



MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing

Friday, November 14, 2025, 9:00 AM

AGENDA

Virtual Meeting Participation

The scheduled hearing will be held using remote meeting technology. Please either login or call in a few minutes before the start of the meeting to participate. Written comments may still be submitted before the hearing by emailing Kimberly Gunderson, Planning Consultant, at kmahoney.planning@gmail.com. Written comments are given the same weight as verbal public testimony.

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Public Hearings:

NOTE: *The Hearing Examiner has the discretion to limit testimony to relevant non-repetitive comments and to set time limits to ensure an equal opportunity is available for all people to testify.*

PRE-DECISION HEARING:

File No.: P-23-065 Non-Administrative Shoreline Substantial Development Permit
P-23-066 SEPA

Agent: Evan Wehr, Agent for Liwei Liu, property owner of 3263 Evergreen Point Road, and Agent for Troy and Elizabeth Gessel, property owners of 3261 Evergreen Point Road.

Proposal: Non-Administrative Substantial Development Permit to extend an existing pier and install three new boat lifts and two double jet-ski lifts at the straddling property line between 3263 Evergreen Point Road (Parcel #2425049065) and 3261 Evergreen Point Road (Parcel #2425049211), Medina, WA 98039.

Legal Info: **Parcel #2425049065: LOT "3" OF MEDINA SP #PL-SHTPLAT- 14-001 REC #20180416900003 SD SP LOC IN SE 1/4 OF SE 1/4 OF NW STR 24-25-04**

**Parcel # 2425049211: N 1/2 LESS E 496.5 FT OF FOLG-N 137.98 FT OF S
306.962 FT OF GL 6 TGW SH LDS ADJ LESS E 30 FT FOR RD**

Prepared by: Kimberly Gunderson, Mahoney Planning LLC, Planning Consultant for the City of Medina

PART 1 - GENERAL INFORMATION

ZONING: R-20, Residential

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential

SHORELINE ENVIRONMENT DESIGNATION: Shoreline Residential

CRITICAL AREAS: Shoreline (Lake Washington)

EXHIBITS:

1. Original Staff Report prepared by LDC, Inc., dated January 16, 2025
2. Declaration of Agency, received November 17, 2023
3. Statutory Warranty Deed, received November 17, 2023
4. Ecological No Net Loss Assessment Report, received June 28, 2024
5. Legal Notices
 - a. Determination of Complete Application, dated February 29, 2024
 - b. Notice of Application, dated March 11, 2024
 - c. Revised Notice of Application, dated May 17, 2024
 - d. Notice of Hearing, dated January 6, 2025
 - e. Notice of Continued Hearing, dated October 29, 2025
6. Non-Administrative Substantial Development Application, received November 17, 2023
7. Dock Easement 1956, received May 9, 2024
8. Assignment of Dock Rights, received May 9, 2024
9. SEPA Environmental Checklist, February 28, 2024
10. Site Plan received October 28, 2024
11. Mailing Labels and Buffer Map received January 8, 2024
12. Technical Memorandum, Grette Associates, dated October 4, 2024
13. Correspondence with Applicant and Consultant, dated September 4, 2024
14. Public Comments
15. Water Depth Waiver, received May 16, 2024
16. Determination of Non-Significance, dated March 15, 2024
17. Hearing Examiner Decision of Medina Permit File No. P-23-065, dated February 4, 2025
18. Request for Reconsideration, filed by Applicant of Medina Permit File No. P-23-065, dated February 21, 2025
19. Stipulation and Order issued by Medina Hearing Examiner, dated February 28, 2025
20. Supplemental Staff Report prepared by Medina Planning Consultant Kim Gunderson, Mahoney Planning, LLC, dated October 29, 2025
21. Revised Site Plan and Project Renderings dated April 25, 2025
22. Correspondence with Grette Associates (Farallon Consulting) dated October 8, 2025
23. Applicant Response to Comprehensive Plan Consistency, dated August 28, 2025

PART 2 - SITE CHARACTERISTICS

EXISTING CONDITIONS: Parcel #2425049211 is developed with a single-family residence, tennis court, pier and related site improvements. Parcel #2425049065 is developed with a single-family residence and associated site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-20 District	Residential
South	R-20 District	Residential
East	R-20 District	Residential
West	Lake Washington	N/A

ACCESS: Vehicular access to both subject parcels is from Evergreen Point Rd.

