



MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing

Wednesday, September 30, 2026, 2:00 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/85063068241?pwd=RWymb4oki9j9vZl8pRoQYhHx3RQxpi.1>

Meeting chat link

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Meeting ID: 850 6306 8241

Passcode: 935544

One tap mobile

+12532158782,,85063068241#,,,,*935544# US (Tacoma)

+12532050468,,85063068241#,,,,*935544# US

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-26-007 Non-Administrative Shoreline Substantial Development Permit
P-26-021 SEPA

Agent: Katherine Rupert of Seaborn Pile Driving, Agent for Binhong Chen,
property owner of 1201 Evergreen Point Road, Medina, WA 98039

Proposal: Non-Administrative Substantial Development Permit to demolish an existing dock and its wood piles and replace it with a new 560 square foot dock. The new dock would include 16 new 8-inch epoxy coated steel piles driven into the lakebed. The applicant also proposes to install one (1) boat lift and one (1) dual jet ski lift

with an associated catwalk for a total of three (3) lifts at the new 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 1201 Evergreen Point Road, Medina, WA 98039 (Parcel No. 2525049099).

Legal Info: Parcel #2525049099: POR GL 3 N 140 FT OF S 1473 FT OF W 1/2 OF SEC & SH LDS ADJ LESS CO RD

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 September 15, 2026
2. Declaration of Agency, dated January 29, 2026
3. Proof of Ownership, dated January 26, 2026
4. Fish and Wildlife Evaluation and Ecological No Net Loss Report, prepared by Northwest Environmental Consulting, LLC, dated February 2026
5. Technical Memorandum, Grette Associates (Farallon Consulting), dated July 7, 2026
6. Legal Notices
 - a. Determination of Complete Application, dated March 12, 2026
 - b. Notice of Application, dated March 18, 2026
 - c. Notice of Hearing, dated September 15, 2026
7. Mailing Labels and Buffer Map received January 29, 2026
8. Non-Administrative Substantial Development Application, received January 15, 2026
9. SEPA Environmental Checklist, prepared by Agent, dated January 21, 2025
10. SEPA Determination of Non-Significance, issued by Medina SEPA Responsible Official, dated August 5, 2026
 - a. SEPA Comment from Department of Ecology, dated August 24, 2026 and August 26, 2026
 - b. Applicant Response to Ecology Comment Letter, dated August 27, 2026 and September 2, 2026
11. Plan Set, prepared by Seaborn Pile Driving, revised July 21, 2026
12. Water Depth Waivers for Boat Lift, Jet Ski Lifts, and Lift Finger, approved August 19, 2026
13. Grated Decking Detail, "Sure Step" manufactured by Perspective Products
14. Historic Aerial Imagery of dock at 1201 Evergreen Point Road
15. Plans for Medina Permit File Nos. ENG-GD-17-027, ENG-GD-19-027, and P-19-037

PART 2 - SITE CHARACTERISTICS

EXISTING CONDITIONS: The subject site is developed with a single-family residence, garage, overwater dock, and related typical residential site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-30 District	Residential
South	R-30 District	Residential
East	R-20 District	Residential
West	Lake Washington	N/A

ACCESS: Vehicular access to the subject parcel is from Evergreen Point Road, 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:	January 28, 2026
Determination of Completeness:	March 12, 2026

Notice of Application:
Notice of Hearing:

March 18, 2026
September 15, 2026

The application was received on January 28, 2026, and was deemed *incomplete* on January 29, 2026. A revised application was received on March 6, 2026, which was again deemed *incomplete* on March 10, 2026. Another revised application was received on March 10, 2026, and was deemed *complete* on March 12, 2026, 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 March 18, 2026. 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 September 15, 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. Binhong Chen and Lian Shao are the owners and taxpayers of record for 1201 Evergreen Point Road (Parcel No. 2525049099) 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 demolishing an existing dock and its wood piles and replacing it with a new 560 square foot dock. The new dock would include 16 new 8-inch epoxy coated steel piles driven into the lakebed. The applicant also proposes to install one (1) boat lift and one (1) dual jet ski lift with an associated catwalk for a total of three (3) lifts at the new 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. All project activities are proposed to occur overwater in the Lake Washington shorelands fronting the subject site to its west. The upland site is an approximately 3.14 acre parcel and is rectangularly shaped with maximum dimensions of approximately 960 feet (greatest length) by 138 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 is electing to abandon on legally established non-conforming rights and is proposing to redevelop the subject dock in compliance with the design and dimensional standards applicable in today's codes.
4. The applicant has applied for a Non-Administrative Shoreline Substantial Development Permit to replace the existing non-conforming dock and install three (3) lifts associated with the 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-26-021. 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 August 10, 2026 (Exhibit 10), with a 14-day comment period and an appeal deadline of August 24, 2026.
6. On August 24, 2026, the City received a comment from the Department of Ecology (Ecology) in response to the City's issued DNS (Exhibit 10a). Ecology's comment letter generally includes feedback on two matters, summarized as:
 - Ecology interprets the reconstructed dock to be subject to "new structure" development standards set forth in MMC 16.65.030, rather than "existing structure" development standards. The City does not concur with this interpretation; please see Part 5, Section 12 of this staff report for further discussion.
 - Ecology cites aerial imagery from 2014 to 2021 to document apparent vegetation removal in an area of approximately 7,200 square feet within the shoreline jurisdiction. Ecology notes that, if this clearing was done unlawfully, than the cleared area should be restored with native vegetation at a 1:1 ratio. Please see Part 5, Section 10 of this staff report for further discussion.

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

7. 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 replacement 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.

8. The Shoreline use Table is codified in MMC 16.62.040 and outlines that the proposed uses (e.g., piers, docks, and boat lifts) are permitted uses in the City's Aquatic Environment designation.
9. 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 a Fish and Wildlife Evaluation and Ecological No Net Loss 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, "the revised site plans have addressed Grette's outstanding comment and the project is compliant with MMC 16.65.040" (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.

10. MMC 16.66.050 governs shoreline vegetation management. The City received a comment from Ecology interpreting a record of aerial imagery from 2014 to 2021 as documentation of apparent vegetation removal in an area of approximately 7,200 square feet within the shoreline jurisdiction, and finding that the area should be restored with native vegetation at a 1:1 ratio if the clearing activity was performed unlawfully (Exhibit 10a). Ecology cites MMC 16.66.050 as its SMP reference for requiring such restoration.

The City is aware of its obligation to exact conditions of approval only in instances where a nexus is present between a proposed development and a condition of approval, and only to an extent of rough proportionality. The City is also aware of its authority to investigate and manage instances of code violations via code enforcement actions separate of the processing and decision of a land use entitlement.

After having received Ecology's comment letter, the City applied good faith efforts to investigate and understand the clearing activity appearing to occur between 2014 and 2021 (Exhibit 10a). The City reviewed its available records of permitted activity at the subject site (Exhibit 15) and notes that grading activity had been authorized under Medina permit file nos. ENG-GD-17-027, ENG-GD-19-027, and P-19-037. Grading activity captured on plans associated with these permit files document the construction of an energy dissipation pad and installation of compost socks stabilized with hydroseeding and landscaping in the general area of concern depicted in aerial imagery submitted by Ecology (Exhibit 10a). Landscaping plans referenced on these grading sheets could not be located by the City. The grading improvements depicted in Exhibit 15 were approved for construction and received final approved inspection on January 4,

2022, indicating the observed improvements aligned with activity that was authorized by the City.

The City also asked the applicant to describe any clearing activity in response to Ecology's comment letter. The applicant questioned Ecology's implication that the vegetation removed was necessarily native (and therefore deserving of replacement with native vegetation at a 1:1 ratio) and indicated that "many plants died due to crowding from Himalayan blackberry and Scotch broom which...their gardener continues to work to control" (Exhibit 10b). MMC 16.66.050(A)(4) allows for the removal of noxious or invasive species and maintenance of established lawn or landscaped areas. The applicant was unable to produce complete permit records of clearing activity authorized within the shoreline.

In reviewing the records available to the City, the City has found that permits were issued by the City that authorized grading activity to occur in the general area of concern identified by Ecology. The City has also reviewed its record of inspections related to ENG-GD-17-027, noting that the final inspection was approved by the City on January 4, 2022, after the cited 2021 aerial imagery sent by Ecology. Considering this record of permitted work within the general area of concern expressed by Ecology and inspected immediately after the documented occurrence of grading activity, and considering the applicant's written confirmation that shoreline vegetation removal was limited to invasive species or other species which could not survive against the proliferation of invasive species, the City has not found evidence to consider the grading activity captured in Exhibit 10a as being unlawfully done.

