



CITY OF MERCER ISLAND, WASHINGTON

Public Works Department

9611 S.E. 36th St. • Mercer Island, WA 98040-3732

(206) 275-7608 • FAX: (206) 275-7814

www.mercergov.org

9/9/2025

City of Mercer Island
Attn: Madelyn Nelson
9601 SE 36th St
Mercer Island, WA

RE: **SHL25-024 Review Letter 1**; 8790 85th Ave SE, Mercer Island, WA 98040

Dear Madelyn Nelson,

This letter is in response to your Review Letter 1 dated 8/25/2025 in which you identify issues that require addressing before the Shoreline Exemption Application can be processed. Please see my responses to each of the items in [blue](#) below:

1. Per MICC 19.13.050(K)(2)(iii), please provide documentation showing site restoration upon completion of utility installation. Please see MICC 19.16 for definition of restoration: "Restoration or restore: Actions performed to return a critical area to a state in which its functions approach its unaltered state as closely as possible."

The site is designated as an urban street end park, referenced on pages B-40 and 131 of the March 2022 PARKS, RECREATION & OPEN SPACE PLAN, (PROS Plan). chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mercerisland.gov/sites/default/files/fileattachments/parks_and_recreation/page/21894/pros_plan_final_wappendices.pdf

Outside of its role in housing sewer utility infrastructure, the existing site does not include features identified in the Plan for an urban park, such as ADA access, a park sign, stairs, seating, or native plantings. The property slopes moderately (about 30%) from north to south toward Lake Washington, creating challenges for public access. Vegetation is limited to sparse native grasses and a few ornamental shrubs, with invasive blackberry vines established along the rockery near the waterline.

Once the utility installation is complete, the site will be enhanced with benches, improved trail access via stairs, a park sign, and extensive native plantings, transforming it into a more welcoming and accessible community space. See Landscaping Plan which has been submitted to supplement this response.

2. There seems to be hardscape and/or lot coverage proposed north of the sewer pump. As this portion of the project is not preexisting and does not have legal nonconforming status, please ensure it meets the relevant code sections. Per MICC 19.13.050(Table C), between 0-feet and 25-feet from OHWM may be 10% hardscape or lot coverage. Per the same code section, between 25-feet and 50-feet from OHWM may be 30% hardscape or lot coverage.

It should be noted that all improvements are located within a 60-foot wide area of City owned right of way.

This proposal is unable to comply with the code requirement that limits hardscape to 10% within the 0–25-foot setback from the OHWM. In addition, this proposal is unable to meet MICC 19.13.050 (Table C), which restricts structures within the 25-foot OHWM setback to a maximum of 30 inches above existing or finished grade, whichever is lower.

- **Hardscape:** (See “Hardscape Lot Calculations” exhibit.) Both the existing and proposed underground sewer utility structures are capped with concrete lids. The existing lid, a portion of the new station lid, and part of the concrete access path collectively increase hardscape coverage to 38.75% within the 0–25-foot OHWM setback, exceeding the 10% limit. However, within the 25–50-foot setback, the project remains compliant, with hardscape totaling 14.89%, well below the 30% maximum.
- **Structures:** (See “Surface Improvements Profile” exhibit.) Five required electrical equipment panels, ranging in height from 4 to 6 feet, will be installed on the slab of the existing pump station. In addition, the new pump station structure will extend above existing grade between 4.71 feet and 6.94 feet within the 25-foot OHWM setback, exceeding the 30-inch maximum allowed.

This proposal shall be exempt from the 10% hardscape requirement and 30-inch height requirement within the 25-foot setback from the OHWM.

1. The location of the existing lakeline pipe, lift station, hydraulic grade manholes, and gravity sewer pipes limit the reasonable options for placing the new station structure in another location that may be in compliance with the referenced code sections (See additional explanation in 2 below). Also:
 - a. Per 19.13.040(Table B), utilities are permitted both in the urban residential environment and the urban park environment.
 - b. The utility is placed in accordance with 19.13.050.K.i. and ii. which directs that:

“utilities shall be placed underground and in common rights-of-way wherever economically and technically practical” and;

“shoreline public access shall be encouraged on publicly owned utility rights-of-way, when such access will not unduly interfere with utility operations or endanger public health and safety.”

The utility is placed both underground and where economically and technically practical, and it includes an ADA compliant surface and sidewalk that encourages public access within the publicly owned rights-of-way. Failure to construct the new station where proposed limits the City’s ability to maintain a safe and functional sewer utility.

