

Cuneo (5438 E Mercer Way) – Shoreline Exemption for Fence

Project Narrative:

We installed a fence in the backyard of our home, extending from the back of our house along the property lines on the North and South ends and ending just before our bulkhead to Lake Washington. Prior to installation, we engaged a professional surveyor to survey our property, and we installed the fence approximately 6 inches inside of the property line. The fence is iron and has posts every 8 feet, which are secured in the ground with cement, with gates as indicated in the enclosed Development Plan Set. The maximum height of the fence is 47 inches. No landscaping or plants were removed, other than a patch of English Ivy (a noxious weed), which we replaced with grass. There are no watercourses or wetlands on our property, and the entire fence is outside of any watercourse buffer zones (see enclosed maps).

On July 25, prior to installing the fence, we called Mercer Island's Permitting Office to ask about any requirements for the fence given that our property is on the shoreline. The City advised us that no filings/actions were required and that fences under 48 inches are allowed in the 25-foot setback zone from Lake Washington (see MICC 19.07.110, Table C). Relying on this guidance, we installed the fence in August 2025. A month later, we received a letter from the City informing us that a Shoreline Exemption filing is required. We have been discussing this exemption application with Grace Manahan at the City's office.

This home is our primary residence, and the fence is essential to ensuring the safety of our children and pets. We seek the City's formal approval of this Shoreline Exemption.

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Criteria Compliance Narrative:

MICC 19.13.040 - Use regulations:

- **Table A -- Shoreland Uses Landward of the Ordinary High Water Mark:** Single-family dwelling including accessory uses and accessory structures are Categorically Exempt for Urban Residential Environment.
- **Answer:** The house is a single-family dwelling and the primary residence for our family. Per Washington State law, a fence is considered an appurtenance to a dwelling (see WAC 173-27-040(g), “*On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences...* ”).

WAC 173-27-040.

- **Developments exempt from substantial development permit requirement: ...** (2) The following developments ***shall not require substantial development permits:*** ... (g) Construction on shorelands by an owner, lessee or contract purchaser of ***a single-family residence for their own use*** or for the use of their family... "Single-family residence" means a detached dwelling designed for and occupied by one ***family including those structures and developments within a contiguous ownership which are a normal appurtenance.*** An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. ***On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; ...***
- **Answer:** The home is a single-family, detached dwelling and the primary residence for me and my family. The regulation expressly states that a fence is an appurtenance to the house. The fence is located landward of the ordinary high water mark, and no part of the fence is within a wetland, watercourse, or buffer zone (see enclosed maps).

MICC 19.13.050 Shoreland development standards:

- **Table C – Requirements for Development Located Landward from the OHWM:** Setbacks for All Structures (Including Fences over 48 Inches High) and Parking | 25 feet from the OHWM and all required setbacks of the development code, except light rail transit facilities. If a wetland is adjacent to the shoreline, measure the shoreline setback from the wetland’s boundary.
- **Answer:** The installed fence has a maximum height of 47 inches tall (see enclosed photo) and therefore not subject to the 25-foot setback. There are no watercourses or wetlands (or buffer zones) on our property (see enclosed maps).