

David Breskin and Margaret Barbier
6809 NE Bergman Rd.
Bainbridge Island WA 98110
(206) 200-7707
dbreskin@bjtlegal.com

By Hand Delivery and Email

March 2, 2020

Mr. David Greetham, Planner
Department of Planning and Community Development
City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, Washington 98110-1812
pcd@bainbridge.gov

Re: Wysong-Ziemba Dock Replacement – PLN50280C

Dear Mr. Greetham,

We have lived on the shore of Little Manzanita Bay since 1990. It is a small, pristine, quiet bay with a beautiful view of the Olympic mountains to the west. It is now the gateway into the new Bainbridge Land Trust estuary which is at the southern most tip of the bay. Little Manzanita is frequently enjoyed by swimmers, kayakers, paddle boarders, sailboats and other small craft. A number of birds, including herons and eagles, feed here and call this home. The bay is abundant with fish. We all treasure and enjoy Little Manzanita's quiet beauty, wildlife sightings, calm protected waters, and beautiful shoreline. The bay empties out with the tides which vary depending on the time of year.

The shoreline of Little Manzanita Bay is unmarred by any docks to the south of the applicants' property. Looking north from our property, is the applicants' current 83' low profile dock, and two other small, unassuming docks. There are no other docks on Little Manzanita Bay. Thus, when the applicants state that the majority of the homeowners on the bay have docks, they are incorrect. Perhaps they are referring to the much larger and deeper Manzanita Bay to the west of Little Manzanita Bay which has many docks and large boats.

We were surprised when we received the current SEPA notice about the proposed construction of a new 240' pier/float/ boat launch. The applicants previously proposed a substantially similar project four years ago when they first moved here. Due to our travel that year, we missed the notice and the comment period associated with that application. We were relieved when the application was cancelled.

Reviewing the history of this application, it is clear that it was adamantly opposed by the Manzanita community on grounds of aesthetics , marred views, diminished property values, environmental and wildlife concerns, navigational and safety issues, and overall incompatibility with the unique character of Little Manzanita Bay. We concur with the substance of these former comments and feel that they should be part of the record for the current application. It is unfortunate that the applicants chose to disregard the clear sentiments of the Little Manzanita community and proceed to push this project forward.

As residents of Little Manzanita Bay, we are directly, and adversely impacted by this project and we oppose it the following reasons:

It destroys our view and that of other Little Manzanita Bay area residents. It also destroys the views of the general public who use the bay or come to view the bay on their walks, cycling or driving. We and the members of the public visiting this bay, should not be required to look at a 240' structure intersecting the bay consisting of a "4-foot by 140-foot alum pier, 3 foot by 48-foot alum ramp, 8-foot by 60-foot moorage float, [and] two 4-pile electric boat lifts." Magnifying the aesthetic incompatibility of this structure with its natural surroundings, the pier portion of this structure will be elevated 11' above the water.

It diminishes our property values. The reason people want to live on, and visit this bay is for its tranquil, unmarred physical beauty. This structure will impede our ability to market and sell our homes.

It limits navigation and enjoyment of the bay . Swimmers, kayakers, paddle boarders, sail boats and other small craft will be forced to go to deeper, less calm waters to go around the proposed structure. The suggestion that we all navigate under the pier between the pilings is unrealistic and dangerous. Moreover, it negatively impacts the experience and enjoyment that one seeks when using our bay. During low visibility periods, including sunsets and evenings when the bay is often used, this structure will be particularly hazardous. (We wonder if the applicants have considered their personal liability risk, should an accident occur due to this 240' pier/float/boat launch that significantly extends into navigable water.)

Only the applicants benefit from this project. This 240' pier/float/boat launch and the disruption caused by its construction, which will be considerable, cannot possibly be beneficial to the wildlife and marine life of this bay. This structure is in the middle of the

bay and public tide lands where fish, birds, and marine animals feed. We are concerned that their habitat will be irrevocably disrupted.

If the applicants sincerely wish to preserve the bay's ecosystem, they can do so in a much more environmentally sound way by simply replacing their existing 83' dock with a dock of the same dimensions, using environmentally preferred dock materials that are consistent with the character of the bay and the Shoreline Management Act.

As several commenters have pointed out, those of us who have boats have to compromise due to the tides and our stewardship obligations to preserve the unique character of this bay. This does not mean that the applicants cannot use their power boats. They use them frequently in the summer, and yes, they are inconvenienced by the shallowness of the bay and the tides. These conditions existed when they bought their homes four years ago. While their proposal offers them the increased convenience of greater access to their dock by boat during lower tides, it does so at the considerable expense of Little Manzanita Bay, its community, and the general public who have a right to use and enjoy this bay without this intrusive structure.

This project is contrary to the intent and purpose of the Shoreline Management Act. It does not preserve the natural character and ecology of our bay. It interrupts navigation. It disrupts our ecosystem. It does not preserve and increase the ability of the public to use and otherwise enjoy our bay. It interferes with our property rights. It benefits two private residents over long term public interests. As shoreline residents, we simply don't understand how this could be ok given that we have to get the City's permission to top our cypress hedge because it is within 150' of the shore line

Procedural Notice. This proposal impacts a precious public resource frequently used by the general public, yet direct notice was confined to those who live on the bay (with the exception of the new owners of 6801 NE Bergman who were in fact, not notified). We question whether a published notice in the Bainbridge Review will be seen by the average user of this bay. (We did not see the notice published in the Review.) We further question the inadequate description on the mailed notice. It does not identify the actual location of this 240' pier/float/boat launch. Many who receive this notice may not understand from the notice how this project impacts Little Manzanita Bay and use of the bay. The notice should at least include a drawing of the project and where it extends into the bay.

We support the property rights of our shoreline neighbors, but their proposal is not reasonable. It is injurious to Little Manzanita Bay, our community and the general public. We sincerely hope that they withdraw their proposal for these reasons. Alternatively, it should be denied.

The City of Bainbridge public portal noted that other government agencies are considering the applicants' proposal separately. Will our comments be shared with

these agencies in a timely manner or are we expected to file with each agency separately? Will the prior history of comments to this project be made part of the record of the current application? We would appreciate a response to these questions. Furthermore, we request notification of all future actions on this project, including decisions and hearing dates. Thankyou.

Sincerely,



David Breskin and Margaret Barbier