be located farther from shore and 60 linear feet of rock and timber bulkhead will be removed and replaced within 60 linear feet of beach. An additional 25 cubic yards of beach nourishment will be added to the new beach per WDFW specifications. 121 pilings will be removed and replaced with 93 pilings. Lastly, the Project includes new shoreline plantings to further improve shoreline conditions.</p>

	<p>As authorized by MICC 19.13.050(L), the MIBC meets the public access standard for a marina, because MIBC's 500 member families are beyond the required public access threshold that a private marina be an organization serving at least 50 people.</p>
<p>(b) That the proposed use will not interfere with the normal public use of public shorelines;</p>	<p>The shoreline at issue is privately owned and the Project will not impact or interfere with the normal public use of public shorelines as there are none in proximity of the Project site.</p>
<p>(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;</p>	<p>The Project will improve existing waterfront and recreation opportunities and access. The MIBC was established in 1954 alongside surrounding residential uses. The Project reconfigures the existing marina and is not anticipated to adversely impact the surrounding residents.</p>
<p>(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and</p>	<p>The Project will not cause significant adverse effects to the shoreline environment. To the contrary, the Project will reduce overwater coverage within 30 feet of the shore by 602 square feet and it will reduce shadowing by using grated decking. Additionally, boat moorage will be located farther from shore and 60 linear feet of rock and timber bulkhead will be removed and replaced within 60 linear feet of beach. An additional 25 cubic yards of beach nourishment will be added to the new beach per WDFW specifications. 121 wooden pilings will be removed and replaced with 91 steel pilings. Lastly, the Project includes new shoreline plantings to further improve shoreline conditions. A No Net Loss Assessment Report detailing these elements and corresponding environmental analysis was prepared by Northwest Environmental Consulting, LLC, dated</p>

	February 2024, and concluded the Project will result in No Net Loss of ecological functions.
(e) That the public interest suffers no substantial detrimental effect.	The Project pertains to privately owned shoreline and does impact or interfere with existing public access to Lake Washington.
(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.	MIBC is not aware of other conditional use permits that have been applied for or issued in the area for similar circumstances. Only two other sites on Mercer Island have similar private marina uses, the Mercerwood Shore Club on the northeast side of the island, and the small marina owned by the Covenant Shores development. There are no known requires for similar actions associated with either of these marinas.
(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.	Not applicable. The Project marina use is classified within the City's SMP and consistent with permitted uses per MICC 19.13.040.
(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.	Not applicable. The Project marina use is classified within the City's SMP and consistent with permitted uses per MICC 19.13.040.

**Consistency with MICC 19.13.050(B),**  
**[Bulkheads and shoreline stabilization structures.]**

<b>Code Reference</b>	<b>Development Standard Compliance</b>
<p data-bbox="205 467 863 495"><i>B. Bulkheads and shoreline stabilization structures.</i></p> <p data-bbox="205 540 1031 678">1. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves, and the following conditions shall apply:</p> <ul style="list-style-type: none"><li data-bbox="296 724 1024 824">i. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.</li><li data-bbox="296 943 1031 1263">ii. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the primary structure was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.</li></ul>	<ul style="list-style-type: none"><li data-bbox="1060 724 1843 862">i. The existing and decaying creosote bulkheads on the southeast portion of the site, and south of the swim dock access is designed be replaced with an inert bulkhead. This is evaluated in the No Net Loss Report.</li><li data-bbox="1060 943 1864 1081">ii. Sheet 5 of the plan set shows the “proposed beach cove and retaining wall by others”, and shows the new wall landward of the existing structures (shown on Sheet 4) and landward of the OHWM.</li></ul>

<p>iii. For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.</p> <p>iv. Construction and maintenance of normal protective bulkhead common to single-family dwellings requires only a shoreline exemption permit, unless a report is required by the code official to ensure compliance with the above conditions; however, if the construction of the bulkhead is undertaken wholly or in part on lands covered by water, such construction shall comply with SEPA mitigation.</p>	<p>iii. The existing wall is degrading and needs to be replaced to provide stabilization for the landward features.</p> <p>iv. Not applicable.</p>
<p>2. <i>New structures for existing primary structures.</i> New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, are not allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. New or enlarged erosion control</p>	<p>2. Not applicable.</p>

