



MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing

Wednesday, February 18, 2026, 12:00 PM

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.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/87551204498?pwd=lpz2baxDkliNDVU8xCWbGgfVuAzDcy.1>

Meeting ID: 875 5120 4498

Passcode: 942962

One tap mobile

+12532050468,,87551204498#,,,*942962# US

+12532158782,,87551204498#,,,*942962# US (Tacoma)

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-24-024 Non-Administrative Shoreline Substantial Development Permit
P-24-025 SEPA

Agent: Ted Burns of Seaborn Pile Driving, Agent for 7887 Overlake Drive W LLC, property owner of 7887 Overlake Drive W, Medina, WA 98039

Proposal: Non-Administrative Substantial Development Permit to replace an existing non-conforming dock's solid decking with grated decking, replace an existing moorage cover with a translucent cover, replace an existing boat lift with an in-kind lift, and install two additional boat lifts for a total of three (3) boat lifts associated with the existing non-conforming dock. The project includes planting native vegetative species along the property's shoreline frontage as mitigation to offset any potential impacts to the Lake Washington shoreline. The described activities would occur at 7887 Overlake Drive W., Medina, WA 98039 (Parcel No.

3625049058).

Legal Info: Parcel #3625049058: POR OF GL'S 1 & 2 OF SD SEC DAF - BEG AT NXN OF SLY LN NE 6 TH ST & W LN OF ELY 65.61 FT OF SD GL 2 TH SLY PLW ELY LN OF SD GL 2 TO MEANDER LN OF ELY SH OF LK WA TH NELY ALG SD MEANDER LN TO ELY LN OF SD GL 2 TH CONT NELY ALG SD MEANDER LN 115.50 FT TH NLY ALG A LN WCH NXN AAP 30 FT S & 1236.38 FT W PLW SEC LN OF NE COR OF SD GL 1 TO SLY LN OF SD NE 6 TH ST TH WLY ALG SD SLY LN TO TPOB TGW POR BAAP 1236.38 FT W & 510 FT S OF NE COR OF GL 1 SD PT BEING ON S MGN OF NE 6TH ST TH S 89-02-59 E ALG SD S MGN 22 FT TH S 00-21-59 W PLW E LN OF GL 1 286.50 FT TH S 12-52-00 E 61.26 FT TH N 89-38-01 W 36.02 FT TH N 00-21-59 E PLW E LN OF SD GL 1 346.36 FT TO POB TGW 2ND CLASS SHORE LANDS ADJ AKA PAR A OF MEDING LLA #91-5 PER REC #911106-0341

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

PART 1 - GENERAL INFORMATION

ZONING: R-30, Residential

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential

SHORELINE ENVIRONMENT DESIGNATION: Shoreline Residential (landward of Ordinary High Water Mark [OHWM]) and Aquatic (waterward of OHWM)

CRITICAL AREAS: Shoreline (Lake Washington)

EXHIBITS:

1. Staff Report prepared by Mahoney Planning LLC, dated January 28, 2026
2. Declaration of Agency and LLC Delegation of Authority, received October 2, 2024
3. Proof of Ownership, received May 6, 2024
4. Ecological No Net Loss Assessment Report, prepared by Northwest Environmental Consulting, LLC, dated February 2024
5. Technical Memorandum, Grette Associates (Farallon Consulting), dated August 25, 2025
6. Legal Notices
 - a. Determination of Complete Application, dated October 14, 2024
 - b. Notice of Application, dated October 24, 2024
 - c. Notice of Hearing, dated January 29, 2026
7. Mailing Labels and Buffer Map received May 6, 2024
8. Non-Administrative Substantial Development Application, received May 6, 2024
9. SEPA Environmental Checklist, prepared by Agent, dated December 31, 2024
10. SEPA Determination of Non-Significance, issued by Medina SEPA Responsible Official, dated January 6, 2026
11. Plan Set, prepared by Seaborn Pile Driving, revised December 29, 2025
12. Water Depth Waivers for North Lift, Center Lift, and South Lift, approved January 2, 2026
13. Establishment of Legal Non-conforming Dock, prepared by Agent, received December 2,

2025

14. Grated Decking Detail, "Sure Step" manufactured by Perspective Products, received December 2, 2025
15. Letter of Permission issued by the Army Corps of Engineers for 7887 Overlake Drive W LLC, dated April 22, 2024

PART 2 - SITE CHARACTERISTICS

EXISTING CONDITIONS: The subject site is developed with a single-family residence, detached garage, non-conforming dock with one associated boat lift, and related typical residential site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	Public	Medina Elementary School
South	Lake Washington	N/A
East	R-30 District	Residential
West	R-30 District	Residential

ACCESS: Vehicular access to the subject parcel is from Overlake Drive West, a public road.

