



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



MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing

Tuesday, January 21, 2025, 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 Jonathan Kesler, AICP, Planning Manager, at jkesler@medina-wa.gov. Written comments are given the same weight as verbal public testimony.

Join	Zoom	Meeting
https://medina-wa.zoom.us/j/82275364990?pwd=aw4D5AE9gjgLbtD6St9jIIEBMoEyLP.1		

Meeting ID: 822 7536 4990

Passcode: 642070

One tap mobile

+12532050468,,82275364990#,,,,*642070# US

+12532158782,,82275364990#,,,,*642070# 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-23-065 Non-Administrative Substantial Development Permit

Applicant or Agent: Evan Wehr, Agent for Liwei Liu, property owner

Proposal: Non-Administrative Substantial Development Permit to repair and extend an existing pier (resulting in the pier being considered a "new" pier), install three new boat lifts and two double jet-ski lifts at 3261 Evergreen Point Road (Parcel #242504-9065) and 3263 Evergreen Point Road (Parcel #242504-9211), Medina, WA 98039

Legal Info: Parcel #242504-9065: 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 # 242504-9211: 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: Thomas Carter, Associate Planner, LDC, Inc., Planning Consultant for the City of Medina

PART 1 – GENERAL INFORMATION

ZONING: R-20, Residential

COMPREHENSIVE PLAN DESIGNATION: Residential

SHORELINE ENVIRONMENT DESIGNATION: Shoreline Residential

CRITICAL AREAS: Shoreline, as regulated below

EXHIBITS:

1. Staff Report
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
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

PART 2 – SITE CHARACTERISTICS

EXISTING CONDITIONS: Parcel # 2425049211 is developed with a single residence, tennis court, pier and related site improvements. Parcel # 2425049065 is currently vacant and under development for a new single-family residence with a pool and associated site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-20 District	Residential
South	R-20 District	Residential
East	R-16 District	Residential
West	Lake Washington	N/A

ACCESS: Vehicular access 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-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-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

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.

GENERAL PUBLIC COMMENTS: As of the date of this staff report, the City received several written comments. Public comments can be found in Exhibit (14) and also included in this staff report as an appendix.

Who	When
Mark Holmes	April 14, 2024
Howard Hawks	April 10, 2024
Chris & India Coho	April 9, 2024
Vikram and Vandana Nagaraj	April 10, 2024

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 # 242504-9065) (Liu Tract) according to the Statutory Warranty Deed (see Exhibit 3). The property owner is represented by Evan Wehr (see Exhibit 2).

2. Troy Gessel is the owner and taxpayer of record of 3261 Evergreen Point Road (tax parcel # 242504-9211) (Gessel Tract) according to the Statutory Warranty Deed (Exhibit 3). The property owner is represented by Evan Wehr (see Exhibit 2)
3. The proposed pier will be jointly shared by the owners of 3263 Evergreen Point Road (tax parcel # 242504-9065), 3261 Evergreen Point Road (tax parcel # 242504-9211), and a tract owned by Happe Carolina Dybeck (per tax records) addressed as 3267 Evergreen Point Road (tax parcel # 242504-9278) (Dybeck Tract), according to the Assignment of Dock Rights, recorded under Instrument No. 20220520001172 (see Exhibit 8).
4. The proposed pier replacement and installation will occur on the shared property line between the Liu Tract and the Gessel Tract. Both tracts are zoned R-20 (residential). (a) The Gessel Tract is rectangularly shaped with maximum dimensions of approximately 362 feet (greatest length) by 70 feet (greatest width). The lot is currently under construction for a single dwelling with related improvements such as landscaping, a driveway and a pier. (b) The Liu Tract is rectangularly shaped with maximum dimensions of approximately 845 feet (greatest length) by 70 feet (greatest width). The lot is fully developed with a single dwelling, a pier, and related site improvements including a driveway, deck, pool, sports court, and landscaping.
5. The applicant has applied for a Non-Administrative Shoreline Substantial Development Permit to repair and extend an existing pier as well as install three new boat lifts and two double jet-ski lifts at 3261 Evergreen Point Road (Parcel # 242504-9065) and 3263 Evergreen Point Road (Parcel # 242504-9211), Medina, WA 98039.
6. The project includes the replacement of all existing pier framing plus a significant pier extension. Of the existing 16 piles, 13 will be rebuilt, 3 will remain. 14 new piles will be added. The project is a replacement with significant additional and minor repairs. More than sixty percent (60%) will be removed. Under MMC 16.10.040, Administrative Authority, the Director has determined that this is a **new** pier.

ENVIRONMENTAL (SEPA) REVIEW:

7. The proposed project has undergone a SEPA Threshold Determination under Permit # P-23-066. The lead agency for this proposal has completed a SEPA Environmental Checklist (see 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.

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

8. 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 new pier, including the repair and extension of an existing deck as well as the installation of three new boat lifts and two double jet ski lifts meets these criteria. The proposal does not qualify for an exemption as outlined in MMC 16.70.040. The project proposal also does not qualify for an *Administrative* Substantial Development Permit as outlined in MMC 16.71.060. Therefore,

a *Non-Administrative* Substantial Development Permit is required to authorize the proposed project.

9. 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.
10. 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 (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 Ecological No Net Loss Assessment 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 from the applicant 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, Medina Planning Manager, on August 30th where the applicability of providing mitigation sequencing was discussed. The Director, in conjunction with the City's 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.

11. 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 proposing to repair/replace the existing pier as well as the expansion of the pier structure. This expansion would include the installation of 3 boat lifts and 2 double jet ski lifts.

MMC 16.65.060- Repair and maintenance of overwater structures:

MMC 16.65.060.B provides in pertinent parts:

The following requirements apply to the repair and maintenance of overwater structures where the repair work is for the purpose of preventing the decline, lapse, or cessation of the structure:

...

B. Repair and maintenance may include replacing a structure with a similar structure if the replacement does not increase the size or shape of the structure, or significantly alter the configuration of the entire structure;

The applicant is proposing the repair of the existing pier structure by replacing the existing structure with new materials. The existing pier has an overwater coverage of 697 square feet. Due to the intensity of replacement happening to the existing pier, the replacement is seen as a **new** structure entirely and is subject to the requirements of a **new** structure in MMC 16.65.040, per MMC 16.10.040, Administrative Authority.

MMC 16.65.040 – (New Structure) Pier:

The maximum overwater surface coverage for a new pier is 1,000 square feet (when shared/joint-use by more than two property owners). 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. The maximum length of fingers is 20 feet. The maximum width of a walkway located within 30 feet waterward of the ordinary high-water mark (OHWM) is 4 feet. The maximum width of a walkway located greater than 30 feet waterward of the OHWM is 6 feet. The maximum width of a finger is 2 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 the expansion of an existing 697-square-foot deck as well as an addition to the existing deck structure totaling 409 square feet for an overwater coverage total of 1,106 sf. The proposed deck and expansion would serve three (3) property owners (see Exhibit 8). The existing pier and proposed expansion would straddle the common property line of Parcel # 242504-9065 and Parcel # 242504-9211 (see Sheet 4 of Exhibit 10). The proposed expansion would extend the existing pier from approximately 59 feet to 100 feet in length (see Sheet 6 of Exhibit 10). The existing walkway width of the pier is approximately 6 feet, 3 inches. The proposed expansion would include a walkway that will have a width of 6 feet (see Sheet 6 of Exhibit 10). The proposed expansion and replacement would also include the addition of 4 fingers. The proposed fingers vary in width, ranging from 4 feet to 1 foot 6 inches. Two of the fingers are 26 feet long, while the remaining two are 12 feet 6 inches in length. These structures are designed to support the addition of the proposed boat lifts. The height of the pier above the plane of the ordinary high-water mark (OHWM) and the top of the decking of the pier and expansion will be approximately 1 foot 6 inches (see Sheet 9 of Exhibit 10). The existing pier will be repaired/replaced and resurfaced with a Thru-Flow® grate, rated at 43% light penetration (see Exhibit 4).

As proposed, the new pier does **not** meet the applicable code as the structure exceeds the design standards outlined in MMC 16.65.040. These inconsistencies include:

1. Exceeding maximum overwater coverage by 106 square feet;

2. Exceeding the walkway widths of 4 feet when located within 30 feet waterward of the ordinary high-water mark (OHWM) and 6 feet when located greater than 30 feet waterward of the OHWM ;
3. Exceeding the finger width of 2 feet and length of 20 feet.

Accordingly, as proposed, the new pier **cannot** be approved under the Code. Therefore, the site plan must be revised to comply with the design standards for **new** structures.

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 single-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 100 feet from the OHWM (see Sheet 6 of Exhibit 10). The existing boat lift and jet ski lifts are located within 30 feet of the OHWM (see Sheet 6 of Exhibit 10). The proposed jet ski and boat lifts will be located 30 feet from the OHWM (see Sheet 6 of Exhibit 10). Most of the proposed jet ski and boat lifts will not be able to meet the 9-foot water depth (see Sheet 8 of Exhibit 10). A water depth waiver has been approved and included (see 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 locate on the site three (3) additional boat lifts and two (2) double jet ski lifts for a total of four (4) boat lifts and five (5) jet ski lifts (see Sheet 6 of Exhibit 10). The project proposes 1,000 sq. ft. of shoreline planting for mitigation purposes (see Sheet 11 of Exhibit 10).

Therefore, 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.

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 public hearing was posted on the property and mailed to surrounding property owners within 300 feet, published in the Seattle Times newspaper on January 6, 2025, more than 15 days before the hearing date (Exhibit 5). Furthermore, the Notice of Hearing date of January 21, 2025, was posted the same day at City Hall, the Medina Post Office and other locations around Medina.
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 staff report, the proposed project is inconsistent with the provisions of the Medina SMP as the pier exceeds the standards set for in MMC 16.65.040; therefore, this criterion has **not** 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 staff report, the proposed project is **inconsistent** with the provisions of the Medina SMP due to the proposed pier exceeding the size standards under MMC 16.65.040; therefore, this criterion has **not** 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 new pier is **inconsistent** with the size limitations outlined in the provisions of the Medina SMP. Therefore, this criterion has **not** been satisfied.

PART 7 – STAFF RECOMMENDATION

Staff recommends the Hearing Examiner **deny** the Non-Administrative Substantial Development Permit (File No. P-23-065) as the project has not 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.

If the Hearing Examiner decides to **approve** the Non-Administrative Substantial Development Permit, then the following **conditions** shall be included:

1. The project shall be redesigned to reduce the size of the pier and its components so as not to exceed the maximum size, width and length allowed under MMC 16.65.040.

2. Mitigation shall be provided consistent with Exhibit 10, 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.
3. 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).
4. All other zoning and development regulations applicable to the project shall be followed and confirmed during the building permit review.

Date: 1-16-25

Thomas Carter, Associate Planner, LDC, Inc.
on behalf of the City of Medina



DEVELOPMENT
SERVICES

OWNER'S
DECLARATION OF
AGENCY

A-05

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Project Address 3261 Evergreen Point Rd

Parcel No. 242504-9211

I/We Troy Gessel do hereby declare and affirm that I/we are:

- ☒ the owners or contract purchasers of the above property
☐ an officer or representative of _____, a Washington corporation or trust which is the owner of the above property. I am duly authorized by this entity to represent the above property in matters of ownership, land use, and construction. Attached, please find a copy of the Power of Attorney or other document by which I have been appointed.

AGENCY

I/We are applying for one or more permits for development of the above property. I/We understand that the proposed work may also include additional permits for land use approvals.

For the purposes of applying for the applicable permits and managing the owner's responsibility for compliance with the approved plans and any land use permits associated with this project, I/we

- ☐ will act as my own agent
☒ do hereby appoint Evan Wehr - ecco design inc. to act as my agent in dealing with the City of Medina in all acts and decisions related to processing the application for permit, review and approval of the application, authorization of revisions, and coordination of required inspections and project approvals.

AGREEMENT TO CONDITIONS

I/We agree as a condition of this permit:

- To comply with all applicable codes, ordinances, laws and conditions of approval in effect at time of permit issue.
- To ensure that all work shall be done in accord with the approved plans and specifications, which shall not be modified without the prior approval of the Building Official. I/We will provide all data and details of revisions to the approved plans to the City prior to undertaking any work that differs from the approved plans. The official approved plans for the project shall be those plans that are stamped and dated as approved by the City of Medina.
- To inform all contractors, subcontractors and workers of these conditions and any project mitigation requirements agreed to, and I/we will enforce compliance thereto.
- To maintain the approved plans, all correction notices, all inspection reports, and all permit documents on the project site and readily available to the inspectors.
- To ensure that requests are made to the City for the required inspections. Failure to notify the Development Services Department that the work is ready for inspection may necessitate the removal of some of the construction materials at the owner's expense in order to perform required inspections.
- To cause all certifications required by the City to be completed and to reconcile the permit fees upon completion of the work. I/We understand that the City will not issue a Certificate of Completion or a Certificate of Occupancy until these documents are completed.
- I/We acknowledge that consultant fees may be incurred as a result of the review and inspection of the proposed work. I/We agree to be responsible for the payment of these fees and understand that the payment of these fees is required prior to issuance of a Certificate of Occupancy.

SALES TAX

All contractors and vendors must report sales taxes for transactions in the City of Medina on quarterly combined excise tax returns. The 4-digit location code for the City of Medina is 1718.

OWNER OR OFFICER/REPRESENTATIVE NAME AND SIGNATURES

I HAVE READ, UNDERSTOOD AND AGREE TO THE ABOVE REQUIREMENTS.

Signature

Date

Name Troy Gessel



DEVELOPMENT
SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

OWNER'S DECLARATION OF AGENCY

A-05

Project Address 3263 Evergreen Point Rd Parcel No. 242504-9065

I/We Liwei Liu do hereby declare and affirm that I/we are:

☒ the owners or contract purchasers of the above property

☐ an officer or representative of _____, a Washington corporation or trust which is the owner of the above property. I am duly authorized by this entity to represent the above property in matters of ownership, land use, and construction. Attached, please find a copy of the Power of Attorney or other document by which I have been appointed.

AGENCY

I/We are applying for one or more permits for development of the above property. I/We understand that the proposed work may also include additional permits for land use approvals.

For the purposes of applying for the applicable permits and managing the owner's responsibility for compliance with the approved plans and any land use permits associated with this project, I/we

☐ will act as my own agent

☒ do hereby appoint Evan Wehr - ecco design inc. to act as my agent in dealing with the City of Medina in all acts and decisions related to processing the application for permit, review and approval of the application, authorization of revisions, and coordination of required inspections and project approvals.

AGREEMENT TO CONDITIONS

I/We agree as a condition of this permit:

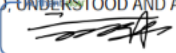
- To comply with all applicable codes, ordinances, laws and conditions of approval in effect at time of permit issue.
- To ensure that all work shall be done in accord with the approved plans and specifications, which shall not be modified without the prior approval of the Building Official. I/We will provide all data and details of revisions to the approved plans to the City prior to undertaking any work that differs from the approved plans. The official approved plans for the project shall be those plans that are stamped and dated as approved by the City of Medina.
- To inform all contractors, subcontractors and workers of these conditions and any project mitigation requirements agreed to, and I/we will enforce compliance thereto.
- To maintain the approved plans, all correction notices, all inspection reports, and all permit documents on the project site and readily available to the inspectors.
- To ensure that requests are made to the City for the required inspections. Failure to notify the Development Services Department that the work is ready for inspection may necessitate the removal of some of the construction materials at the owner's expense in order to perform required inspections.
- To cause all certifications required by the City to be completed and to reconcile the permit fees upon completion of the work. I/We understand that the City will not issue a Certificate of Completion or a Certificate of Occupancy until these documents are completed.
- I/We acknowledge that consultant fees may be incurred as a result of the review and inspection of the proposed work. I/We agree to be responsible for the payment of these fees and understand that the payment of these fees is required prior to issuance of a Certificate of Occupancy.

SALES TAX

All contractors and vendors must report sales taxes for transactions in the City of Medina on quarterly combined excise tax returns. The 4-digit location code for the City of Medina is 1718.

OWNER OR OFFICER/REPRESENTATIVE NAME AND SIGNATURES

I HAVE READ, UNDERSTOOD AND AGREE TO THE ABOVE REQUIREMENTS.

Signature  Date 05/06/24

Name Liwei Liu

Exhibit 3
P-23-065

When recorded return to:
Troy Gessel and Elizabeth Gessel
4820 Lake Washington Blvd NE
Kirkland, WA 98033

CTI 0192293-ETU-NT

Filed for record at the request of:



CHICAGO TITLE
COMPANY OF WASHINGTON

11900 NE 1st St., Suite 110
Bellevue, WA 98005

Escrow No.: 0192293-ETU

STATUTORY WARRANTY DEED

THE GRANTOR(S) Michael K. Kropp and Susan K. Kropp, Trustees, or their successors in interest, of the Michael and Susan Kropp Living Trust dated December 21, 2016, and any amendments thereto

for and in consideration of Ten And No/100 Dollars (\$10.00) , and other valuable consideration in hand paid, conveys, and warrants to Troy Gessel and Elizabeth Gessel, a married couple

the following described real estate, situated in the County of King, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

PTN GOVT LT 6, SEC 24-25-4E, W.M.

Tax Parcel Number(s): 242504-9211-05

Subject to:

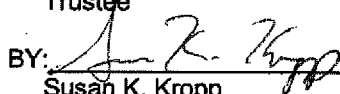
SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

STATUTORY WARRANTY DEED
(continued)

Dated: October 22, 2021

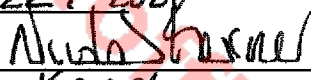
Michael and Susan Kropp Living Trust

BY: 
Michael K. Kropp
Trustee

BY: 
Susan K. Kropp
Trustee

State of WASHINGTON
County of KING

I certify that I know or have satisfactory evidence that Michael K. Kropp and Susan K. Kropp are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as Trustee and Trustee, respectively, of Michael and Susan Kropp Living Trust to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: October 22, 2021

Name: Nicole S. Kerner
Notary Public in and for the State of Washington
Residing at: Sammamish WA
My appointment expires: 12-19-22

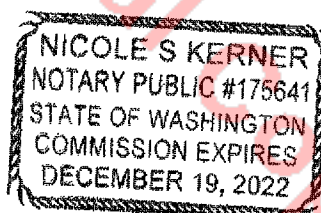


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 242504-9211-05

THE NORTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:

THE NORTH 137.98 FEET OF THE SOUTH 306.962 FEET OF GOVERNMENT LOT 6, SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH SHORELANDS ADJOINING;
EXCEPT THE EAST 526.50 FEET THEREOF;

TOGETHER WITH AN EASEMENT FOR ACCESS AND UTILITIES DESCRIBED AS FOLLOWS:

THAT PORTION OF GOVERNMENT LOT 6, IN SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, EMBRACED WITHIN A STRIP OF LAND 16.00 FEET WIDE, HAVING 8.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE CENTER OF SAID SECTION 24;
THENCE NORTH 01°15'42" EAST, ALONG THE NORTH SOUTH SUBDIVISION LINE OF SAID SECTION 24, A DISTANCE OF 132.40 FEET;
THENCE NORTH 65°44'07" WEST, A DISTANCE OF 32.59 FEET TO A POINT ON THE WESTERLY MARGIN OF EVERGREEN POINT ROAD AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 65°44'07" WEST, A DISTANCE OF 22.65 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 111.63 FEET;
THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°16'00", AN ARC LENGTH OF 47.28 FEET;
THENCE SOUTH 89°59'53" WEST, A DISTANCE OF 33.31 FEET;
THENCE NORTH 85°29'07" WEST, A DISTANCE OF 45.62 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET;
THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11°58'24", AN ARC LENGTH OF 31.35 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET;
THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°38'57", AN ARC LENGTH OF 12.17 FEET;
THENCE NORTH 78°09'41" WEST, A DISTANCE OF 15.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET;
THENCE NORTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°17'07", AN ARC LENGTH OF 26.93 FEET;
THENCE NORTH 88°26'48" WEST, A DISTANCE OF 48.72 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 243.00 FEET;
THENCE WESTERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°13'05", AN ARC LENGTH OF 43.34 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET;
THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°02'01", AN ARC LENGTH OF 35.02 FEET;
THENCE NORTH 88°37'51" WEST, A DISTANCE OF 117.74 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET;
THENCE WESTERLY AND NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 51°12'52", AN ARC LENGTH OF 22.35 FEET;
THENCE NORTH 37°24'59" WEST, A DISTANCE OF 76.84 FEET TO A POINT HEREINAFTER KNOWN AS POINT "A" AND THE TERMINUS OF SAID CENTER LINE DESCRIPTION;
THE SIDELINES OF THIS CENTERLINE DESCRIPTION SHALL LENGTHEN AND SHORTEN SO AS TO BE CONTINUOUS;

TOGETHER WITH A PORTION OF GOVERNMENT LOT 6, IN SECTION 24, TOWNSHIP 25 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "A";
THENCE NORTH 52°35'01" EAST, A DISTANCE OF 8.00 FEET;
THENCE NORTH 37°24'59" WEST, A DISTANCE OF 11.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 43.00 FEET;
THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 143°04'15", AN ARC LENGTH OF 107.37 FEET;
THENCE SOUTH 00°29'14" EAST, A DISTANCE OF 56.02 FEET TO A POINT ON THE NORTH LINE OF LOT 3, MEDINA SHORT PLAT NUMBER 86-10, RECORDED UNDER RECORDING NUMBER 8703261131, BEING A PORTION OF SAID GOVERNMENT LOT 6;

EXHIBIT "A"
Legal Description
(continued)

THENCE SOUTH 88°32'17" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 16.01 FEET;
THENCE NORTH 00° 29'14" WEST, A DISTANCE OF 44.59 FEET TO THE BEGINNING OF A
CURVE TO THE RIGHT HAVING A RADIUS OF 31.00 FEET;
THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID CURVE, THROUGH A
CENTRAL ANGLE OF 143°04'15" AN ARC LENGTH OF 77.41 FEET;
THENCE NORTH 52°35'01 EAST, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

(PURSUANT TO QUIET TITLE ACTION UNDER KING COUNTY SUPERIOR COURT CAUSE NO.
18-2-26355-7.)

EXCEPT ANY PORTION THEREOF LYING WITHIN MAIN TRACT.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Unofficial Copy

EXHIBIT "B"
Exceptions

Exceptions Set forth on attached exhibit and by this reference made a part hereof as if fully incorporated herein.

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Puget Sound Power & Light Company, a Washington Corporation
Purpose: Electric transmission and/or distribution line
Recording Date: June 6, 1941
Recording No.: 3169955
Affects: as described in said instrument

2. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: Common easement for access and utilities
Recording Date: January 16, 1958
Recording No.: 4866141
Affects: as described in said instrument

Said easement contains a provision for bearing the cost of maintenance, repair or reconstruction of said by the common users.

Said easement is a Re-Recording of easement recorded under Recording Number 4864525.

Modification of Easement:

Recording No.: 6694518
Recording No.: 20121031001206

We note that said easement was modified by Quiet Title under King County Superior Court Cause No. 18-2-26355-7.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Bellevue Sewer District, a municipal corporation
Purpose: Sewer pipe line
Recording Date: September 29, 1960
Recording No.: 5207181
Affects: Across the second class shorelands adjoining

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Purpose: Ingress, egress and utilities
Recording Date: May 24, 1974
Recording No.: 7405240099
Affects: as described in said instrument

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Puget Sound Power & Light Company, a Washington Corporation
Purpose: Electric transmission and/or distribution line
Recording Date: May 8, 1981
Recording No.: 8105080488
Affects: as described in said instrument

6. Construction and maintenance of joint dock or pier and easement pertaining to its use and the terms and conditions thereof:

Recording Date: May 1, 1956
Recording No.: 4688292

7. Any rights, interests or claims which may exist or arise by reason of the following matters

EXHIBIT "B"

**Exceptions
(continued)**

disclosed by an inspection or survey:

x) Chain link fence along the north side of the property meanders along the property line

8. Question of location of lateral boundaries of said second class tidelands or shorelands.
9. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Lake of Washington.
10. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Lake of Washington.
11. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.
12. Paramount rights and easements in favor of the United States for commerce, navigation, fisheries and the production of power.
13. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof; Indian treaty or aboriginal rights.
14. City, county or local improvement district assessments, if any.

FILED FOR RECORD AT REQUEST OF Sunny Dream Investment, LLC

WHEN RECORDED RETURN TO:

NAME Liwei Liu
ADDRESS 123 108th Ave
CITY, STATE, ZIP Bellevue WA 98004

QUIT CLAIM DEED

Sunny Dream Investment, LLC. By Liwei Liu. Its: Governor
THE GRANTOR(S), _____ for and in consideration
of : One Dollar conveys and Quitclaims to the GRANTEE(S), EVGP 3263, LLC
the following described real estate, situated in the County of King State of Washington,
together with all after acquitted title of the Grantor(s) therein (legal description):

Lot 3, City of Medina Short Plat No. PL-SHTPLAT-14-001, recorded under Recording No.
20180416900003, in King County, Washington;
Situate in the County of King, State of Washington.

