

# 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)



### Pre-Application Meeting (PRE25-037)

*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:

<b>Site Location:</b>	6830 96 <sup>th</sup> Ave SE	<b>Parcel Number</b>	258070-0030
<b>Lot Size:</b>	13318	<b>Zoning:</b>	R-8.4 (Single Family)
<b>Brief Project Description:</b>	Replacement of old dilapidated pier system with an ecologically compliant pier system consisting of a 6' x 45' & 26' x 10' segments. Pier system will be supported by sixteen 8" pile.	<b>Documents Provided:</b>	<ol style="list-style-type: none"><li>1. Preapplication form</li><li>2. Preapplication attachment</li><li>3. Proposed plan view</li><li>4. Replacement Plan View</li><li>5. Site Map</li></ol>
<b>Applicant Information:</b>			
<b>Name:</b>	Amber Cowan	<b>Email:</b>	permits@kcmarinellc.com
<b>Phone:</b>			971-409-3430
<b>Second Pre-application Meeting Required:</b>	<u>Not Applicable</u>		

#### Applicant Questions:

1. *Will the removal of the old dock system be considered as mitigation for the replacement of a differently sized dock system?*

**Staff Response:**

If this question is referencing [MICC 19.13.020\(C\)](#), then if the proposed dock meets the standards in [MICC 19.13](#), mitigation sequencing will not be necessary.

If this question is referencing [MICC 19.15.050\(F\)](#), the surface coverage area of the proposed dock must be 480 square feet or less. The proposed dock appears to be 470 square feet so it meets this standard.

Regarding mitigation, based on the figure below a Critical Area Review will be needed to confirm the presence of a wetland. Per [MICC 19.07.090](#), a [Critical Area Review 1](#) would suffice to verify the existence of the wetland, however if a wetland is present a [Critical Area Review 2](#) will be needed for this scope of work. Please see the [Critical Areas Tip Sheet](#) for guidance. This permit will need to be applied for prior to or concurrently with the building permit. If there will be any disturbance of the shoreline landward, then please also address the critical areas on the land including potential slide, erosion, seismic, and steep slope.

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Figure 1 Wetland probability map for 6830 96th Ave SE

2. Will the work qualify for the Shoreline Exemption pathway as opposed to substantial shoreline development?

**Staff Response:**

The proposed scope of work does not appear to qualify for a shoreline exemption. These exemptions can be reviewed in [WAC 173-27-040](#). The project must narrowly meet one of the exemptions listed. Based on this, it appears a Shoreline Substantial Development Permit will be required.

A SEPA Review application will also be needed, per [WAC 197-11-800](#). Per the SEPA exemptions, minor new construction is only exempt if not in lands covered by water. If the project can meet the exemptions described, it may be exempt from SEPA. Otherwise, SEPA will be required. Please review the [SEPA review application](#).

3. As the current pier system is heavily dilapidated, unusable, are there any pathways to a faster approval of the project?

**Staff Response:**

The permit review timelines should expect to follow the [standard timeline](#). The first review for building permits has a goal of 4 weeks and subsequent review goals are 2 weeks. The process may move faster if the applicant reviews the relevant code sections to ensure the project meets the standards to avoid additional reviews.

4. [Question provided by staff] What are the [Shoreline Substantial Development Permit application requirements](#)?

**Staff Response:**

1. [Development Application Form](#). Provide a completed and signed Development Application Form.
2. Pre-Application Meeting. Pre-Application Meetings are required for Type III & IV Land Use Permit Applications.
3. Project Narrative. The project narrative should describe the proposed development, including any anticipated phases. This can be as brief as 3-5 sentences.
4. Criteria Compliance Narrative. Detail how the application meets the review criteria for the proposed shoreline use in [MICC 19.13.050](#). Refer to the [Code Compliance Matrix Tip Sheet](#) for preparing the narrative.

