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# 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)



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## JOINT PUBLIC NOTICE OF APPLICATION JOINT PUBLIC NOTICE OF PUBLIC HEARING

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**NOTICE IS HEREBY GIVEN** that the City of Mercer Island and Washington Department of Ecology are seeking comments on proposed amendments to the City of Mercer Island Shoreline Master Program. The joint local/state public comment period will run from April 5, 2023, through May 10, 2023, until such time that the public meeting is adjourned.

**File Number:** ZTR23-001

**Requested action:** Authority for the amendment is based on Washington's Shoreline Management Act (CH. 90.58 RCW) and related rules. These amendments were developed by the City of Mercer Island in compliance with WAC 173-26-090(1). The City of Mercer Island has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Mercer Island will be reviewed by both the City and Ecology. There is no need to send comments directly to Ecology.

The City has prepared draft amendments consisting of the following:

Adoption of a reference to Chapter 173-27 WAC Shoreline Management Permit and Enforcement Procedures to establish clarity on shoreline permit processing procedures in MICC 19.13.010(E), which establishes a relationship between the SMP and federal and state law, requiring all development proposals to comply with other federal and state laws or permits.

Revision of MICC 19.13.040 - Table B Shoreland Uses Waterward of the Ordinary High Water Mark to add a new use and amendment of MICC 19.13.050 Shoreland Development Standards to establish development standards for "marinas".

The Planning Commission and the WA State Department of Ecology (DOE) will hold a joint public hearing to receive comments on the above proposed amendments. See below for more information.

**Party Proposing the Amendment:** City of Mercer Island

**Location of Property:** Citywide

**SEPA Compliance:** Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probable significant adverse environmental impacts has been conducted under file number SEP23-008. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The

proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific proposal may be obtained upon request.

**Related Documents:**

<https://mieplan.mercergov.org/public/ZTR23-001>

Documents will continually be added to this file as the process moves forward. Documents are available upon request at Mercer Island City Hall, 9611 SE 36<sup>th</sup> St, Mercer Island.

**Written Comments:**

Written comments on these proposals may be submitted to the City of Mercer Island by email to [molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov) or by mail and in person to Molly McGuire at 9611 SE 36<sup>th</sup> St, Mercer Island, WA 98040.

Anyone may comment on the proposal, receive notice, and request a copy of the decision once made. Only those persons who submit written comments or testify at the public hearing will be parties of record; and only parties of record will have the right to appeal.

At the conclusion of the comment period, the City will prepare a response to comments and determine whether changes are needed. Public comments and City responses will be shared with Ecology. After local adoption, the SMP amendment will be formally submitted to Ecology for final action per WAC 173-26-104 and WAC 173-26-110. Ecology will review amendments for consistency with state laws and rules. Ecology may either approve the program as adopted, or may recommend changes.

**Public Hearing, Public Meeting and Public Comment:**

The Planning Commission and the WA State DOE will review the proposed code amendment at the meeting starting at or after **6:00 p.m. on Wednesday, May 10, 2023**. The meeting will be held in person at City Hall Council Chambers and virtually using Zoom. The public will have the opportunity to comment during the public hearing by either attending in person, calling in, or logging onto the meeting as a Zoom attendee. Written comments will also be accepted until the public hearing is closed.

**Registering to Speak:** Individuals wishing to speak live during Appearances, must register with the Deputy City Clerk by 4pm on the day of the Planning Commission meeting. Register at (206) 275-7791 or email [deborah.estrada@mercerisland.gov](mailto:deborah.estrada@mercerisland.gov). Each speaker will be allowed three (3) minutes to speak.

Please reference "Appearances" on your correspondence and state if you would like to speak in person at City Hall or remotely using Zoom. If providing comments using Zoom, staff will permit temporary video access when it is your turn to speak. Please activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be emailed to [planning.commission@mercergov.org](mailto:planning.commission@mercergov.org).

**Submitting Written Comments:** The City will also accept written comments until such time that the public hearing is adjourned. Please send written comments to [molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov).

Detailed instructions on how to attend the public hearing and/or comment live during the public hearing will be available online on or before May 5, 2023, at: <https://www.mercerisland.gov/bc-pc>

Please follow the link below to join the webinar:  
<https://us02web.zoom.us/j/88204211200?pwd=ZDdDeFlvNTZaYWo5WUhpGt4Q3E5dz09v>

**Webinar ID:** 882 0421 1200  
**Passcode:** 187385

We strive to create an inclusive and accessible experience. Those requiring accommodation for Planning Commission meetings should notify the Deputy City Clerk's Office three (3) days prior to the meeting at 206.275.7791 or by emailing [deborah.estrada@mercerisland.gov](mailto:deborah.estrada@mercerisland.gov).

**Applicable Development Regulations:** The proposed code amendment will be reviewed consistent with the criteria in MICC 19.15.250 and 19.15.260

**Other Associated Review Actions:** SEP23-008

**Application Process Information:** Date Published in Newspaper: April 5, 2023  
Bulletin Notice: April 3, 2023  
Date of Open Record Public Hearing: May 10, 2023

Written comments and/or requests for information should be referred to the project contact listed below.

**Project Contact:** Molly McGuire, Planner  
[molly.mcguire@mercerisland.gov](mailto:molly.mcguire@mercerisland.gov) | (206) 275-7712