Commonly known as: 3263 Evergreen Point Rd, Medina Wa 98039

Tax Parcel Number: 242504-9065

Tax Parcel Number: 242504-9065

DATED: August 23, 2018



Grantor

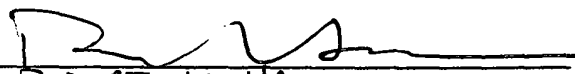
State of Washington }

} SS

County of King }

On this day personally appeared before me Liwei Liu, Grantor(s), to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that s/he signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

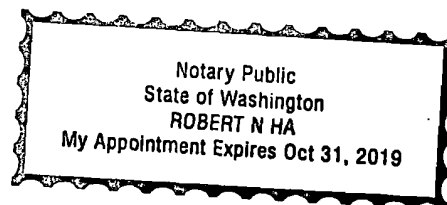
NOTARY PUBLIC in and for the State of Washington,



ROBERT N. HA

Residing at WASHINGTON

My commission expires OCT 31, 2019



When recorded return to:

Ron Royce
3267 Evergreen Point Road
Medina, WA 98039

CW Title
CK 50020609

STATUTORY WARRANTY DEED

CW Title and Escrow (B)
Reference: 50020609-801

THE GRANTOR(S)
EVGP 3267 LLC, a Washington Limited Liability Company,

for and in consideration of
Ten Dollars and other valuable consideration (\$10.00)

in hand paid, conveys and warrants to
Ron Royce, an unmarried person

the following described real estate, situated in the County of King, State of Washington:

FOR PROPERTY DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART
HEREOF.

SUBJECT TO: This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title,
which may appear in the public record, including those shown on any recorded plat or survey.

Abbreviated Legal: (Required if full legal not inserted above.)

LOT 2, CITY OF MEDINA SP. NO. PL-SHTPLAT-14-001, REC. NO. 20180416900003

Tax Parcel Number(s): 2425049278

Dated: 4/15/23

EVGP 3267 LLC, a Washington Limited Liability Company

By: [Signature]

Rene Sara I Wang, Manager

STATE OF WASHINGTON
COUNTY OF KING

This record was acknowledged before me on 15 day of April, 2023 by Rene Sara I Wang, Manager of EVGP 3267 LLC.

[Signature]
Signature

notary public
Title

My commission expires: 3-7-27

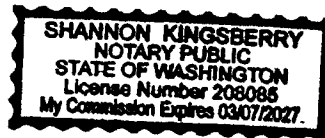


EXHIBIT A
LEGAL DESCRIPTION

Property Address: 3267 Evergreen Point Road, Medina, WA 98039
Tax Parcel Number(s): 2425049278

Property Description:

LOT 2, CITY OF MEDINA SHORT PLAT NO. PL-SHTPLAT-14-001, RECORDED UNDER RECORDING
NO. 20180416900003, IN KING COUNTY, WASHINGTON;

SITUATE IN THE CITY OF MEDINA, COUNTY OF KING, STATE OF WASHINGTON.

Unofficial Copy
PSW, MONAEE

Exhibit 4
P-23-065

Ecological No Net Loss Assessment Report

Prepared for

David Martin

3263 Evergreen Point Road

Medina, WA 98039

Prepared by



Northwest Environmental Consulting, LLC

600 North 36th Street, Suite 423

Seattle, WA 98103

206-234-2520

November 2023
Revised July 2024

Purpose

The purpose of this report is to fulfill the requirements of City of Medina Municipal Code (MMC) 20.66.000 for General requirements applicable to all shoreline development and uses by assessing overall project impacts and proposed mitigation to determine if the project meets the “No Net Loss” standard.

No Net Loss is defined as “An ecological concept whereby conservation losses in one geographic or otherwise defined area are equaled by conservation gains in function in another area.”

Permits are being applied for dock repairs, expansion and associated moorage improvements.

Location

The subject property is located at 3263 Evergreen Point Road in the City of Medina, Washington (see Appendix A – Sheet 1 of 10). The parcel is on the waterfront of Lake Washington, a shoreline of the state, that contains several endangered fish species listed under the Endangered Species Act and Washington State designated priority fish species.

Project Description

The proposed work will remove the existing 697 square foot deck from the dock. Thirteen of the sixteen timber piles (8 6 to 8-inch and 5 10-12-inch pile) will be repaired by pile splicing. The deck will be replaced with grated decking. A new 409 square foot extension will be constructed supported by 14 10-inch epoxy coated steel piles. The new decking will be grated. Three new boat lifts and 2 double Jet-Ski lifts will be installed. The double Jet-Ski lifts will include 18.75-square-foot grated catwalks. See Appendix A – Sheets 2 to 9 of 10.

During construction, a floating boom will surround the work barge and dock.

A shoreline vegetation plan is proposed, that will add 2 native conifers, 10 native shrubs and include ground covers. These shoreline plantings will provide shade and allow beneficial allochthonous material to enter the lake along the shoreline. (See Appendix A – Sheet 10 of 10).

Project drawings are included in Attachment A.

Approach

Northwest Environmental Consulting LLC (NWECC) biologist Brad Thiele conducted a site visit on October 25, 2023 to evaluate conditions on site and adjacent to the site. NWECC also consulted the following sources for information on potential critical fish and wildlife habitat along this shoreline:

- Washington Department of Fish and Wildlife (WDFW): Priority Habitats and Species online database (<http://apps.wdfw.wa.gov/phsontheweb/>)

- WDFW SalmonScape online database of fish distribution and ESA listing units (<https://apps.wdfw.wa.gov/salmonscape/>)

Site Description

The subject property is a shoreline tract in a residential neighborhood. It has shoreline on its western boundary with single-family homes to the north and south along the shoreline. The dock is a multiuse dock and is situated along the property line.

The only existing structures on the property are the house(s) and dock. The dock is down the hill from the houses.

The shoreline is lawn with some ornamental shrubs down to a sandy area that changes to a gravel beach with a few logs. The shoreline is not armored. The substrates along the shore are gravel with sand. Eurasian milfoil was present starting about 40 feet from shore. A patch of Japanese knotweed was present along the beach on the north side of the dock.

The neighboring shorelines are landscaped similarly with docks and no bulkheads. See attached photos in Appendix B- Photos.

Species Use

WDFW's PHS mapping and SalmonScape mapping tools show the following salmonid species using Lake Washington for migration and/or rearing: residential coastal cutthroat (*Oncorhynchus clarkii*), winter steelhead (*O. mykiss*), Dolly Varden/bull trout (*Salvelinus malma*), sockeye salmon (*O. nerka*), fall Chinook (*O. tshawytscha*), coho salmon (*O. kisutch*), and kokanee (*O. nerka*). The SalmonScape database maps the site as accessible to the Endangered Species Units (ESU) of Threatened Chinook and steelhead. Juveniles migrate and may rear in the waters near the project when traveling from spawning sites on other lake tributaries to the lakes system's outlet at the Hiram M. Chittenden Locks. The project site is accessible to any fish migrating or rearing in the lake. The shoreline is not mapped as a Sockeye spawning location, sockeye spawning is mapped starting 4 or 5 lots to the south.

Priority Habitats and Species mapping, maps a nature preserve about 1,200 feet to the east of the project along SR 520.

Project Impacts and Conservation Measurements

Direct Impacts:

Sediments: Sediment disturbance could occur during pile splicing and driving. Additionally, the tug and barge propwash may disturb sediments temporarily when making trips to and from the site.

Impacts to sediments should be minimal from piling repair. The project will meet state water quality standards.

Additional moorage will be placed in deeper water away from shore. This will help reduce the chanced of sediment disturbance during docking and castoff.

Shoreline: Planting native vegetation, including a Douglas fir, shore pine and shrubs, will

increase the habitat functions of the shoreline by creating shade along the shoreline that will be an improvement from the existing baseline habitat conditions at the project site. These plants will provide overhanging cover for fish, structural diversity for birds and wildlife, detritus for aquatic invertebrates and long-term recruitment of woody material and other allochthonous food sources. The proposed planting plan is included (see Appendix A – Sheet 10 of 10).

Removing invasive knotweed will decrease the chances of this noxious weed from spreading to other locations along Lake Washington.

Lakebed: Piling repair will not change lakebed coverage. Driving 14 10-inch epoxy coated steel piles will displace 7.6 square feet of the lakebed.

Noise: Construction equipment will create noise audible to neighbors and in-water. Noise disturbance will be short-term and should have negligible effects on fish and wildlife in the area and will be masked by traffic noise from the SR 520 bridge. Driving 10 inch steel piles with a vibratory hammer does not reach the injury threshold for fish. Work will be completed during the in-water work window when juvenile fish are not expected to be present in larger numbers.

Potential spills: Short-term risks include the potential for spills that can occur with any equipment operation. The level of impact to the aquatic environment is expected to be minor because a trained crew will be onsite that will implement spill containment measures should a spill occur.

Shading: The proposed dock will increase overwater coverage by 409 square feet. The proposed new and replaced existing decking will be ThruFlow grated decking. Grated decking allows light to penetrate the waters below the dock, which can increase productivity in the water column, and reduce the full shade favored by salmonid predators. Salmonid predators are known to use hard shadowing under solid-decked docks to ambush juvenile salmonids. Reducing these hard shadows limits their ability to effectively hunt salmonids. In addition, hard shadowing may increase juvenile salmonid outmigration times when encountered along the shoreline.

ThruFlow grated decking has a measured performance at 43 percent light penetration (ThruFlow, 2021). Thus, the increase in lighting under the pier is effectively 57% of the area of a solid decked structure. Table 1 provides a summary of effective coverage:

Table 1 – Effective coverage

	Existing/ Proposed	Proposed grated	Conversion	Effective coverage	Reduction in effective coverage
Existing Dock (SF)	697	697	0.57	397	300
Proposed Extension (SF)		409	0.57	233	176
PWC catwalks (SF)		37.5	0.57	21	16
TOTAL (SF)	697	1,143.5		652	492

The use of grated decking at the site reduces the effective coverage of the existing dock by 300 square feet and minimizes the overall structure to 652 square feet of effective overwater coverage.

Recreational Boating: The project supports continued recreational boating, which has been identified as a limiting factor for salmonid populations in Lake Washington. The pier will not introduce additional boating to Lake Washington, as the owners could still access the lake from a public boat launch or private moorage facility.

Other Conservation measures:

Work window: The work will be completed during the prescribed in-water work window for this area of Lake Washington (July 16 to March 15). Operating within this time frame helps protect Chinook salmon, steelhead, bull trout and other salmonid fish species by doing work when juvenile fish are not expected to be present.

Best Management Practices: Applicable BMPs will be used, such as a floating boom around the in-water work area, to contain any floating debris that may escape during construction. The barge will have a perimeter containment sock to absorb oil and grease that might inadvertently wash from the barge during construction.

Hazardous material containment supplies such as spill absorbent pads and trained personnel will be required onsite during any phase of construction where machinery is in operation near surface waters.

In-lieu Fee: The shoreline on the subject property will be planted with native, overhanging vegetation. The project also requires approval from the National Marine Fisheries Service (NMFS). NMFS has developed a calculator to determine appropriate mitigation costs for proposed in-water structures in Lake Washington. This calculator has established a fund that owners can pay into if they are not willing or cannot find mitigation to offset impacts from the project. The owner is not able to complete the required mitigation at the subject property required by NMFS and the property owners will pay into the in-lieu fee program to mitigate project impacts. An in-lieu fee program is defined as follows:

“A program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements... Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor.” (Fed. Reg. 40 CFR Part 230)

The fee has been determined using the Restoration And Permitting (RAP) Calculator for Lake Washington and will be paid to King County Water & Land Resources Division. This funding has been used to remove 350 derelict piles from the mouth of the Cedar River in Lake Washington.

Impact Minimization and Mitigation

Reasonable efforts were made to apply mitigation sequencing when altering habitats within shoreline areas. This sequence has three steps: avoidance, minimization, and mitigation.

Avoidance and Minimization

The pier extension is necessary to allow for additional boat lifts as allowed by the City of Medina Shoreline Code and to provide safe moorage.

The extension places the new moorage into deeper water. In addition, the lifts and additional pier area will be placed in deeper water more than 30 feet from shore in water 8 to 10 feet deep. All new deck areas will use grated decking.

During construction, BMPs will be used to prevent construction debris from entering Lake Washington. All construction debris will be removed from the site.

Additional avoidance and minimization measures include the following:

- No floats are proposed in the nearshore;
- Artificial night lighting on and from overwater structures will be minimized by focusing the light on the pier surface (not the water), and using shades that minimize illumination of the surrounding environment and reduces glare on the water surface. The visible light emitted by an individual fixture shall not exceed 450 lumens, and the total visible light emitted by all fixtures on a pier shall not exceed 2,700 lumens.
- No new boathouses are proposed;
- No new or replaced pier skirting is proposed;
- No use of treated wood for any in-water structures or components are proposed;
- Piles will be epoxy coated steel and the smallest size and quantity practicable;
- No impact pile driving or proofing will occur;
- No galvanized coated steel will be placed below the waterline.

Mitigation Approach

The owner proposes to grate all new deck surfaces and place the new structure as far from shore as practicable in water 8 to 10 feet deep.

The shoreline will be planted with 2 native trees and 10 native shrubs.

In addition, the owner has opted to pay the required in-lieu fee to King County to complete the mitigation requirements as required by the National Marine Fisheries Service using the RAP process.

Shoreline Function and Values Improvements

Shoreline planting will increase the shoreline functions and values by adding a native tree and shrub buffer between the house and Lake Washington that will increase screening, filtering of runoff, and vertical and overhanging structure along the lake edge, and will provide food sources for songbirds and other native fauna that use the Lake Washington shoreline.

Proposed Mitigation

Mitigation Goals

Mitigation goals will include the following:

- Enhancement of the shoreline by planting with native plantings.

Performance Standards

Buffer plantings shall maintain a 100% survival for the first and second year and achieve at least 80% survival (6 of 7 shrubs) in years 3, 4, and 5 and meet the requirements on sheet 12 of 12 in Appendix A.

Planting Plan

Shrubs and groundcovers will be containerized or bare root. The planting layouts, details, and quantities are shown in Appendix A – Sheet 11 of 12.

Schedule and Maintenance

Plantings shall be installed in the same season or before completion of the dock construction. Watering will be required for at least the first year after planting during the summer months, and any invasive plants removed.

Maintenance and Monitoring

The owner will maintain and monitor the plantings per Sheet 12 of 12 of the plan set as required by the RAP program. The required report that will be sent to the Corps of Engineers, will also be sent to the City of Medina when the reports are due annually.

Conclusion

Juvenile Chinook salmon, and other salmonids, rear and migrate along the Lake Washington shoreline. Lake Washington is a Shoreline of the State.

There will be temporary impacts from noise and disturbed sediments during construction. Increasing overwater coverage by 446.5 square feet will degrade ecological conditions at the site.

The dock will use grated decking to reduce the effective overwater coverage so that the effective coverage is 652 square feet, minimizing overwater coverage. The grating reduces the hard shadows favored by salmonid predators and increases productivity under the pier. Overwater structures may slow juvenile salmonid outmigration times. Using grated decking may reduce the chances of delaying outmigrating juvenile salmonids.

The project will minimize construction effects on the environment by following the prescribed fish window and using applicable BMPs to prevent construction spills, turbidity, and floating debris from escaping the area. The construction crew will retrieve all dropped items from the bottom and dispose of them properly. The effects of construction will be short term.

The new lifts and dock are being placed in deeper water from 6 to 10 feet deep and starting about 45 feet from shore. Putting moorage away from shore in deeper water helps reduce the chances of prop wash suspending sediments and degrading water quality.

A shoreline planting plan will be implemented that will add 2 native trees, 10 native shrubs and include ground covers to the shoreline that will provide natural shading, allochthonous food sources and will eventually be a source of woody materials that will improve shoreline conditions at the site in the long-term. The owner has also opted to pay into the In Lieu Fee program that will be used for conservation projects that benefit salmon in King County.

This project has been designed to meet current residential dock standards and will use Best Management Practices to reduce project impacts. The conservation measures are designed to improve ecological functions or prevent further degradation of habitat **and will result in No Net Loss of ecological functions.**

Document Preparers

Brad Thiele

Biologist

30 years of experience

Northwest Environmental
Consulting, LLC (NVEC)

The conclusions and findings in this report are based on field observations and measurements and represent our best professional judgment and to some extent rely on other professional service firms and available site information. Within the limitations of project scope, budget, and seasonal variations, we believe the information provided herein is accurate and true to the best of our knowledge. Northwest Environmental Consulting does not warrant any assumptions or conclusions not expressly made in this report, or based on information or analyses other than what is included herein.

REFERENCES

- King County. 2023. King County iMap. Online database. Accessed November 2023 at <https://gismaps.kingcounty.gov/iMap/>
- Washington Department of Fish and Wildlife (WDFW). 2023. Priority Habitats and Species. Online database. Accessed November 2023 at <http://apps.wdfw.wa.gov/phsontheweb/>
- WDFW. 2023. SalmonScape. Online database. Accessed November 2023 at <http://apps.wdfw.wa.gov/salmonscape/>

Appendix A: Project Drawings

PROJECT INFORMATION

APPLICANT:
EVGP 3263 LLC

DRAWINGS BY:
ECCO DESIGN INC.
7413 GREENWOOD AVE N
SEATTLE, WA 98103
206-706-3937

SITE ADDRESS:
3261 & 3263 EVERGREEN POINT RD
MEDINA, WA 98039

PARCEL NUMBER:
242504-9065 & 242504-9211

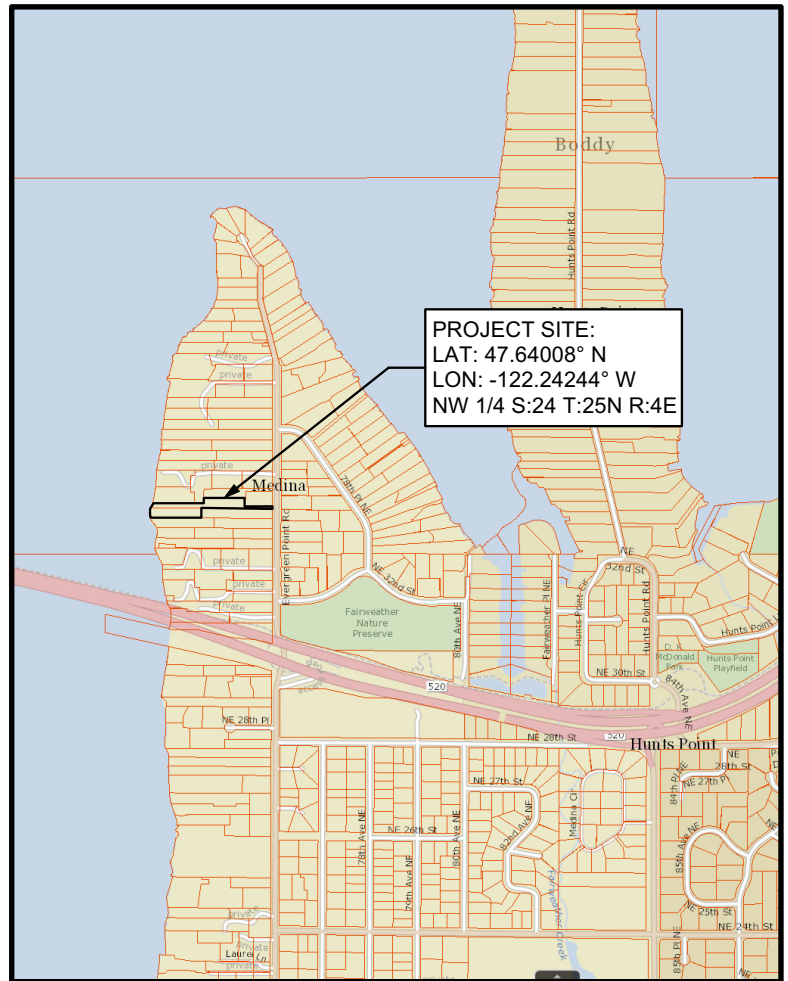
BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
(242504-9065) 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

(242504-9211) 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

PROJECT DESCRIPTION:
REPAIR AND EXTEND AN EXISTING PIER.
INSTALL THREE NEW BOAT LIFTS AND TWO
DOUBLE JET-SKI LIFTS. PLANT NATIVE
VEGETATION PER THE PLANTING PLAN.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. KEH LLC
2. Howard & Lisa Hawk

APPLICANT: EVGP 3263 LLC

LOCATION: 3263 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64008°/-122.24244°

PROPOSED PROJECT:

Pier & Lifts

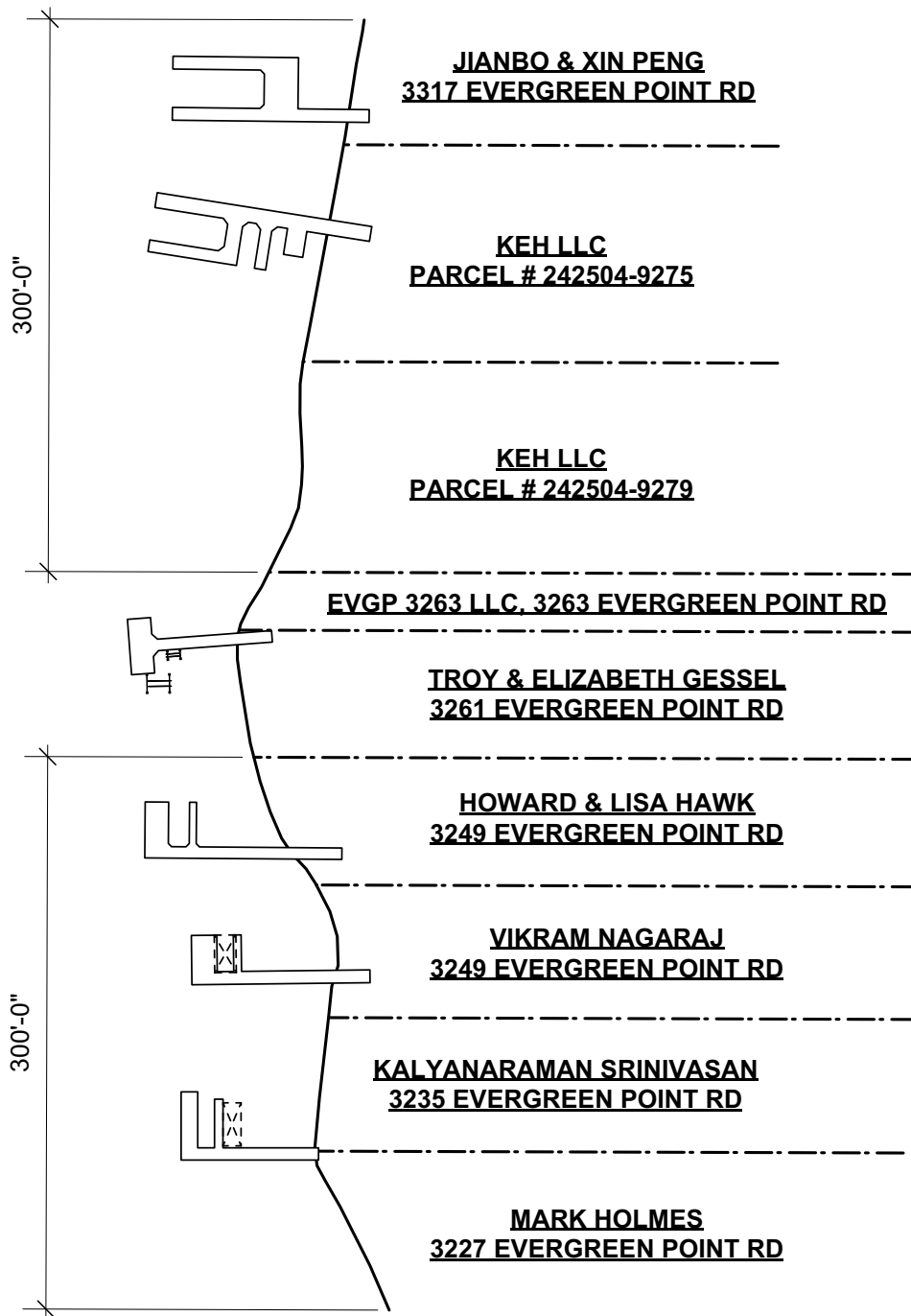
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King STATE: WA

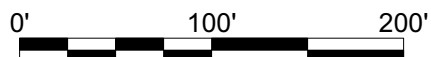
SHEET 1 of 12

DATE: June 18, 2024



VICINITY MAP

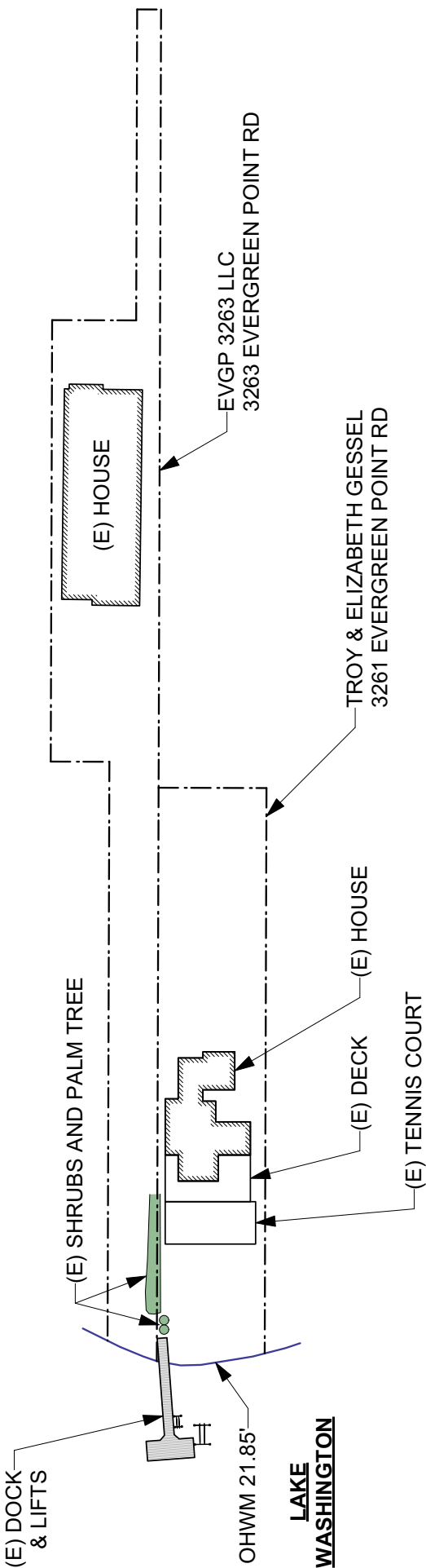
SCALE 1" = 100'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. PROPERTY LINES AND SHORELINE ARE BASED ON KING COUNTY GIS.