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5. Title Report. Prepared by a private title company and less than 30 days old at the time of submission.
6. [Affidavit of Ownership](#). An Affidavit of Ownership, signed before a notary.
7. [Affidavit of Agent Authority](#). An Affidavit of Agent Authority, signed before a notary.
8. Development Plan Set. Refer to the [Land Use Application Plan Set Guide](#) for preparing plans. In addition to the proposed scope of work, the development plan set must also include:
  - Existing vegetation and trees within 50 feet of the Ordinary High Water Mark;
  - Existing structures and flatwork within 50 feet of the Ordinary High Water Mark including but not limited to: patios, walkways, retaining walls, bulkheads, stairs, etc.;
  - Lateral lines and setbacks;
  - 0-25 feet and 25-50 feet shoreline areas and percentages of hardscape and lot coverage in each area;
  - Shoreline Planting Plan. If required by the SMP.
9. [JARPA Form](#).
11. No Net Loss Report. A report prepared by a qualified professional demonstrating the proposal will not result in a net loss of ecological function per [MICC 19.13.020\(C\)](#), unless waived by the code official.
12. [SEPA Checklist](#). A SEPA Checklist and separate [SEPA Review permit](#) will be required unless the project is categorically exempt per the criteria in WAC 197-11-800.
13. [Sewer Lake Line Affidavit](#). When the proposed work will alter the lakebed, a sewer lake line affidavit is required. The sewer lake line location must be shown and labeled on the plans. The label should include how the line was located and the date.
14. [Concurrent Review Form](#). Provide a completed Concurrent Review Form if the applicant wishes to request consolidated review for two or more land use applications. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
15. Fees. Payment of required fees.

## Review Comments:

### Tree Comments:

Tree Contact: [madelyn.nelson@mercerisland.gov](mailto:madelyn.nelson@mercerisland.gov) or 206-275-7704.

1. Please refer to MICC 19.10 for our tree code.
2. 30% of trees with a diameter of 10 inches or greater is required; additionally, development must be designed to minimize tree removal.
3. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070.
4. Tree protection (typically at tree dripline) of retained trees will be required
5. Sequential (phased) tree removal may be required (only remove trees necessary at each step of the review process)

For shoreline development, please provide the following:

5. Please illustrate existing trees (type, diameter, driplines) located near the proposed development.
6. If there is a recent building permit for an addition or new house: if the property has a required shoreline planting plan per MICC 19.07.110(E)(9)(d), please illustrate the existing shoreline

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plantings and integrate the proposed vegetation with this project. (E)(9)(d) requires all development adding over 500sf of GFA or impervious surface requires a native shoreline vegetation plan.

7. Please provide a tree protection plan for all development that will impact regulated trees.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

### Civil Engineering Comments:

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Civil Contact: [Ruji.Ding@mercerisland.gov](mailto:Ruji.Ding@mercerisland.gov) or 206-275-7703.

1. Please refer to MICC Title 15 for our Water, Sewers, and Public Utilities code.

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

### Building Comments:

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Building Contact: [gareth.reece@mercerisland.gov](mailto:gareth.reece@mercerisland.gov) or 206-275-7710.

1. Building guidelines for dock repair and replacement are assembled in the provided handout "Residential Dock Design"
2. There is no expedited review available for this type of project.

### Planning Comments:

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Planning Contact: [madelyn.nelson@mercerisland.gov](mailto:madelyn.nelson@mercerisland.gov) or 206-275-7704.

