

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



Pre-Application Meeting (PRE22-005)

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:

Site Location:	4456 Ferncroft Road	Parcel Number	004610-0453
Lot Size:	13,497 square feet	Zoning:	R-15 (Single Family)
Brief Project Description:	A proposal to repair an existing residential pier	Documents Provided:	1. Pre-Application Meeting Request Form 2. Development Application Form 3. Plan Set 4. Project Narrative
Applicant Information:			
Name:	Kristen Osterberg	Email:	kristin@waterfrontconstruction.com
Phone:	206-334-5096		
Second Pre-application Meeting Required:	Not Applicable	Click for explanation if necessary	

Applicant Questions:

1. If a portion of a moorage facility is removed, would the repair threshold of MICC 19.13.050(F)(2) apply to the moorage facility's remaining structural elements or to the total number of structural elements prior to the removal?

Staff Response: Only the remaining structural elements of the moorage facility would be counted for the repair threshold of MICC 19.13.050(F)(2).

Review Comments:

Planning Comments:

Planning Contact: andrew.leon@mercerisland.gov or 206-275-7720.

1. Shoreline
 - a. Standards landward of the Ordinary High Water Mark (OHWM)
 - i. Development is limited within 50 feet of the OHWM: 10% lot coverage and impervious surface is allowed within 0-25 feet of OHWM and 30% is allowed within 25-50 feet from the OHWM).
 - ii. No structures are allowed within 25 of the OHWM.

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- b. Non-conforming issues/items
 - i. Legal nonconforming uses and structures may continue. 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 Chapter 19.13 MICC is not increased.
 - 1. This provision only applies to the portions of the pier that are legally established.
 - 2. It appears that several elements of the pier were added without permits and are therefore not legally established:
 - a. The personal watercraft lifts and associated finger pier on the south side of the pier.
 - b. The moorage cover on the north side of the pier.
 - c. Any future development permit for the pier will need to include the unpermitted elements. Review of such permits will review the existing unpermitted elements to ensure that they are compliant with current code requirements.
- c. Covered moorage
 - i. Permitted on single-family residential lots subject to the following:
 - 1. Maximum height above the OHWM: 16 feet. This can be increased to 21 feet subject to the criteria of MICC 19.13.050(E)(1).
 - 2. Location/area: within the covered moorage triangle described below.
 - 3. Building area: 600 square feet. A larger covered moorage can be built within the covered moorage triangle subject to a shoreline conditional use permit.
 - 4. Covered moorage shall have open sides.
 - 5. Prohibited in semi-private recreational tracts and noncommercial recreational areas.
 - 6. Translucent coverings are required.
 - ii. The covered portion of a moorage shall be restricted to the area lying within a triangle as illustrated in MICC 19.13.050(E), Figure A, except as otherwise provided in MICC 19.13.050(E)(1). The base of the triangle shall be a line drawn between the points of intersection of the property lateral lines with the OHWM. The location of the covered moorage shall not extend more than 100 feet from the center of the base line of such triangle. In cases where water depth is less than 11.85 feet from the OHWM, the location of the covered moorage may extend up to 150 feet from the center of the base line or to the point where water depth is 11.85 feet at OHWM, whichever is less. The required 10-foot setbacks from the side property lines shall be deducted from the triangle area.
 - 1. A covered moorage is allowed outside the triangle, or a canopy up to 21 feet in height, if the covered moorage meets all other regulations and:
 - a. Will not constitute a hazard to the public health, welfare, and safety, or be injurious to affected shoreline properties in the vicinity;
 - b. Will constitute a lower impact for abutting property owners; and
 - c. Is not in conflict with the general intent and purpose of the SMA, the shoreline master program and the development code.
 - 2. Where a covered moorage or moorage facility is built pursuant to the agreement of owners of adjoining single-family lots located on the shoreline, the covered moorage area shall be deemed to include, subject to limitations of such joint