PART 3 - COMPREHENSIVE PLAN

The residential nature of the city's shoreline preserves its character while encouraging good stewardship and enjoyment of the shoreline, including protecting and preserving shoreline ecological functions, which is the primary vision of the shoreline master program (SMP). The following comprehensive plan goals and policies apply to the proposed project:

SM-P1.1 This Shoreline Master Program shall be developed using the following guidelines in order of preference:

- a. Recognize and protect the state-wide interest over local interest.
- b. Preserve the natural character of the shoreline.
- c. Support actions that result in long-term benefits over short-term benefits.
- d. Protect the resources and ecology of the shoreline.
- e. Increase public access to publicly owned areas of the shorelines.
- f. Increase recreational opportunities for the public in the shoreline.

SM-G8: Manage shoreline modification to avoid, minimize, or mitigate significant adverse impacts.

SM-G9: Minimize impacts to the natural environment and neighboring uses from new or renovated piers and docks and their associated components, such as boat lifts and canopies.

SM-P4.4 At a minimum, development should achieve no net loss of ecological functions, even for exempt development.

SM-P7.2: Where feasible, boating facilities should include measures that enhance degraded and/or scarce shoreline features.

SM-P7.3: Boating facilities should not unduly obstruct navigable waters and should avoid causing adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.

SM-P7.4: Preference should be given to boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater coverage.

SM-P7.6: Boating facilities should be located, designed, constructed and operated so that other appropriate water-dependent uses are not adversely affected and to avoid adverse proximity impacts such as noise, light and glare; aesthetic impacts to adjacent land uses; and impacts to public visual access to the shoreline.

SM-P8.4: Structures should be located and designed to avoid the need for future shoreline stabilization where feasible.

SM-P9.5: Establish development regulations that encourage property owners to make renovations to their existing piers and docks outside of normal maintenance and repairs that improve the environmental friendliness of their structure.

SM-P9.6: Encourage joint-use or shared piers and docks where practicable.

SM-P13.4: The City should encourage retention and development of the shoreline for joint use private recreational activities, such as moorage, decks, beach clubs, etc.

PART 4 - AGENCY REVIEW/PUBLIC COMMENT

NOTICES (Exhibit 5):

Application received:	November 17, 2023
Determination of Completeness:	March 5, 2024
Notice of Application:	March 11, 2024
2 nd Notice of Application:	May 17, 2024
Notice of Hearing:	January 6, 2025
2 nd Notice of Hearing:	October 29, 2025

The application was received on November 30, 2023, and was deemed *incomplete* on January 4, 2024, with a resubmittal occurring on February 21, 2024, which was deemed *complete* on March 5, 2024, pursuant to MMC 16.80.100. A Notice of Application was sent by mail to property owners per MMC 16.80.140(B)(2) and was posted on-site and at other public notice locations such as city hall, the Medina Post Office, park boards and the City of Medina's website on March 11, 2024. Pursuant to MMC 16.80.110(B)(7), a 14-day comment period was used; however, after the public raised concerns that the application materials provided were not consistent with the MMC 16.80.100, an additional Notice of Application was issued May 5, 2024, which was followed by another 14-day comment period. Consistent with MMC 16.80.120, a Notice of Hearing was issued on January 6, 2025. The notice was mailed to property owners according to MMC 16.80.140(B)(2), published in *The Seattle Times* newspaper, and posted on the site and other public notice locations including city hall, the Medina Post Office, city park boards, and the City of Medina's website.

On January 21, 2025, the City of Medina Hearing Examiner opened a public hearing to consider the subject application. Following the public hearing on Medina Permit File No. P-23-065, the Hearing Examiner issued a decision on February 4, 2025 denying the application (Exhibit 17). Following the Hearing Examiner's decision, the Applicant submitted a Request for Reconsideration to the Hearing Examiner (Exhibit 18). On February 28, 2025, The Hearing Examiner issued a Stipulation and Order (Exhibit 19) agreeing to stay his decision and reopen the subject permit for an additional hearing in order to allow the applicants to submit revised application materials for the City's review. The Hearing Examiner's Stipulation and Order specified that the application will not be set for a second hearing until an amended staff report

has been prepared analyzing the revised application materials. The City has analyzed revised application materials submitted by the project's Agent since the Hearing Examiner's issued Stipulation and Order and has prepared this Supplemental Staff Report (Exhibit 20) accordingly. Consistent with MMC 16.80.120, a Notice of Hearing was issued on October 29, 2025. The notice was mailed to property owners according to MMC 16.80.140(B)(2), published in The Seattle Times newspaper, and posted on the site and other public notice locations including city hall, the Medina Post Office, city park boards, and the City of Medina's website (Exhibit 5e).