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-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-P7.3: 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-P7.6: 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-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.

PART 4 - AGENCY REVIEW/PUBLIC COMMENT

NOTICES (Exhibit 6):

Application received:	May 6, 2024
Determination of Completeness:	October 14, 2024
Notice of Application:	October 24, 2024
Notice of Hearing:	January 29, 2026

The application was received on May 6, 2024, and was deemed *incomplete* on July 15, 2024. A revised application was received on August 6, 2024, which was again deemed *incomplete* on August 20, 2024. Another revised application was received on October 2, 2024, and was deemed *complete* on October 14, 2024, pursuant to MMC 16.80.100 (Exhibit 6a).

A Notice of Application (NOA) 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 October 24, 2024. Pursuant to MMC 16.80.110(B)(7), a 30-day comment period was established (Exhibit 6b). No comments were received by the City in response to the NOA.

Consistent with MMC 16.80.120, a Notice of Hearing (NOH) was issued on January 29, 2026. 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 6c). At the time of this staff report's preparation, no comments were received by the City in response to the NOH.

GENERAL PUBLIC COMMENTS: No public comments were received by the City in response to the NOA or the NOH as of the date of this staff report. Any comments received by the public in response to the NOH after the dissemination of this staff report will be entered into the record during the 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. 7887 Overlake Dr W LLC is the owner and taxpayer of record for 7887 Overlake Drive W (Parcel No. 3625049058) according to the proof of ownership submitted by the applicant (Exhibit 3). The property owner is represented by Seaborn Pile Driving, a part of Seaborn Companies (see Exhibit 2).
2. The proposed project consists of repair/replacement work and the addition of two new boat lifts at the subject site. All project activities are proposed to occur overwater in the Lake Washington shorelands fronting the subject site to its south. The upland site is an approximately 2.59 acre parcel and is rectangularly shaped with maximum dimensions of approximately 751 feet (greatest length) by 173 feet (greatest width). The site is developed with a single-family residence and typical appurtenant features, including a

garage and outdoor leisure space. The site is also developed with an overwater dock that is non-conforming to development standards applicable to the subject dock today.

3. The subject dock structure is non-conforming to a number of design and dimensional standards that would be applicable to the dock if built today. The applicant bears the burden of proving the legal establishment of non-conformities associated with the subject dock. Any legally established nonconforming structure may continue until such time that the rights for the nonconformity are abandoned.
4. The applicant has applied for a Non-Administrative Shoreline Substantial Development Permit to replace the existing non-conforming dock's solid decking with grated decking, replace an existing moorage cover with a translucent cover, replace an existing boat lift with an in-kind lift, and install two additional boat lifts for a total of three (3) boat lifts associated with the existing non-conforming dock. The applicant also proposes shoreline mitigation by planting native species along the property's shoreline frontage. Proposed improvements to the site are depicted in the applicant's plan set (Exhibit 11).

ENVIRONMENTAL (SEPA) REVIEW:

5. The proposed project has undergone a SEPA Threshold Determination under Medina file no. P-24-025. 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 January 7, 2026 (Exhibit 10), with a 14-day comment period and an appeal deadline of January 21, 2026. No comments or appeals were timely filed with the City.

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

6. 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 dock repair and boat lift additions meet 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 8). Therefore, a *Non-Administrative Substantial Development Permit* is required to authorize the proposed project.
7. The Shoreline use Table is codified in MMC 16.62.040 and outlines that the proposed use (e.g., piers, docks, boat lifts, and covered moorage) are permitted uses in the City's Aquatic Environment designation.
8. 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 analyzes the

ecologic effect of the project, details a mitigation plan and monitoring measures, and discusses best management practices that would be employed to minimize the potential for the proposed project to cause 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 found that the No Net Loss Report, "included sufficient information to ensure compliance with the no net loss standard defined in Subtitle 16.6 (Shoreline Master Program [SMP]) of the current version of the Medina Municipal Code" (Exhibit 5). Based on Grette's review findings captured in Exhibit 5, the City finds that the proposed project will have no net loss of ecological function if constructed and mitigated as proposed. Staff have prepared Recommended Condition No. 1 in Part 7 of this staff report for the Hearing Examiner to consider adopting as a part of his decision to ensure that the proposed mitigation is installed consistent with Exhibits 4 and 11, which would reassure proper stewardship of Lake Washington and the Medina shoreline at large.