1. Critical area constraints (on and off-site)
  - a. Potential slide, steep slope, seismic, erosion. Wetland.
  - b. [MICC 19.07.160](#) Geologically hazardous areas. [MICC 19.07.190](#) Wetlands.
  - c. Critical area study
  - d. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review this code section for full details.
2. Shoreline
  - a. Development is limited within 50 feet of the Ordinary High Water Mark (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).
  - b. No structures are allowed within 25 of the OHWM.
  - c. During building permit application, apply for a Shoreline Substantial Development Permit, or a Shoreline Exemption Permit demonstrating that the proposed development meets one of the criteria in [WAC 173-27-040](#) for developments exempt from substantial development permit requirement.
3. Shoreline Master Program [Chapter 19.13](#).
  - a. [MICC 19.13.050](#)(Table D)

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Table D — Requirements for Moorage Facilities and Development Located Waterward from the OHWM		
Setbacks for Docks, Covered Moorages, and Floating Platforms	A*	10 feet from the lateral line (except where moorage facility is built pursuant to the agreement between the owners of adjoining lots on the shoreline as shown in Figure B below).
	B	Where a property shares a common boundary with the urban park environment, the setback shall be 50 feet from the lateral line or 50% of the water frontage of the property, whichever is less.
Setbacks for Boat Ramps and Other Facilities for Launching Boats by Auto or Hand, Including Parking and Maneuvering Space	C	25 feet from any adjacent private property line.
Length or Maximum Distance Waterward from the OHWM for Docks, Covered Moorage, Boatlifts and Floating Platforms	D	Maximum 100 feet, but in cases where water depth is less than 11.85 feet below OHWM, length may extend up to 150 feet or to the point where water depth is 11.85 feet at OHWM, whichever is less.
Width of Docks within 30 Feet Waterward from the OHWM	E	Maximum 4 feet. Width may increase to 5 feet if one of the following is met: 1) Water depth is 4.85 feet or more, as measured from the OHWM; or 2) A moorage facility is required to comply with Americans with Disabilities Act (ADA) requirements; or 3) A resident of the property has a documented permanent state disability as defined in WAC 308-96B-010(5); or 4) The proposed project includes mitigation option A, B or C listed in Table E; and for replacement actions, there is either a net reduction in overwater coverage within 30 feet waterward from the OHWM, or a site-specific report is prepared by a qualified professional demonstrating no net loss of ecological function of the shorelands. Moorage facility width shall not include pilings, boat ramps and boatlifts.
Width of Moorage Facilities More Than 30 Feet Waterward from the OHWM	E	Maximum 6 feet wide. Moorage facility width shall not include pilings, boat ramps and boatlifts.
Height Limits for Walls, Handrails and Storage Containers Located on Piers	F	3.5 feet above the surface of a dock or pier. 4 feet for ramps and gangways designed to span the area 0 feet to 30 feet from the OHWM.
Height Limits for Mooring Piles, Diving Boards and Diving Platforms	G	10 feet above the elevation of the OHWM.
Height Limits for Light Rail Transit Facilities within the Existing I-90 Corridor		The trackway and overhead wires, support poles, and similar features necessary to operate light rail transit facilities may be erected upon and exceed the height of the existing I-90 bridges.
*The letters in this column refer to the Plan View (B) and Section (B) diagrams.		

b. [MICC 19.13.050](#)(Table D)

