



ECCO

**March 19, 2026**

**Re: Permit #** SHL26-006  
**Project Name** Holden Boat Lift  
**Project Address** 5008 E Mercer Way, Mercer Island, WA 98040  
**Reviewer** Tony Newton, Assistant Planner  
**Department** Planning & Development

**Contact:** Evan Wehr  
**Contact Phone** (509) 969-1994  
**Contact Email** [evan@eccodesigninc.com](mailto:evan@eccodesigninc.com)

Tony,

Below are our responses to the corrections in your letter dated March 13, 2026. Your original comments are in ***bold italics*** followed by our response in plain text.

### **Corrections**

**1. *Please respond to any public comments and include the response in the resubmittal.***

The email from Ken Sheppard on behalf of Rod Zorotovich states that the installation of the boat lift in the 10' setback from the north property line is a violation of Mercer Island Code Section 19.13.010 D. and the referenced Table D. This is incorrect as Table D states that the 10 foot setback applies to docks, covered moorages, and floating platforms. The boat lift is none of those things. Mr. Sheppard states that the boat lift is a dock that is anchored into the lake bed which it is not. The boat lift is free standing and sits on the lake bed via foot pads that rest on top of the substrate.

Code Section 19.16.010 defines a dock '*A structure that floats on the surface of the water without piling supports but that is attached to land. Typically used for boat moorage, swimming, public access, and other activities that require access to deep water. This definition of docks shall also include "piers" for the purposes of this title.*' The boat lift clearly does not meet this definition as it does not float on the surface of the water and is not attached to the land. 19.16.010 defines a pier as '*A structure that projects over and is raised above the water but is attached to land, and that is used for boat moorage, swimming, fishing, public access, float plane moorage, or similar activities requiring access to deep water.*' The boat lift also does not meet this definition as it does not project over the water and is not attached to the land.

It should also be noted that 19.13.010 Table D explicitly includes boat lifts for other development requirements, such as the distance from the ordinary high water mark, so its absence from inclusion in the 10 lateral line setback would mean that said requirement would not apply to boat lifts, otherwise it would have been included.

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We have received confirmation from the City of Mercer Island planning staff that the 10' later line setback does not apply to boat lifts on two separate occasions. The first was an email from code compliance planner Grace Manahan on November 21, 2025. The second confirmation was from the pre-application meeting with the city on January 13, 2026 where we asked specifically if the boat lift could be installed in the 10' setback and the city responded in their meeting notes stating that it could.

Regarding Mr. Sheppard's comment that the SEPA checklist is incomplete and in error due to the boat lift violating applicable minimum setback requirements, that is incorrect as the boat lift does not violate the minimum setback requirement as stated above.

**2. Confirm on site plan that the materials allow for a minimum of 40 percent light transmittance.**

The boat lift is not a decked structure. It has bunks that raise and lower the boat lift out of the water. When the bunks are lifted the boat is on them making their light transmittance irrelevant. When the boat is off the lift the bunks are below the surface of the water, again making their light transmittance irrelevant.

**3. Confirm 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 lift was brought to the site by barge and installed by hand. There was no disturbance of the bank vegetation.

**4. Please include methods and calculation for the 27 percent plant coverage within the 20' setback for the replanting plan and the 45 percent plant coverage within the 5' setback. Plans only show 5 plants being planted in this area.**

The property is only 15' wide at the shoreline. The area within the 5' setback is 5' by 15' which is 75 square feet. The shrubs are to be planted at 5' on center so that they can spread out to full size at maturity. This is a requirement of the Army Corps of Engineers for mitigation plantings. There are two proposed shrubs to be planted in the 5' setback. The area of each shrub at maturity is 2.5' squared times pi (3.14) or 19.6 square feet making the total area of the shrubs in the 5' setback 39.2 square feet. 39.2 square feet divided by 75 square feet equals 52% plant coverage within 5' of the ordinary high water mark. The area within 20' of the ordinary high water mark equal 20' times 15' or 300 square feet. There are five shrubs total proposal within 20' of the OHWM which is a total of 98 square feet (19.6x5). The percent plant coverage within 20' of the OHWM is approximately 33% (98/300). Note that originally my calculations were off so I have revised the plans accordingly to the correct percent plant coverage.

