

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



### Pre-Application Meeting (PRE22-061)

*An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.*

#### Summary:

<b>Site Location:</b>	7601 West Mercer Way	<b>Parcel Number</b>	936200-0030
<b>Lot Size:</b>	15,002 square feet	<b>Zoning:</b>	R-15 (Single Family)
<b>Brief Project Description:</b>	A proposal to repair an existing pier and replace an existing, wood bulkhead and stairs with a rock bulkhead.	<b>Documents Provided:</b>	1. Pre-Application Meeting Request Form 2. Plan Set 3. Project Narrative 4. List of Questions 5. SEPA Checklist
<b>Applicant Information:</b>			
<b>Name:</b>	Dray Davick (Seaborn Pile Driving)	<b>Email:</b>	<a href="mailto:permits@seabornpiledriving.com">permits@seabornpiledriving.com</a>
<b>Phone:</b>			206-236-1700
<b>Second Pre-application Meeting Required:</b>	Not Applicable	<a href="#">Click for explanation if necessary</a>	

#### Applicant Questions:

1. Is the provided material sufficient to apply for a Shoreline Substantial Development Permit with SEPA review?

**Staff Response:** In addition to the provided documents, a complete application will need to include a No Net Loss Report. It would also be beneficial to include a Sewer Lake Line Affidavit as one would be required prior to building permit approval.

It appears that this project is exempt from a shoreline substantial development permit under WAC 173-27-040(2)(b) as its scope is limited to repairs and maintenance. You should revisit the exemption criteria listed in WAC 173-27-040 to determine if the project is eligible for a Shoreline Exemption Permit.

#### Review Comments:

##### Planning Comments:

Planning Contact: [Andrew.Leon@mercerisland.gov](mailto:Andrew.Leon@mercerisland.gov) or 206-275-7720.

1. Shoreline

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October 13, 2022

Page 1 of 7

- a. Bulkheads and shoreline stabilization structures
  - i. 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:
    - 1. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
    - 2. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark (OHWM) 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 OHWM.
    - 3. For the purposes of the bulkhead replacement standards of MICC 19.13.050(B)(1), “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 structures shall be considered new structures.
    - 4. Construction and maintenance of normal protective bulkheads 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.
  - ii. Bulkheads shall be located generally parallel to the natural shoreline. No filling may be allowed waterward of the OHWM, 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.
  - iii. When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to the provisions of MICC 19.13.050(B), the following shall apply:
    - 1. 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.
    - 2. 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.
    - 3. 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 management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional

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mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

- iv. Please note that additional review standards listed in MICC 19.13.050(B) may apply to the project if the existing bulkhead is expanded. This includes increases in the bulkhead's height.
- b. Standards waterward of the OHWM
  - i. Setbacks for docks, covered moorages, and floating platforms.
    1. 10 feet from the lateral line:
      - a. A moorage facility may be built closer to a lateral line if the owners of the adjoining lots agree to the moorage facility's location in writing.
    2. Setbacks for boat ramps and other facilities for launching boats by auto or hand, including parking and maneuvering space:
      - a. 25 feet from any adjacent private property line.
    3. Length or maximum distance waterward from the OHWM for docks, covered moorage, boat lifts, and floating platforms:
      - a. 100 feet from the OHWM.
      - b. In cases where water depth is less than 11.85 feet below the OHWM, the length may extend up to 150 feet or to the point where water depth is 11.85 feet at the OHWM, whichever is less.
    4. Width of docks within 30 feet waterward from the OHWM:
      - a. Maximum 4 feet.
      - b. The maximum width may increase to 5 feet if one of the following is met:
        - i. Water depth is 4.85 feet or more, as measured from the OHWM.
        - ii. A moorage facility is required to comply with Americans with Disabilities Act (ADA) requirements.
        - iii. A resident of the property has a documented permanent state disability as defined in WAC 308-96B-010(5).
        - iv. The proposed project includes mitigation option A, B or C listed in MICC 19.13.050, 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.
    5. Width of moorage facilities more than 30 feet waterward from the OHWM.
      - a. Maximum 6 feet wide.
      - b. Moorage facility width shall not include pilings, boat ramps, and boat lifts.
    6. Height limits for walls, handrails, and storage containers located on piers:
      - a. 3.5 feet above the surface of a dock or pier.
      - b. 4 feet for ramps and gangways designed to span the area 0 to 30 feet from the OHWM.
      - c. Height limits for moorage piles, diving boards, and diving platforms:
        - i. 10 feet above the elevation of the OHWM.