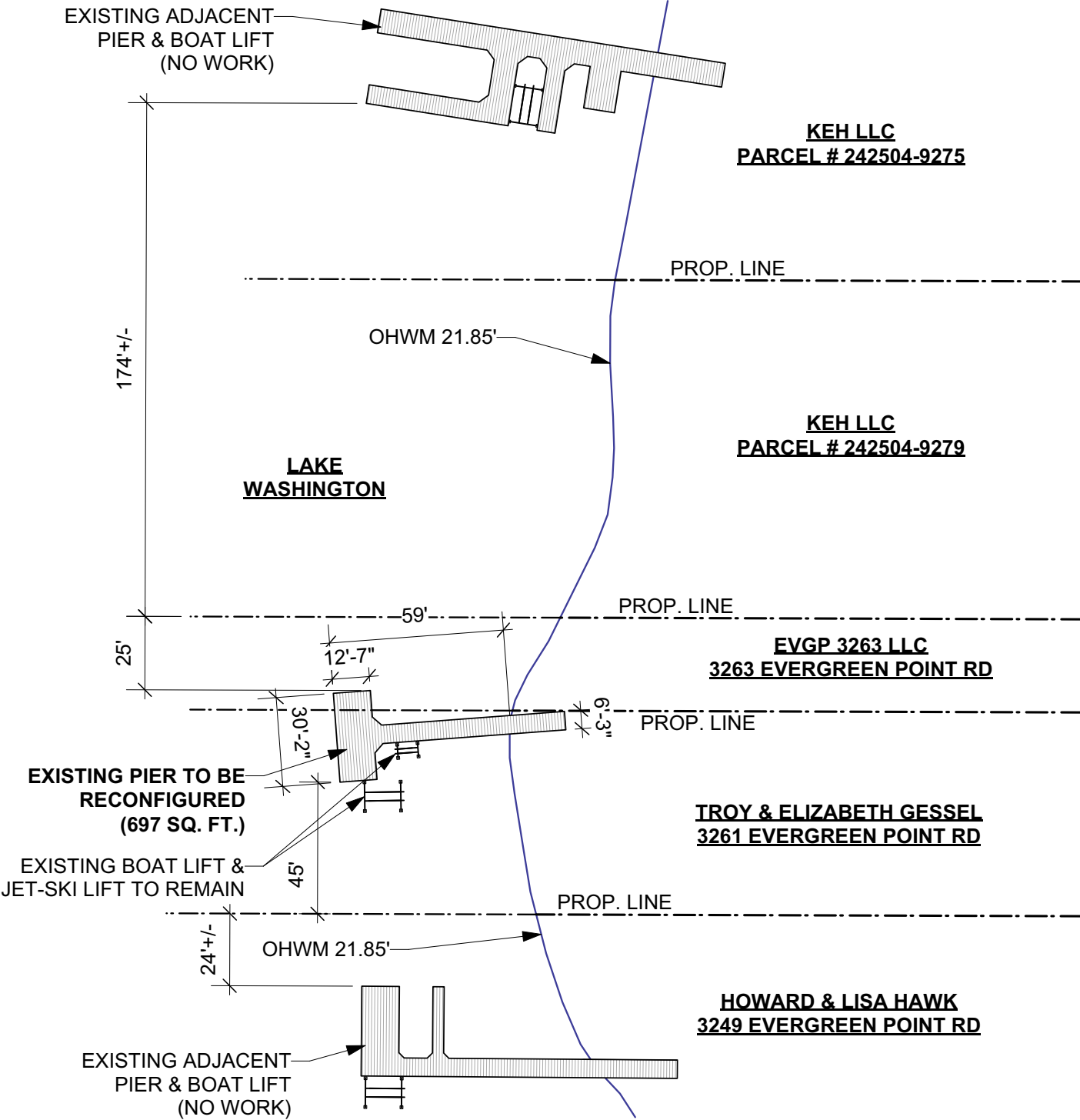


FULL SITE PLAN

SCALE 1" = 100'-0"

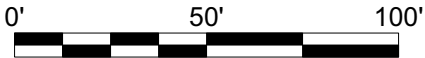


PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. PROPERTY LINES AND SHORELINE ARE BASED ON KING COUNTY GIS.



EXISTING SITE PLAN

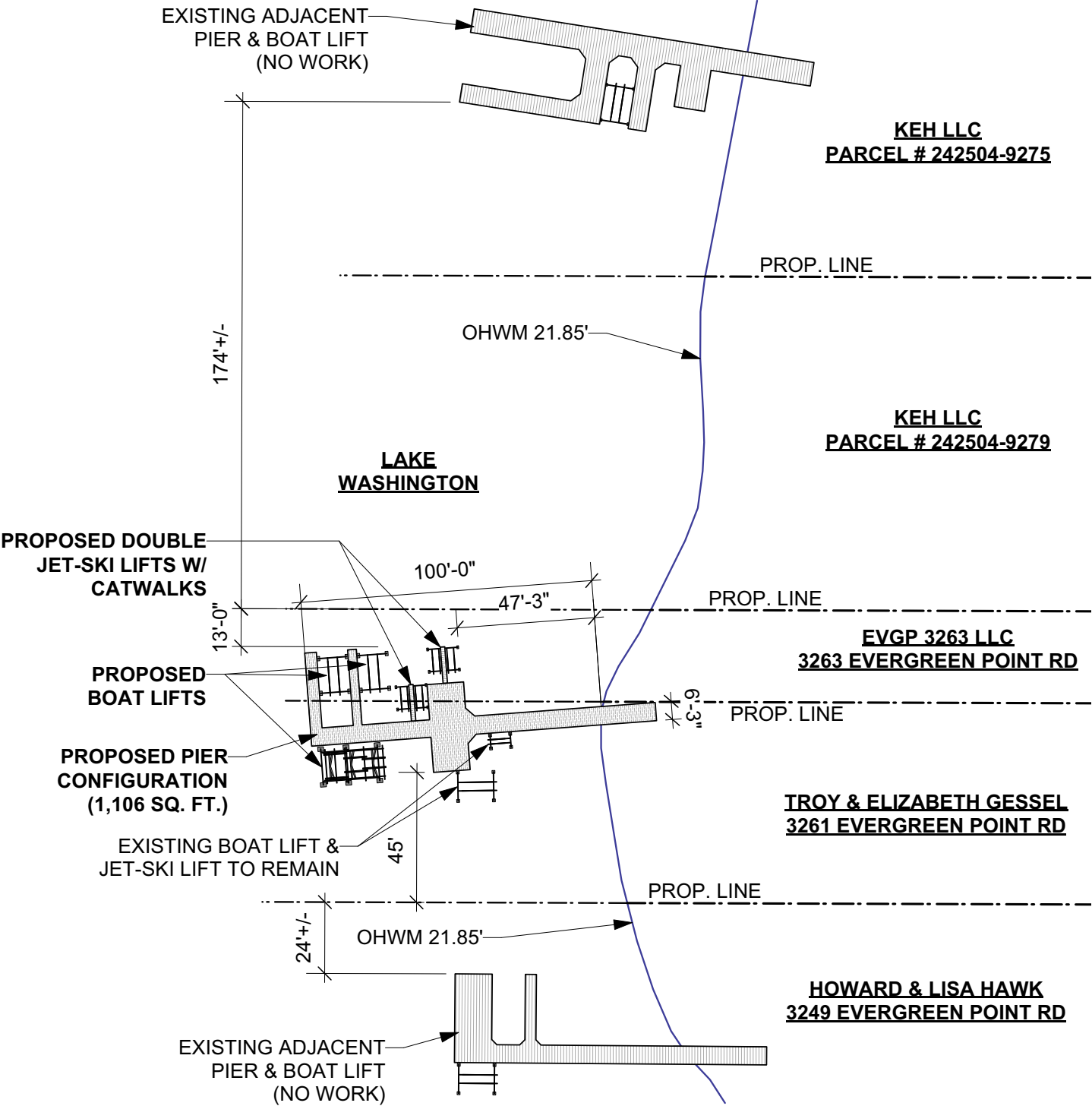
SCALE 1" = 50'-0"



Reference:
Applicant: EVGP 3263 LLC

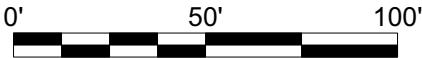
Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.



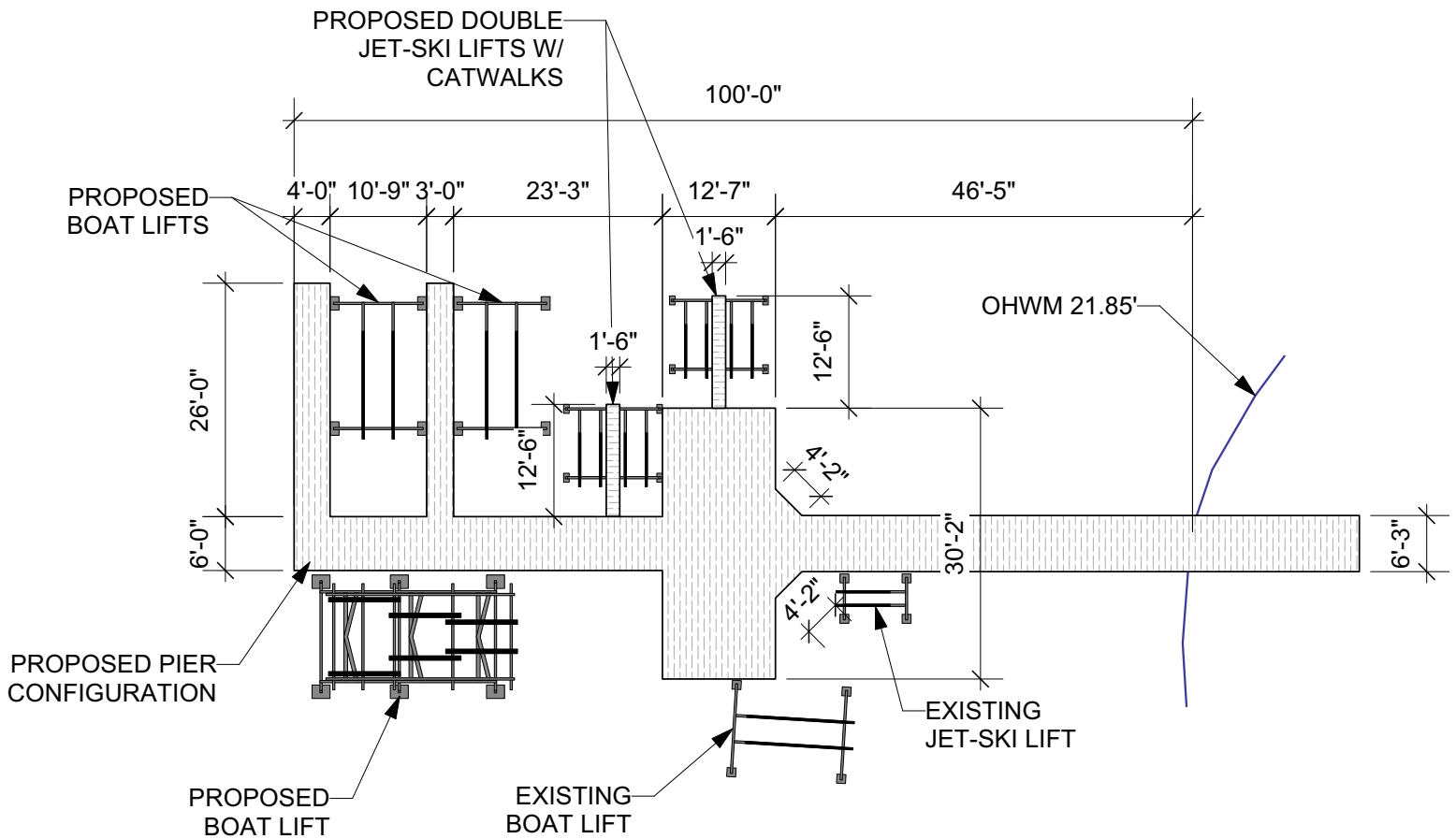
PROPOSED SITE PLAN

SCALE 1" = 50'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



PROPOSED PIER PLAN

SCALE 1" = 20'-0"

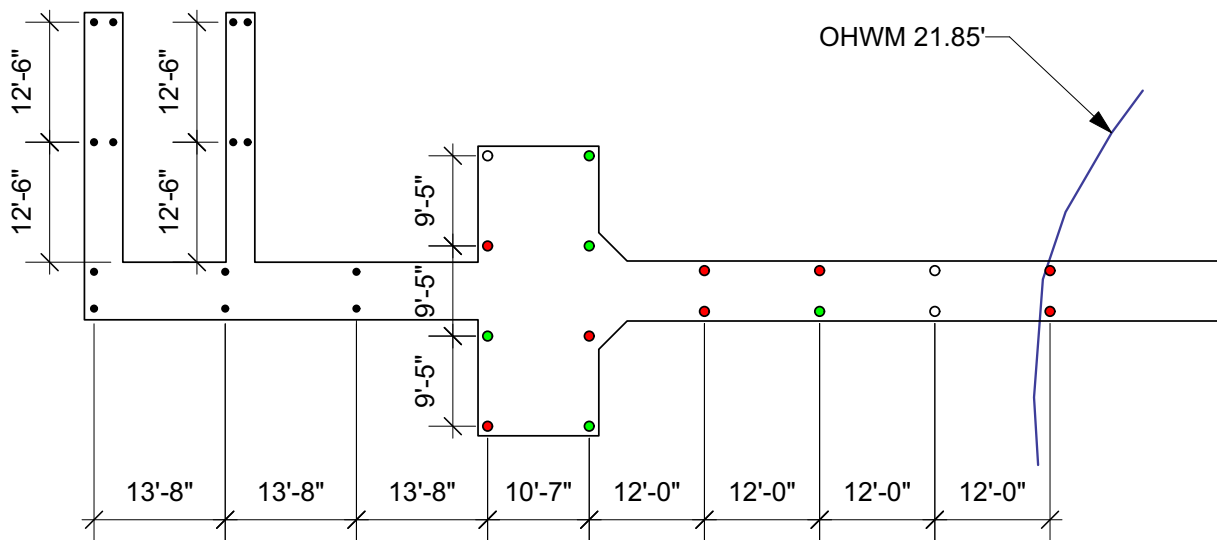


Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

LEGEND

- EXISTING 8" TO 14" DIA.
WOOD PILE TO REMAIN
(3 TOTAL)
- EXISTING 6" TO 8" DIA.
WOOD PILE TO BE SPLICED
(8 TOTAL)
- EXISTING 10" TO 12" DIA.
WOOD PILE TO BE SPLICED
(5 TOTAL)
- PROPOSED 10" DIA. EPOXY
COATED STEEL PILES
(14 TOTAL)



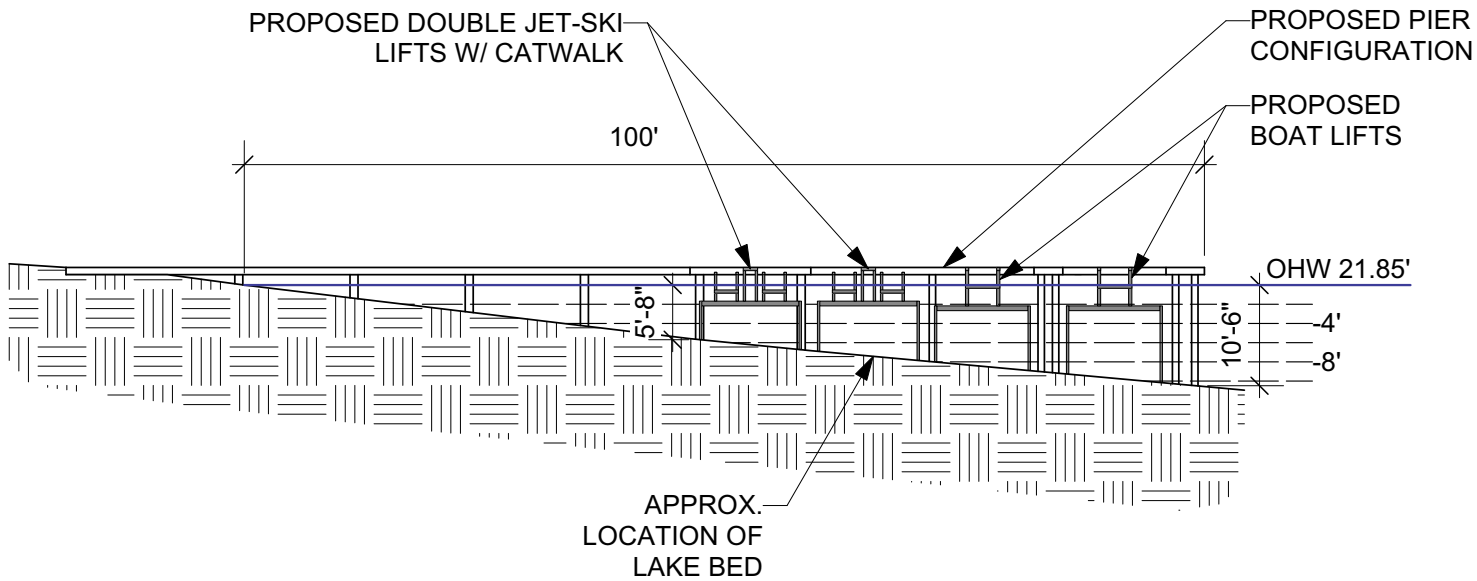
PROPOSED PILE PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



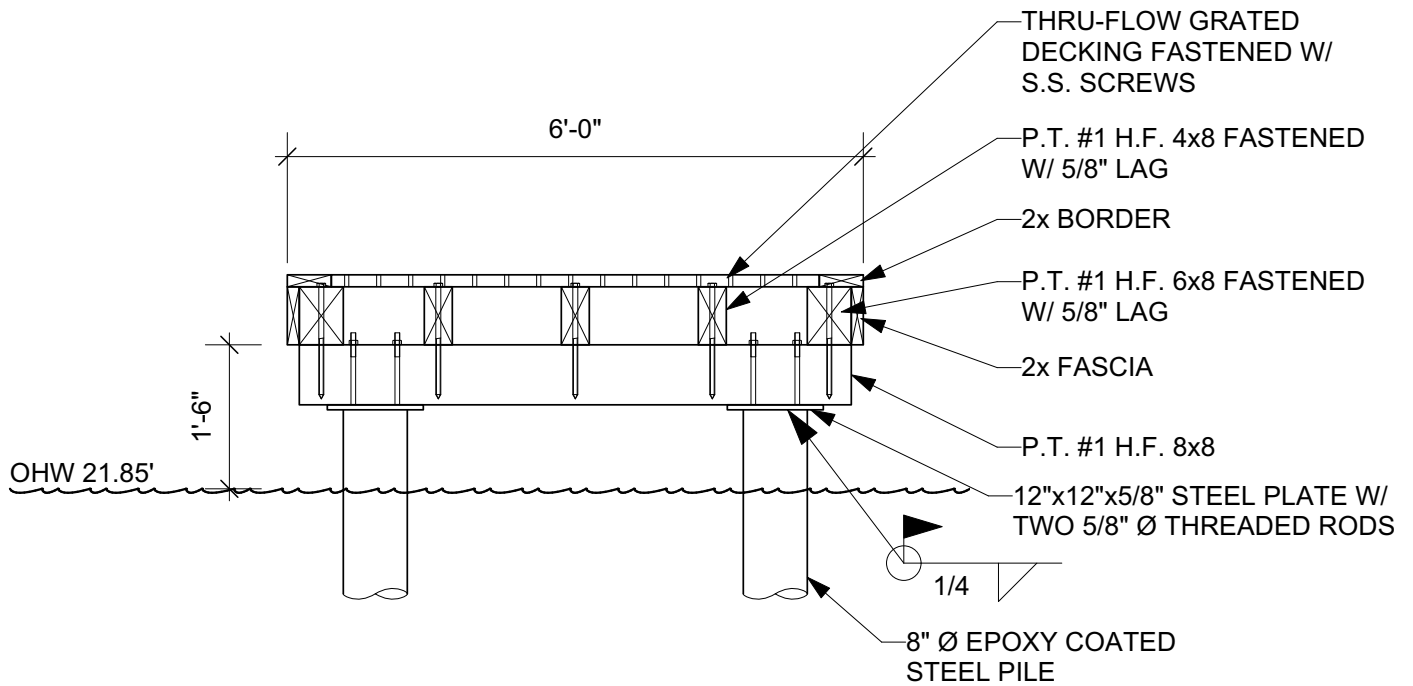
ELEVATION

SCALE 1" = 20'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



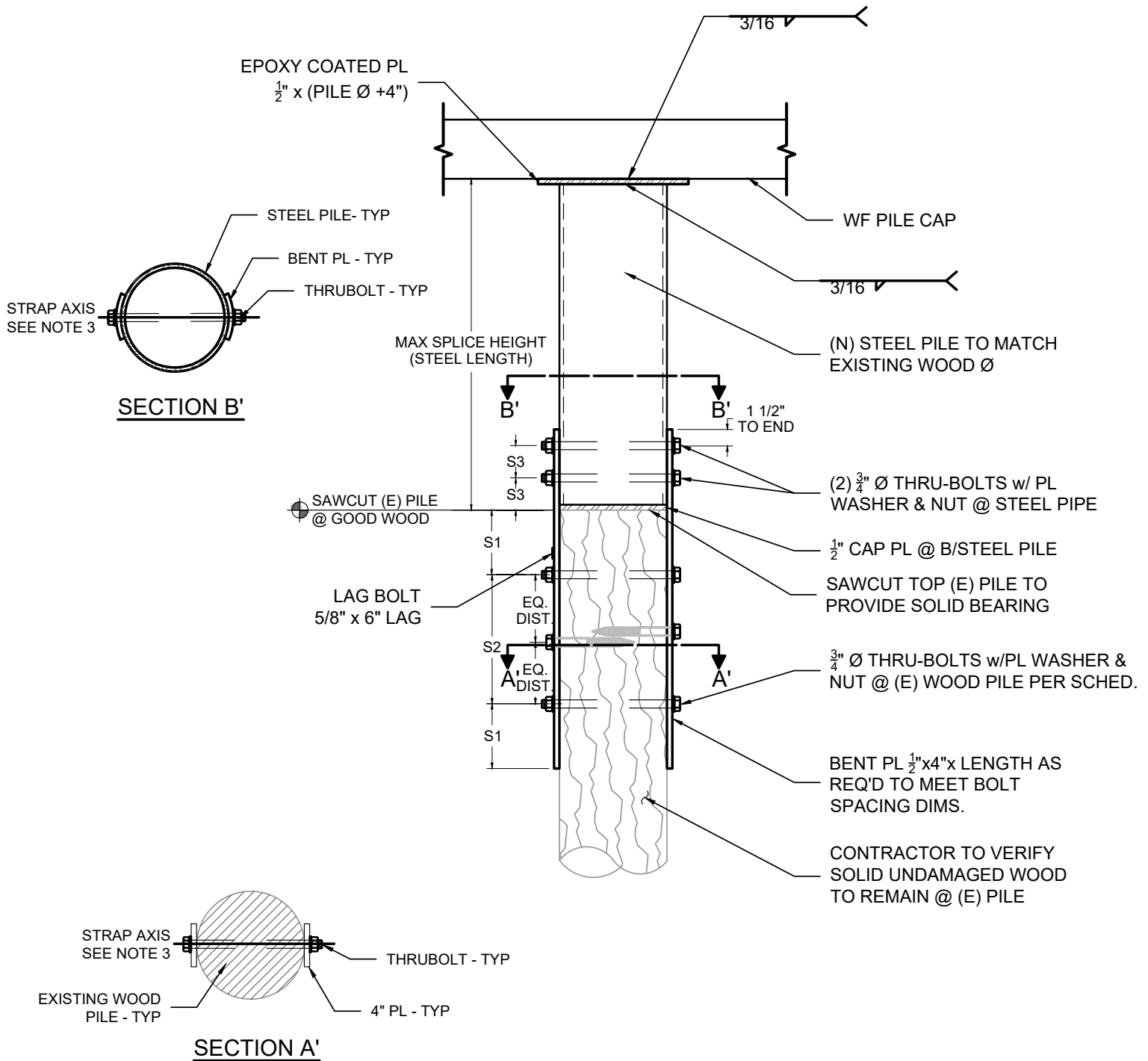
PIER WALKWAY SECTION A **(PROPOSED)**

SCALE 1/2" = 1'-0"