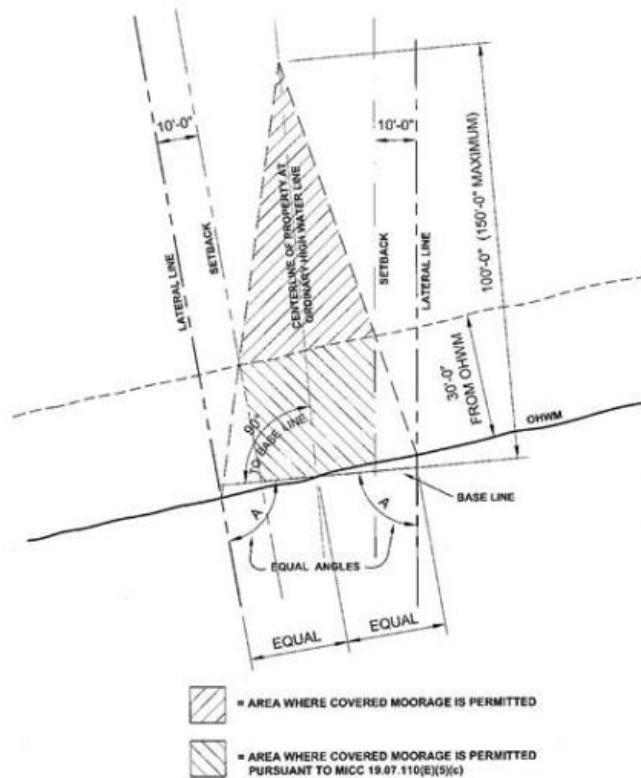
Table D. Requirements for Moorage Facilities and Development Located Waterward from the OHWM (Continued)		
Minimum Water Frontage for Docks	H*	Single-family lots: 40 feet.
	I	Shared — Two adjoining lots on the shoreline: 40 feet combined.
	J	Semi-private recreational tracts: 2 families: 40 feet. 3—5 families: 40 feet plus 10 feet for each family more than 2. 6—10 families: 70 feet plus 5 feet for each family more than 5. 11—100 families: 95 feet plus 2 feet for each family more than 10. 101+ families: 275 feet plus 1 foot for each family more than 100.
Covered Moorage		Permitted on single-family residential lots subject to the following: (a) Maximum height above the OHWM: 16 feet; 16 to 21 feet subject to criteria of subsection (E)(1) of this section. (b) Location/area requirements: See Figure A for single-family lots and Figure B for shared moorage. (c) Building area: 600 square feet; however, a covered moorage may be built larger than 600 square feet within the triangle subject to a shoreline conditional use permit. (d) Covered moorage shall have open sides. (e) Prohibited in semi-private recreational tracts and noncommercial recreational areas. (f) Translucent coverings are required.
*The letters in this column refer to the Plan View (C).		

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c. [MICC 19.13.050\(E\)](#)

The covered portion of a moorage shall be restricted to the area lying within a triangle as illustrated in Figure A, except as otherwise provided in subsection (E)(1) of this section. The base of the triangle shall be a line drawn between the points of intersection of the property lateral lines with the ordinary high water mark. 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 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 ten-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:
  - i. Will not constitute a hazard to the public health, welfare, and safety, or be injurious to affected shoreline properties in the vicinity;
  - ii. Will constitute a lower impact for abutting property owners; and
  - iii. Is not in conflict with the general intent and purpose of the SMA, the shoreline master program and the development code.