Additionally, considering that Exhibit 15 makes no reference to dock improvements as a present or envisioned scope of work, and given the five or more years that have lapsed between the documented grading activity and this subject application for dock replacement, the City has not found a nexus between upland vegetation removal and the scope of work that would be authorized with the approval of P-26-007. Rather, it seems unreasonable to the City to suppose that the upland vegetation removal could pre-date the dock's reconstruction so vastly if it were a necessary component of the scope of work that would be authorized by approving P-26-007.

Finally, the City acknowledges that shoreline vegetation management provisions codified in MMC 16.66.050 require that land areas exposed to development activity "be re-vegetated to similar conditions or better," but do not quantify any minimum replacement ratio, including a 1:1 replacement ratio identified by Ecology. In its review of the permit record associated with the site, the City has not identified any record that would indicate what type of vegetation persisted in the graded area prior to the grading activity, or whether that vegetation was native. The applicant has offered that the vegetation removed by its gardener included noxious or invasive species and unsuccessful landscape species that were overcome by invasive species. Absent any documentation to the contrary, the City rests on the applicant's obligation for accurate and complete information required of MMC 16.10.080(B) and agreed to under penalty of perjury on their permit application (Exhibit 8).

Therefore, the City observes no nexus that would justify a condition of approval requiring the applicant to restore its uplands with native vegetation, nor observes any evidence to suggest the grading activity occurred unlawfully and could be subject to code enforcement action. The City retains its authority to amend its position if new information

is discovered, including after the issuance of a decision on P-26-007. No condition of approval has been recommended for the Hearing Examiner's adoption related to retroactively correcting a record of grading activity at the subject site.

11. 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's walkway to be no wider than 4 feet within 30 feet of the Ordinary High Water Mark (OHWM) and no wider than 6 feet when more distance from the OHWM; the subject dock is 5 feet-10 inches wide at its landward extent and widens to 7 feet-10 inches at its waterward extent. 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.

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 voluntarily abandoning any legal right to nonconformities associated with the dock and is proposing to reconstruct its dock in a manner which complies with all development regulations in effect.

12. MMC 16.65.040 establishes the dimensional and design standards for the existing dock structure. Based on publicly available aerial imagery (Exhibit 14), it appears to the City's satisfaction that the subject dock was constructed prior to April 18, 2014 in a form substantively similar to its existing configuration and is subject to the dimensional standards established for "existing structures" in Table 16.65.040 of MMC 16.65.040.

Of note, the City received a comment from Ecology interpreting the subject dock as a "new structure" under MMC 16.65.040 rather than an "existing structure." Ecology's finding is based on its interpretation that any non-conforming use of the dock appears to have been abandoned for two years given the dock was allowed to fall into a partial state of disrepair and therefore cannot be reviewed under MMC 16.65.040 as an existing structure (Exhibit 10a).

The City does not concur with Ecology's interpretation and applies the distinction between existing and new structures as set forth in MMC 16.65.030. MMC 16.65.030(A) and (B) have codified the distinction between existing and new structures, which are notably absent any consideration of a structure's subjectivity to non-conforming use rights. MMC 16.65.030(A) and (B) together read:

"Where a property owner can demonstrate that a pier or dock was legally established prior to April 18, 2014, the dimensional and design standards for existing overwater structures set forth in Table 16.65.040 shall apply. Where a property owner cannot demonstrate that a pier or dock was legally established prior to April 18, 2014, the dimensional and design standards for new overwater structures set forth in Table 16.65.040 shall apply."

An applicant is not required to demonstrate that rights to non-conforming use have not been abandoned to subject their proposed development to the “existing structure” provisions of MMC 16.65.040; applicants need only demonstrate that an existing dock was legally established prior to April 18, 2014 for the City to review the dock against “existing structure” development standards in MMC 16.65.040. As is documented in this staff report, the applicant has met this requirement and is subject to the existing structure development standards.