c. Moorage Facilities

1. The project narrative has requested for the project to be reviewed under the Development standards for replacement, repair and maintenance of overwater structures, including moorage facilities. The narrative lists the code citation at "MIMC 19.07.110(6)(d)." The correct citation for this standard is "MICC

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19.13.050(F)(2).” This will need to be corrected on the narrative submitted with the application.

2. The maintenance, repair, and complete replacement of legally existing overwater structures is permitted, provided that:
  - a. All permit requirements of federal and state agencies are met.
  - b. The area, width, or length of the structure is not increased, but may be decreased.
  - c. The height of any structure is not increased, but may be decreased, provided that the height above the OHWM may be increased as provided in MICC 19.13.050(F)(2)(ix)(b).
  - d. The location of any structure is not changed unless the applicant demonstrates to the director's satisfaction that the proposed change in location results in:
    - i. A net gain in ecological function, and
    - ii. A higher degree of conformity with the location standards for a new overwater structure.
  - e. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ammoniacal copper zinc arsenate (ACZA) pilings are proposed, the applicant shall meet all of the best management practices, including a post-treatment procedure, as outlined in the amended best management practices of the Wester Wood Preserves. All piling sizes are in nominal diameter.
  - f. Any paint, stain or preservative applied to components of the overwater structure must be leach resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds.
  - g. The applicant shall abide by the work windows for listed species established by the U.S. Army Corps of Engineers and Washington Fish and Wildlife.
  - h. 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 shall occur within 48 hours of the completion of construction. 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.
  - i. The structural repair, which may include replacement of framing elements, of moorage facilities that results in the repair of more than 50% of the structure's framing elements within a 5-year period shall comply with MICC 19.13.050(F)(2)(ix)(a) through (c). For this section, framing elements include, but are not limited to stringers, piles, pile caps, and attachment brackets.
    - i. 100% of the decking area of the pier, dock, and any platform lifts must be fully grated with materials that allow a minimum of 40% light transmittance.
    - ii. The height above the OHWM for moorage facilities, except floats, shall be a minimum of 1.5 feet and a maximum of 5 feet.
    - iii. An existing moorage facility that is 5 feet wide or more within 30 feet waterward from the OHWM shall be replaced or repaired with a