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- 5. Confirm any paint, stain or preservative applied to components of the dock must be leach resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds;**

The proposed lift does not contain any wood and is not painted nor stained. No materials for the lift are treated with pentachlorophenol, creosote, CCA or comparably toxic compounds.

- 6. Confirm if the proposed boatlift is covered or uncovered.**

The boat lift is uncovered.

Please feel free to contact me if you have any questions or if you require any additional information.

Regards,

Evan Wehr



## PRE-APPLICATION MEETING (PRE25-084 )

An Intake Screening is required for certain project types in addition to the Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information prior to formal submittal.

**PLEASE NOTE:** These pre-application meeting notes have been prepared to assist the applicant in completing and submitting the application in a manner that complies with applicable development standards and permit processing requirements. Although care has been taken, in the event of a conflict between these notes and any applicable law, regulation, or decision criteria, the latter shall prevail. The City of Mercer Island makes no warranty of any kind to the accuracy of the information contained in these notes. The information herein notwithstanding, it is the applicant's sole duty to ensure that the proposed development complies with all applicable laws, regulations, and decision criteria. Neither the discussions nor the notes provided at the pre-application meeting shall bind the City in any manner or prevent the City's future application or enforcements of all laws, regulations, and decision criteria.

### SUMMARY

<b>Address:</b>	5008 E Mercer Way	<b>Parcel Number:</b>	192405-9247
<b>Lot Size:</b>	22,651 SF	<b>Zone:</b>	R-15 (Single-Family)
<b>Brief Project Description:</b>	Permit an already installed ground-based boat lift.		
<b>Documents Provided:</b>	<ol style="list-style-type: none"> <li>1. Pre-Application Meeting Request Form</li> <li>2. Project Narrative</li> <li>3. Plan set</li> <li>4. List of Questions</li> </ol>		

### APPLICANT INFORMATION

Name:	Email:	Phone:
Evan Wehr	evan@eccodesigninc.com	509-969-1994
Second Pre-Application Meeting Required?	No	

### APPLICANT QUESTIONS

1. Please confirm that the boat lift can be installed in the 10' property line setback.

**Staff Response:** The boat lift can be installed with the 10' setback.

### REVIEW COMMENTS

FOR DEVELOPMENT WITHIN 200' FROM LAKE WASHINGTON:

1. [MICC 19.13.050\(K\)\(4\)](#) requires new development totaling 500 square feet or more of any combination of additional gross floor area, lot coverage, or hardscape, including the primary structures and appurtenances to provide native vegetation coverage over 50 percent of the

20-foot vegetation area shown in [Figure C](#). This total includes all gross floor area, lot coverage, and hardscape added in the five years immediately prior to the development proposal.

New development totaling 1,000 square feet or more of any combination of additional gross floor area, lot coverage, or hardscape shall be required to provide native vegetation coverage over 75 percent of the 20-foot vegetation area shown in [Figure C](#).

The vegetation coverage shall consist of a variety of ground cover shrubs and trees indigenous to the central Puget Sound lowland ecoregion and suitable to the specific site conditions. Existing mature trees and shrubs, but excluding noxious weeds, may be included in the coverage requirement if located in the 20-foot vegetation area shown in [Figure C](#).