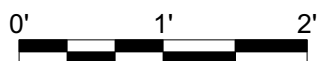
Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



PILE SPLICE DETAIL

SCALE $\frac{3}{4}$ " = 1'-0"



Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

Sheet 10 of 12 **Date:** 6/18/2024

PLANTING LEGEND



SHORE PINE - 1



DOUGLAS FIR - 1



RED-OSIER DOGWOOD - 5

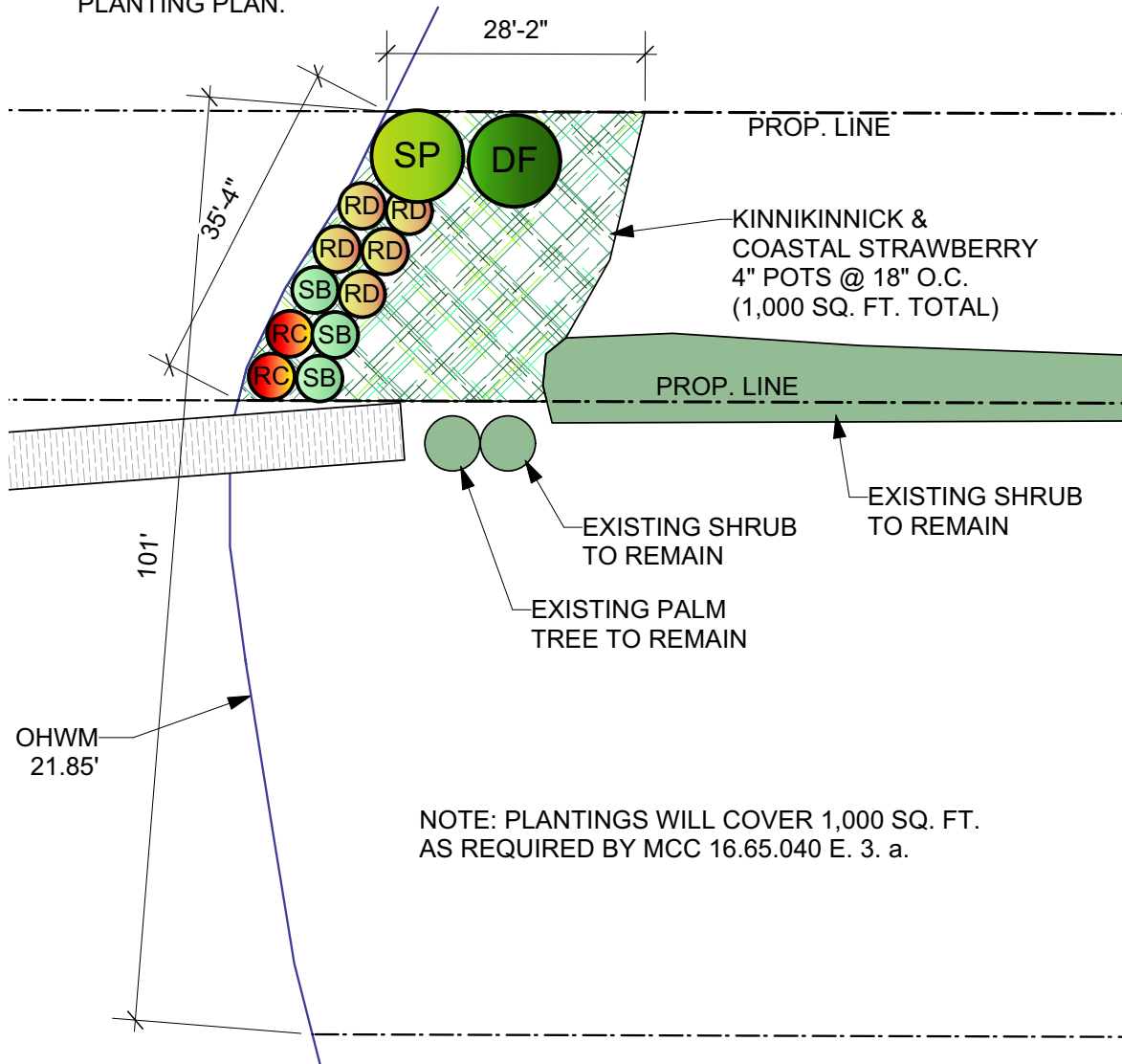


SNOWBERRY - 3



RED-FLOWERING CURRANT -

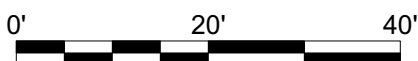
NOTE: INVASIVE KNOTWEED IS PRESENT ALONG SHORELINE AND WILL BE REMOVED PRIOR TO IMPLEMENTING THE PLANTING PLAN.



NOTE: PLANTINGS WILL COVER 1,000 SQ. FT. AS REQUIRED BY MCC 16.65.040 E. 3. a.

PLANTING PLAN

SCALE 1" = 20'-0"



Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

MITIGATION MONITORING PLAN:

THE OWNER SHALL ASSURE:

- 100 PERCENT SURVIVAL OF ALL PLANTS DURING THE FIRST TWO YEARS OF MONITORING
- 80 PERCENT SURVIVAL OF SHRUBS DURING THE FINAL THREE YEARS OF MONITORING.
- NO MORE THAN 10% COVERAGE OF INVASIVE WOODY VEGETATION IN ANY GIVEN YEAR
- THE INSTALLED VEGETATION COMMUNITY WILL BE MONITORED FOR FIVE YEARS AFTER INITIAL INSTALLATION

MAINTENANCE:

MAINTENANCE OF THE PLANTING AREA DURING THE FIVE-YEAR MONITORING PERIOD SHALL BE CONDUCTED BY THE APPLICANT.

MAINTENANCE SHALL INCLUDE:

- REMOVAL AND REPLACEMENT OF DEAD OR DYING PLANTS
- WEEDING OF NON-NATIVE INVASIVE SPECIES, AND WATERING
- MAINTENANCE SHALL NOT INCLUDE APPLICATION OF TOXIC CHEMICAL TREATMENTS

FINANCIAL SECURITY:

A FINANCIAL SECURITY MEETING THE REQUIREMENTS OF MMC 16.65.040.G WILL BE EXECUTED FOR THE PROPOSED MITIGATION PLANTINGS IF REQUIRED BY THE CITY.

Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

Appendix B: **Site Photographs**



Photo 1 - Existing dock looking waterward.



Photo 2 - Existing dock looking landward.



Photo 3 - Existing shoreline looking north. Note knotweed colonizing gravel along the landward side of beach.



Photo 4 - Existing shoreline looking south.



Photo 5 - Existing conditions north of the project site.



Photo 6 - Existing conditions looking south of the project site.



**Exhibit 5a
P-23-065**

CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

February 29, 2024

Mr. Evan Wehr
ECCO Design, Inc
7413 Greenwood Ave N
Seattle, WA 98021
(via email: evan@eccodesigninc.com)

Re: **Determination of Complete Applications – 3261 & 3263 Evergreen Point Road**
Non-Administrative Substantial Development Permit (P-24-065)
and SEPA Threshold Permit (P-23-066)

Dear Mr. Evan Wehr,

The City has reviewed the above-referenced Non-Administrative Substantial Development Permit, SEPA Threshold for **3263 & 3261 Evergreen Point Road** and has determined they are complete pursuant to MMC 16.80.100. The City will issue a Notice of Application to notify parties of the application in accordance with MMC 16.80.110. The notice will be mailed and posted by the City within 14 days of the date of this letter pursuant to MMC 16.80.140.

Please be aware that this determination does not preclude the City from requesting additional information. If you have questions, please do not hesitate to contact me directly at tcarter@ldccorp.com or 425-949-0152.

Sincerely,

Thomas Carter
City of Medina
Planning Consultant

CC: Steven R. Wilcox
City of Medina
Development Services
Director



Exhibit 5b
P-23-065

CITY OF MEDINA

NOTICE OF APPLICATION

Proposal: Combined Notice of Application for a Non-administrative Substantial Development Permit and SEPA Threshold Determination to modify a pier.

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

Applicant: Evan Wehr

Site Address: 3261 Evergreen Point Rd, Medina, WA 98039

Other Required Permits: Building Permit

Application Received: November 30, 2023

Determination of Completeness: March 5, 2024

Notice of Application: March 11, 2024

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(B)(7), this application has a public comment period. Please submit public comments no less than 14 days and no more than 30 days from the date of issuance of the Notice of Application.

STATE ENVIRONMENTAL POLICY ACT: The proposal is subject to concurrent environmental (SEPA) review. The City expects to issue a Determination of Non-Significance (DNS), per WAC 197-11-330 and 197-11-340. This is a combined notice pursuant to MMC 16.80.150.

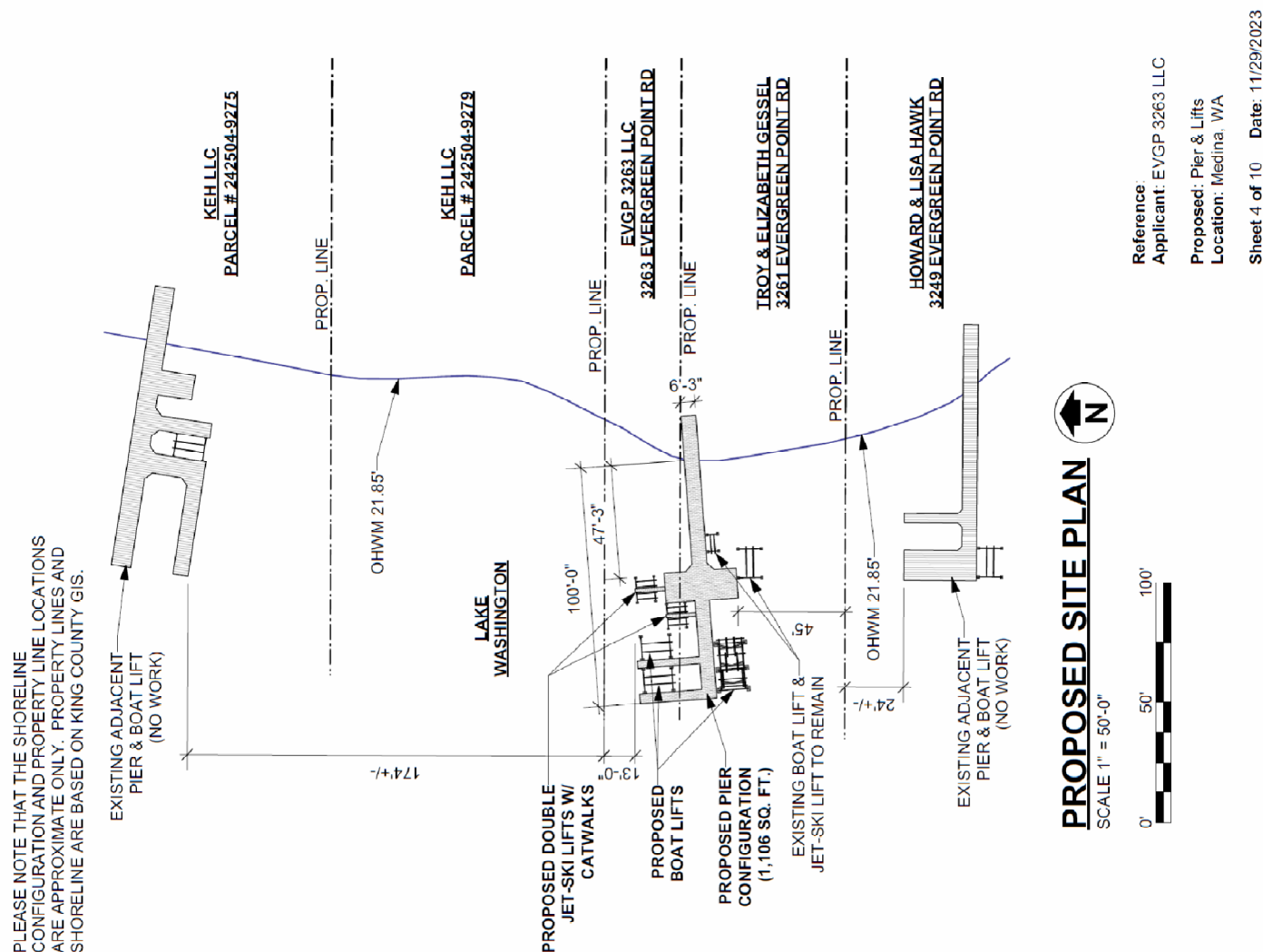
DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

APPEAL RIGHTS: Pursuant to MMC 16.80.220(B), a Type 3 Non-Administrative Substantial Development Permit decision may be appealed to the King County Superior Court. Pursuant to MMC 16.80.220(A), a Type 2 SEPA Threshold Determination may be appealed to the Medina Hearing Examiner within 14 days of the threshold determination becoming final.

QUESTIONS: The complete application may be viewed either at City Hall, located at 501 Evergreen Point Road, Medina WA, 98039, or electronically by emailing the staff contact below.

STAFF CONTACT: Jonathan Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or jkesler@medina-wa.gov.

SITE PLAN:



Jonathan Kesler

Jonathan Kesler, AICP, Planning Manager

03/11/24

Notice Issued

WARNING!

Posted notice is not to be removed, mutilated or concealed in any way.



Exhibit 5c
P-23-065

CITY OF MEDINA

NOTICE OF APPLICATION

Proposal: Revised Notice of Application for a Non-administrative Substantial Development Permit for this waterfront property to repair and extend an existing pier, install three new boat lifts and two double (for four total) jet-ski lifts. This parcel is located within the shoreline jurisdiction of the City of Medina. This Revised Notice of Application is issued to correct accidentally inaccurate ownership and parcel addressing information that was submitted with the original applications for the permits.

File No. P-23-065 Non-Administrative Substantial Development Permit

Applicant: Evan Wehr, agent for Liwei Liu, Representative of EVGP 3263, LLC, owner

Site Address: 3263 Evergreen Point Rd, Medina, WA 98039, Parcel ID # 242504-9065

Other Required Permits: Building Permit

Application Received: November 30, 2023

Determination of Completeness: March 5, 2024

Notice of Application: March 11, 2024

Revised Notice of Application: May 17, 2024

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(B)(7), this application has a public comment period. Please submit public comments no less than 14 days and no more than 30 days from the date of issuance of the Notice of Application.

STATE ENVIRONMENTAL POLICY ACT: The proposal is subject to concurrent environmental (SEPA) review. The City issued a Determination of Non-Significance (DNS), Permit # P-23-066, per WAC 197-11-330 and 197-11-340, on April 4, 2024.

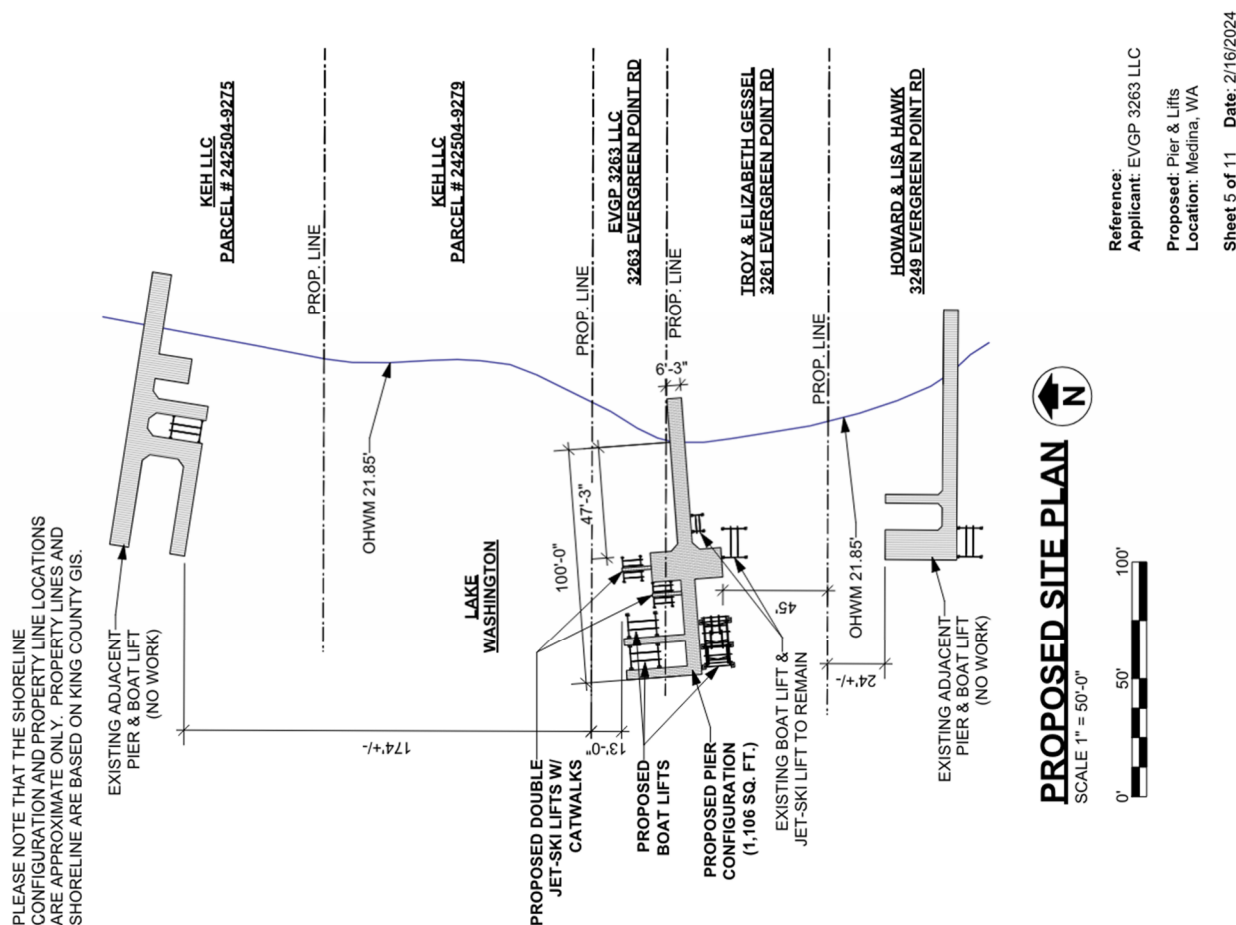
DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

APPEAL RIGHTS: Pursuant to MMC 16.80.220(B), a Type 3 Non-Administrative Substantial Development Permit decision may be appealed to the King County Superior Court. Pursuant to MMC 16.80.220(A), a Type 2 SEPA Threshold Determination may be appealed to the Medina Hearing Examiner within 14 days of the threshold determination becoming final.

QUESTIONS: The complete application may be viewed either at City Hall, located at 501 Evergreen Point Road, Medina WA, 98039, or electronically by emailing the staff contact below.

STAFF CONTACT: Jonathan Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or jkesler@medina-wa.gov.

SITE PLAN:



Jonathan Kesler

Jonathan Kesler, AICP, Planning Manager

05/17/24

Notice Issued

WARNING!

Posted notice is not to be removed, mutilated or concealed in any way.



Exhibit 5d
P-23-065

CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a virtual public hearing on **Tuesday, January 21, 2025, at 2:00 PM** or as called as soon thereafter via Zoom. The purpose of this hearing is to consider testimony for and against the following:

Proposal: To repair and extend an existing pier (resulting in the pier being considered a “new” pier), install three new boat lifts and two double jet-ski lifts at 3261 Evergreen Point Road (Parcel #242504-9211) and 3263 Evergreen Point Road (Parcel #242504-9065), Medina, WA 98039

File No. P-23-065 Non-Administrative Substantial Development Permit

Applicant: Evan Wehr

Site Address: 3261 and 3263 Evergreen Point Road, Medina, WA 98039

YOU ARE INVITED to attend the remote hearing and make oral and written comments. The Hearing Examiner has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs, or other exhibits on the application may be submitted to the staff contact or address below before the hearing date. The Hearing Examiner gives equal weight to testimony submitted in person at a hearing and written comments that are submitted. You are eligible to request a copy of the decision post hearing.

For information on how to participate in the remote hearing, please see the City’s website for the hearing agenda which will be posted by Friday, January 17, 2025, at 4:00 PM. Please either log in or phone in at the beginning of the hearing to participate. If you need special accommodations, please contact the staff below.

APPEAL RIGHTS: Any person can comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Pursuant to MMC 16.80.220(B), a Type 3 Non-Administrative Substantial Development Permit decision may be appealed to the King County Superior Court.

QUESTIONS: Requests for information and/or written comments may be directed to the staff contact below, or to Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd, Medina, WA 98039.

STAFF CONTACT: Jonathan Kesler, AICP, City of Medina Planning Manager, at (425) 233-6416 or jkesler@medina-wa.gov.

Jonathan Kesler, AICP, Planning Manager

1/6/2025
Notice Issued



Exhibit 5e
P-23-065

CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a remote public continued hearing on **Friday, November 14, 2025, at 9:00 AM** or as called as soon thereafter via Zoom. The purpose of this continued hearing is to consider public testimony for and against the following:

Proposal: To extend an existing pier, install three new boat lifts, and install two double jet-ski lifts at 3261 Evergreen Point Road (Parcel #2425049211) and 3263 Evergreen Point Road (Parcel #2425049065), Medina, WA 98039

File No. P-23-065 & P-23-066, Non-Administrative Substantial Development Permit & SEPA

Applicant: Evan Wehr

Site Address: 3261 and 3263 Evergreen Point Road, Medina, WA 98039

YOU ARE INVITED to attend the remote hearing and make oral and written comments. The Hearing Examiner has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs, or other exhibits on the application may be submitted to the staff contact or address below before the hearing date. The Hearing Examiner gives equal weight to testimony submitted in person at a hearing and written comments that are submitted. You are eligible to request a copy of the decision post hearing.

For information on how to participate in the remote hearing, please see the City's website for the hearing agenda which will be posted by Wednesday, November 12, 2025, at 4:00 PM. Please either log in or phone in at the beginning of the hearing to participate. If you need special accommodations, please contact the staff below.

APPEAL RIGHTS: Any person can comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Pursuant to MMC 16.80.220(B), a Type 3 Non-Administrative Substantial Development Permit decision may be appealed to the King County Superior Court.

QUESTIONS: Requests for information and/or written comments may be directed to the staff contact below, or to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, Medina, WA 98039.

STAFF CONTACT: Kim Gunderson, City of Medina Planning Consultant, at (253) 389-1864 or kmahoney.planning@gmail.com.