<p>structure shall not result in a net loss of shoreline ecological functions.</p>	
<p>3. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis, in compliance with subsection (B)(7) of this section and building and construction codes.</p>	<p>3. Not applicable.</p>
<p>4. New structural stabilization measures in support of water-dependent development shall only be allowed when all of the conditions below apply:</p> <ul style="list-style-type: none"><li>i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.</li><li>ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.</li><li>iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report, in compliance with subsection (B)(7) of this section and building and construction codes.</li><li>iv. The erosion control structure will not result in a net loss of shoreline ecological functions.</li></ul>	<p>4. Not applicable.</p>

<p>5. New structural stabilization measures to protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW Chapter 70.105D shall only be allowed when all of the conditions below apply:</p> <ul style="list-style-type: none"> <li>i. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.</li> <li>ii. The erosion control structure will not result in a net loss of shoreline ecological functions.</li> </ul>	<p>5. Not applicable.</p>
<p>6. Bulkheads shall be located generally parallel to the natural shoreline. No filling may be allowed waterward of the ordinary high water mark, unless there has been severe and unusual erosion within two years immediately preceding the application for the bulkhead. In this event the city may allow the placement of the bulkhead to recover the dry land area lost by erosion.</p>	<p>6. The replacement bulkhead is generally parallel to the natural shoreline. The replacement bulkhead alignment is shown on page 5 of the plan set.</p>
<p>7. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years,</p>	<p>7. A Geotechnical report, is included in the application package describing shoreline stabilization.</p>

<p>that report may still be used to justify more immediate authorization to protect against erosion using soft measures.</p>	
<p>8. When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions, the following shall apply:</p> <ul style="list-style-type: none"><li>i. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.</li><li>ii. Ensure that publicly financed or subsidized shoreline erosion control measures do not permanently restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions: WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.</li><li>iii. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline</li></ul>	<p>8. Not applicable.</p>

management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

**Consistency with MICC 19.13.050(D) Table D,**  
**Requirements for Moorage Facilities and Development Located Waterward from OHWM**

Code Reference	Development Standard Compliance
<p>Setbacks for Docks, Covered Moorages, and Floating Platforms</p> <p>A. 10 feet from the lateral line (except where moorage facility is built pursuant to the agreement between the owners of adjoining lots on the shoreline as shown in Figure B below).</p> <p>B. Where a property shares a common boundary with the urban park environment, the setback shall be 50 feet from the lateral line or 50% of the water frontage of the property, whichever is less.</p>	<p>A. All portions of the revised marina are at least 10 feet from the lateral line (i.e., at least 10 feet from the MIBC property line). See plan sheet 5.</p> <p>B. Not applicable.</p>
<p>Setbacks for Boat Ramps and Other Facilities for Launching Boats by Auto or Hand, Including Parking and Maneuvering Space</p> <p>C. 25 feet from any adjacent private property line.</p>	<p>The existing boat ramp along the northern side of the property is located at least 25 feet from adjacent private property lines, abutting Dock E. The driveway to the boat ramp abuts the property line. No aspect of the current proposal alters the location of the boat launch. See plan sheet 5.</p>
<p>Length or Maximum Distance Waterward from the OHWM for Docks, Covered Moorage, Boatlifts and Floating Platforms</p> <p>D. Maximum 100 feet, but in cases where water depth is less than 11.85 feet below OHWM, length may extend</p>	<p>Not applicable. Per MICC 19.13.050(L)(1), the MIBC Marina need not comply with the Table D requirements for moorage facilities related to width and length.</p>