MMC 16.65.080 establishes the dimensional and design standards for the three proposed lifts. The applicant proposes to install one (1) boat lift and one (1) dual jet ski lift with an associated catwalk for a total of three (3) lifts at the new 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 subject dock is used only by the owner of its upland residence at 1201 Evergreen Point Road. 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. All ells, fingers, and other structures associated with the dock are required to be at least 30 feet waterward of OHWM with a minimum water depth of 10 feet. 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. There is no maximum width applicable to fingers or ells, and no maximum length applicable to ells. 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 replace its existing non-conforming dock. As has been described above in Part 5, Staff Analysis Item 9, the applicant is voluntarily abandoning any legal right to nonconformities associated with the dock and is proposing to reconstruct its dock in a manner which complies with all development regulations in effect. The overwater coverage of the proposed dock is 560 square feet (Sheet 5 of Exhibit 11). The proposed length of the dock from OHWM is approximately 79 feet (Sheet 4 of Exhibit 11). The width of the walkway would be 4 feet within 30 feet of OHWM and would widen to 6 feet when more distant than 30 feet from the OHWM (Sheet 4 of Exhibit 11). The existing dock is constructed atop 16 piles, which would be replaced by 16 new steel piles; all piles would be no closer than 18 feet from OHWM and no piles exceed their maximum allowed height of 7 feet. A new finger is proposed to provide access to the dual jet ski lifts; the finger is proposed to be approximately 2 feet-4 inches wide (Sheet 5 of Exhibit 11). A new ell is proposed at the waterward extent of the dock which would be 26 feet long and 6 feet wide. 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 13). The height of the dock above the plane of the OHWM and the bottom of the stringers is approximately 1 foot (Sheet 6 of Exhibit 11). The height above the plane of the OHWM and the top of the decking is approximately 2 feet (Sheet 6 of Exhibit 11). The dock and its associated structures are proposed interior to the 12 foot setbacks from adjoining properties.

The proposed new finger providing access to the dual jet ski lifts is not located in water depth of at least 10 feet, as is required by MMC 16.65.040. In these instances, an applicant may apply for a water depth waiver pursuant to MMC 16.65.040(K). The applicant has applied for a water depth waiver to allow its finger to be located in a water depth of approximately 9 feet-5 inches, which the City has approved (Exhibit 12).

As proposed, the dock **complies** with the germane design and dimensional standards for replacement activities on existing docks set forth in MMC 16.65.040.

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 install one (1) boat lift and one (1) dual jet ski lift with an associated catwalk for a total of three (3) lifts at the new dock. The proposed boat lift and dual jet ski lift would be located more than 30 feet and less than 100 feet from the OHWM; the closest boat lift is approximately 62 feet-7 inches from the OHWM, and the furthest is approximately 79 feet from OHWM (see Sheet 5 of Exhibit 11). All lifts are proposed interior to the 12 foot setbacks from adjoining properties.

Each of the three lifts is not proposed to be installed with a minimum water depth of 9-foot (see Sheet 6 of Exhibit 11). In these instances, an applicant may apply for a water depth waiver pursuant to MMC 16.65.080(D). The applicant has applied for water depth waivers to allow each of its three lifts to be located in a water depth of less than 10 feet, which the City has approved (Exhibit 12).

As proposed, the applicant's proposed boat lifts **comply** with the germane design and dimensional standards for boat lifts 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 replacement 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.

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 replacement project. The dock's configuration is proposed to comply with all design and dimensional standards set forth in the Medina SMP. Notably, each of the subject site's neighboring properties are improved with a dock which is at least 76 feet from the subject dock, far more distant than that required of the SMP. Given that the proposed dock replacement has been designed to comply with the SMP's dimensional standards, 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 replaced dock is proposed to comply with all dimensional standards applicable to existing structures in the Medina shoreline, and its configuration will be substantively similar (although more compliant) with the site's existing dock set for demolition. The installation of three lifts landward of the dock's furthest waterward extent is not expected to unduly obstruct waters. The dock has been documented as existing in a substantively similar configuration for at least 24 years (Exhibit 14). Given its longevity and the compliant dimensions of the proposed dock, it 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 replacement is a renovation of a partially damaged 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 September 15, 2026, at least 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 replacement and boat lift additions are consistent with the use provisions and dimensional limitations outlined in 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-26-007) 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, the City recommends the Hearing Examiner include the following conditions of approval with his decision:

1. Mitigation shall be provided consistent with Exhibits 4 and 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 applicant shall obtain authorization under Section 10 of the Rivers and Harbor Act and/or Section 404 of the Clean Water Act from the Seattle District of the United States

Corps of Engineers (Corps), unless expressly in writing informed otherwise by the Corps, and shall provide the approved authorization to the City prior to issuance of a building permit.

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

Date: 9-15-2026

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