9. MMC 16.66.090 establishes provisions for non-conformities in the Medina regulated shoreline. The subject dock is a non-conforming structure; it is configured or constructed in manners which do not conform to present regulations or standards of the SMP. The SMP today would require the dock to maintain 12 foot setbacks from adjoining properties; the subject dock is approximately 9 feet and 10 inches from the adjoining property to the south. From the OHWM, the dock is allowed to be a maximum of 100 feet in length; the subject dock is approximately 110 feet and 8 inches in length measured from OHWM. The maximum width of the dock's walkway within 30 feet of the OHWM is 4 feet, and beyond 30 feet may be as wide as 6 feet; the subject dock is a consistent width of approximately 8 feet for the entire length of the walkway. Piles must be a minimum of 18 feet waterward of the OHWM; the four landward-most piles associated with the subject dock are closer than 18 feet from the OHWM. The dock's decking is required to be constructed of grated material that allows for at least 40% light transmission; the subject dock is constructed of solid decking. Moorage covers are required to be translucent; the existing moorage cover associated with the subject dock is opaque. Lastly, a covered moorage structure shall be located within the building envelope prescribed by MMC 16.65.070(C); the subject dock is located outside of this building envelope.

It is the applicant's burden to prove the legality of a non-conforming structure. Exhibit 13 has been prepared to document the built history of the non-conforming dock. Exhibit 13 includes publicly sourced aerial imagery of the subject dock dating back to 1936. Imagery from 1936, 1977, 1990, and 2007 are included in Exhibit 13. The imagery conveys that the dock has existed since at least 1936, and that the dock has existed in an observed unchanged state since at least 1977, which pre-dates the adoption of Medina's first SMP in 1988. In a further attempt to establish a legal right to the non-conforming dock, the applicant submitted a Public Records Request to the City (request no. 25-171) which produced no historic records related to the subject dock. In reviewing Exhibit 13, the City finds that the subject dock was constructed prior to the effective date of the Medina SMP, and therefore would not have been subject to the provisions of today's SMP which the dock is non-conforming to. The City finds that the applicant has proven its legal right to the non-conforming structural components of the subject dock.

Any legally established nonconforming structure may continue until such time that the

rights for the nonconformity are abandoned; where the rights to a non-conforming structure have been abandoned, subsequent repair work of the structure shall require the structure to be brought into compliance with all development regulations in effect. The applicant is not proposing to increase the degree with which any of the aforementioned components of the dock are non-conforming from the SMP; rather, the applicant proposes to repair the existing non-conforming dock by replacing its existing solid wood decking with grated decking that will allow an estimated 53% light transmission through the decking material to the substrate of Lake Washington, and replace the existing opaque moorage cover with a translucent cover, increasing the dock's conformance with the Medina SMP. While the proposed repair work to the subject dock improves the dock's SMP conformance, the degree of decking repair work must be limited to retain legally established non-conforming rights; MMC 16.65.060(D)(4) and MMC 16.66.090(E)(4) read together set forth that replacement of the dock's substructure would exceed the degree of repair work that may be completed to a non-conforming dock while retaining its non-conforming rights. The applicant has indicated in its application materials (Sheet 5 of Exhibit 11) that the decking repair work will not include replacement of the dock's substructure. Therefore, the applicant has conveyed to the satisfaction of the City a legal right to its non-conformities which are not being abandoned as a result of the project scope. The applicant may continue to enjoy its legal right to non-conforming structural components of the subject dock.

10. MMC 16.65.040 establishes the dimensional and design standards for the existing dock structure. Based on the foregoing conclusions that the dock is subject to legal non-conforming rights for those analyzed existing non-compliant components, the dock is subject to the dimensional standards established for "existing structures" in Table 16.65.040 of MMC 16.65.040.

MMC 16.65.070 establishes the dimensional and design standards for the existing covered moorage appurtenant to the subject dock. The existing moorage cover is approximately 405 square feet and is constructed of opaque material. The applicant proposes to replace the covered moorage with a translucent moorage cover of similar size.

MMC 16.65.080 establishes the dimensional and design standards for the three proposed boat lifts. The applicant proposes to replace one existing boat lift and install two additional boat lifts for a total of three boat lifts at the subject dock. The dock is used exclusively by the subject property and is not a joint use dock.