<p>up to 150 feet or to the point where water depth is 11.85 feet at OHWM, whichever is less.</p>	
<p>Width of Docks within 30 Feet Waterward from the OHWM</p> <p>E. Maximum 4 feet. Width may increase to 5 feet if one of the following is met:</p> <ol style="list-style-type: none"> <li>1) Water depth is 4.85 feet or more, as measured from the OHWM; or</li> <li>2) A moorage facility is required to comply with Americans with Disabilities Act (ADA) requirements; or</li> <li>3) A resident of the property has a documented permanent state disability as defined in WAC 308-96B-010(5); or</li> <li>4) The proposed project includes mitigation option A, B or C listed in Table E; and for replacement actions, there is either a net reduction in overwater coverage within 30 feet waterward from the OHWM, or a site-specific report is prepared by a qualified professional demonstrating no net loss of ecological function of the shorelands. Moorage facility width shall not include pilings, boat ramps and boatlifts.</li> </ol>	<p>Not applicable. Per MICC 19.13.050(L)(1), the MIBC Marina need not comply with the Table D requirements for moorage facilities related to width and length.</p>

<p>Width of Moorage Facilities More Than 30 Feet Waterward from the OHWM</p> <p>E. Maximum 6 feet wide. Moorage facility width shall not include pilings, boat ramps and boatlifts.</p>	<p>Not applicable. Per MICC 19.13.050(L)(1), the MIBC Marina need not comply with the Table D requirements for moorage facilities related to width and length.</p>
<p>Height Limits for Walls, Handrails and Storage Containers Located on Piers</p> <p>F. 3.5 feet above the surface of a dock or pier. 4 feet for ramps and gangways designed to span the area 0 feet to 30 feet from the OHWM.</p>	<p>Handrails required on ramps will meeting height limit; not shown on Sheet 5 for clarity of other plan elements.</p>
<p>Height Limits for Mooring Piles, Diving Boards and Diving Platforms</p> <p>G. 10 feet above the elevation of the OHWM.</p>	<p>These height limits are met as shown on Sheet 6.</p>
<p>Height Limits for Light Rail Transit Facilities within the Existing I-90 Corridor: The trackway and overhead wires, support poles, and similar features necessary to operate light rail transit facilities may be erected upon and exceed the height of the existing I-90 bridges.</p>	<p>Not applicable.</p>
<p>Minimum Water Frontage for Docks</p> <p>H. Single-family lots: 40 feet.</p> <p>I. Shared — Two adjoining lots on the shoreline: 40 feet combined.</p>	<p>Not applicable.</p>

<p>J. Semi-private recreational tracts:</p> <p>2 families: 40 feet.</p> <p>3—5 families: 40 feet plus 10 feet for each family more than 2.</p> <p>6—10 families: 70 feet plus 5 feet for each family more than 5.</p> <p>11—100 families: 95 feet plus 2 feet for each family more than 10.</p> <p>101+ families: 275 feet plus 1 foot for each family more than 100.</p>	
<p>Covered Moorage Permitted on single-family residential lots subject to the following:</p> <ul style="list-style-type: none"> <li>a. Maximum height above the OHWM: 16 feet; 16 to 21 feet subject to criteria of subsection (E)(1) of this section.</li> <li>b. Location/area requirements: See Figure A for single-family lots and Figure B for shared moorage.</li> <li>c. Building area: 600 square feet; however, a covered moorage may be built larger than 600 square feet within the triangle subject to a shoreline conditional use permit.</li> <li>d. Covered moorage shall have open sides.</li> <li>e. Prohibited in semi-private recreational tracts and noncommercial recreational areas.</li> </ul>	<p>Not applicable.</p>

f. Translucent coverings are required.	
--	--

**Consistency with MICC 19.13.050(L) Marinas**

<b>Code Reference</b>	<b>Development Standard Compliance</b>
<p>Marinas must comply with the following standards:</p> <ol style="list-style-type: none"><li>1. With the exception of the requirements for moorage facilities related to width and length, marinas shall comply with design standards required for moorage facilities listed in Table D, Requirements for Moorage Facilities and Development Located Waterward from OHWM.</li></ol>	<p>See above.</p>
<ol style="list-style-type: none"><li>2. Marinas are only allowed if they provide significant public access to the shoreline. A proposed marina provides significant public access by meeting one of the following conditions.<ol style="list-style-type: none"><li>a. The marina is owned or operated by the city of Mercer Island;</li><li>b. The marina is owned or operated by an organization or corporation serving at least 50 people; or</li><li>c. The marina is open to the general public and access is not limited to membership in an organization.</li></ol></li></ol>	<ol style="list-style-type: none"><li>b. MIBC has approximately 500 member families and, therefore, meets the significant public access standard as an organization serving at least 50 people.</li></ol>