GENERAL PUBLIC COMMENTS: Prior to the first public hearing in January 2025, the City received several written comments from the public which are included in Exhibit 14. Any comments received by the public in response to the continued Notice of Hearing will be entered into the record during the continued public hearing and will be addressed, as needed, in written or spoken testimony by the City during the hearing.

AGENCY COMMENTS: No agency comments were received.

PART 5 - STAFF ANALYSIS

GENERAL:

1. Liwei Liu is the owner and taxpayer of record of 3263 Evergreen Point Road (tax parcel # 2425049065) (Liu Parcel) according to the Statutory Warranty Deed (see Exhibit 3). The property owner is represented by Evan Wehr (see Exhibit 2).
2. Troy and Elizabeth Gessel is the owner and taxpayer of record of 3261 Evergreen Point Road (tax parcel # 2425049211) (Gessel Tract) according to the Statutory Warranty Deed (Exhibit 3). The property owner is represented by Evan Wehr (see Exhibit 2)
3. The proposed extended pier will be jointly shared by the owners of 3263 Evergreen Point Road (tax parcel #2425049065), 3261 Evergreen Point Road (tax parcel #2425049211), and a tract owned by Happe Carolina Dybeck (per tax records) addressed as 3267 Evergreen Point Road (tax parcel #2425049278) (Dybeck Parcel), according to the Assignment of Dock Rights, recorded under Instrument No. 20220520001172 (see Exhibit 8).
4. The proposed pier extension will occur on the shared property line between the Liu Parcel and the Gessel Parcel. Both parcels are zoned R-20 (residential). The Gessel Parcel is rectangularly shaped with maximum dimensions of approximately 362 feet (greatest length) by 70 feet (greatest width). The Liu Parcel is rectangularly shaped with maximum dimensions of approximately 845 feet (greatest length) by 70 feet (greatest width). Both parcels are developed with a single-family residence and typical appurtenant features, including driveways and recreational facilities.
5. The applicant has applied for a Non-Administrative Shoreline Substantial Development Permit to extend an existing pier as well as install three new boat lifts and two double jet-ski lifts at the joint property line that straddles 3261 and 3263 Evergreen Point Road, Medina, WA 98039.
6. **Importantly, the applicants' proposed scope of the project has been amended since the project's original proposal was considered at its January 2025 public hearing.** The project no longer includes the replacement of all existing pier framing, nor

the repair of existing pier piles. The project now proposes to maintain the existing pier structure in its current condition and construct an approximately 358 square foot expansion of the pier. The remodeled pier would extend approximately 41-feet waterward of the existing pier for a total pier length of 100-feet. Associated proposed improvements to the expanded pier include the installation of 11 10-inch steel piles, three finger floats, one ell, one walkway, three boat lifts, and two double-jet ski lifts. In total, the proposed pier would be 100-feet in length, include 1,055 square feet of overwater coverage, and include nine boat and jet ski lifts.

ENVIRONMENTAL (SEPA) REVIEW:

7. The proposed project has undergone a SEPA Threshold Determination under Medina file no. P-23-066. The City of Medina is the SEPA Lead Agency for this project. The City has reviewed a SEPA Environmental Checklist (Exhibit 9) and other project information on file and has determined that the proposed project does not have a probable significant adverse impact on the environment. A Determination of Non-significance (DNS) was issued according to WAC 197-11-355 on March 15, 2024 (Exhibit 16), with an appeal deadline of March 29, 2024. No appeals were filed by the deadline.
8. The City's SEPA Responsible Official has reviewed the amended pier configuration and other adjustments to the scope of the project made since the City's issuance of the DNS, and finds no cause to amend the City's DNS for the proposed project, particularly given that the pier design has been amended to reduce overall overwater coverage and that in-water project construction activities have also reduced due to the applicants' adjustment in project scope, which no longer includes the existing pier reconstruction.