Kim Gunderson, Planning Consultant

10/29/2025
Notice Issued



501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

DEVELOPMENT
SERVICES

Exhibit 6
P-23-065

INSTRUCTIONS FOR A NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT

This packet may be submitted for the following:

- All development activity inside the shoreline jurisdiction not exempt from a substantial development permit (see WAC 173-27-040)

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- D. A Non-Administrative Substantial Development Permit requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

- A. The following documents are required at the time of submittal, unless otherwise indicated. The information is required prior to processing of the application unless otherwise indicated. An incomplete application will not be processed. A complete application will include:
 1. Completed Substantial Development Permit Checklist, Substantial Development Permit Application and Declaration of Agency form
 2. Proof of ownership (copy of deed)
 3. Site Plan with the following:
 - a. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project;
 - b. Identification of the shoreline water body;
 - c. A general description of the property as it now exists, including physical characteristics and improvements and structures;
 - d. A general description of the vicinity of the proposed project, including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics;
 - e. Identification of the ordinary highwater mark:
 - i. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the mark's location as indicated on the plans shall be included in the development plan;

- ii. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline;
 - f. Existing and proposed land contours with minimum two-foot elevation intervals;
 - g. A general description of the character of vegetation found on the site;
 - h. The dimensions and locations of all existing and proposed structures and improvements;
- 4. A landscaping and/or restoration plan as applicable;
- 5. Mitigation measures, as applicable;
- 6. Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent;
- 7. Quantity, composition and destination of all excavation and/or dredged material; and
- 8. Additional submittal information set forth in the Medina shoreline master program for the use.
- B. State Environmental Policy Act (SEPA) checklist (if applicable) – SEPA is a separate permit
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See mailing labels information bulletin for further information.
 - 1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the substantial development permit request.

Procedure

II. NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. **MODIFICATIONS: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.**
- C. Following receipt of the substantial development permit application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.
- D. **STAFF REPORT AND MEETING AGENDA**: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
 - 1. The Hearing Examiner will introduce the requested application.
 - 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 - 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any substantial development permit may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a substantial development permit:
 - 1. The proposed development is consistent with the policies and provisions of the State Shoreline Management Act of 1971, set forth in RCW 90.58; and
 - 2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures, set forth in WAC 173-27; and
 - 3. The proposed development is consistent with the provisions of the Medina shoreline master program.
- C. The decision authority may attach such conditions as to prevent undesirable effects of the proposed development and to assure consistency of the development with the Shoreline Management Act and the Medina shoreline master program.
- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.

V. EXPIRATION

- A. An approved substantial development permit shall expire as set forth in WAC 173-27-090.



501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

DEVELOPMENT
SERVICES

NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT CHECKLIST

This checklist contains the minimum submission requirements for a non-administrative substantial development permit that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

☒	Non-Administrative Substantial Development Permit Checklist
	Complete Substantial Development Permit Application: ☒ Application form ☒ Signature of applicant/agent ☒ All questions answered in full
☒	Declaration of Agency form
☒	Proof of Ownership (copy of deed)
☒	Site Plan with required information
☒	Landscaping and/or restoration plan (if applicable)
☒	Mitigation Measures (if applicable)
☐	Quantity, source and composition of all fill material that is placed on the site, whether temporary or permanent (if applicable)
☐	Quantity, composition and destination of all excavation and/or dredged material (if applicable)
☐	Additional submittal information set forth in the Medina shoreline master program for the use
☒	State Environmental Policy Act (SEPA) Checklist (if applicable – SEPA is a separate permit)
	Mailing labels – Word doc formatted to Avery address labels ☒ Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. ☒ Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.



DEVELOPMENT
SERVICES

**SUBSTANTIAL
DEVELOPMENT PERMIT
APPLICATION**

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- All development activity inside the shoreline jurisdiction not exempt from a substantial development permit (see WAC 173-27-040)
- All non-exempt development having a fair market value of \$50,000 or less, involving no dredging, and having grading of 500 cubic yards or less (excluding fill used for habitat) are eligible for an administrative approval process

General Information

Owner Name: EVGP 3263 LLC

Property Address: 3261 & 3263 Evergreen Point Rd

Legal Description: See sheet 1 of plans.

Tax Parcel Number: 242504-9065 & 242504-9211

Please check one:

☒ **Non-administrative**

☐ **Administrative**

☐ Check this box if this is a revision to an approved substantial development permit

Agent / Primary Contact

Name: Evan Wehr - ecco design inc.

Email: evan@eccodesigninc.com

Contact Phone: 509-969-1994

Alternative Phone: 206-706-3937

Mailing Address: 7413 Greenwood Ave N

City: Seattle

State: WA

Zip: 98021

Property Information

Project Fair Market Value (include all phases for the next five years): \$80,000

Other than Lake Washington, are there any critical area(s) located on the property (Ch. 16.67 MMC)?

☐ YES ☒ NO

Will work occur in Lake Washington?

☒ YES ☐ NO

Shoreline Environment Designation(s) [Check all that apply]:

☒ Residential

☐ Urban Conservancy

☐ Transportation

☐ Aquatic

See MMC 16.61.020

If work will occur in Lake Washington, what is the type of development (Check all that apply):

☒ Pier/ dock

☐ Moorage cover

☒ Boatlift

☐ Other Overwater Structure

☐ Hard shoreline stabilization structure

☐ Soft shoreline stabilization measures

☐ Dredging/ Fill

☐ Other _____

Does the project include a shoreline variance or shoreline conditional use permit?

☒ No

☐ Shoreline Variance

☐ Shoreline Conditional Use Permit

Please provide a complete description of the proposed project (attach additional pages if necessary):

Repair and extend an existing pier. Install three new boat lifts and two double jet-ski lifts.

Approval Criteria

The following is the approval criteria for a substantial development permit application. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

1. The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (Chapter 90.58 RCW)

The proposal is consistent with Chapter 90.58 RCW in that being a joint use residential pier it is a reasonable and appropriate use. The project will be designed to minimize adverse effects by following the city's shoreline master program guidelines for residential piers. The pier will be an appurtenant structure to the single family residences. Included with the application is a no net loss report showing how the project minimizes impacts to ecology.

RCW 90.58.020:

- Foster all reasonable and appropriate uses
- Protect against adverse effects to the public health, the land and its vegetation and wildlife
- Priority to single-family residences and appurtenant structures
- Minimize insofar as practical, any resultant damage to the ecology and environment and interference to the public's use of the water

2. The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures

The project has been designed to be consistent with WAC 173-27 and the Medina Municipal Code.

- Washington Administrative Code 173-27
- Chapters 16.80, and Chapter 16.71 or 16.72 MMC

3. The proposed development is consistent with the provisions of the Medina shoreline master program:

a. Comprehensive Plan Goals & Policies (Element 2.1 – Shoreline Management Sub-element)

The project is consistent with the comprehensive plan goals and policies.

b. Shoreline Master Program Chapters 16.60 through 16.67 MMC

The project is designed to meet the criteria in 16.65 MMC (Shoreline Modifications).

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature  Owner ☐ Agent ☒ Date 11/29/2023

Signature _____ Owner ☐ Agent ☐

Date _____

Exhibit 7
P-23-065

Agreement May 1-56
APR 29-56

4688292

Between C W Easton and Geneva H Easton, his wife, and
John T Ryan and Rosa Ryan, formerly Rosa
Black Fleetwood, his wife

That sp are owners of following described real property
in kow, daf:

That portion of govt lt 6, Sec 24-25-4 own. Beginning at
point which bears N 438.486 ft from SE corner of said govt
lt 6; th W to govt meander line; th S $11^{\circ}36'$ E along govt
meander line 134.84 ft; th E tap 131.524 ft S of pob; th
N 131.524 ft to pla, TOW shore lands of second class lying
in front thereof EXCEPT the N 100 ft thereof TOW the
N 100 ft of E 510 ft thereof

sp are owners of following property in kos:

Nly $\frac{1}{2}$ of following described tract:

That portion of govt lt 6, Sec 24-25-4 own daf:

Beginning 306.962 ft N of SE corner of govt lt 6, th W to
meander line; th S $11^{\circ}36'$ E 140.75 ft; th N 137.972 ft
to pob TOW shore land adjacent thereto and less county road

~~th N 137.972 ft to pob~~
That the properties owned by respective parties are contigu-
ous and have a common boundary in that the Sly boundary of
property owned by fp and Nly bdry of property owned by sp
is common boundary line (cont-2))

That parties contemplate the construction for their joint

4688292--2

benefit and ownership of a dock or pier of a size size of approximately 6 ft by 60 ft, according to approximate plans and specifications hereto attached and by this reference made part hereof, and in connection therewith, it is hereby agrees as follows:

I. That parties shall by mutual agreement select a contractor to construct a dock or pier according to plans and specifications hereto attached, which such dock or pier shall be located so that center line thereof is on common boundary line separating property and shore lands owned by fp and property and shore lands owned by sp

II The parties shall make application to Coast Guard or other governmental organization for permit to construct such dock or pier and same shall be constructed in compliance with and subject to all rules and regulations of such governing body

III The parties shall both enter into contract for construction of such dock and cost of construction, furnishing of materials, fees for permits or other expenses shall be paid one half by first party and one half by sp

IV First parties do hereby grant to sp an easement over property owned by fp, hereinbefore described, for permanent installation and use of such dock and facilities which such easement shall run with land presently owned by sp and shall pass to heirs, successors and assigns of sp in and to real property hereinbefore described as being owned by them. cont--3

V sp do hereby grant to fp esmt over property owned by sp for permanent installation and use of such dock and facilities which such esmt shall run with land presently owned by fp and shall pass to heirs, successors and assigns of fp in and to real property hereinbefore deacd as being owned by them

VI It is contemplated that each of parties hereto may sell a portion of real property owned by him, or that it may be the desire of fp or sp that an occupant of portion of land owned by them be granted use of such dock or pier. Neither of parties hereto shall grant right of use of such dock or pier to more than one other person or family unit, all of whom must reside in a residence constructed or to be constructed on property of parties granting the use of a such dock or pier. In event that either party may sell off a portion of property owned by him, he may assign to such grantee or his successors, a perpetual joint right and esmt to use facilities of such dock or pier, or he may reserve the perpetual right and esmt to himself and ~~property~~ retained by him. If either of parties hereto shall divide his property in more than two parcels, the use of such dock or pier shall be limited to owners of two parcels only on each tract, one of which parcels shall be property upon which such dock or pier is partially constructed

VII fp and sp shall share equally in all expenses of maintenance, upkeep and repair or replacement of such dock

4686292--4

or pier. Either party may make such agreement as he may desire with any person to whom he grants the use of such dock or pier for paying a proportionate share of expenses chargeable to such party

VIII Such dock or pier shall be restricted to persons or parties hereinbefore referred to and to their families; neither parties shall make such use of such dock or pier in entertaining third parties as will seriously interfere with right of use of other parties thereto.

IX fp may use N side only of such pier for permanent docking of boats purposes and sp may use S side only of such pier for permanent docking of boats purposes; neither of parties shall make use of water side (end) of such pier for docking of boats purposes to an extent that shall interfere with general use thereof by other parties

xen ok Apr 29-56

ml to Lew E Flanders 855 Dexter Norton Bldg
h

#24

Exhibit 8
P-23-065

Return Address:

THOMAS M. HANSEN
OSERAN HAHN PS
11225 SE 6TH ST, STE 100
BELLEVUE WA 98004

KING COUNTY AUDITOR/RECORDER'S INDEXING FORM

DOCUMENT TITLE(S):

ASSIGNMENT OF DOCK RIGHTS

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

4688292

GRANTOR(S):

EVGP 3263 LLC, a Washington Limited Liability Company

GRANTEE(S):

EVGP 3267 LLC, a Washington Limited Liability Company

LEGAL DESCRIPTION: (abbreviated i.e. lot, block, plat, section, township, and range)

1. LOT 2, CITY OF MEDINA SHORT PLAT NO. PL-SHTPLAT-14-001,
REC. NO. 20180416900003, IN KING CO.
2. LOT 3, CITY OF MEDINA SHORT PLAT NO. PL-SHTPLAT-14-001,
REC. NO. 20180416900003, IN KING CO.

Full legal descriptions are on pages 6 and 7 of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER:

Lot 2 - 2425049278
Lot 3 - 2425049065

The Auditor/Recorder will rely on information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

ASSIGNMENT OF DOCK RIGHTS

The undersigned Assignor is a party to a Dock Agreement dated April 29, 1956 recorded under King County Recording No. 4688292 ("**Dock Agreement**") that applies to the Property.

RECITALS

a. EVGP 3263 LLC, a Washington limited liability company (the "**Assignor**"), is the owner of that certain real property commonly known as 3263 Evergreen Point Road, Medina, WA 98039 legally described as follows:

LOT 3, CITY OF MEDINA SHORT PLAT NO. PL-SHTPLAT-14-001,
RECORDED UNDER RECORDING NO. 20180416900003, IN KING
COUNTY, WASHINGTON;
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

("Lot 3"); and

b. EVGP 3267 LLC, a Washington limited liability company (the "**Assignee**"), is the owner of that certain real property commonly known as 3267 Evergreen Point Road, Medina, WA 98039 legally described as:

LOT 2, CITY OF MEDINA SHORT PLAT NO. PL-SHTPLAT-14-001,
RECORDED UNDER RECORDING NO. 20180416900003, IN KING
COUNTY, WASHINGTON;
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

("Lot 2"); and

c. Whereas Assignor is a party to a Dock Agreement dated April 29, 1956 recorded under King County Recording No. 4688292 ("**Dock Agreement**") that applies to the Property, and which provides for shared use of the dock with the owner of 3261 Evergreen Point Road, Medina, WA 98039 ("3261").

d. Whereas Assignor has the right under the Dock Agreement to assign the right to use of the dock ("**Dock**") and desires to assign to Assignee shared use rights for the Dock and shared use of permanent moorage on the north side of the Dock. Assignor specifically reserves its rights under the Dock Agreement to shared use of the Dock with Assignee.

e. Assignor and Assignee shall refer to as "party" or "parties".

ASSIGNMENT

1. Assignor's Assignment. Assignor irrevocably assigns to Assignee a right of shared use of the Dock and shared boat moorage on the north side of the Dock, which shared use right shall be exercised with Assignor pursuant to the Dock Agreement.

2. Assignee's Obligations. Assignee shall assume the rights to use of the Dock with Assignor and 3261. Under the Dock Agreement, Assignor and 3261 share equally the obligation for maintenance, upkeep, repair or replacement of the Dock. Subject to the limitations of this Agreement, Assignee agrees to assume the duties and obligations under Dock Agreement, and to promptly and faithfully keep, fulfill, observe, perform and discharge each and every covenant, duty, debt and obligation that may accrue or become performable, due or owing from and after the effective date hereof under the terms, provisions and conditions of the Dock Agreement, and to share equally with Assignor to the payment of fifty percent (50%) of all costs incurred in connection with or arising out of the obligations under the Dock Agreement.

3. Maintenance and Use of Dock. As and when necessary, Assignor shall select licensed and bonded contractor(s) of reasonable pricing and skill for the neighborhood to perform the maintenance or repair of the Dock and shall contract for and cause such maintenance or repair work to be performed for the continual uses of the Dock. In the event that the Assignor fails to perform the repair or maintenance needed and such failure continues for a period of sixty (60) days, then the Assignee shall provide fifteen (15) calendar days notice of its request of maintenance or repair, and if the Assignor fails to perform the maintenance or repair during such fifteen day period, then the Assignee may, on a one-time basis select a contractor of reasonable pricing and skill for the neighborhood to perform the maintenance or repair required for the Dock, and the Assignor shall reimburse the Assignee for its portion of such expense.

4. No Changes to Dock or Dock Agreement. Assignor and Assignee shall not modify the terms of this Assignment or the Dock Agreement, or assign further interests in the use of the Dock without the written consent of both Assignor and Assignee.

5. Indemnity and Insurance. Each party hereto shall defend, indemnify and hold harmless the other party from any and all claims, causes of action, liability, damages and expenses of any nature whatsoever (including attorneys' fees and costs) arising as a result of any and all injuries to any persons or damage to any property which occurs, or is alleged to occur, in connection with the use or exercise by a party, their family, guests or invitees, of any of the rights granted in this Agreement. The parties further agree to promptly repair any and all damage caused to the other party's real property arising or occurring in connection with the exercise of any rights granted herein. Each party shall each cause their homeowner's insurer to include insurance coverage for the use of the Dock, and shall ensure that all contractors performing work within the Dock maintain in place during the performance of such work a commercial general liability insurance policy with broad form property damage and contractual liability endorsements covering the contractor's work and the activities of the contractor's employees and agents within the Dock.

6. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their successors, heirs, assigns, and personal representatives and all persons claiming by, through or under the parties hereto. The rights, covenants, and agreements granted or made herein shall be appurtenant, touch, concern, burden, attach to, be binding upon, and run with Lot 2 and Lot 3.

7. Dispute Resolution.

i). Mediation. The parties hereto shall attempt at all times to cooperate to resolve any issues arising from the use of Dock rights and shared expenses. If a dispute arises between the parties or their heirs, successors and assignee regarding this Agreement, the parties shall meet and attempt to resolve any dispute through unaided negotiations. If the parties are unable to resolve the dispute, then either party may refer it to mediation by request made in writing to the other. Within ten (10) days of the receipt of such a request, the parties shall select a single trained and impartial mediator. If the parties are unable to agree on the selection of a single mediator, then the parties shall, within fifteen (15) days of receipt of the initial request, appoint their own mediators, who shall consult with each other and jointly appoint a third party, who shall serve as the official mediator for the proceeding. The costs of the mediator shall be borne equally by Assignor and Assignee; the parties shall bear their own expenses, including attorneys' fees, individually.

ii). Binding Arbitration. If mediation has either failed or been rejected, either party may refer the dispute to arbitration by request made in writing to the other. Within thirty (30) days of the receipt of such a request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator, who shall serve as the official arbitrator for the proceeding. The decision rendered by this arbitration procedure shall be the full and final settlement of the dispute, and a judgment on the arbitration award may be entered in any court having jurisdiction thereof. The Arbitrator shall have the authority to award all relief available under the rules of the American Arbitration Association. The costs of the arbitrator shall be borne equally by the Assignor and Assignee; the parties shall bear their own expenses, including attorney's fees, individually, however the arbitrator may award the costs of the arbitration proceeding, including arbitrator and attorney's fees and costs, to the prevailing party.

8. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

9. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to this matter. It may not be modified except in a writing signed by the party against whom enforcement of the modification is sought.

10. Counterparts/Electronic Transmission. This Agreement may be executed in counterparts, each of which shall be deemed an original instrument. Electronic transmission of any signed original documents, or retransmission of any signed facsimile document, shall be the same as delivery of any executed original. At the request of any of the parties, the parties will confirm electronic transmission signatures by signing and delivering an original document.

ASSIGNOR:

EVGP 3263 LLC,
a Washington Limited Liability Company

By: 
Name: RENE SARA WANG
Its: MANAGER

ASSIGNEE:

EVGP 3267 LLC,
a Washington Limited Liability Company

By: 
Name: RENE SARA WANG
Its: MANAGER

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that
BENE SARA WANG is the person who appeared before me, and said
person acknowledged that he/she signed this instrument as Manager of EVGP
3263 LLC, a Washington limited liability company.



Thomas M. Hansen
Name: Thomas M. Hansen
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle, WA
My commission expires: 11/29/25

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that
RENE SARA WANG is the person who appeared before me, and said
person acknowledged that he/she signed this instrument as MANAGER of EVGP
3267 LLC, a Washington limited liability company.



Thomas M. Hansen
Name: Thomas M. Hansen
NOTARY PUBLIC in and for the State
of Washington, residing at Seattle, WA
My commission expires: 11/29/25

ENVIRONMENTAL CHECKLIST
WAC 197-11-960

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all government agencies to identify and consider the environmental impacts that may result from governmental decisions. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies or plans. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an Environmental Impact Statement (EIS) is required.

When does a project require a SEPA Checklist?

Any project not exempt under WAC 197-11-800 requires a SEPA checklist to be completed. If there is a question about whether a project is exempt, complete the checklist and a determination will be made by the Responsible Official.

Review Fee: See fee schedule.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you are not sure, city staff can assist you.

The checklist questions apply to all parts of your proposal, *even if you plan to do them over a period of time or on different parcels of land.* Attach any additional information that will help describe your proposal or its environmental effects. You may be asked to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.



DEVELOPMENT
SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

STATE ENVIRONMENTAL POLICY ACT

General Information

Name of proposed project: EVGP 3263 LLC Pier & Lifts

Applicant Name: EVGP 3263 LLC

Address of applicant and contact person: 7413 Greenwood Ave N **Phone:** 206-706-3937

City, State: Seattle, WA

Zip: 98103

Email: evan@eccodesigninc.com

Background

Proposed timing or schedule (including phasing, if applicable):

2024

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No we do not.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No Net Loss Report

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None are known.

List any government approvals or permits that will be needed for your proposal, if known.

Letter of Permission from Army Corps, HPA from WDFW, SDP & Building Permit from Medina

Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Repair and extend an existing pier. Install three new boat lifts and two double jet-ski lifts with a catwalk.

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

3261 & 3263 Evergreen Point Rd
Medina, WA 98039

Environmental Elements

1. Earth

a. General description of the site (select one):

☐ Flat ☐ Rolling ☒ Hilly ☐ Steep Slopes ☐ Mountainous ☐ Other: _____

b. What is the steepest slope on the site (approximate percent slope)?

~50%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Sand and gravel

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading are proposed.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No erosion to occur from the project.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No change

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None proposed

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

Low levels of emissions from the use of a barge during construction.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

None are known.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

None for this project.

3. Water

- a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Yes, Lake Washington

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

Yes, the pier and lifts will be in Lake Washington.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

No filling or dredging is proposed.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

No withdrawals or diversions will be needed.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

No, it does not.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

There will be no discharges of waste materials to surface waters.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

No, it will not.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

There will be no discharges of waste material.

c. Water runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

No change

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Work will occur in Lake Washington and materials from construction could enter the water.

- 3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

A floating boom will be used to contain waste from construction that may enter the water.

4. Plants:

a. Check or circle types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Invasive knotweed will be removed from along the shoreline.

c. List threatened or endangered species known to be on or near the site.

None known

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Native vegetation will be planted per the planting plan.

5. Animals

a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:

- | | | | | | |
|-----------------------------------|---|---|--|---|---|
| ☐ birds: | ☒ hawk, | ☒ heron, | ☒ eagle, | ☐ songbirds, | ☐ other: _____ |
| ☐ mammals: | ☒ deer, | ☐ bear, | ☐ elk, | ☒ beaver, | ☐ other: _____ |
| ☐ fish: | ☒ bass, | ☒ salmon, | ☒ trout, | ☐ herring, | ☐ shellfish, ☐ other: _____ |

b. List any threatened or endangered species known to be on or near the site.

Chinook Salmon, Coho Salmon, Bull Trout, Steelhead

c. Is the site part of a migration route? If so, explain.

Yes, salmon migrate through Lake Washington

d. Proposed measures to preserve or enhance wildlife, if any:

Native vegetation will be planted along the shoreline.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Solar and electric will be used to power the lifts.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No it will not.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None are proposed.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, which could occur as a result of this proposal? If so, describe.

No, there are not.

- 1) Describe special emergency services that might be required.

None will be needed.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None are proposed.

- b. Noise:

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

There are none that will affect the project.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Elevated levels of noise during construction.

- 3) Proposed measures to reduce or control noise impacts, if any:

Work will only take place during the appropriate construction hours.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

Single family residential

- b. Has the site been used for agriculture? If so, describe.

No it has not.

- c. Describe any structures on the site.

Single family house and pier.

- d. Will any structures be demolished? If so, what?

The framing and decking of the existing pier will be demolished.

- e. What is the current zoning classification of the site?

R20

- f. What is the current comprehensive plan designation of the site?

Residential

- g. If applicable, what is the current shoreline master program designation of the site?

Shoreline Residential

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Yes, Lake Washington

- i. Approximately how many people would reside or work in the completed project?

None

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed project will meet the shoreline master program.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, mid-middle or low-income housing.

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

None

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Two feet above the ordinary high water of Lake Washington.

b. What views in the immediate vicinity would be altered or obstructed?

None

c. Proposed measures to reduce or control aesthetic impacts, if any:

None

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

None

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No it will not.

- c. What existing off-site sources of light or glare may affect your proposal?

None

- d. Proposed measures to reduce or control light and glare impacts, if any:

None

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Boating and fishing

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No recreational uses would be displaced.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

None known

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None known

- c. **Proposed measures to reduce or control impacts, if any:**

None

14. Transportation

- a. **Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

Evergreen Point Rd

- b. **Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

No, one half mile

- c. **How many parking spaces would the completed project have? How many would the project eliminate?**

There will be no changes to parking.

- d. **Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

No it will not.