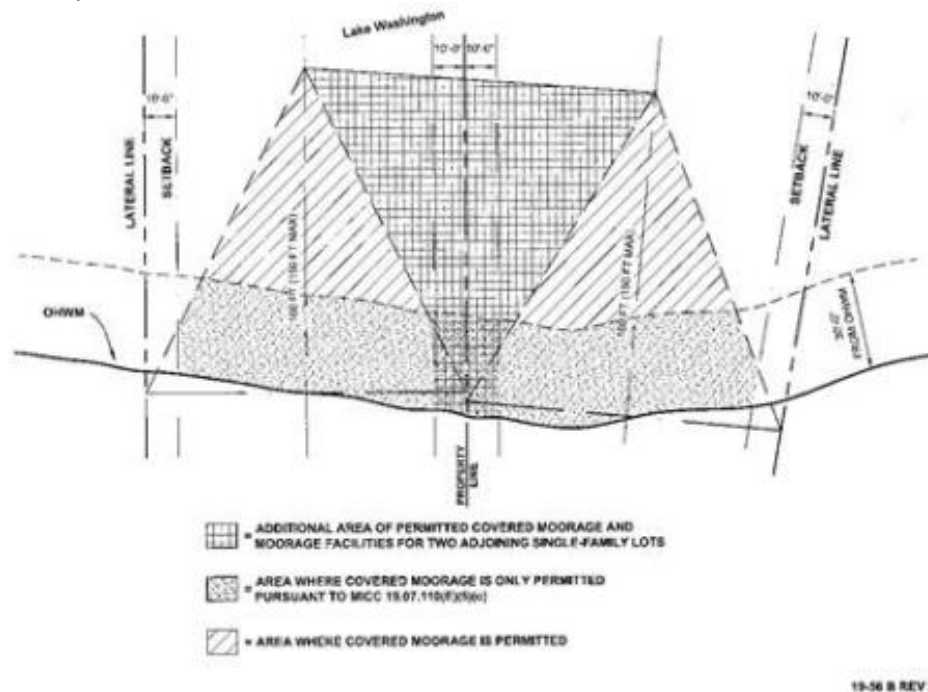


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2. Where a covered moorage or moorage facility is built pursuant to the agreement of owners of adjoining single-family lots located on the shoreline, the covered moorage area shall be deemed to include, subject to limitations of such joint agreement, 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 Figure B below.

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Figure B: Area of Permitted Covered Moorage and Moorage Facilities, Two Adjoining Single-Family Lots



3. Covered moorage is not allowed within the first 30 feet from the OHWM unless the applicant:
  - i. Demonstrates to the code official's satisfaction that proposed project will not create a net loss in ecological function of the shorelands; and
  - ii. 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.

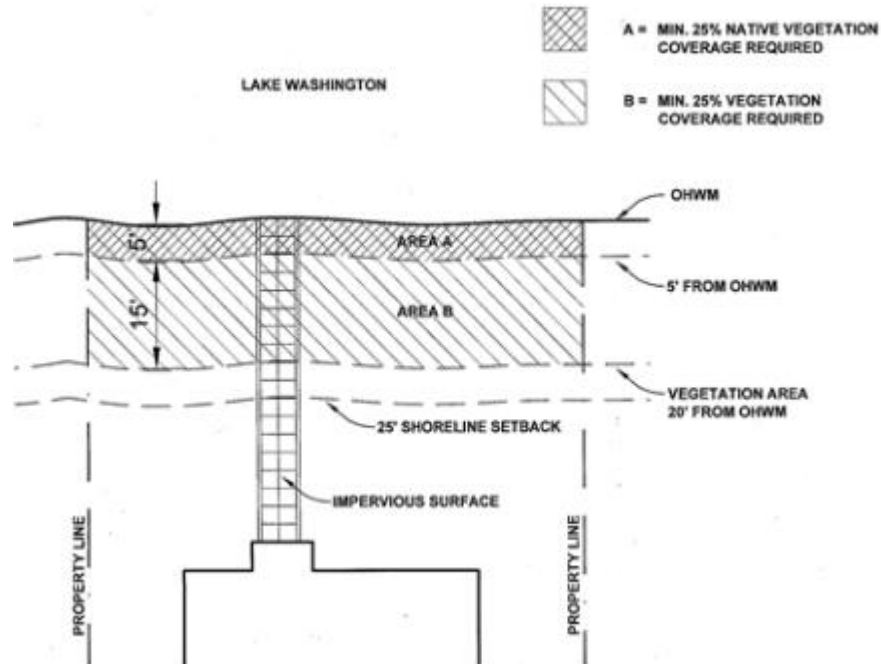
d. [MICC 19.13.050\(F\)](#)

*Moorage facilities.* All permits for new and expanded moorage facility, other than marinas and public access piers or boardwalks, shall meet the following standards unless otherwise exempted. Moorage facilities have the option of meeting either the development standards prescribed in subsection (F)(1) or (F)(2) of this section, or the "alternative development standards" in subsection (F)(3) of this section.