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

9. The Medina Municipal Code (MMC) 16.72.100(D) requires a Non-Administrative Substantial Development Permit for activities and uses defined as "development" pursuant to RCW 90.58.030(3)(a) and located within the shoreline jurisdiction as defined by the Shoreline Management Act. The proposal for the expanded pier meets these criteria. The proposal does not qualify for a substantial development permit exemption as outlined in MMC 16.70.030. The project proposal also does not qualify for an *Administrative* Substantial Development Permit as outlined in MMC 16.71.050(D), given the total fair-market value of the entire proposal exceeds \$50,000 (Exhibit 6). Therefore, a *Non-Administrative* Substantial Development Permit is required to authorize the proposed project.
10. The Shoreline use Table is codified in MMC 16.62.040 and outlines that the proposed use (e.g., piers, docks, and boat lifts) are permitted uses in the City's Shoreline Residential Environment designation.
11. MMC 16.66.010(B) requires that to assure no net loss of shoreline ecological functions, applicants must demonstrate a reasonable effort to analyze environmental impacts from a proposal and include measures to mitigate impacts on shoreline ecological functions.

The applicant has prepared an Ecological No Net Loss Assessment Report ("No Net Loss Report," see Exhibit 4). It was prepared by a professional biologist and details the avoidance and minimization measures, shoreline planting plan, conservation measures and best management practices that ensure the proposed project will not yield a loss of

ecological function.

The No Net Loss Report was reviewed by the City's third-party biological consultant, Grette Associates (Grette), for their recommendation on whether the project aligned with provisions of the MMC governing no net loss of ecological function. Grette reviewed the No Net Loss Report and provided comments related to post-project monitoring, mitigation standards, and mitigation sequencing.

The applicant has provided an updated report that was reviewed by Grette who confirmed that the updated report addressed the comments, except the requested mitigation sequencing. A meeting with the applicant was held with Jonathan Kesler, AICP, (then) Medina Planning Manager, on August 30, 2024 where the applicability of providing mitigation sequencing was discussed. The Director, in conjunction with the City's (then) planning consultant, has agreed that the mitigation sequencing is an unnecessary element of the No Net Loss Report, according to the following authorities: (1) According to MMC 16.66.010(C.4), an analysis of no net loss of shoreline ecological functions is not required when specific standards (such as setbacks, pier dimensions, and tree planting) are provided, unless explicitly referenced in this section; and (2) under MMC 16.66.010(D.4), the director has determined that, because the proposed use has specific dimension and design standards, less information is needed to adequately demonstrate no net loss of shoreline ecological functions. (Exhibit 13)

Therefore, the No Net Loss Report provided on June 28, 2024, has sufficient information to prove a no net loss of ecological function. The applicant has demonstrated a reasonable effort to analyze the environmental impacts of the proposed new pier and has included measures to mitigate impacts that could occur to shoreline ecological functions.

To ensure that revised components of the proposed pier expansion did not compromise the City's finding of the applicants' consistency with No Net Loss provisions set forth in the Medina SMP, the City conferred with Grette (Exhibit 22) who confirmed that the project's amended scope is still found to achieve no net loss of ecological function. Therefore, the City still finds that the proposed project complies with the No Net Loss provisions of the SMP.

12. MMC 16.65.060, 16.65.080, and 16.65.040 establish the dimensional and design standards of pier repair and additions and boat lifts. The applicant is no longer proposing to repair/replace the existing pier, as was a previous component of the project's scope. The project now proposes to maintain the existing pier structure in its current condition and construct an approximately 358 square foot expansion of the pier. The remodeled pier would extend approximately 41-feet waterward of the existing pier for a total pier length of 100-feet. The applicant proposes the installation of 11 10-inch steel piles, three finger floats, one ell, one walkway, three boat lifts, and two double-jet ski lifts. In total, the proposed pier would be 100-feet in length, include 1,055 square feet of overwater coverage, and include nine boat and jet ski lifts. Importantly, all structural components of the proposed pier comply with germane dimensional and design standards of the MMC, as is demonstrated below.