## PLANNING:

### [MICC 19.13.050](#) – Shoreland development standards.

1. Requirements for development landward of the OHWM.
  - a. No structures are allowed within 25 feet of the OHWM.
  - b. Height is limited to the general residential standards above, but shall not exceed 35 feet above ABE.
  - c. Development is limited within 50 feet of the OHWM. Maximum hardscape and lot coverage:
    - i. 10% between 0 and 25 feet from the OHWM
    - ii. 30% between 25 and 50 feet from the OHWM
  - d. For all development with 200 feet from the OHWM, a Shoreline Substantial Development Permit is required, unless:
    - i. The applicant can demonstrate that the proposed development meets one of the criteria for development exempt from substantial development permit in [WAC 173-27-040](#). If the proposed development meets the precise terms of one or more of the listed exemptions, the applicant may apply for a Shoreline Exemption, instead of a Shoreline Substantial Development Permit.

**Notes:** XX

### [MICC 19.21.100](#) – Determination of categorical exemption.

2. State Environmental Policy Act (SEPA) Review may be required for the proposed development. If the applicant can demonstrate that the proposed development meets one or more of the criteria in [WAC 197-11-800](#) for categorical exemptions, SEPA Review would not be required.

**Notes:** XX

### Other Considerations:

3. If the existing structures, sites, lots, and/or uses are legally nonconforming according to [MICC 19.01.050](#)(A)(2), and the proposed development consists of exterior alteration or enlargement of nonconforming structures, or alteration to the site, compliance with the requirements below are required:
  - a. A legally nonconforming detached single-family dwelling may be intentionally altered or enlarged without losing its legal nonconforming status as long as no more than 40% of the length of the dwelling's existing exterior walls, excluding attached accessory buildings, is structurally altered. An increase in height of that portion of a structure that is legally nonconforming because it intrudes into a required yard is in

increase in the nonconformity and is not allowed unless the additional height meets the current yard requirements.

- i. “Structurally altered” is a wall segment that is completely demolished.
  - ii. “Completely demolished” is when any portion of the wall is completely removed, such that no structural elements remain.
- b. A site developed with a single-family dwelling that is legally nonconforming because the required landscaping area in MICC 19.02.020(F) has not been provided, or because maximum allowable hardscape has been exceeded, can be increased in height and gross floor area (up to the maximum height and gross floor area permitted). No new hardscape or further reduction in landscaping area is permitted, unless:
- i. The site is brought into conformance;
  - ii. For lots where the maximum hardscape is exceeded, two square feet of legally existing hardscape are removed for every one square foot of new hardscape; or
  - iii. For lots where maximum lot coverage is exceeded, two square feet of landscaping area are provided for every one square foot of additional nonlandscaping area.

**MICC 19.15.170 – Vesting.** Complete applications for land use review of Type I land use reviews, building permits, conditional use permits, design review, short subdivisions and long subdivisions shall vest on the date a complete application is filed. The department’s issuance of a letter of completion for Type III and IV land use decisions, as provided in Chapter 19.15, or the failure of the department to provide such a letter as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

**BUILDING:** Gareth Reece      gareth.reece@mercerisland.gov      (206) 275-7710

1. No building permit required for a lakebed supported boat lift.

Mapping and Design Criteria: Complete information on codes adopted by Mercer Island and available City mapping is available here: <https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

[Mercer Island City Code 19.07.160](#) requires a geotechnical engineer’s assessment of certain types of work if located within a mapped geologic hazard area. Please review city mapping to determine if landslide hazards, seismic hazards, or erosion hazards are mapped on the property.

ASCE-7 wind design for structures involves topographic and exposure effects. The City has mapping available for accepted values to be used in design. Please refer to the link above for design criteria.

## LAND USE APPLICATION PROCESS

**Required Land Use Approvals.** See the [City’s Permit Forms](#) list for application forms.

Certain land use applications may be consolidated. Please see [MICC 19.15.030\(F\)](#) for more information on consolidated permit processing. If the applicant wishes to consolidate reviews, a Concurrent Review Form is required.