1. Development standards for new and expanded moorage facilities. A proposed moorage facility shall be presumed to not create a net loss of ecological functions pursuant to subsection (B)(2) of this section if:
  - i. The surface coverage area of the moorage facility is:
    - a. Four hundred eighty square feet or less for a single property owner;
    - b. Seven hundred square feet or less for two residential property owners (residential); or
    - c. One thousand square feet or less for three or more residential property owners;
  - ii. Piers, docks, and platform lifts must be fully grated with materials that allow a minimum of 40 percent light transmittance;

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iii. Vegetation. The code official approves a vegetation plan that conforms to the following: Vegetation must be planted as provided in Figure C and as follows: Within the 25-foot shoreline setback, a 20-foot vegetation area shall be established, measured landward from the OHWM. Twenty-five percent of the area shall contain vegetation coverage. The five feet nearest the OHWM shall contain at least 25 percent native vegetation coverage. A shoreline vegetation plan shall be submitted to the city for approval. The vegetation coverage shall consist of a variety of ground cover shrubs and trees, excluding nonnative grasses. No plants on the current King County noxious weed lists shall be planted within the shorelands.



- iv. Only docks, ramps, and boatlifts may be within the first 30 feet from the OHWM. No skirting is allowed on any structure;
- v. The height above the OHWM for docks shall be a minimum of one and one-half feet and a maximum of five feet;
- vi. The first in-water (nearest the OHWM) set of pilings shall be steel, ten inches in diameter or less, and at least 18 feet from the OHWM. Piling sets beyond the first shall also be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter. 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;
- vii. 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;

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viii. No more than two mooring piles shall be installed per structure. Joint-use structures may have up to four mooring piles. The limits include existing mooring piles. Moorage piling shall not be installed within 30 feet of the OHWM. These piles shall be as far offshore as possible;

ix. The applicant shall abide by the work windows for listed species established by the U.S. Army Corps of Engineers and Washington Fish and Wildlife; and

x. 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 applicant shall take appropriate measures to ensure revegetation success.

4. State Environmental Policy Act (SEPA) Review
  - a. The proposed scope of work requires SEPA review pursuant to WAC 197-11-800.
5. Non-conforming issues / items
  - a. Existing dock is nonconforming.
6. Easement:
  - a. 10' sewer easement over second class shorelands.
  - b. Vehicular Access Easements. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.
  - c. Utility and Other Easements. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.
7. Vesting: Please see the standards in MICC 19.15.170.
8. 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.
  - c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
9. Land Use Application Process and Estimated Timeline:

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.

  1. Building Permit
  2. Critical Area Review 1 or 2
  3. SEPA Review (unless categorically exempt)
  4. Shoreline Substantial Development Permit or Shoreline Exemption Permit.
  - b. Consolidated review may be available as allowed in MICC 19.15.030(F).
  - c. Summary of procedural steps
    - i. Pre-Application meeting

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- ii. Submit application electronically
  - iii. Application Completeness Check
  - iv. Notice of Application (incl. 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. Land use approvals are valid for a period of 3 years from the date of approval.

**Construction / Building Permits**

Type of Review	Target
<b><u>Building and Site Development</u></b>	
Intake Screenings	2 weeks (once all documents provided)
Routing	1 week (once deemed complete)
First Review - Major Building Permits (Type 3)	4 weeks
First Review - Non-Major Building Permits (Type 1)	2 weeks
First Review - Site Development Permits (Type 1)	2 weeks
Second and Subsequent Reviews	2 weeks
Prepare Approved Permit for Issuance	1 week
Revisions	2-3 weeks

**Land Use Decisions**

Type of Review	Target
Completeness Review	28 Days
First Review - Type 1 and Type 2	2 weeks
First Review - Type 3 and Type 4	5 weeks
Second and Subsequent Reviews	2 weeks
Staff Report / Decision - Type 3 and Type 4 (following completion of review)	3-4 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>

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## Pre-Application Fees:

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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.

Regards

Madelyn Nelson  
Assistant Planner  
Community Planning & Development  
City of Mercer Island

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June 24, 2025

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