MMC 16.65.040 – (Existing Structure) Dock:

The maximum overwater surface coverage for an existing dock is 1,200 square feet when the dock is used by a single property owner; the dock is used only by the owner of its upland residence at 7887 Overlake Drive W. Existing docks used by one property owner are required to maintain 12 foot setbacks from their adjoining parcels. The maximum length of the dock shall not exceed 100 feet from the OHWM. There is no maximum length or width of fingers or 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 bottom of the stringers on the dock is 1.5 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 maximum

height of piles above the top of a pier is 5 feet, and is otherwise limited to a maximum height of 7 feet above the plane of the OHWM. The minimum distance of the landward edge of ells, fingers, buoys, and moorage piles is 30 feet and a minimum water depth of 10 feet unless a water depth waiver is issued by the City. The minimum distance of all piles, except moorage piles, waterward from the OHWM is 18 feet.

The applicant is proposing to repair its existing non-conforming dock by replacing the existing decking. As has been described above in Part 5, Staff Analysis Item 9, the existing dock is legally non-conforming to numerous dimensional standards that would be applicable to the development of a dock today. The overwater coverage of the existing dock is approximately 1,235 square feet, which is proposed to marginally reduce to 1,174 square feet (Sheet 5 of Exhibit 11) as a result of removing solid decking that overhangs the dock's framing with grated decking built within the dimensions of the dock's existing framing. The existing length of the dock from OHWM is approximately 110 feet and 8 inches (Sheet 4 of Exhibit 11), which would remain as it exists. The width of the walkway would be approximately 7 feet and 10 inches feet (Sheet 4 of Exhibit 11), a nominal reduction compared to the existing 8 foot wide walkway. The existing dock is constructed atop 26 piles, which would remain as they exist. The existing finger landward of the existing boat slip is approximately 2 feet and 4 inches wide (Sheet 3 of Exhibit 11), and is proposed to be reduced to a width of 1 foot and 10 inches (Sheet 4 of Exhibit 11). The landward finger would be approximately 87.5 feet from the OHWM (Sheet 4 of Exhibit 11). The height of the dock above the plane of the OHWM and the bottom of the stringers is approximately 4 inches (see Sheet 6 of Exhibit 11) and will remain unchanged by the proposed dock repair project. The height above the plane of the OHWM and the top of the decking is approximately 1 foot and 2 inches (Sheet 6 of Exhibit 11). A grated deck allowing for an advertised 53% light penetration would be installed throughout the entirety of the dock, replacing the existing solid wood decking (see Exhibit 14).

As proposed, the dock repair **complies** with the germane design and dimensional standards for repair or replacement activities on existing docks set forth in MMC 16.65.040, or is otherwise legally non-conforming to those standards which it does not comply with.

MMC 16.65.070 – Covered Moorage:

MMC 16.65.070 sets forth the requirements for covered moorage. Each pier or dock is allowed to have one covered moorage which is no larger than 500 square feet. The covered moorage must maintain 12 foot setbacks from adjoining properties. The covered moorage must be made of translucent materials and must be no less than 8 feet tall from the plane of the OHWM, and no more than 16 feet tall from the plane of the OHWM. A covered moorage structure must be located with the building envelope set forth in MMC 16.65.070(C).

The applicant proposes to maintain the roof of the existing moorage cover, which is approximately 405 square feet in size (Sheet 5 of Exhibit 11). The moorage cover is approximately 16 feet and 8 inches from the property line of the adjoining property to the south and is nearly 97 feet from the property line to the north (Sheet 4 of Exhibit 11); the distance between the existing moorage cover and the adjoining neighbors is not proposed to change with the replacement of the structure's roof material. From the plane of the OHWM, the moorage cover is proposed to be approximately 9 feet and 10 inches tall

(Sheet 6 of Exhibit 11), consistent with its allowed height.

As has been previously described, the site is developed with an existing covered moorage structure which is non-conforming to the required location within the building envelope prescribed the MMC 16.65.070(C) and is covered with non-conforming opaque material. The applicant proposes to repair the covered moorage by replacing its opaque roof with a translucent roof, while maintaining the canopy's existing 405 square foot footprint at the subject dock. The applicant has demonstrated legal non-conforming rights with regard to its moorage canopy's location within the building envelope prescribed by MMC 16.65.070(C), and the subject proposal does not include an expanse or increase to that non-conformity. The moorage canopy may continue to enjoy its legal non-conforming right to be constructed outside of the prescribed building envelope.

As proposed, the moorage cover **complies** with the germane design and dimensional standards for moorage covers set forth in MMC 16.65.070, or is otherwise legally non-conforming to those standards which it does not comply with.