MMC 16.65.040 - (Existing Structure) Pier:

The maximum overwater surface coverage for an existing pier is 1,500 square feet when the pier is jointly used by more than two property owners; the pier is jointly used by more

than two property owners, as is evidenced by mutually signed and recorded easements and assignments of rights (Exhibits 7 and 8). There are no setback requirements for shared/joint-use piers when straddling a common property line. The maximum length of the pier shall not exceed 100 feet from the ordinary high-water mark (OHWM). The maximum length of fingers is 20 feet. There is no maximum length of ells. The maximum width of a walkway located within 30 feet waterward of the OHWM is 4 feet. The maximum width of a walkway located greater than 30 feet waterward of the OHWM is 6 feet. The maximum height above the plane of the OHWM and the top of the decking of a pier is 5 feet. Decking for piers, docks, and platform lifts shall be grated or made with materials that allow a minimum of 40% light to be transmitted through.

The applicant is proposing to expand the existing pier; the expanded configuration of the pier would create an approximately 1,055 square foot pier structure (Sheet 5 of Exhibit 21). The proposed pier would serve three property owners. The existing pier and proposed expansion would straddle the common property line of Parcel #2425049065 and Parcel #2425049211 (see Sheet 4 of Exhibit 21). The proposed expansion would extend the length of the existing pier to 100 feet (see Sheet 6 of Exhibit 21). The existing walkway width of the pier is approximately 6-feet-3-inches, which is not proposed to be reconstructed. The proposed expansion would include a walkway that will have a width of 6 feet (see Sheet 6 of Exhibit 21). The proposed expansion would also include the addition of three fingers and one ell. The proposed fingers vary in width, and are never proposed to exceed 2 feet in width nor 20 feet in length. The proposed ell is 4 feet in width and 26 feet in length; notably, ells associated with existing piers are not subject to dimensional standards, and the proposed ell is still designed to comply with those standards that are applicable to ells associated with new piers. The fingers and the ell are designed to support the addition of the proposed boat lifts. The height of the pier above the plane of the OHWM and the top of the decking of the pier and expansion will be approximately 1-foot-10-inches (see Sheet 10 of Exhibit 21). A grated deck allowing for an advertised 43% light penetration will be installed on the expanded section of the pier (see Exhibit 4).

As proposed, the pier addition **complies** with the germane design and dimensional standards for additions to existing piers set forth in MMC 16.65.040.

MMC 16.65.080 - Boat Lifts and Jet skis:

MMC 16.65.080 sets the requirements for boat and jet ski lifts. The maximum distance waterward of the OHWM where a lift may be located is no more than 100 feet. The minimum distance waterward of the OHWM where a lift may be located is no less than 30 feet and 9 feet of water depth. The maximum number of boat lifts and/or jet ski lifts allowed per single dwelling that shares the pier or dock is 3 each per dwelling. There are no side property line setback requirements for shared joint-use facilities straddling a common property line.

The distance of the furthest boat lift is located approximately 95 feet from the OHWM (see Sheet 6 of Exhibit 21). The existing boat lift and jet ski lifts are located within 30 feet of the OHWM (see Sheet 6 of Exhibit 21). The proposed jet ski and boat lifts will be located more than 30 feet from the OHWM (see Sheet 6 of Exhibit 21), the closest of which is proposed at 46 feet from the OHWM. Most of the proposed jet ski and boat lifts will not be able to meet the 9-foot water depth (see Sheet 9 of Exhibit 21); in certain instances, the City may issue a waiver to the minimum water depth requirements (MMC 16.65.080(D)).

The applicant has applied for a water depth waiver, which the City has reviewed against the criteria set forth in MMC 16.65.080(D) and has approved (Exhibit 15).

The maximum number of boat lifts and jet skis allowed for this pier is nine (9). The applicant currently has one (1) boat lift and one (1) jet ski lift associated with the existing pier. The applicant is proposing to install an additional three (3) boat lifts and two (2) double jet ski lifts for a total of nine (9) lifts: four (4) boat lifts and five (5) jet ski lifts (see Sheet 6 of Exhibit 21).

The applicants have proposed boat lift and jet ski lift structures that are consistent with the dimensional and design standards outlined in MMC 16.65.080.