<p>3. Application requirements. Applications for marinas must include the following.</p> <ul style="list-style-type: none"> <li>a. A no net loss plan, consistent with MICC 19.13.020(C), which demonstrates that the proposed project will not create a net loss in ecological function of the shorelands.</li> <li>b. A demand analysis or master plan that projects future needs for pier or dock space during the life of the development. <ul style="list-style-type: none"> <li>i. The total amount of moorage spaces proposed;</li> <li>ii. The total number of commercial moorage spaces in the city of Mercer Island within a one-mile radius of the proposed facility; and</li> <li>iii. The expected population and vessel characteristics of the potential users of the facility and how these characteristics relate to specific facility design elements including slip sizes, pier and dock length, and necessary water depth.</li> </ul> </li> </ul>	<p>3.</p> <ul style="list-style-type: none"> <li>a. An Ecological No Net Loss Assessment Report, dated February 2024, was prepared by Northwest Environmental Consulting, LLC and is enclosed with the application.</li> <li>b. A Demand Analysis was prepared and is enclosed with the application materials demonstrating compliance with this standard. <ul style="list-style-type: none"> <li>i. The new marina dock will include moorage for 52 boats, plus 12 jet skis, on six double jet ski lifts. With the renewed marina improvements, the total number of boats moored will be six fewer than the original marina design and the same as the current marina. (do we mention that we currently have 6 separate jet ski lifts?</li> <li>ii. There are no commercial moorage spaces in the City within a one-mile radius.</li> <li>iii. The marina demand outpaces the MIBC supply of slips, slips are used by member ranging from families with young children to elderly members in their 80's or beyond. The marina design, including length out to the inner harbor line and width of docks is designed to accommodate users needing to pass one another, and to best enhance the near shore environment. The application materials, including the marina plan sheets and structural engineer's report confirm that the new portions of the marina are no larger than necessary to provide 52 slips.</li> </ul> </li> </ul>
--	---

<p>4. General requirements. The following standards apply to all marinas.</p> <ul style="list-style-type: none"><li>a. Marinas shall be designed and operated consistent with federal and state water quality laws and established best management practices (BMPs) for marina operators, such as BMPs for bilge water discharge, hazardous waste, waste oil and spills, sewer management, and spill prevention and response. Rules for spill prevention and response, including reporting requirements, shall be posted on site.</li><li>b. Marinas shall be designed and sited to prevent the need for maintenance dredging during the life of the development. Moorage must be designed to avoid vessels resting on the lakebed.</li><li>c. Marinas must not be larger than necessary to accommodate the expected need as determined by the required demand analysis, this includes:<ul style="list-style-type: none"><li>i. Overwater structures must not be wider or longer than necessary to accommodate the expected need;</li><li>ii. The number of slips provided must not exceed the expected need; and</li></ul></li></ul>	<p>4.</p> <ul style="list-style-type: none"><li>a. The marina is designed and will be operated consistent with federal and state water quality laws and established BMPs, including those listed on the submitted Plan Set, Sheets 17-19. Rules for spill prevention and response will be posted on site.</li><li>b. The marina is designed to pull development away from shore and out to the inner harbor line to further avoid impacts to the shoreline and lakebed, including vessels resting on the lakebed.</li><li>c. As explained in the Demand Analysis, the marina is the minimum size necessary to meet all competing demands.<ul style="list-style-type: none"><li>i. The overwater structures are the minimum width necessary to accommodate the expected need of multiple users accessing their vessels at the same time, some of whom will be accompanied by children, some of whom are elderly, and most of whom will be carrying supplies.</li><li>ii. The number of slips in the reconfigured marina matches the number provided today, even though the MIBC's demand for slips is higher than that number.</li><li>iii. The slip dimensions are the minimum necessary to moor the expected MIBC member vessels, considering typical new vessel size.</li></ul></li></ul>
---	---

iii. The slip dimensions must not be larger than necessary to moor the expected vessels moored.