- e. **Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

No it will not.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

No change to the number of vehicular trips.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

None

15. Public services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**

No it will not

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities

a. Select utilities currently available at the site:

☒ electricity ☒ natural gas ☒ water ☒ refuse service ☒ telephone ☒ sanitary sewer ☐ other: _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None

Signature

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature of person preparing the checklist: _____



Date checklist prepared: 11/29/2023

PROJECT INFORMATION

APPLICANT:
EVGP 3263 LLC

DRAWINGS BY:
ECCO DESIGN INC.
7413 GREENWOOD AVE N
SEATTLE, WA 98103
206-706-3937

SITE ADDRESS:
3261 & 3263 EVERGREEN POINT RD
MEDINA, WA 98039

PARCEL NUMBER:
242504-9065 & 242504-9211

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
(242504-9065) 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

(242504-9211) 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

PROJECT DESCRIPTION:
REPAIR AND EXTEND AN EXISTING PIER.
INSTALL THREE NEW BOAT LIFTS AND TWO
DOUBLE JET-SKI LIFTS. PLANT NATIVE
VEGETATION PER THE PLANTING PLAN.

VICINITY MAP

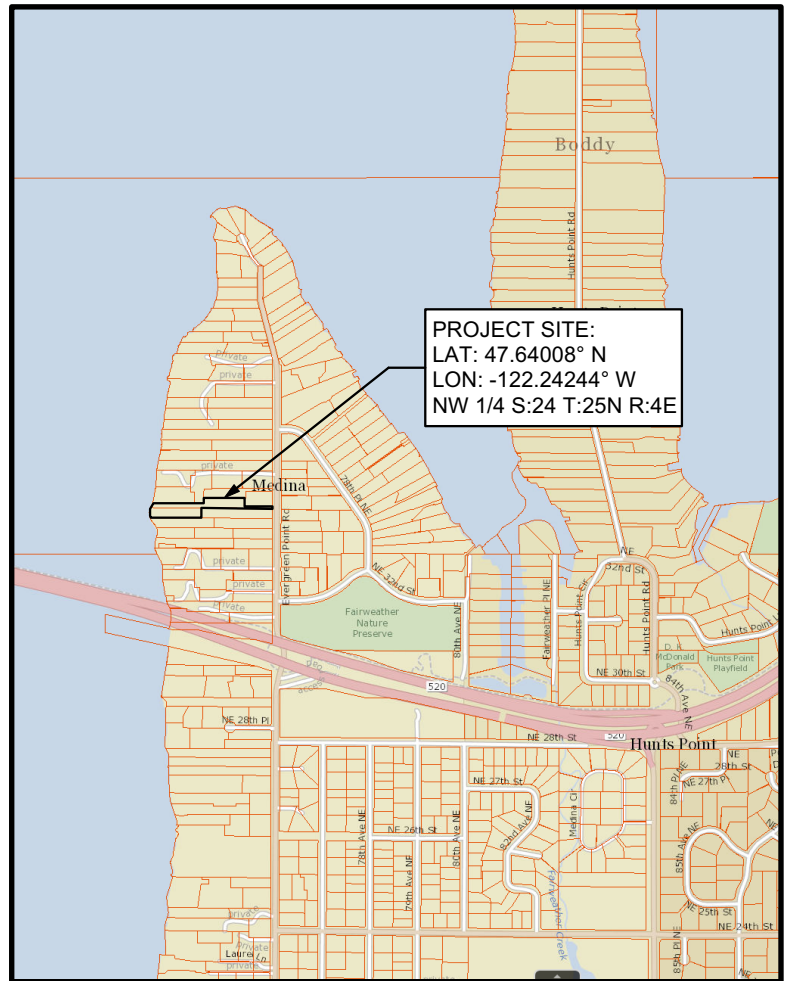


Exhibit 10
P-23-065

REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. KEH LLC
2. Howard & Lisa Hawk

APPLICANT: EVGP 3263 LLC

LOCATION: 3263 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64008°/-122.24244°

PROPOSED PROJECT:

Pier & Lifts

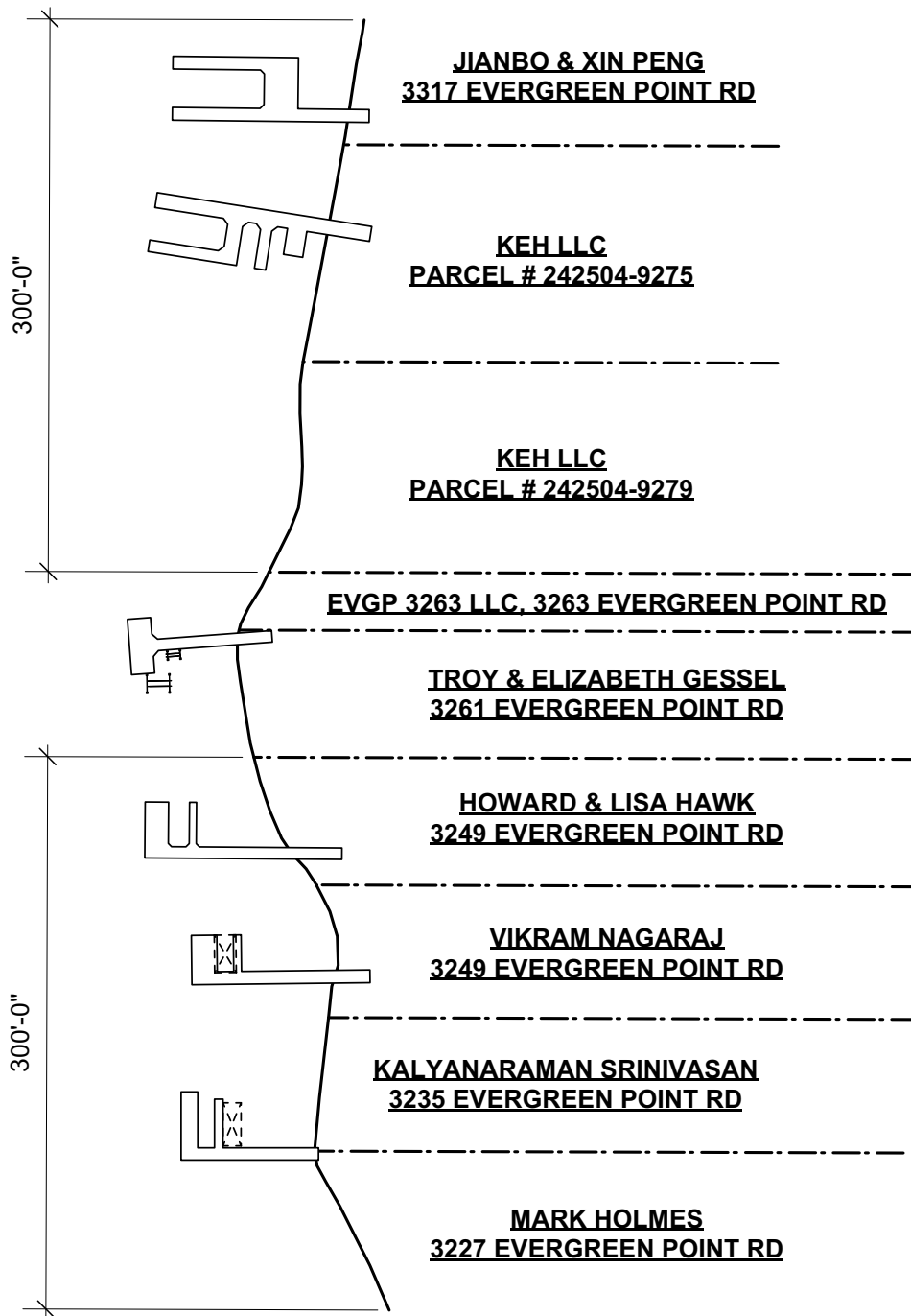
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King **STATE:** WA

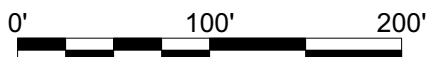
SHEET 1 of 12

DATE: June 27, 2024



VICINITY MAP

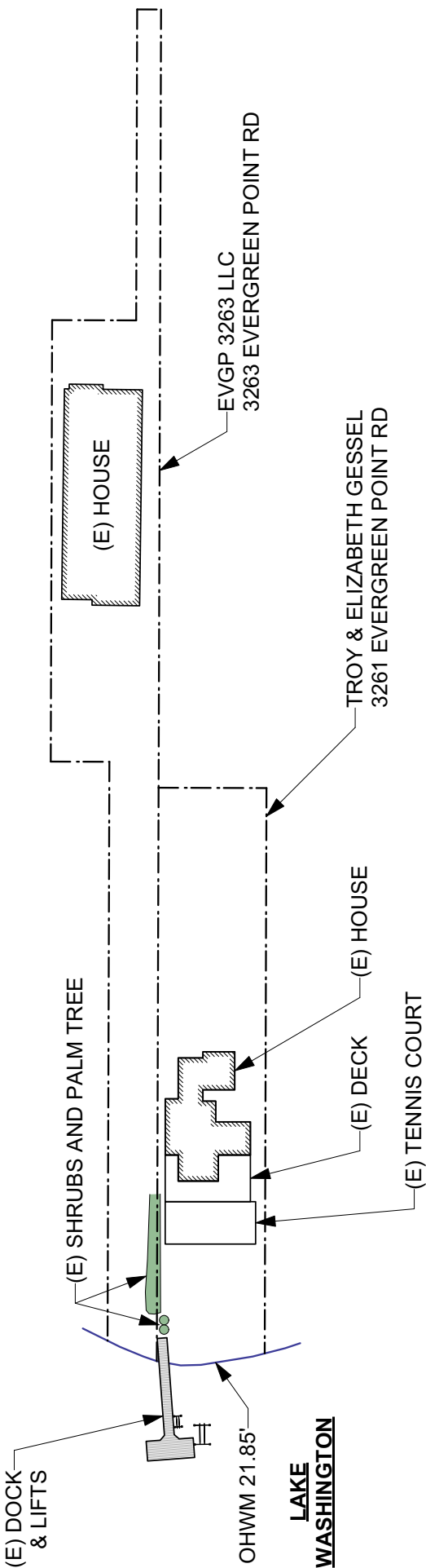
SCALE 1" = 100'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.

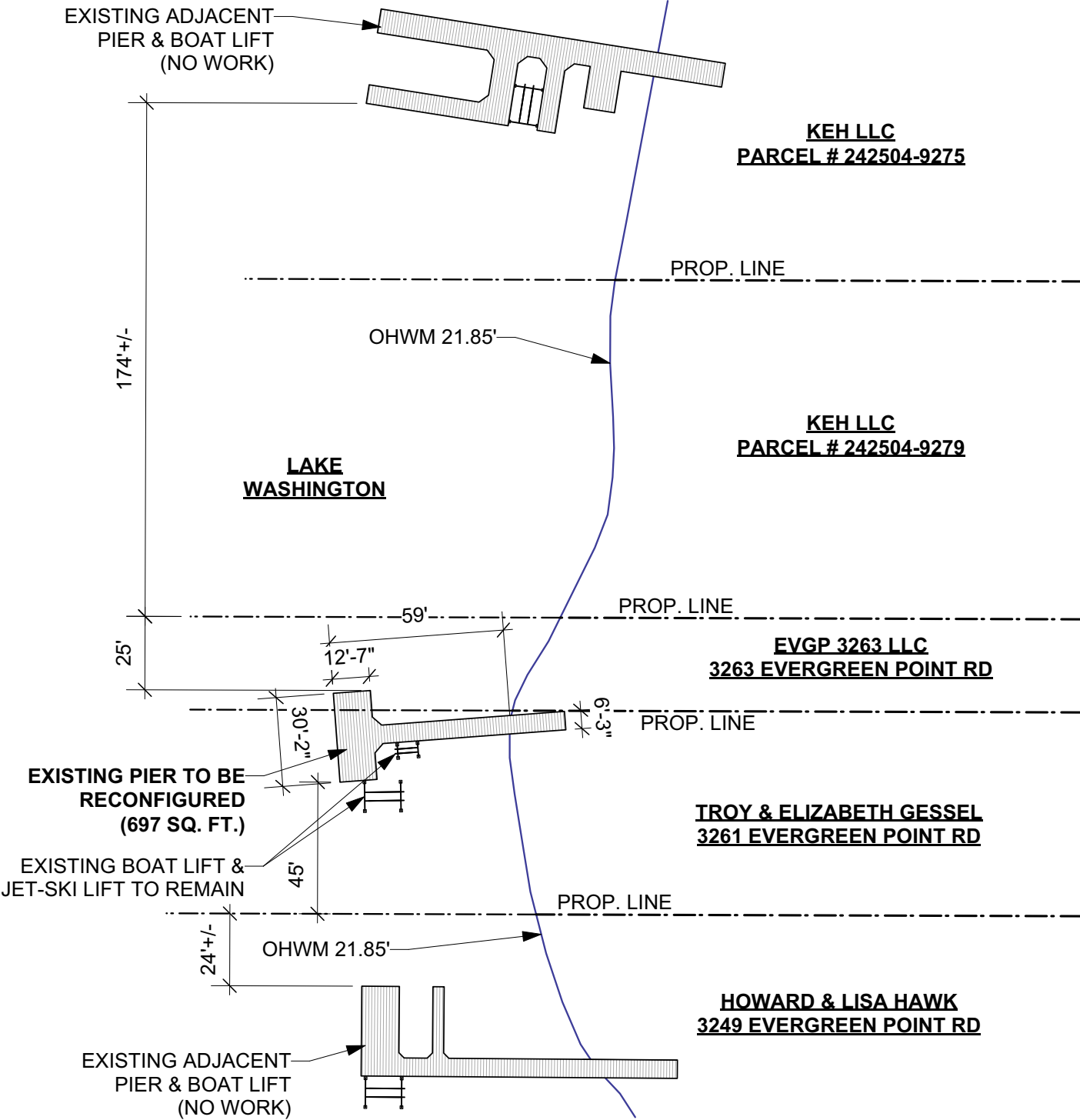


FULL SITE PLAN

SCALE 1" = 100'-0"

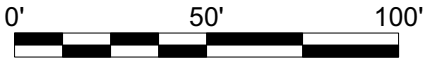


PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.



EXISTING SITE PLAN

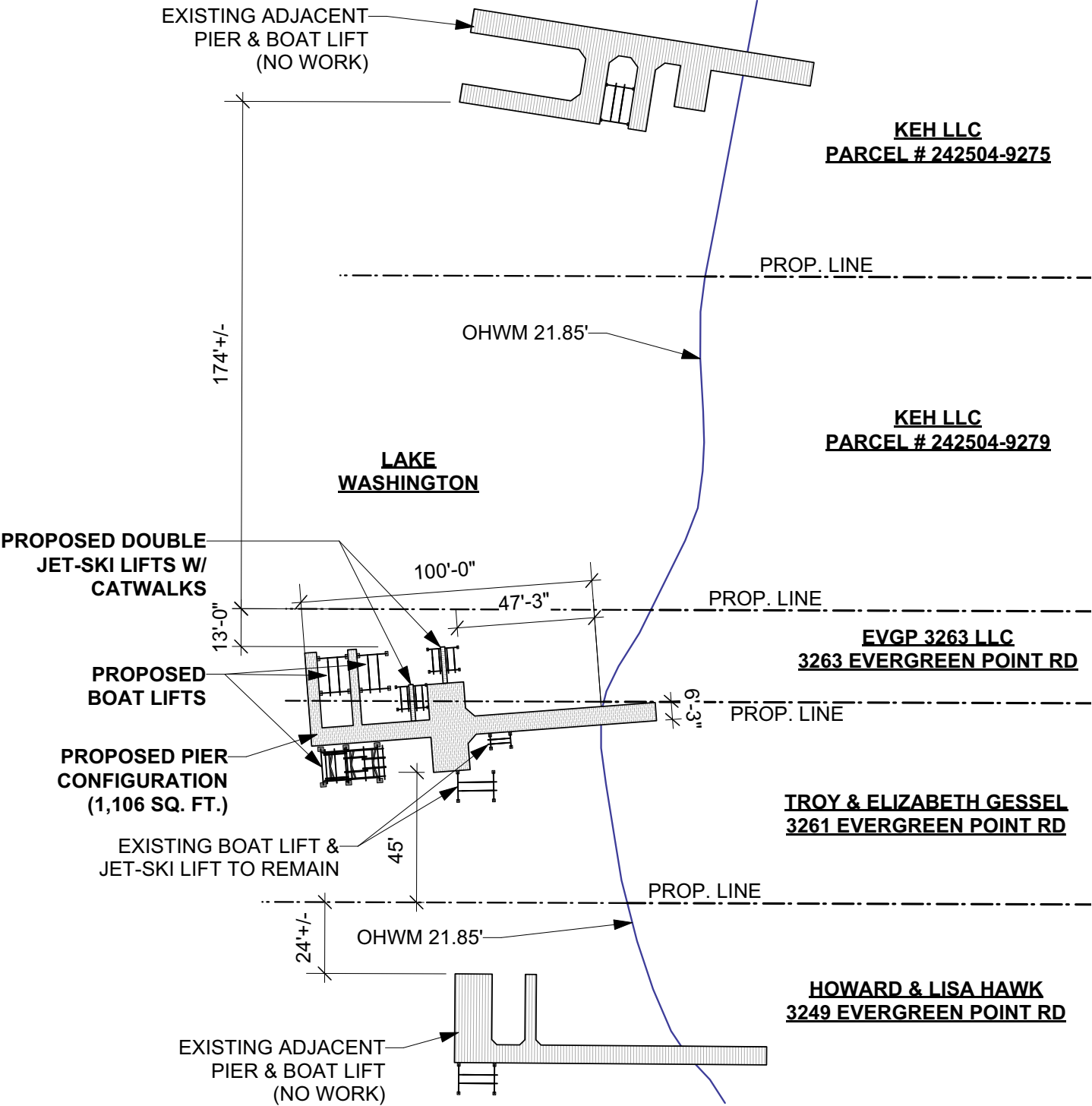
SCALE 1" = 50'-0"



Reference:
Applicant: EVGP 3263 LLC

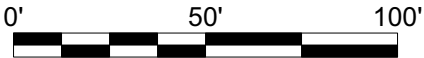
Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.



PROPOSED SITE PLAN

SCALE 1" = 50'-0"

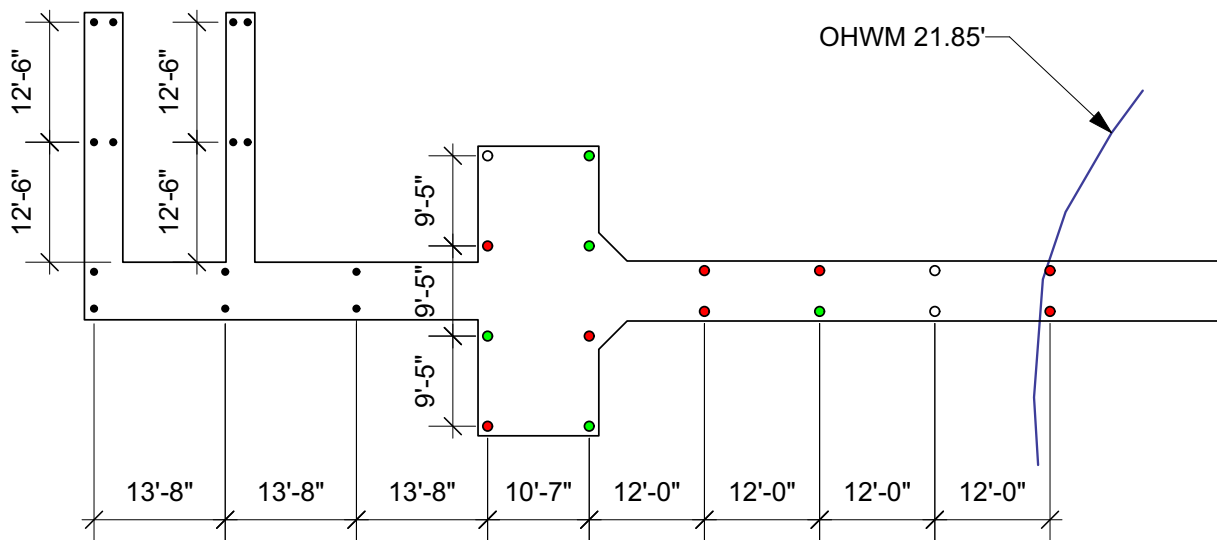


Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

LEGEND

- EXISTING 8" TO 14" DIA.
WOOD PILE TO REMAIN
(3 TOTAL)
- EXISTING 6" TO 8" DIA.
WOOD PILE TO BE SPLICED
(8 TOTAL)
- EXISTING 10" TO 12" DIA.
WOOD PILE TO BE SPLICED
(5 TOTAL)
- PROPOSED 10" DIA. EPOXY
COATED STEEL PILES
(14 TOTAL)



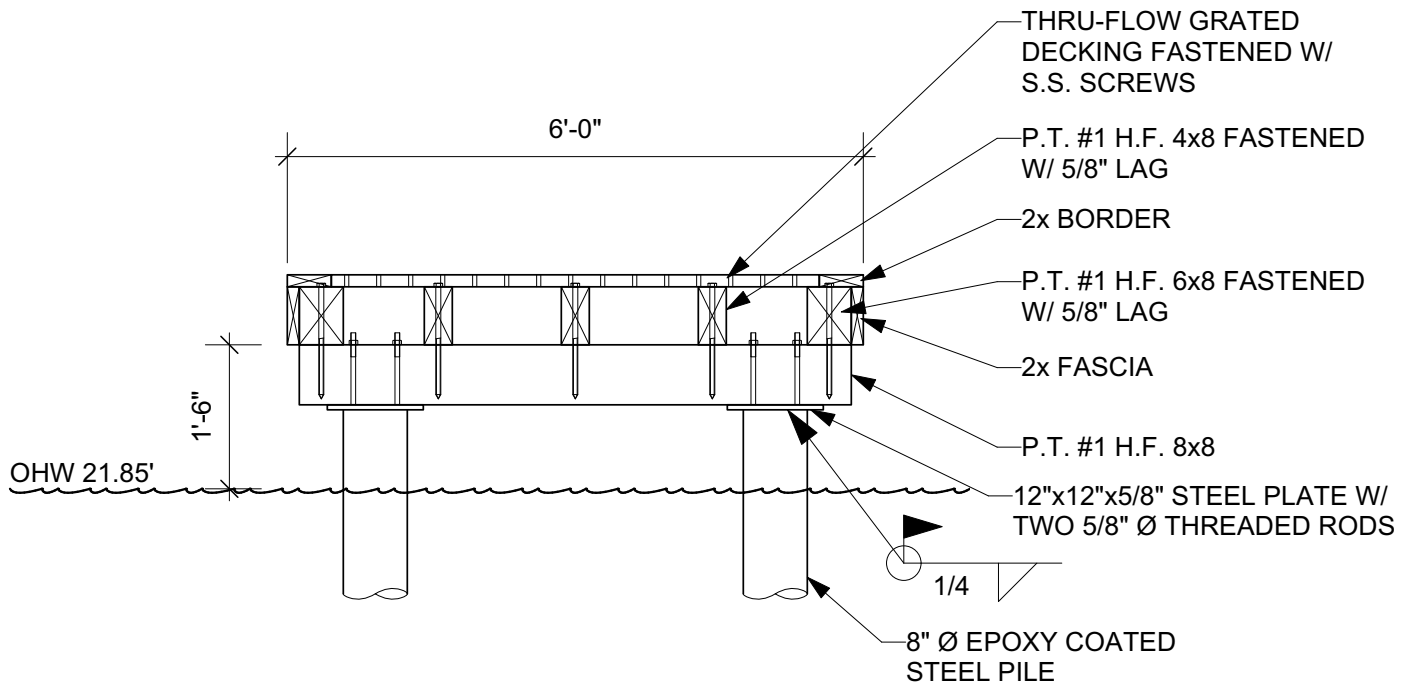
PROPOSED PILE PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