2. The existing sewer basin that the existing and proposed sewer pump station service, consists of gravity fed sewer pipes. Relocation of lakeline and incoming sewer pipes is not feasible due to the topography of the area and the need for gravity flow (i.e., the sewer pump station must be lower in elevation than all incoming pipes). The proposed station location is the only feasible location to ensure proper function. Shifting the project further landward would require extensive redesign and a much larger excavation and construction footprint, leading to greater shoreline impacts and substantially higher costs.
3. The utility is compatible with existing and planned land uses. The project will rehabilitate and replace the existing sewer facilities to prevent potential environmental impacts from infrastructure failure,

while upgrading them to meet current code requirements. Sewer pump station 20 has been identified as the station most in need of repair and/or replacement based on a January 2024 report conducted by RH2 Engineering. The station receives the second highest flow on the Island, pumping approximately .301 million gallons per day (MGD). Both the poor condition of the concrete inside the existing wet well and its location directly adjacent to Lake Washington put the station high risk for sanitary sewer overflow. This project uses funds that were approved as part of the 2025-2026 CIP Capital Budget (Project 90.30.0025).

- a. The proposal aligns with the Capital Facilities Element and City's Shoreline Master Program Policies which make up chapters, 6 and 7, respectively, of the City's Comprehensive Plan Supplement 1, dated March 27, 2023:

CAPITAL FACILITIES ELEMENT

Section III - LEVEL OF SERVICE & FORECAST OF FUTURE NEEDS

Table 2. Level of Service Standard for Sanitary Sewer System = 0 Sewer Overflows

CITY'S SHORELINE MASTER PROGRAM POLICIES

Section III. - GENERAL GOALS AND POLICIES

PUBLIC ACCESS

- (2) Public access to and along the water's edge should be available in publicly owned shoreline areas.*
- (5) Where publicly owned shoreline areas are available for public pedestrian pathways, these should be developed as close to the water's edge as reasonable.*
- (6) Views of the shoreline and water from shoreline and upland areas should be preserved and enhanced. Enhancement of views should not be construed to mean excessive removal of vegetation.*
- (7) Rights-of-way on the shoreline should be made available for public access where appropriate.*
- (8) Access onto shoreline public street ends should be enhanced.*

CONSERVATION AND WATER QUALITY

- (6) Protect, conserve and establish vegetation along the shoreline edge, especially native vegetation.*

Section V. - SPECIFIC SHORELINE USES AND ACTIVITIES

UTILITIES

- (1) Utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations.*
- (2) Utilities should be located in existing rights-of-way and corridors whenever possible.*

4. The City of Mercer Island is the only agency providing public sewer service to the Island. Granting this exemption will not constitute a grant of special privilege.
5. The proposed pump station represents the minimum improvements needed to replace the existing facility, originally built in the 1960s and now at the end of its useful life. The new pump station lid will add approximately 150 square feet of impervious surface within the critical area. The proposed above-grade electrical panels (five total) are the minimum necessary to safely operate and maintain the station.

6. The public interest will not be adversely affected. This proposal rebuilds critical sewer infrastructure and visually and enhances the existing street end park. The finished surface of the new pump station will be constructed at the same elevation as the existing street, improving public access and open views toward Lake Washington. The five electrical equipment panels will be installed on the lower portion of the existing pump station lid, screened from view at the street end or bench area, and placed so they do not obstruct or impair access to the shoreline.
3. Per MICC 19.13.050(Table C), structures within the 25-foot setback from the OHWM must be less than 30 inches above existing or finished grade, whichever is lower. Please demonstrate the proposed hardscape and lot coverage in the 25-foot setback is 30 inches in height or less.

Please see response to 2. above.

4. There is a discrepancy between the arborist memo and the tree inventory worksheet. The tree inventory worksheet describes three trees being considered for removal but the arborist report describes four trees as needing to be removed. Please correct this discrepancy and indicate the trees being removed on the site plan.

The tree inventory worksheet has been updated to reflect the trees being removed: Tree numbers 69, 71, 72, and 73.

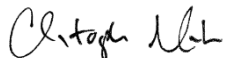
See updated Plans.9.5.2025, specifically Sheet 3 "TESC AND DEMOLITION PLAN" which indicates the 4 trees requiring removal. Also see response to 5 below which incorporates Sheet TA-01 of the Arborist Memo into the final Contract Drawings

5. Please demonstrate the plan set complies with the recommendations in the arborist memo, particularly the tree protection fencing.

Tree Assessment and Protection Site Plan-TA-01 shall be attached to the final Contract Drawings.

If you have any questions or require additional information, please contact me. I can be reached at 206-677-1027, or via email at chris.marks@mercerisland.gov.

Thank you,



Christopher Marks, P.E.

City of Mercer Island Utilities Engineer

Attached: Landscaping Plan
 Hardscape Lot Calculations
 Surface Improvements Profile
 Plans.9.5.2025