- d. Marinas shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. All other exterior finishes above the waterline must be nonreflective.
- e. Marinas must not include materials treated with pentachlorophenol, creosote, chromated copper arsenate, or comparably toxic compounds. Any paint, stain or preservative applied to components of the marina must be leach resistant and completely dried or cured prior to installation.
- f. Marinas must not interfere with the public use and enjoyment of the water or create a hazard to navigation.
- g. At least one restroom must be provided upland of the OHWM.
- h. At least one covered and secured waste receptacle must be provided upland of the OHWM.

d. The marina will be marked by red solar-powered marine navigation lights, and by reflectors, as shown on sheet 5 “Navigational Reflections Installed End of All Fingers” and shown on sheet 22. All other exterior finishes above the waterline will be nonreflective.

- e. Environmentally benign and approved materials will be used in compliance with this standard.
- f. The marina is located on a shoreline that is privately owned and it will not impact or interfere with the normal public use of public shorelines nearby.
- g. The MIBC has upland facilities that provide restrooms available to MIBC members. One restroom is marked and shown on Sheet 22 of the plan set.
- h. The MIBC has upland facilities that provide covered and secured waste receptacles to MIBC members. One covered and secured waste receptable is shown on Sheet 22 of the Plan Set.

- i. Utility and service lines located waterward of the OHWM must be affixed below the pier deck and above the water. Utility and service lines located upland of the OHWM shall be underground, where feasible.
- j. Covered moorage is prohibited in marinas.
- k. Floating homes and living within vessels are prohibited in marinas.
- l. Disturbance of bank vegetation shall be limited to the minimum amount necessary to accomplish the project. Disturbed bank vegetation shall be replaced with native, locally adapted herbaceous and/or woody vegetation. Herbaceous plantings must occur prior to final approval of the building permit. Woody vegetation components shall be planted in the fall or early winter, whichever occurs first. The applicant shall take appropriate measures to ensure revegetation success.
- m. Exterior lighting mounted on piers, docks or other overwater components of a marina shall be at ground or dock level, be directed away from adjacent properties and the water, be of the lowest intensity needed, and designed and located to prevent light from spilling onto the lake water. The following development activities are exempt from this requirement:

- i. No utilities (i.e., sewer, potable water) are included with the new marina. Mandated fire control will be provided.
- j. Covered moorage is not proposed.
- k. Floating homes and other residential uses are not proposed.
- l. As described in the No Net Loss Assessment Report, dated February 2024, disturbance of bank vegetation will be limited to the minimum amount necessary and the Project includes a shoreline planting plan to remove non-native vegetation and replace with native vegetation.
- m. Exterior lighting is not proposed.

<ul style="list-style-type: none"> <li>i. Emergency lighting required for public safety incidents;</li> <li>ii. Lighting required by state or federal regulations;</li> <li>iii. Lighting for public rights-of-way;</li> <li>iv. Outdoor lighting for temporary or periodic events (e.g., community events at public parks); and</li> <li>v. Seasonal decorative lighting beyond 30 feet of the ordinary high water mark.</li> <li>n. The applicant must provide documentation of approval of the marina by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.</li> <li>o. Vessels shall be restricted from extended mooring on waters of the state, except as allowed by applicable state regulations and unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.</li> </ul>	<ul style="list-style-type: none"> <li>n. MIBC has made application to both the Corps and WDFW and will provide the City with those agencies' approval documents.</li> <li>o. Not applicable. All moorage is over private lands.</li> </ul>
<p>5. Piles. Piles associated with a marina must comply with the following requirements.</p>	