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- agreement, all of the combined areas lying within the triangles extended upon each adjoining property and the inverted triangle situated between the aforesaid triangles, as illustrated in MICC 19.13.050(E)(2), Figure B.
3. Covered moorage is not allowed within the first 30 feet from the OHWM unless the applicant:
 - a. Demonstrates to the code official's satisfaction that proposed project will not create a net loss in ecological function of the shorelands; and
 - b. Provides the city with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.
 - d. The maintenance, repair, and complete replacement of legally existing overwater structures is permitted; provided that:
 - i. All permit requirements of federal and state agencies are met.
 - ii. The area, width, or length of the structure is not increased, but may be decreased.
 - iii. The height of any structures 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).
 - iv. 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 the following:
 1. A net gain in ecological function.
 2. A higher degree of conformity with the location standards for a new overwater structure.
 - v. 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 Western Wood Preservers. All piling sizes are in nominal diameter.
 - vi. 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.
 - vii. The applicant shall abide the work windows for listed species established by the U.S. Army Corps of Engineers and Washington Fish and Wildlife.
 - viii. 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 comes first. The applicant shall take appropriate measures to ensure revegetation success.
 - ix. The structural repair, which may include replacement of framing elements, of mooring 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.
 1. 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.
 2. The height above the OHWM for moorage facilities, except floats, shall be a minimum of 1.5 feet and a maximum of 5 feet.

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3. 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 moorage facility that complies with the width of moorage facilities standards specified in MICC 19.13.050(D), Table D.
 - x. 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.
 - xi. Any decking that is removed in the course of repair shall be replaced with decking materials that allow a minimum of 40% light transmittance.
 - xii. Please note that the standards for repairing moorage facilities under MICC 19.13.050(F)(2) can only be used if no additions to the pier are proposed.
- e. Alternative development standards. The code official shall approve moorage facilities not in compliance with the development standards in MICC 19.13.050(F)(1) or (2) subject to both U.S. Army Corps of Engineers and Washington Department of Fish and Wildlife approval to an alternate project design. The following requirements and all other applicable provisions in Chapter 19.13 MICC shall be met:
 - i. The dock must be no larger than authorized through state and federal approval.
 - ii. The maximum width must comply with the width of moorage facilities standards specified in MICC 19.13.050(D), Table D.
 - iii. The minimum water depth must be no shallower than authorized through state and federal approval.
 - iv. The applicant must demonstrate to the code official's satisfaction that the proposed project will not create a net loss in ecological function of the shorelands.
 - v. The applicant must provide the city with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.
 - vi. Please note that the alternative development standards must be used for any additions to the pier as the existing pier has more overwater coverage that is allowed under MICC 19.13.050(F)(1)(i).
2. State Environmental Policy Act (SEPA) Review
 - a. WAC 197-11-800 states that SEPA review is required for development on lands covered by water. This would include any work that involves disturbance of the lakebed.
 - i. Relocating the finger pier will require SEPA review.
 - ii. SEPA review is likely required to permit the existing unpermitted personal watercraft lifts, finger pier, and moorage cover.
3. Easement:
 - a. The City of Mercer Island GIS shows an easement for the sewer lake line running across the project site.
 - i. The sewer lake line will need to be field located prior to permit issuance. The field location survey shall describe how the field verification of the sewer lake line's location was completed.
 - ii. The easement must be shown on all permit plan sets.
 - iii. An affidavit will need to be provided to the city prior to permit issuance stating that the applicant has field located the sewer lake line and the location on the site plan is that

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actual location within the lake. The affidavit shall acknowledge that the applicant is responsible for any damages to the sewer lake line caused by the construction.

4. Vesting: Please see the standards in MICC 19.15.170.
5. 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.
6. Land Use Application Process and Estimated Timeline:
 - a. Required land use approvals
 - i. Shoreline Substantial Development Permit
 - ii. SEPA Review
 - 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 (including 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
 - d. Construction or substantial progress toward construction of a development for which a permit has been granted must be undertaken within 2 years of the effective date of a shoreline permit. Where no construction activities are involved, the use or activity shall be commenced within 2 years of the effective date of a substantial development permit. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval.
 - i. A single extension before the end of the time limit, with prior notice to parties of record, for up to one year, based on reasonable factors may be granted if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

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

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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

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>

Regards

Andrew Leon
 Planner
 Community Planning & Development
 City of Mercer Island

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