ANALYSIS OF THE MEDINA COMPREHENSIVE PLAN:

1. In his decision following the proposal's first public hearing (Exhibit 17), the City's Hearing Examiner issued Findings of Fact and Conclusions of Law documenting insufficient information in the record to surely conclude that the proposed project minds aesthetic and navigation policies of the Medina SMP. In particular, the City's Hearing Examiner identified shoreline goal SM-G9 and shoreline policies SM-P7.3 and SM-P7.6 as lacking a sufficient address in the project's record. A more complete discussion of each aforementioned shoreline goal and policy is provided below, which analyzes the revised proposal's consistency with the stated goal and policies.
2. SM-G9: Minimize impacts to the natural environment **and neighboring uses** from new or renovated piers and docks and their associated components, such as boat lifts and canopies (emphasis added).

Staff Discussion: As has been described in this supplemental staff report, the applicants have revised the design of their proposed pier addition to include less overwater coverage than previously proposed, while still maximizing the usable space on the proposed pier to accommodate their code-compliant installation of nine boat and jet ski lifts. Since the project's January 2025 public hearing, the applicants have revised the design of their pier modification in the following manners:

- The overall size of the proposed design has been reduced from 1,106 square feet to 1,055 square feet, a net reduction of 51 square feet.
- The configuration of boat and jet ski lifts has been amended to position one of the proposed boat lifts closer to the shoreline.
- The existing pier will no longer be repaired. Where the previous design proposed removal and replacement of the existing pier's framing and decking, and repair/replacement of all existing piles, the current design now proposes to simply leave the existing pier in its existing condition and configuration. Importantly, this adjustment subjects the proposal to design and dimensional standards for "existing structures" set forth in MMC 16.65.040, as opposed to the previous design's subjection to "new structure" dimensional standards.

In comments received by neighboring property owners in response to the initial public hearing's noticing, the thematic aesthetic-related concerns appear to generally relate to two components of the applicants' design: 1) the total size and length of the proposed pier, and 2) the positioning of lifts that could obscure northwesterly sightlines when

viewed from the south. To fully consider the extent with which the applicants attempted to minimize these aesthetic impacts, staff considered the design modifications made since the project's initial public hearing and the limitations and physical characteristics of the subject site, and drew the following conclusions:

- The applicants have reduced the overall overwater coverage of the proposed pier by 51 square feet. Largely, the reduction in the pier's massing is the yield of reducing the size of fingers and walkways associated with the pier structure and, where possible, using the pier's smaller fingers to provide access to as many vessels moored at the pier as possible. See Sheet 5 of Exhibit 21.
- The applicants have adjusted the positioning of their boat and jet ski lifts. In the previous design, all boat lifts were positioned as waterward as possible on the expanded section of the pier; the yield of this design placed the largest future moored vessels to occupy more of the sightline of southerly neighbors looking northwest. The revised design has adjusted the positioning of one boat lift, locating it closer to the shoreline than previously proposed and reducing the bulk of sizeable vessels in the sightline of southerly neighbors.
- As is typical throughout the Medina shoreline, bathymetric conditions are not suitable for nearshore moorage. While there is apparent linear space along the existing walkway of the pier to install boat or jet ski lifts further from neighboring properties' sightlines, the water depth in those areas is too shallow to support lift installation, even with the benefit of an approved water depth waiver from the City. Staff have prepared markups to Sheet 9 of Exhibit 21 to demonstrate the effect of these limitations. Lifts may not be located shoreward of 30 feet from OHWM and must have a minimum water depth of 9 feet to comply with dimensional standards set forth in MMC 16.65.080; approved water depth waivers can allow for the installation of a lift in water that is no shallower than 5 feet. The applicants have provided an elevation depicting the site's bathymetry (Sheet 9 of Exhibit 21), demonstrating that minimum water depth sufficient for the installation of a lift cannot be achieved at the site closer than approximately 42-feet-3-inches from the OHWM. The existing pier is designed as a "hammerhead" and extends 46-feet from OHWM before extending parallel to the shoreline, leaving a space of approximately 3-feet-9-inches wide in water deep enough for the installation of a lift; this space is not wide enough to accommodate the width of even one jet ski lift, which is approximately 4-feet-7-inches wide. Given these limitations, the applicants are unable to propose any of their nine lifts more landward than proposed as the City would make findings that such a proposal is inconsistent with dimensional standards applicable to boat lifts in the Medina SMP.
 - It is notable that in later discussions of the proposal's consistency with boating navigability policies in the Medina SMP, the City would not find that vessel navigability would be supported by a proposal for lifts in shallow water. In terms of safely navigating a vessel to its lift without obstructing or adversely affecting the shoreline's recreation, the City would find SMP policy SM-P7.3 more supported by a lift located in water of at least 5-feet in depth than a proposed lift in shallower water.
- The City has also considered comments previously made by the public which inquire as to the expansion of the existing dock when a second dock in a spanning area to the north could be constructed.