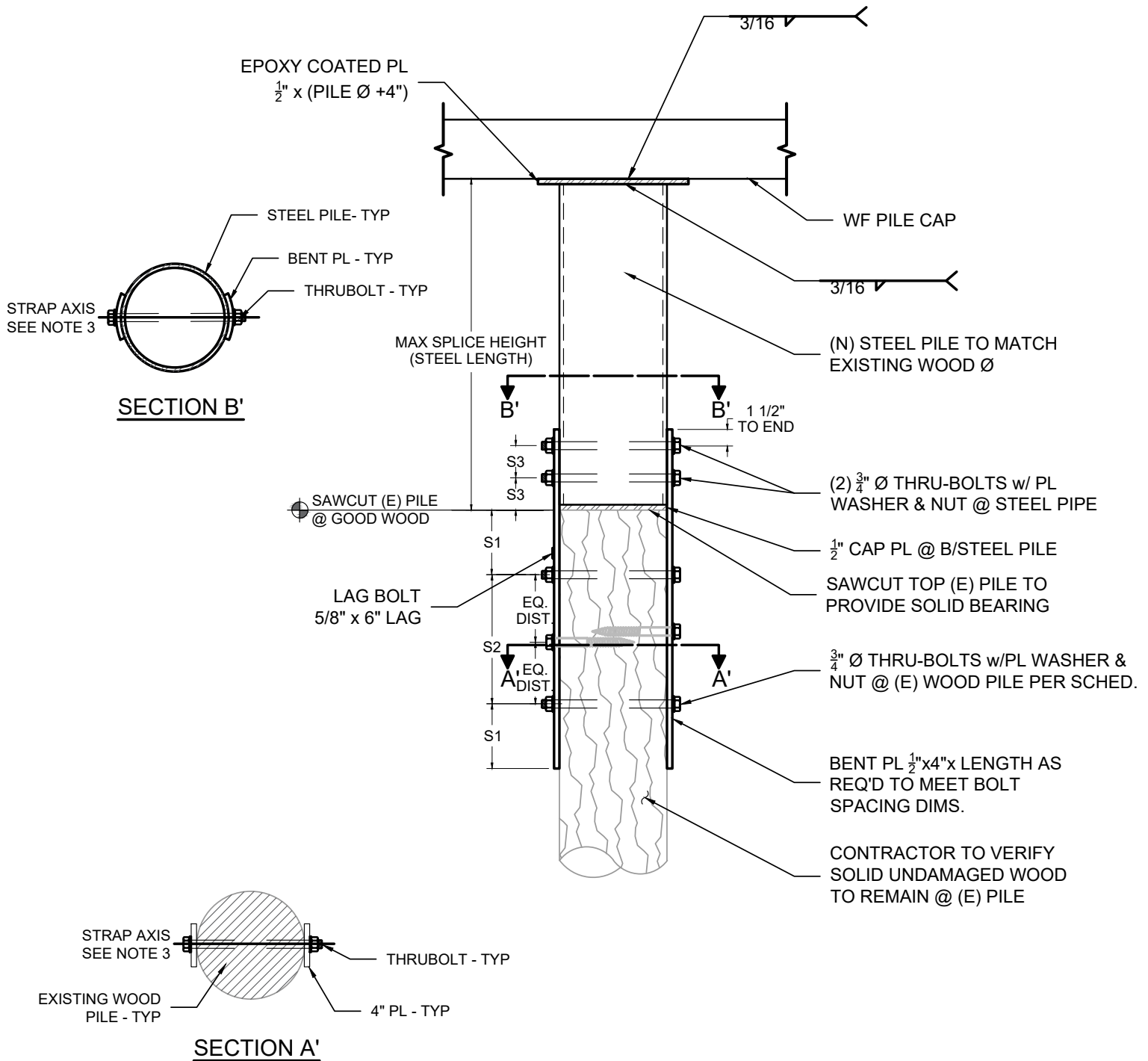
PIER WALKWAY SECTION A **(PROPOSED)**

SCALE 1/2" = 1'-0"



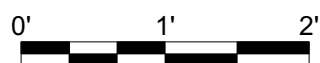
Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



PILE SPLICE DETAIL

SCALE $\frac{3}{4}$ " = 1'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

PLANTING LEGEND



SHORE PINE - 1



DOUGLAS FIR - 1



RED-OSIER DOGWOOD - 5

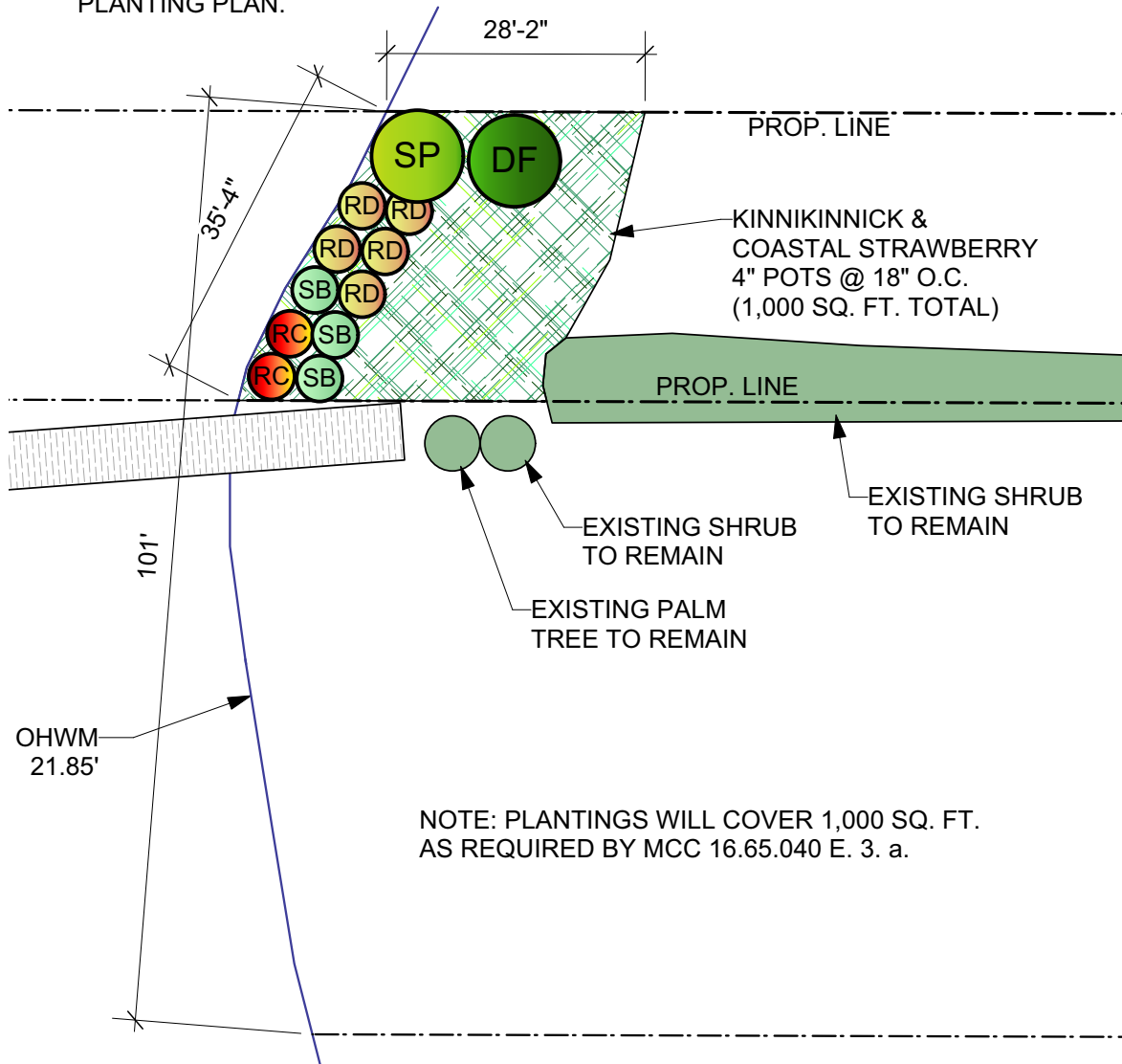


SNOWBERRY - 3



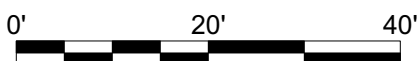
RED-FLOWERING CURRANT -

NOTE: INVASIVE KNOTWEED IS PRESENT ALONG SHORELINE AND WILL BE REMOVED PRIOR TO IMPLEMENTING THE PLANTING PLAN.



PLANTING PLAN

SCALE 1" = 20'-0"



Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

MITIGATION MONITORING PLAN:

THE OWNER SHALL ASSURE:

- 100 PERCENT SURVIVAL OF ALL PLANTS DURING THE FIRST TWO YEARS OF MONITORING
- 80 PERCENT SURVIVAL OF SHRUBS DURING THE FINAL THREE YEARS OF MONITORING.
- NO MORE THAN 10% COVERAGE OF INVASIVE WOODY VEGETATION IN ANY GIVEN YEAR
- THE INSTALLED VEGETATION COMMUNITY WILL BE MONITORED FOR FIVE YEARS AFTER INITIAL INSTALLATION

THE REQUIRED REPORT THAT WILL BE SENT TO THE ARMY CORPS OF ENGINEERS, WILL ALSO BE SENT TO THE CITY OF MEDINA WHEN THE REPORTS ARE DUE ANUALLY.

MAINTENANCE:

MAINTENANCE OF THE PLANTING AREA DURING THE FIVE-YEAR MONITORING PERIOD SHALL BE CONDUCTED BY THE APPLICANT.

MAINTENANCE SHALL INCLUDE:

- REMOVAL AND REPLACEMENT OF DEAD OR DYING PLANTS
- WEEDING OF NON-NATIVE INVASIVE SPECIES, AND WATERING
- MAINTENANCE SHALL NOT INCLUDE APPLICATION OF TOXIC CHEMICAL TREATMENTS

FINANCIAL SECURITY:

A FINANCIAL SECURITY MEETING THE REQUIREMENTS OF MMC 16.65.040.G WILL BE EXECUTED FOR THE PROPOSED MITIGATION PLANTINGS IF REQUIRED BY THE CITY.

Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

Exhibit 11
P-23-065

Peng Jianbo & Ge Xin
3317 Evergreen Point Rd
Medina, WA 98039

Brian & Michelle Hayden
3223 Evergreen Point Rd
Medina, WA 98039

Ron Royce
3267 Evergreen Point Rd
Medina, WA 98039

EVGP 3263 LLC
123 108th Ave NE
Bellevue, WA 98004

Haihua Yun
3319 Evergreen Point Rd
Medina, WA 98039

Li Wei Liu
123 108th Ave NE
Bellevue, WA 98004

Foremost Enterprises LLC
3257 Evergreen Point Rd
Medina, WA 98039

Mark Holmes
3227 Evergreen Point Rd
Medina, WA 98039

Kelly William
10861 E Adobe Creek Pl
Tucson, AZ 85749

Sung Chul Kim & Su Young Ha
3239 Evergreen Point Rd
Medina, WA 98039

Sheree Wen
3245 Evergreen Point Rd
Medina, WA 98039

Senthil Gnanaprakasam &
Prathiba Murthi
9524 225th Way NE
Redmond, WA 98053

Kalyanaraman Srinivasan &
Vijayalakshmi Gadad Raman
3235 Evergreen Point Rd
Medina, WA 98039

Naga Govindaraju & Qi Zhang
3225 Evergreen Point Rd
Medina, WA 98039

Lin Legacy Trust
PO Box 237
Medina, WA 98039

Gretchen Stengel
3221 Evergreen Point Rd
Medina, WA 98039

Everbright FML LLC
2659 90th Ave NE
Clyde Hill, WA 98004

Ashok Meyyappan
3108 92nd Ave NE
Clyde Hill, WA 98004

Howard & Lisa Hawk
3249 Evergreen Point Rd
Medina, WA 98039

Denise Lane
3340 Evergreen Point Rd
Medina, WA 98039

Wang Living Trust
3240 Evergreen Point Rd
Medina, WA 98039

Peter Neupert
3311 Evergreen Point Rd
Medina, WA 98039

Vikram Nagaraj
3241 Evergreen Point Rd
Medina, WA 98039

Helen Xiaolin Niu
3244 Evergreen Point Rd
Medina, WA 98039

Troy & Elizabeth Gessel
3261 Evergreen Point Rd
Medina, WA 98039

Amitoz & Anna Manhas
3233 Evergreen Point Rd
Medina, WA 98039

Kevin & Kimberly Oakes
3256 Evergreen Point Rd
Medina, WA 98039

William Savoy
3313 Evergreen Point Rd
Medina, WA 98039

KEH LLC
4137 Boulevard Pl
Mercer Island, WA 98040

Boris Rubinstin & Tsiprin Tanya
3266 Evergreen Point Rd
Medina, WA 98039

Newell & Myrle Bossart (Trustees)
3311 78th PI NE
Medina, WA 98039

Cui He & Jie Bai
3255 78th PI NE
Medina, WA 98039

Steven & Jennifer Sohn
3268 Evergreen Point Rd
Medina, WA 98039

David & Grace Kim
3301 78th PI NE
Medina, WA 98039

Ji Lei
3310 Evergreen Point Rd
Medina, WA 98039

Ming Yin & Miao Liu
3316 Evergreen Point Rd
Medina, WA 98039

EVGP 3337 LLC
123 108th Ave NE
Bellevue, WA 98004

Liu Liwei
123 108th Ave NE
Bellevue, WA 98004

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Selected parcels: 24

Selected parcels: 24

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	2425049211	3261 EVERGREEN POINT RD 98039
	2425049270	3239 EVERGREEN POINT RD 98039
	2425049161	3249 EVERGREEN POINT RD 98039
	2425049065	3263 EVERGREEN POINT RD 98039
	242504HYD R	...
	2425049063	3317 EVERGREEN POINT RD 98039
	2425049275	N/A
	2425049067	3243 EVERGREEN POINT RD 98039
	2425049226	3223 EVERGREEN POINT RD 98039
	2425049066	3257 EVERGREEN POINT RD 98039
	2425049266	3265 EVERGREEN POINT RD 98039
	2425049192	3311 EVERGREEN POINT RD 98004
	2425049237	3227 EVERGREEN POINT RD
	2425049279	N/A
	2425049069	3221 EVERGREEN POINT RD 98039
	2425049256	3245 EVERGREEN POINT RD 98039
	2425049229	3319 EVERGREEN POINT RD 98039
	2425049274	3233 EVERGREEN POINT RD 98039
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	2425049264	3225 EVERGREEN POINT RD 98039
	2425049271	3241 EVERGREEN POINT RD 98039
	2425049224	3313 EVERGREEN POINT RD 98039

Map layers

Updated: Dec 5, 2013

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☒ New selection

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Selected parcels: 35

	Parcel number	Address
✖	2425049278	3267 EVERGREEN POINT RD 98039
✖	7397300211	3244 76TH AVE NE 98039
✖	2425049211	3261 EVERGREEN POINT RD 98039
✖	2425049270	3239 EVERGREEN POINT RD 98039
✖	2425049061	3337 EVERGREEN POINT RD 98039
✖	7397300241	3268 EVERGREEN POINT RD
✖	7397300200	3242 EVERGREEN POINT RD
✖	2425049161	3249 EVERGREEN POINT RD 98039
✖	2425049065	3263 EVERGREEN POINT RD 98039
✖	7397300251	3310 76TH AVE NE 98039
✖	7397300230	3266 EVERGREEN POINT RD
✖	2425049063	3317 EVERGREEN POINT RD 98039
✖	2425049223	3335 EVERGREEN POINT RD 98039
✖	7397300250	3311 78TH PL NE 98039
✖	2425049275	N/A
✖	2425049067	3243 EVERGREEN POINT RD 98039
✖	2425049220	3309 EVERGREEN POINT RD 98039
✖	7397300240	3255 78TH PL NE 98039
✖	7397300260	3340 EVERGREEN POINT RD 98039
✖	2425049066	3257 EVERGREEN POINT RD 98039
✖	2425049266	3265 EVERGREEN POINT RD 98039
✖	2425049192	3311 EVERGREEN POINT RD 98004
✖	7397300252	3316 76TH AVE NE 98039
✖	2425049279	N/A
✖	2425049062	3329 EVERGREEN POINT RD 98039
✖	7397300243	3301 78TH PL NE 98039
✖	2425049256	3245 EVERGREEN POINT RD 98039
✖	2425049229	3319 EVERGREEN POINT RD 98039
✖	2425049274	3233 EVERGREEN POINT RD 98039
✖		3235 EVERGREEN POINT RD

Map layers

Updated: Dec 5, 2013

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TECHNICAL MEMORANDUM

Exhibit 12
P-23-065

Prepared by: Farallon Consulting, L.L.C. dba Grette Associates
2709 Jahn Avenue NW, Suite H-5
Gig Harbor, WA 98335

October 4, 2024

Prepared for: City of Medina
Attention: Rebecca Bennett
PO Box 144 – 501 Evergreen Point Rd.
Medina, WA 98039

File No.: 3362-001-002

Re: 3263 Evergreen Point Road – P-23-065: No Net Loss Third-Party Review

The City of Medina (City) contracted with Farallon Consulting, L.L.C. dba Grette Associates (Grette), to assist in the review of the Ecological No Net Loss Assessment Report (the “Report”; dated November 2023) prepared by Northwest Environmental Consulting, L.L.C. for the property located at 3263 Evergreen Point Road, Medina, Washington (P-23-065 and P-23-066).

In response to Grette’s April 8, 2024 third-party review of the Report, Northwest Environmental Consulting submitted a revised Report (the “Revised Report”, dated July 2024) to address Grette’s comments. Grette completed a review of the revised materials on August 13, 2024 which concluded that the Revised Report was updated to include a monitoring program consistent with the requirements defined in MMC 16.67.040. However, the Revised Report still needed to include mitigation sequencing to demonstrate that all reasonable efforts to avoid and minimize impacts were undertaken for compliance with Medina Municipal Code (MMC) 16.66.010.D.

As noted in the August 2024 review, the proposed project is intended to support existing boat moorage and will not introduce additional boating beyond what currently exists. The existing dock includes a boat lift and jet-ski lift which will remain after the proposed project is complete. The mitigation section did not provide any information to demonstrate why the new additional lifts are necessary and how the associated impacts are unavoidable. Grette recommended that the Revised Report be updated to demonstrate that all reasonable efforts to avoid and minimize impacts have been considered for compliance with MMC 16.66.010.D. Grette also noted that, at a minimum, the Revised Report should include a description of why the additional boat and jet-ski lifts are needed and that existing moorage is not adequate. The Revised Report alludes to the dock serving multiple single-family residences but does not provide any additional information to explain how many residences the dock serves, why additional lifts are necessary, or show that the proposed project meets the allowed number of lifts as defined in Table 16.65.080 of the MMC.

Following Grette’s August 2024 review, the City met with the applicant on August 29, 2024 to discuss the mitigation sequencing requirements defined in MMC 16.66.010.D. Per MMC 16.66.010.D.4, the director may determine that more or less information is necessary for a no net

loss analysis report. At the conclusion of this meeting it was determined that the Revised Report did not need to include mitigation sequencing in the no net loss analysis.

Northwest Environmental Consulting provided the City a letter (dated August 29, 2024) that summarizes their meeting with the City regarding mitigation sequencing requirements which also provided additional detail regarding the additional lifts proposed. The project will serve three residential properties and will not exceed the number of lifts allowed under Table 16.65.080. Northwest Environmental Consulting's August 29, 2024 letter has sufficiently addressed Grette's outstanding comment.

This review was conducted using the best available scientific information and methodologies, best professional judgment of Grette staff biologists, and in consultation with the City. Final acceptance and approval of the Revised Report is at the discretion of City staff.

If you have any questions regarding this review, please contact me at (253) 573-9300, or by email at chadw@gretteassociates.com.

Regards,

A handwritten signature in black ink, appearing to read 'Chad Wallin', is positioned above the typed name.

Chad Wallin, PWS
Project Biologist
Farallon Consulting L.L.C. dba Grette Associates

Thomas Carter

From: Chad Wallin <chadw@gretteassociates.com>
Sent: Tuesday, September 3, 2024 11:35 AM
To: Jonathan Kesler; Thomas Carter
Subject: RE: Martin Pier NNL Report for P-23-065

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Great, thanks for the clarification.

Chad Wallin

Project Biologist

Grette Associates, a division of Farallon Consulting

2709 Jahn Ave NW, STE H5

Gig Harbor, WA 98335

Office: (253) 573-9300

Email: chadw@gretteassociates.com

Web: www.farallonconsulting.com



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From: Jonathan Kesler <jkesler@medina-wa.gov>
Sent: Tuesday, September 3, 2024 9:20 AM
To: Thomas Carter <tcarter@LDCcorp.com>; Chad Wallin <chadw@gretteassociates.com>
Subject: RE: Martin Pier NNL Report for P-23-065

Hello All,

Yes, but that provision of the Code, MMC 16.66.010 (C.4 and D.4), could be applicable to other projects as well. So, we'd look at it on a case-by-case basis.

Cordially,

Jonathan

Jonathan G. Kesler, AICP
Planning Manager
City of Medina

501 Evergreen Point Rd.
PO Box 144
Medina, WA 98039
425-233-6416
jkesler@medina-wa.gov



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From: Thomas Carter <tcarter@LDCcorp.com>
Sent: Friday, August 30, 2024 11:57 AM
To: Chad Wallin <chadw@gretteassociates.com>; Jonathan Kesler <jkesler@medina-wa.gov>
Subject: RE: Martin Pier NNL Report for P-23-065

Hello Chad,

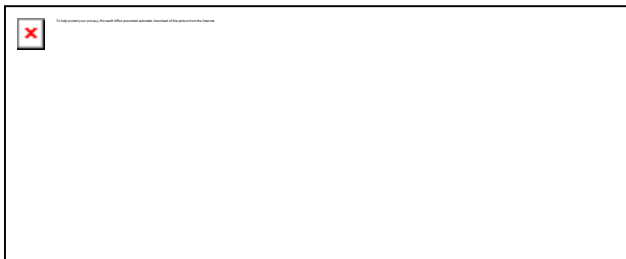
From what I understand I believe this determination only applies to this project.

@Jonathan, can you please confirm?

Thanks,

Thomas Carter
Associate Planner
E: tcarter@LDCcorp.com
D: 425-949-0152

20210 142nd Ave NE Woodinville, WA 98072
www.LDCCorp.com 425-806-1869



From: Chad Wallin <chadw@gretteassociates.com>
Sent: Thursday, August 29, 2024 1:55 PM
To: Thomas Carter <tcarter@LDCcorp.com>; Jonathan Kesler <jkesler@medina-wa.gov>
Subject: RE: Martin Pier NNL Report for P-23-065

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Thanks for the update. I am assuming that this determination is specific to this project, correct?

Chad Wallin

Project Biologist

Grette Associates, a division of Farallon Consulting

2709 Jahn Ave NW, STE H5

Gig Harbor, WA 98335

Office: (253) 573-9300

Email: chadw@gretteassociates.com

Web: www.farallonconsulting.com



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From: Thomas Carter <tcarter@LDCcorp.com>
Sent: Thursday, August 29, 2024 1:49 PM
To: Jonathan Kesler <jkesler@medina-wa.gov>
Cc: Chad Wallin <chadw@gretteassociates.com>
Subject: FW: Martin Pier NNL Report for P-23-065

Hello Chad,

Jonathan and I had a meeting with the applicant to go over the applicability of including mitigation sequencing in the No Net Loss report.

It was determined that under MMC 16.66.010 (C.4 and D.4) that mitigation sequencing does not need to be included in the No Net Loss report for this project.

I'm going to follow up with the applicant and have them provide us with a comment response letter and will send that over for your records.

Thanks,

Thomas Carter

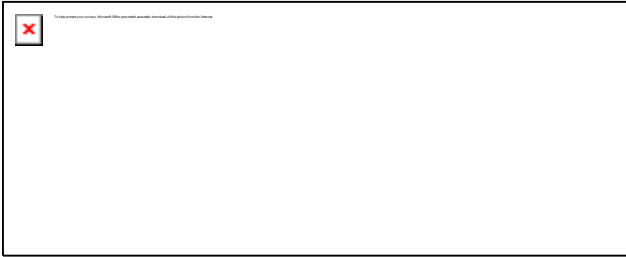
Associate Planner

E: tcarter@LDCcorp.com

D: 425-949-0152

20210 142nd Ave NE Woodinville, WA 98072

www.LDCCorp.com 425-806-1869

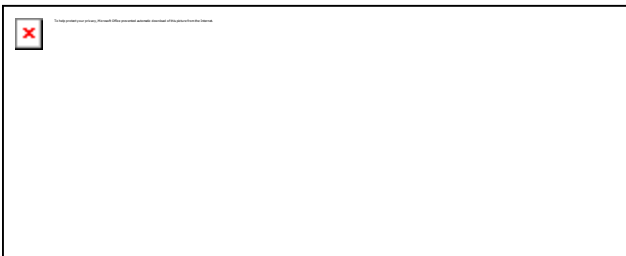


From: Thomas Carter
Sent: Thursday, August 29, 2024 10:51 AM
To: Brad Thiele <brad@northwest-environmental.com>
Cc: Jonathan Kesler <jkesler@medina-wa.gov>; Evan Wehr <evan@eccodesigninc.com>
Subject: RE: Martin Pier

Works for me.

Thomas Carter
Associate Planner
E: tcarter@LDCcorp.com
D: 425-949-0152

20210 142nd Ave NE Woodinville, WA 98072
www.LDCCorp.com 425-806-1869



From: Brad Thiele <brad@northwest-environmental.com>
Sent: Thursday, August 29, 2024 10:42 AM
To: Thomas Carter <tcarter@LDCcorp.com>
Cc: Jonathan Kesler <jkesler@medina-wa.gov>; Evan Wehr <evan@eccodesigninc.com>
Subject: Re: Martin Pier

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Does 1pm work for everyone today?