- a. Building Permit
- b. Accessory Dwelling Unit Permit
- c. Critical Area Review 1 or 2
- d. Shoreline Substantial Development Permit or Shoreline Exemption

- e. SEPA Review (unless categorically exempt)
- f. Transportation Concurrency Certificate
- g. Site Development Permit

**Application Fees.** [Fee Schedule.](#)

- c. Deposit due at the time of application.
- d. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.
- e. When third-party technical review is required (e.g. geotechnical, wetland, watercourse, etc.), this is billed separately, in addition to staff review time.

**Summary of Procedural Steps.**

1. Pre-Application Meeting
2. Intake Screening (if required)
3. Submit application electronically using our [Permit Submittal Portal](#)
4. Completeness Check (within 28 days of application submittal)
  - a. If the application is deemed incomplete, the City has 14 days to review subsequent submittals for completeness)
5. Notice of Application (within 14 days of determination of completeness)
6. 30-day Public Comment Period (begins when Notice of Application is mailed to neighboring properties within 300 feet of the subject property, posted on the site, and uploaded to the City's Weekly Permit Bulletin)
7. 1st Review typically coincides with 30-day Public Comment Period
8. Public Hearing (for Type IV land use reviews)
9. Notice of Decision
  - a. Land use approvals are valid for a period of 3 years from the date of decision, unless otherwise stated in [MICC 19.15.150](#)
10. Appeal Period (typically 14-days except for shoreline decisions)
11. Final Plat Review and Recording (if applicable)

**Target Review Timelines.** Target review timelines are available on the [City's Review Timelines webpage.](#)

**Pre-Application Fees.**

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.

**PLEASE NOTE:** *These pre-application meeting notes have been prepared to assist the applicant in completing and submitting the application in a manner that complies with applicable development standards and permit processing requirements. Although care has been taken, in the event of a conflict between these notes and any applicable law, regulation, or decision criteria, the latter shall prevail. The City of Mercer Island makes no warranty of any kind to the accuracy of the information contained in these notes. The information herein notwithstanding, it is*

*the applicant's sole duty to ensure that the proposed development complies with all applicable laws, regulations, and decision criteria. Neither the discussions nor the notes provided at the pre-application meeting shall bind the City in any manner or prevent the City's future application or enforcements of all laws, regulations, and decision criteria.*



Evan Wehr &lt;evan@eccodesigninc.com&gt;

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**Fwd: Updates on 5008 E Mercer Way Boatlift**

1 message

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**Peter Holden** <peter@holden.gg>  
To: Evan Wehr <evan@eccodesigninc.com>

Mon, Mar 16, 2026 at 9:32 AM

----- Forwarded message -----

From: **Grace Manahan** <[grace.manahan@mercerisland.gov](mailto:grace.manahan@mercerisland.gov)>  
Date: Fri, Nov 21, 2025 at 9:21 AM  
Subject: Re: Updates on [5008 E Mercer Way Boatlift](#)  
To: Peter Holden <[peter@holden.gg](mailto:peter@holden.gg)>

Hi Peter,

Sorry for the delay, after speaking with other staff members it has been confirmed that boatlifts are allowed within the 10-foot lateral line setback, so your project would not require a variance.

Thank you for your cooperation and let me know if you have any questions!

Thanks,

**Grace Manahan**

Code Compliance Planner

City of Mercer Island – Community Planning &amp; Development

206-275-7764 | [www.mercerisland.gov](http://www.mercerisland.gov)

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**From:** Peter Holden <[peter@holden.gg](mailto:peter@holden.gg)>  
**Sent:** Wednesday, November 19, 2025 11:04 AM  
**To:** Grace Manahan <[grace.manahan@mercerisland.gov](mailto:grace.manahan@mercerisland.gov)>  
**Subject:** Updates on [5008 E Mercer Way Boatlift](#)

Hey Grace,

I wanted to reach out to see if you had a chance to get confirmation that we would not need to apply for a variance in order to get our boatlift correctly permitted. I really appreciate your time in helping us to get this matter resolved.

Have a great day.

--Peter