- The majority of shoreline north of the subject site is associated with Parcel #2425049279, owned by KEH LLC (Sheet 5 of Exhibit 21), who is not a benefiting property of the dock easement and assignment of dock rights (Exhibits 7 and 8, respectively) recorded with the subject pier. Therefore, it is not germane to consider that portion of the shoreline as an area to be developed for the benefit of the applicants' access to the shoreline.
- In the area north of the subject pier under ownership of one of the applicants (Parcel #2425049065), there is approximately 24-feet in width separating the existing northern extent of the subject pier and the property line separating Parcel #2425049065 from Parcel #2425049279 to its north. When piers are not developed to straddle a joint property line, the pier must maintain 12-foot side setbacks on either side of the structure; it would be impossible to develop a second pier on Parcel #2425049065 and maintain minimum side setback requirements imposed by MMC 16.65.040. Furthermore, such a proposal would seem noncompliant with policy SM-P1.1, which stipulates that the order of preference for the development of the SMP's guidelines is:
 - (b) Preserve the natural character of the shoreline.
 - ...
 - (f) Increase recreational opportunities for the public in the shoreline.
- To develop an otherwise vacant and natural section of the shoreline with nearshore overwater development instead of extending an existing structure further into the deepwater environment is not in keeping with the SMP's stated order of preference in the development of its guidelines.
- A proposal to develop multiple single-use piers rather than one joint-use pier also introduces concern with the application's consistency with shoreline policy SM-P9.6: "encourage joint-use or shared piers and docks where practicable." As proposed, the applicants' extended joint-use pier is more in keeping with SM-P9.6 than could otherwise be said of a proposal to construct a second pier north of the subject site.

Given the above analysis, staff finds that the applicant has minimized its design impacts to the natural environment and to neighboring uses and has designed a proposal that is consistent with shoreline goal SM-G9.

3. SM-P7.6: Boating facilities should be located, designed, constructed and operated so that other appropriate water-dependent uses are not adversely affected and to avoid adverse proximity impacts such as noise, light and glare; **aesthetic impacts to adjacent land uses**; and impacts to public visual access to the shoreline (emphasis added).

Staff Discussion: Please see staff discussion related to SM-G9 above.

4. SM-P7.3: Boating facilities should **not unduly obstruct navigable waters** and should avoid causing adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing (emphasis added).

Staff Discussion: The applicants have coordinated with the United States Coast Guard

(USCG) to confirm their agency's position on navigability impacts caused by the proposed project. The USCG has a typical review role in shoreline projects and is assigned to review projects by the U.S. Army Corps of Engineers (Corps). The applicants applied for authorization under Section 10 of the Rivers and Harbors Act, which is afforded by the Corps following review of the application and coordination with other agencies. The applicants have provided correspondence with the USCG, who have documented that their agency has no objection to the proposed pier expansion (Exhibit 23).

The applicants also provided a written response to the City that clearly addresses their project design against how the Medina Hearing Examiner applies the term "unduly," which is captured in his February 4, 2025 Decision (Exhibit 17) and is included below for ease:

It should be noted that the "unduly" language encompasses the concept that the Applicant must minimize adverse encroachment into navigable waters, which should be construed as establishing that the encroachment is the minimum necessary for reasonable dock use.

In sum, the applicants describe that the installation of their allowed nine lifts is not able to be located any closer than proposed to the shoreline (given bathymetry at the subject site), and that the lifts are otherwise installed as close as practicable to each other and are configured not to require the applicants to seek relief from the site's code-compliant 100-foot pier length (see Exhibit 23).