MMC 16.65.080 – Boat Lifts:

MMC 16.65.080 sets forth the requirements for boat 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 allowed per single dwelling using the dock is three. The boat lifts must maintain 12 foot setbacks from adjoining properties.

The applicant proposes to replace the existing boat lift and install two additional boat lifts for a total of three boat lifts associated with the existing dock. The distance of the existing boat lift is approximately 90 feet from the OHWM (see Sheet 3 of Exhibit 11). The replaced boat lift and proposed new boat lifts will be located more than 30 feet and less than 100 feet from the OHWM; the closest boat lift is approximately 63 feet and 3 inches feet from the OHWM, and the furthest is approximately 90 feet and 3 inches feet from OHWM (see Sheet 5 of Exhibit 11). The subject dock is currently improved with one existing boat lift; the applicant proposes to replace the existing boat lift beneath the covered moorage and install two additional boat lifts for a total of three boat lifts associated with the subject dock. Each of the three boat lifts will not be able to meet the 9-foot minimum water depth (see Sheet 6 of Exhibit 11); 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 water depth waivers for each boat lift, which the City has reviewed against the criteria set forth in MMC 16.65.080(D) and has approved (Exhibit 12).

As proposed, the applicant's proposed boat lifts **comply** with the germane design and dimensional standards for moorage covers set forth in MMC 16.65.080.

ANALYSIS OF THE MEDINA COMPREHENSIVE PLAN:

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

Staff Discussion: The proposed dock repair work has demonstrated an avoidance of significant adverse impacts, and in fact is found to improve the ecological environment of

the project area. The applicant's No Net Loss Report (Exhibit 4) has been reviewed by the City's third-party biological consultant, Grette (Exhibit 5) who concurs that no net loss of ecological function will occur as a result of the proposed project. Additionally, the City's SEPA Responsible Official has reviewed the applicant's SEPA Checklist (Exhibit 9) and found that the proposed project action is unlikely to adversely affect the environment, particularly given its increase of light transmission to the shallow substrate by replacing opaque structural components with grated decking and a translucent moorage cover.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan goal.

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.

Staff Discussion: As has been described in the staff discussion of SM-G8 in this section, the natural environment is not expected to be adversely affected by the proposed dock repair project. The dock's configuration has been demonstrated to exist for many decades without any known impacts to neighboring uses, despite its non-conforming proximity to the southerly neighbor's property line or the dock's non-conforming length of approximately 110 feet and 8 inches from OHWM. Notably, each of the subject site's neighboring properties are improved with a dock which is at least 141 feet from the subject dock, far more distant than would be achieved by compliant setbacks along each adjoining property line. Given that the proposed dock repair project will not amend the configuration of the dock, and considering the ample spacing between the subject dock and neighboring docks, impacts to neighboring uses are expected to be negligible.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan goal.

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

Staff Discussion: See staff discussion in response to SM-G8 in this section.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

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.

Staff Discussion: The subject dock is not expected to unduly obstruct navigable waters or cause adverse effects to recreational opportunities. The non-conforming dock is proposed to maintain its existing dimensional configuration; proposed work at the dock is limited to replacement of decking, replacement of the moorage cover, and the installation of two dimensionally code-compliant boat lifts. The dock has been documented as existing for at least 90 years (Exhibit 13); given its longevity and the limited scope of work which would not extend the length or massing of the dock, the dock is not expected to obstruct navigable waters or adversely affect recreational opportunities in its vicinity.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

5. 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.

Staff Discussion: See staff discussion in response to SM-P7.3 in this section.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

6. 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.

Staff Discussion: The proposed dock repair work is a renovation of an existing dock that improves the environmental friendliness of the structure. See staff discussion in response to SM-G8 in this section.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

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 of this 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 January 29, 2026, more than 15 days before the hearing date (Exhibit 6c).
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 represented in Part 5 of this 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 represented in Part 5 of this 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 staff report, the applicant's proposed dock repair work and boat lift additions are consistent with the use provisions, non-conforming structure provisions, and dimensional 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-24-024) given the project'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 11, including the monitoring plan. A financial security for the mitigation plan described in Exhibit 11 will be required by the City in a form and amount consistent with MMC 16.66.120 prior to issuance of a building permit for the subject dock improvements.
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 applicant 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 authorization to the City prior to issuance of a building permit.

4. The project shall be carried out in substantial conformance with the representations appended to this staff report.
5. All other zoning and development regulations applicable to the project shall be followed and confirmed during the building permit review.

Date: 1-28-2026

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