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- moorage facility that complies with the width of moorage facilities standards specified in MICC 19.13.050(D), Table D.
    - j. The exterior surface repair, which may include the replacement of exterior surface materials of moorage facilities that results in the repair of more than 50% of the surface area of the moorage facility's decking, fascia, and platform lifts within a 5-year period, shall be required to utilize materials that allow a minimum of 40% light transmittance over 100% of the dock.
    - k. Any decking that is removed in the course of repair shall be replaced with decking materials that allow a minimum of 40% light transmittance.
- 2. State Environmental Policy Act (SEPA) Review
  - a. This project will require SEPA review since it includes work on lands covered by water.
- 3. Non-conforming issues / items
  - a. This site contains two piers. MICC 19.13.050(D) states that only one noncommercial, residential moorage facility per upland lot is authorized.
  - b. One existing boat lift is located within the 10-foot lateral line setback from the south lateral line.
  - c. MICC 19.13.020(A) states that overwater uses and structures, and uses and structures 25 feet landward from the OHWM, which were legally created may be maintained, repaired, renovated, remodeled, and completely replaced to the extent that nonconformance with the standards and regulations of the city's Shoreline Master Program is not increased.
  - d. MICC 19.13.020(B) states that expansions of legal nonconforming overwater structures and structures upland 25 feet from the OHWM are permitted, provided that the expanded portion of the structure is constructed in compliance with Chapter 19.13 MICC and all other standards of the MICC.
- 4. Critical area constraints
  - a. Geologically Hazardous Areas
    - i. The following geologically hazardous areas are present on this site:
      - 1. Landslide Hazard Areas
      - 2. Erosion Hazard Areas
      - 3. Seismic Hazard Areas
    - ii. A geotechnical report will be required for this project under MICC 19.13.050(B)(7).
    - iii. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review this code section for full details.
- 5. Easement:
  - a. Sewer Lake Line
    - i. If in water work is proposed, the following conditions will apply for the project:
      - 1. The sewer lake line will need to be field located and shown on the plans.
      - 2. An affidavit that the sewer lake line has been field located will need to be included with the project's application material.
- 6. Vesting: Please see the standards in MICC 19.15.170.
- 7. Application fees
  - a. Deposit due at time of application
  - b. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.

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- c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
- 8. Land Use Application Process and Estimated Timeline:
  - a. Required land use approvals
    - i. Shoreline Exemption Permit
    - ii. SEPA Threshold Determination
  - b. Prompt for consolidated review
  - c. Summary of procedural steps
    - i. Pre-Application meeting
    - ii. Submit application electronically
    - iii. Application Completeness Check
    - iv. Notice of Application (incl. public notice via sign on site, mailing, notice in bulletin) beginning 30-day comment period; review begins
    - v. Review comments may be sent out if needed
    - vi. Notice of Decision
    - vii. Appeal period
      - 1. 14 days
  - d. Except as otherwise provided in MICC 19.15.150, land use review approvals shall expire three years from the date of notice of decision if the development proposal authorized by the land use review is not commenced. For the purposes of this section, the development proposal shall be considered established if construction or substantial progress toward construction of a development proposal for which a land use review approval has been granted must be undertaken within two years of the notice of decision of the land use review.

### Land Use Decisions

Type of Review	Target
Completeness Review	4 weeks
First review	8-12 weeks
Second and subsequent reviews	6 weeks
Staff Report / Decision (following completion of review)	3-4 weeks

Single Family Residential	
First Review	8-12 weeks
Second Review	3 weeks
Third and subsequent reviews	2 weeks
Revisions	2-3 weeks
Express Reviews (see note below)**	4 weeks

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For more information on Land Use and Planning please refer to this useful webpage:  
<https://www.mercerisland.gov/cpd/page/land-use-application-forms-and-submittal-requirements>

**Pre-Application Fees:**

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The minimum fee for the pre-application meeting must be paid to initiate the pre-application process. If staff time exceeds the minimum hours allotted, the applicant will be invoiced via email for additional staff hours at the current hourly rate. Note: All involved staff members track time spent researching and preparing, attending the meeting, corresponding, responding to questions pre and post meeting, and/or on any other activity related to the pre-application process for the project. Applicants who continue to discuss the meeting with staff should expect to be invoiced for additional staff time.

<b>2022 Pre-application Fees</b>	
<b>Type 1 Pre-Application Meeting:</b> \$900 minimum fee, plus charges for any staff time spent on the pre-application over 6 hours. Any additional staff time is charged at a rate of \$150/hour.	<b>Type 2 Pre-Application Meeting:</b> \$1,800 minimum fee, plus charges for any staff time spent on the pre-application over 12 hours. Any additional staff time is charged at a rate of \$150/hour.
<i>Please Note: Fees will continue to accrue, post pre-application meeting, in situations where the applicant requests follow up or has additional questions that require additional staff time. Fees will be assessed at the hourly staff rate in place at the time of accrual and invoiced via email.</i>	

Regards

Andrew Leon  
Planner  
Community Planning & Development  
City of Mercer Island

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