Given the analysis contained in this supplemental staff report and the interagency concurrence that navigability will not be unduly obstructed by the proposed pier extension, staff finds that the applicants have demonstrated consistency with SM-P7.3.

PART 6 - CONCLUSIONS

1. According to MMC 16.72.100(C) and MMC 16.80.060(C), the Hearing Examiner has the authority to hold a public hearing and issue a decision on this application.
2. Notice for this continued public hearing was posted on the property and mailed to surrounding property owners within 300 feet, published in the Seattle Times newspaper, and posted at City Hall, the Medina Post Office, and other locations around Medina on October 29, 2025, more than 15 days before the hearing date (Exhibit 5e).
3. According to MMC 16.72.100(F), a Substantial Development Permit may only be approved if the following criteria are met:
 - a. *Requirement: The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (chapter 90.58 RCW).*

CONCLUSION: The Medina Shoreline Master Program (SMP) has been adopted in a manner that is consistent with the policies and provisions of the Washington Shoreline Management Act ("the Act," RCW 90.58). MMC 16.60.060(A) sets forth that "all use and development proposals, including those that do not require a permit, must comply with the policies and regulations established by the Act as expressed through the Shoreline Master Program (SMP)." Because the Medina

SMP has been adopted to express the Act's policies and regulations, an applicant's consistency with the provisions of the Medina SMP inherently conveys consistency with the policies and provisions of the Act. As concluded in Part 5 of this supplemental staff report, the proposed project is consistent with the provisions of the Medina SMP and is therefore consistent with the Washington Shoreline Management Act. This criterion has been satisfied.

- b. *Requirement: The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (chapter 173-27 WAC).*

CONCLUSION: The Medina SMP has been adopted in a manner that is consistent with the guidelines of WAC Chapter 173-27. MMC 16.60 has been adopted under the authority of RCW 90.57 and WAC Chapter 173-27 (MMC 16.60.040), and its purpose is to comply with WAC Chapter 173-27 (MMC 16.60.030). Because the Medina SMP has been adopted in a manner that complies with WAC Chapter 173-27, an application's consistency with the provisions of the Medina SMP inherently conveys consistency with WAC Chapter 173-27. As is concluded in Part 5 of this supplemental staff report, the proposed project is consistent with the provisions of the Medina SMP and is therefore consistent with the Washington Shoreline Management Permit and Enforcement Procedures. This criterion has been satisfied.

- c. *Requirement: The proposed development is consistent with the provisions of the city shoreline master program.*

CONCLUSION: As has been demonstrated in the analysis provided in Part 5 of this supplemental staff report, the applicant's proposed pier addition is consistent with the use and size limitations outlined in the provisions of the Medina SMP. Therefore, this criterion has been satisfied.

PART 7 - STAFF RECOMMENDATION

Staff recommends the Hearing Examiner **approve** the Non-Administrative Substantial Development Permit (File No. P-23-065) given the revised project design's demonstrated consistency with the Medina Municipal Code, Medina Shoreline Master Program, the State Shoreline Management Act of 1971, and the State Shoreline Management Permit and Enforcement Procedures.

Should the Hearing Examiner approve the Non-Administrative Substantial Development Permit, then the City recommends the Hearing Examiner include the following conditions of approval with his decision:

1. Mitigation shall be provided consistent with Exhibit 21, including the monitoring plan. The monitoring report is required to be provided to the U.S. Army Corps of Engineers (Corps) and shall also be provided to the City in written form simultaneously with the applicant's submittal to the Corps.
2. The development must comply with and be consistent with the Medina Shoreline Master Program (Chapters 16.60 through 16.67 MMC, in combination with Sub-Element 2.1 of the Medina Comprehensive Plan per MMC 16.60.010), Chapter 173-27 WAC (Shoreline

Management Permit and Enforcement Procedures), and Chapter 90.58 RCW (Shoreline Management Act).

3. The applicants shall obtain a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW), unless expressly in writing informed otherwise by WDFW, and shall provide the approved HPA to the City prior to issuance of a building permit.
4. All other zoning and development regulations applicable to the project shall be followed and confirmed during the building permit review.

Date: 10-29-2025

Kimberly Gunderson, Mahoney Planning, LLC
on behalf of the City of Medina