<ul style="list-style-type: none"> <li>a. Piles shall be placed at least 18 feet from the OHWM.</li> <li>b. Piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate or comparably toxic compounds.</li> <li>c. Piles must be spaced at least 18 feet apart. The code official may authorize alternate spacing of piles provided the applicant demonstrates that the alternate spacing reduces the total number of piles needed for the project.</li> <li>d. Piles must not exceed 12 inches in diameter. The code official may authorize larger piles provided the applicant demonstrates that the larger piles reduce the total number of piles needed for the project.</li> <li>e. Piles must be fitted with devices to prevent perching by fish-eating birds.</li> </ul>	<ul style="list-style-type: none"> <li>a. The marina is designed with all piles located more than 18 feet from the OHWM.</li> <li>b. Environmentally benign and approved materials will be used in compliance with this standard.</li> <li>c. Pilings for the fixed pier are within 18 feet of each other. See Sheet 9, cross section A-9. MIBC requests the code official's approval of this alternate spacing, based on the needs and benefits described in the application materials, including the structural engineers report.</li> <li>d. Some pilings for the moorage dock are 16 inches in diameter. See Sheet 6. MIBC requests the code official's approval of this alternate spacing, based on the needs and benefits described in the application materials, including the structural engineers report.</li> <li>e. The pilings are designed with devices to prevent perching by fish-eating birds.</li> </ul>
<p>6. Overwater structures. Overwater structures associated with a marina must comply with the following requirements.</p> <ul style="list-style-type: none"> <li>a. Overwater structures must be designed to minimize the lakebed shading to the greatest degree feasible.</li> </ul>	<p>6. The marina and swim dock meet these standards.</p> <ul style="list-style-type: none"> <li>a. The overwater structures are designed to minimize lakebed shading to the maximum extent feasible. <ul style="list-style-type: none"> <li>i. A portion of the ramp to the swim dock is located within 30-feet of the OHWM as is a portion of the marina dock, and neither exceeds six feet in width. All</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>i. Overwater structures within 30 feet of the OHWM must not exceed six feet in width.</li> <li>ii. Overwater structures more than 30 feet from the OHWM may be wider than six feet provided: <ul style="list-style-type: none"> <li>A. Overwater structures wider than six feet must be approved by the Army Corps of Engineers and/or Washington Department of Fish and Wildlife;</li> <li>B. Potential environmental impacts of overwater structures with a width greater than six feet must be addressed in the required no net loss plan; and</li> <li>C. The code official may condition approval to require mitigation for any overwater structure exceeding six feet in width.</li> </ul> </li> <li>iii. Overwater structures must be grated in compliance with state and federal law.</li> </ul> <p>b. Length. Overwater structures that compose a marina must be designed to avoid adversely affecting navigability of waterways.</p>	<p>other portions of the swim dock are beyond 30 feet from the OHWM.</p> <ul style="list-style-type: none"> <li>ii. Portions of the swim dock and marina located beyond 30 feet from the OHWM are wider than 6 feet and they comply with the following standards. <ul style="list-style-type: none"> <li>A. MIBC has made application to both the Corps and WDFW and will provide the City with those agencies' approval documents.</li> <li>B. The impacts of the swim platform dimensions are described in the No Net Loss Report.</li> <li>C. Noted.</li> </ul> </li> <li>iii. The marina is designed to meet the grating requirements of State and Federal law use of product "Sunwalk" grating for the swim dock, and ECO-Grate 62 for the marina docks.</li> </ul>
---	--

<ul style="list-style-type: none"> <li>i. Overwater structures associated with the marina shall not exceed the minimum length necessary to accommodate facility needs as demonstrated in the required demand analysis or master plan.</li> <li>ii. The code official may condition approval of the length to reduce the effects of overwater structures on navigability of the waterway.</li> <li>c. Floats. Floats must comply with the following requirements. <ul style="list-style-type: none"> <li>i. All floats shall be designed to prevent the bottom of the float from resting on the lakebed.</li> <li>ii. All floats must be fully enclosed and contained in a shell, tub, or wrap. The shell, tub, or wrap must prevent breakup or loss of the flotation material into the water. The shell or wrap must not be readily subject to damage by ultraviolet radiation and abrasion.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>b. The swim dock and marina are designed to avoid adversely affecting navigability of waterways, including being located inside the inner harbor line. <ul style="list-style-type: none"> <li>i. MIBC submitted a Demand Analysis confirming the need for the facility, as designed.</li> <li>ii. Noted.</li> </ul> </li> <li>c. <ul style="list-style-type: none"> <li>i. All floats will be fully enclosed in a manner that complies with this standard.</li> <li>ii. All floats will be fully enclosed in a manner that complies with this standard.</li> </ul> </li> </ul>
<p>7. New marinas. New marinas shall only be located where there are existing marinas on the effective date of this chapter.</p>	<p>The MIBC and marina was established in 1954, well in advance of the effective date of Ch. 19.13 MICC.</p>