Brad Thiele
Northwest Environmental Consulting
3639 Palatine Ave N
Seattle, WA 98103
206-234-2520

On Aug 29, 2024, at 10:39 AM, Thomas Carter <tcarter@LDCcorp.com> wrote:

Hello Jonathan and Brad,

I'll be available today from 10 a.m. to 3 p.m., and tomorrow from 9 a.m. to 12 p.m.

Based on my experience with previous No Net Loss Report reviews by Grette Associates, they typically prefer that mitigation sequencing be addressed in these reports. I also confirmed with them that during their review, they specifically look for projects to demonstrate mitigation sequencing when a No Net Loss analysis is required per [MMC 16.66.010.D](#)

Let me know what time works best for you both.

Thomas Carter

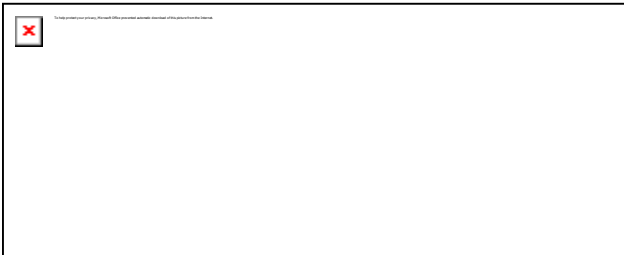
Associate Planner

E: tcarter@LDCcorp.com

D: 425-949-0152

20210 142nd Ave NE Woodinville, WA 98072

www.LDCcorp.com 425-806-1869



From: Brad Thiele <brad@northwest-environmental.com>

Sent: Thursday, August 29, 2024 10:22 AM

To: Jonathan Kesler <jkesler@medina-wa.gov>

Cc: Evan Wehr <evan@eccodesigninc.com>; Thomas Carter <tcarter@LDCcorp.com>

Subject: Re: Martin Pier

Importance: High

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Today works for me. Friday I will be out of the office until Wednesday.

Brad Thiele

Northwest Environmental Consulting

3639 Palatine Ave N

Seattle, WA 98103

206-234-2520

On Aug 29, 2024, at 10:04 AM, Jonathan Kesler <jkesler@medina-wa.gov> wrote:

Hello Brad,

I've delegated this current planning work to our consultant, Thomas Carter, at LDC, Inc., therefore I'm not enmeshed in this issue currently. So, I'd like him on the call. I'm focused on long-range planning issues right now – the Comp Plan & Middle Housing. Plus, I am in and out of the office due to some medical appts. for a health issue.

So, Thomas' insight will be key. When would you like to chat? A team or Zoom call would probably be best. I'm available today until 2 pm or any time after 9 am (till 2 pm) tomorrow (Fri), the day before the long weekend. Thomas, when are you available?

Cordially,

Jonathan

Jonathan G. Kesler, AICP
Planning Manager
City of Medina
501 Evergreen Point Rd.
PO Box 144
Medina, WA 98039
425-233-6416
jkesler@medina-wa.gov

<image001.png>

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From: Brad Thiele <brad@northwest-environmental.com>

Sent: Wednesday, August 28, 2024 10:41 AM

To: Jonathan Kesler <jkesler@medina-wa.gov>

Cc: Evan Wehr <evan@eccodesigninc.com>

Subject: Re: Martin Pier

Hi Jonathan,

I hope you are doing well.

Can we set up a brief call to go over this review. I would like to get some clarity from you on the City's expectations on these reports moving forward. I feel like we have addressed the reviewers comments and some of the comments have to do with code compliance and mitigation sequencing for allowed uses. We can add this content to our reports moving forward, but is a grey area to me on whether that belongs in the NNL report or another format.

Regards,

Brad Thiele
Northwest Environmental Consulting
3639 Palatine Ave N
Seattle, WA 98103
206-234-2520

On Aug 27, 2024, at 3:08 PM, Evan Wehr <evan@eccodesigninc.com> wrote:

Hi Brad,

Attached are additional comments on this project. FYI there will be three single family residences that will share the pier. If you need any additional information from me to complete your correction response please let me know.

Thanks,
Evan

Evan Wehr
(c) 509-969-1994 (current best contact)
(o) 206-706-3937
ecco design inc.
7413 Greenwood Ave N.
Seattle, WA 98103

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On Thu, Jul 25, 2024 at 9:42 AM Brad Thiele <brad@northwest-environmental.com> wrote:

Good Morning Evan,

Attached is the revised Martin NNL with a mitigation sequencing section added. Let me know if you have any questions or comments.

Regards,

Brad Thiele
Northwest Environmental Consulting
3639 Palatine Ave N
Seattle, WA 98103
206-234-2520

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August 29, 2024

Thomas Carter
City of Medina, Planning Consultant
501 Evergreen Point Road
P.O. Box 144
Medina, WA 98039-0144

RE.: 3261 and 3263 Evergreen Point Road – File No: P-23-065 & P-23-066

Dear Mr. Carter

Thank you for your letter dated February August 14, 2024 in reference to the Third Party Review for the above mentioned project. The Third Party reviewer requested additional information for the Mitigation Sequencing be added to the No Net Loss report as required by the MMC 16.66.020.

Per our discussion on August 29th with Jonathan Kessler and Evan Wehr, we believe the director can reduce the requirements of the No Net Loss report for various reasons per MMC 16.66.010.C.4 and D.4. The conclusion was that a mitigation sequencing requirement can be waived for projects that are designed to meet the dimensional requirements of the code. The code has been subjected to public comments and approved by the Department of Ecology and approved actions in the Lake cannot avoid the impacts to the Lake so the mitigation sequencing is not always applicable to these projects.

It should be noted that the proposed pier will be jointly owned and used by three properties, 3261, 3263, and 3267 Evergreen Point Road. The proposed number of lifts (four boat lifts, two double jet-ski lifts, and one single jet-ski lift) meets the requirements of Table 16.65.080 of the MMC for the total number of lifts per single family dwelling which is three per dwelling.

We believe this project meets the No Net Loss requirements in the code by being compliant with the standards of the code and provides onsite mitigation and mitigation through the RAP program.

Please let me know if you require any additional information. I can be reached at 206-234-2520, or brad@northwest-environmental.com,

Regards,



Brad Thiele

Thomas Carter

From: Howard Hawk <howard_hawk@hotmail.com>
Sent: Wednesday, April 10, 2024 4:24 PM
To: Rebecca Bennett; Jonathan Kesler
Cc: Lisa Hawk; Vikram Nagaraj (Hotmail)
Subject: Comments to Notice of Application - Building Permit: File P-23-065 / P-23-066

Dear Neighbors, City Officials and Stakeholders,

This is in response to the Notice of Application for a Non-administrative Substantial Development Permit and SEPA Threshold Determination to modify a pier at 3261 Evergreen Point Rd, Medina, WA 98039.

We appreciate the opportunity to constructively comment on the application. We have deep concerns about the proposed application, yet greatly respect right and desire of our neighbors to enjoy the waterfront to it's fullest, as we have for many years. We look forward to discussing and addressing these concerns. Please see below several points that we feel warrant further information and consideration.

Respondents – Hawk: We have the adjacent property to the south of 3261 Evergreen Point Rd. We moved into this Medina neighborhood in 1999 and have raised our family from Medina Elementary to Bellevue High School, and value our wonderful neighborhood, community, and City of Medina

Respondents – Nagaraj: We have the property 3241, two properties to the south of 3261 Evergreen Point Rd. We moved into this Medina home in 1999 and have raised our family from Medina Elementary to Bellevue High School, and value our wonderful neighborhood, community, and City of Medina:

Notice, Review Period & Access to Information: We were recently notified for the first time in standard mail of this proposed significant expansion of the dock at the above address and would like to request additional information and time to determine the impact and any feedback of this proposed development, as requested by the city of Medina. The Notice of application said the complete application can be viewed ..."electronically by emailing the staff contact below." We were directed to make a public request to the website: <https://cityofmedinawa.nextrequest.com>. We were not able to access the detailed application information until 4/8 or 4/9/2024, which did not provide a lot of time for thorough evaluation. As of 4/9/2024, we were shared a link to the application documentation by a neighbor. As concerned neighbors, we would encourage transparency, access to very relevant plans and information, and meaningful discussion in decisions that greatly affect our community and properties. Because of the short notice period, we would like to make some comments and concerns in isolation of more detailed information and evaluation of the full application, and request more time to review and evaluate the application documentation and appreciate the right to provide additional or modified comments upon further review. Being so close with direct impact to this project, we are very surprised that the public notice of application was the first we had heard of this application. Sooner notification could have well provided for appropriate feedback and discussion much sooner. We also have several

pictures, charts, drawings and maps that further represent and explain many of the points below in more detail.

We have significant concerns about the dock expansion that we have as well as request additional information to comment on fully. These concerns include:

- The length of this proposed dock will be far outside of the typical “dock line” of the nearby real estate.
- If this dock is approved for significant additional length, this may set dangerous precedent in the neighborhood for significantly expanded docks
- We assume and have been told that length expansion into deeper water is largely for the purpose of obtaining deeper moorage, and attracting and mooring larger vessels. Otherwise there appears to be plenty of room to the north for expanding the dock for typically smaller vessels and boat lifts.
- We would like to understand which properties have access to the proposed dock, as with the new development, it seems to have changed.
- There are significant inaccuracies and omissions in the application. For example, in the ENVIRONMENTAL CHECKLIST, WAC 197-11-960, it inaccurately states that no “views in the immediate vicinity would be altered or obstructed.” This is completely inaccurate based on our experience and understanding of the current design, and several of us living in the neighborhood for over 20 years. Some of the measurements were initially evaluated to be inaccurate. Also, the project is misrepresented as “Hill Pier”, at an incorrect address. Should the community believe this is a “Copy-Paste” / rubber-stamp application by a dock construction company with no real regard to the unique requirements of the neighborhood or those impacted?
- After many years of obstructed views from the 520 Bridge development, our original view was shifted more toward the Northwest. This project will impact views as the dock is designed to extend west and southwest much further into our view.
- The measurements of the project do not appear to be keeping with the standards as outlined in the Medina standards code, including Table 16.65.040, and additional information is required. Initial evaluation shows the proposal is outside standards and additional survey, time and evaluation is required.
- If greater space is required for dock expansion, we wonder and ask why this can’t be accomplished with more development on the benefiting properties rather than impacting and obstructing neighbor’s properties and views. There seems to be plenty of space to the North into the sponsoring / benefiting property rather than out further in the lake to the West / Southwest. See the significant water space available to the north of the existing dock.
- Even though the new beneficiary property / shoreline is oriented towards the Northwest, the proposed development is oriented to the Southwest, shifting the damage / impact toward other properties rather than the beneficiary properties. See the map showing the northwest shoreline belonging to the 3263 Evergreen Pt Rd. This conforms to the standards and the adjacent dock to the north.

- If this development was to be approved, what impact is foreseen for other docks in the future for expansion, lengthening, and other development, both for “fairness”, and in response to this significant expansion?
- Others in our neighborhood have requested extending their docks “based on the code”, but the city has declined. When would nearby residents be entitled to a 100’ dock, and when would they not?
- The current dock design has boats oriented such that the view is primarily impacted by the beam (width) of the boat. Proposed design orients new lifts in a north/south direction, impacting the view with the entire length of additional boats.
- Have other dock configurations been considered which benefits the necessary parties but does not negatively impact others? For example, building different north/south configuration, building a new / separate dock, extending along shared property line vs all in current property.
- Neighbors and ourselves do not feel appropriate notice was provided and sufficient time provided for educated feedback, with access to appropriate information.
- When talking to several people in the Mailing Buffer zone, they indicated they had not been notified, and therefore had not had necessary time to comment. Some thought this may be due to the recent mailbox sabotage / theft along Evergreen Pt Rd.
- What is the dock development standard for new construction / extensions – is it in keeping with nearby dock conformity in terms of direction, or in-line with property lines? Why is this proposed development not in keeping with the angle of the dock to the adjacent property to the north? (A more west / northwest angle, vs southwest)?
- With the new 520 Bridge and development (and accompanying safety float lines), the smooth flow of boat traffic was redirected much further to the north and much closer to our property. This has significantly changed boat flow patterns and operator behavior. This has significantly increased boat noise / impulsive noise, as boats try to navigate this narrowed opening. Proposed dock development would further alter smooth boat flow and disrupt the natural path of boats and further cause quick change and acceleration (reported by several neighbors as well), and increased noise levels. These quick changes in boat flow may also have safety implications which should be evaluated.
- We believe that that motivations are driven by real-estate developers and real-estate transactional sellers for short-term real estate valuation goals rather than in the best interest of the neighborhood and community. This is proven out by similar developments by some of the same participants as discussed below, and very detrimental to those living in the community. We understand none of the current occupants of sponsoring beneficiary properties plan to be in the neighborhood in the foreseeable future. However, regardless of any motivations, we believe the benefits vs the detrimental impact is not balanced.

We also have concerns that this application is prepared, communicated and driven in a way that is inaccurate, non-transparent, and not in keeping with the community’s best interest and will cause ill-

will, as with recent projects. We have serious concerns about the completeness and integrity of the information. We unfortunately point this out based on recent community and real estate developments represented by the same agent in the same neighborhood, where the practices were judged to be “spectacularly inequitable”, and ruling stated parties: “engaged in inequitable conduct and acted with unclean hands”. We do not present this lightly, but to point out the tremendous community harm and distrust that is caused by this type of short-term, non-transparent, self-serving development with no open discussion and commitment to the community’s harmony and best interest. This judgement is from misrepresented real estate information leading to a years-long easement legal dispute and causing significant ill-will in the community. While the judgement was eventually found in favor of the defendants (including our properties), it generated years of significant legal bills, was not able to be settled during months long arbitration within the neighborhood, and eventually had to be decided by judgement by King Country Superior Court, at considerable legal costs, time and emotional anguish of people living in this community for many years – even decades (information can be accessed via the court). Again, the court found that the proposed resolution was “spectacularly inequitable”, and was based on advice that was judged “engaged in inequitable conduct and acted with unclean hands”. With the proper process, communication, and transparent information, we greatly believe we can and hope to avoid such community ill-will and significant similar expenses. I think we all trust that this is not the type of community we all aspire to.

In conclusion, our waterfront is a defining feature of our community and lifestyle. We urge all neighbors, stakeholders, including developers and agents, city officials, and community leaders, to engage in a thorough and transparent dialogue related to this important project and site. We look forward to working together and creating a positive and balanced outcome for the continued waterfront enjoyment of all parties affected, and for the community and neighborhood we all wish to enjoy now and in the future.

Thank you for your attention, and I look forward to an open and constructive discussion.

Sincerely,

Howard and Lisa Hawk
3249 Evergreen Pt Rd
Cell: 425.922.1090

Vikram and Vandana Nagaraj
3241 Evergreen Pt Rd
Cell: 425.444.4877

Thomas Carter

From: Mark Holmes <mark.holmes.medina@gmail.com>
Sent: Sunday, April 14, 2024 10:48 PM
To: Rebecca Bennett; Jonathan Kesler
Cc: holmesj63@gmail.com; 'mark.holmes.medina@gmail.com'
Subject: Comments to Notice of Application - Building Permit: File P-23-065 / P-23-066

Hello City of Medina,

This e-mail is in response to the Notice of Application that we received with regards to the modification of the dock located at 3261 Evergreen Point Road in Medina.

We are opposed to the dock expansion as proposed. As you are aware, views have become a huge part of the value of any property in Medina.

While I'm not opposed to a modification of an existing dock or to a rebuild of an existing dock, we strongly feel that careful consideration must be placed upon any dock modification that would alter the view of existing owners surrounding a dock, especially a dock that has been the same size and shape for decades. To alter the size and/or shape of a dock would certainly damage the surrounding properties value.

I also question how such an aggressive modification could be allowed. When we rebuilt our dock several years ago, we too wanted to expand the "flag" or the outer "pad" at the end of our dock and we were told that we could not. I would like to know if the shoreline laws or the laws of Medina have changed since we approached the City of Medina for our dock rebuild?

Finally, we urge the city to place weighed consideration on owners that have supported this great City over the years and not bend or be bullied by outside development money that has invaded our city with a sole goal of making money and not to enhance the livability of our amazing town. We have to live here and these developers storm into town, demand that we allow whatever they want, get their money and then leave town. Please consider the long-time citizens and how these proposals impact their lives.

You've got a tough job and we appreciate all the hard work each city staff member contributes to the further enhancement of our very special community.

Thank you for listening.

Jennifer & Mark Holmes

3227 Evergreen Point Road

Medina, WA 98039

mark.holmes.medina@gmail.com

(425) 351-4000 mobile

Medina, WA 98039

425-233-6416

jkesler@medina-wa.gov

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

From: **Chris K** <chrisk.coho@gmail.com>

Date: Tue, Apr 9, 2024 at 4:23 PM

Subject: Comments File #P23-065 & 066 (3261 Evergreen PT Rd)

To: Jonathan Kesler <jkesler@medina-wa.gov>

Mr. Jonathan Kesler
City of Media Planning Manager

Dear Mr. Kesler,

Thank you for assisting us and making the project file available to us. Per your correction letter of January 4th to the applicant and Ecco (Evan Wehr's) response of February 16th, 2024, the project Notice of Application is misleading, deceptive and had mistakes (3619 Evergreen PT Rd environmental checklist David Hill). We wrote to you January 27th, following a meeting w/ 3261 Owners Troy and Elizabeth Gessel and then having spoken with 3267 Owner Ron Royce about their knowledge of this application, for three additional boat lifts and four double jet ski lifts. This extends the dock (serving 1 boat and 1 jet ski Westward by approximately 40' plus and Northward by 32').

Currently both the 520 traffic noise (speeding cars when traffic is reduced after 9PM) and boats/marine craft slowing down around the bridge and then accelerating w/ either music or voices even past midnight are disturbances to us. As you're well aware, water carries voices, music and noises more than air. This area of the Lake is largely unregulated and obviously not practical to have the Clyde Hill patrol boat monitoring jet skis or boat owners or guests enjoying their drinks directly in front of us. If any part of this project is approved, can you condition a decibel restriction on the boat/watercraft engine, or dock quiet hours from 10PM to 8AM?

Based on the commercial 10-12,000 square foot size of Liu's two warehouses, there can easily be 10 to 12 residents in each. Add just a few friends to each visit and there are potentially 30 people walking next to our house/yard making their way to the dock. What a party and disturbance they could be to 3261, ourselves and other neighbors. Can you limit the number of people who can use the dock at any given time?

Why were three boat lifts & 4 double jet ski lifts proposed? The Liu's realtor David Martin (listed on the NW Environment checklist) who largely directed the "design as you go" of Liu's 3265 Evergreen warehouse, may want that Owner to have some access at some point in the future, whether formally or not. Is there a way to ban this permanently (and leasing it out) if the project is allowed to proceed w/ so many boat and jet ski lifts? As we understand it, 3265 has no waterfront access on title today and this should remain.

The brigade of residents and their guests certainly will not want to carry their food, beverages, picnic baskets etc to the dock. We're worried Liu or future Owners will want to install some form of lift/tram or 4 wheel ATV vehicle ramp here. This will make it much easier to access the dock and their boats, but probably result in more people and frequency of use. This could result in cooking facilities being installed at or near the dock. Can you condition any approval to only allow people to walk down the recently improved walkway and NOT be allowed to add lift/trams/drive ramps and cooking/refrigeration facilities?

Over a year ago, we heard Liu was planning to add a swimming pool to the Western portion of 3263. This explains the ugly 12' high ecology block that was installed to provide a much larger flat grade to this warehouse some 3 years ago. Please see photos taken within the last week showing a portion of the construction nuisance we're forced to put up with. Just like the entire project commencing 5 years ago, Liu is not accountable to any completion schedule or being reasonable with neighbors.

Liu, Martin, Rene S. Wang (listed on EVGP 3263) and their cohorts have disregarded all common courtesy, reasonableness or respect as both a developer/contractor and resident of Medina. There are countless examples and complaints we have made with the City, whether it was lack of construction fencing, working after hours, litter, crude conduct of workers, and cutting our trees down without permission. Despite Mr. Steve Wilcox's intervention, Liu and Martin to date have been unwilling to provide a landscape plan for our mutual property line, expecting us to figure out how to provide a little privacy from their towering warehouses. They're unwilling to commit to a written plan, wanting maximum flexibility/options to "change on the fly" and not be caught. This forces us and all other neighbors to have to react after the fact. How long will this dock project take and can the City mandate a reasonable completion date (w/ no extensions) for all of our sake?

Perhaps Liu is deliberately dragging their feet on 3263's warehouse completion because of 1. current market listing of 3267 (Mr. Royce per my conversation w/ him is selling after less than 1 year and this dock proposal is too small to accomodate his boat) 2. 3263 although sold over 6months ago sits vacant w/ lights left on and 3. until this dock work is approved and completed, so Liu can market a swimming pool and boat/jet ski features.

The Liu property was originally a single residence with waterfront access for one family. Liu and Martin completed the draconian subdivision/boundary changes resulting in liveable spaces fifteen fold larger than what existed. Why weren't the dock plans, swimming pool or detailed landscape plans shared with the original project submission? We understand changes are inevitable and different owners have different needs. Given the 5 year behavior to date of this developer, all you can do to permanently (title restriction?) reduce the project's (3 addresses) options or loopholes now and indefinitely is warranted.

We welcome your comments and as twenty plus year residents of Medina, this is truly in the best interests of the City. We appreciate being able to review and comment on any proposals at these three Liu addresses, whether landscaping, fencing, swimming pool, sportcourt, etc.
Thank you for your cooperation and sincere effort to do what is right.

Yours, Chris & India
3257 Evergreen Pt Rd.
w. 206 577-3616
III. Jonathan Kesler

Thu, Apr 11, 10:56 AM (5 days ago)



DEVELOPMENT
SERVICES

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Water Depth Waiver Request

Exhibit 15
P-23-065

Instructions:

1. The Medina Shoreline Master Program requires overwater structures such as piers, floats, moorage covers and boatlifts to have a minimum water depth. (See Chapter 16.65 MMC for water depth standards.)
2. This form may be used to request a waiver from the minimum water depth standard. If requesting a water depth waiver for more than one structure, please complete a separate water depth waiver request for each.
3. Please complete this form and answer the criteria thoroughly. Attach supporting documents as necessary. Your answers must satisfy the criteria to receive approval of the waiver. Requests will be denied if they do not satisfy the criteria.

General Information

Property Owner Name: EVGP 3263 LLC	Water depth waiver request is for (check one):
Property Address: 3261 & 3263 Evergreen Point Road Medina, WA 98039	☐ Pier/ Float ☐ Covered Moorage ☒ Boatlift/ Jet Ski Lift ☐ Buoy/ Moorage Pile

Contact Information

Contact Person: Evan Wehr	Phone: 509-969-1994
	Email: evan@eccodesigninc.com
Mailing Address: 7413 Greenwood Ave N	City: Seattle State: WA Zip: 98103

Approval Criteria

Please answer the following and provide supporting documentation.

1. Compliance with the water depth is not *feasible* without the need for a shoreline variance:

"Feasible" means an action, such as a development project, mitigation, or preservation requirement, that meets all the following conditions: (1) Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (2) Provides a reasonable likelihood of achieving its intended purpose; and (3) Does not physically preclude achieving the project's primary intended legal use.

Nine feet of water depth occurs at approximately 83' from the OHWM at the site. It is not possible to place all of the proposed lifts in 9' of depth or deeper without extending the pier beyond 100'. The proposed pier extends to the maximum length, 100 feet from the OHWM. Extending it further to meet the depth requirement would require a shoreline variance.

Staff Review: Applicant provided evidence satisfying criterion: ☒ Yes ☐ No P-23-065

Approval Criteria (Continued)

2. No reasonable alternative exists due to the bathymetry and/or existing overwater structures on adjacent properties:

Bathymetry is the measurement of water depth at various places in a body of water (topography) and the information derived from such measurements.

Nine feet of water depth occurs at approximately 83' from the OHWM at the site. With nine feet of water depth occurring so far from the shoreline it is not possible to place all of the proposed lifts in nine feet or greater water depth. The proposed boat lifts and jet-ski lifts are placed in as deep of water as possible for the proposed pier configuration.

Staff Review: Applicant provided evidence satisfying criterion: ☒ Yes ☐ No P-23-065

3. A minimum water depth of five feet is maintained.

The minimum water depth is called out on sheet 8 of the plans. It is 5'-8".

Staff Review: Applicant provided evidence satisfying criterion: ☒ Yes ☐ No P-23-065

I declare under penalty of perjury that that all applicable information furnished in support of this request for a waiver is true, correct and complete.

Printed Name: Evan Wehr

Signature: Evan Wehr

Date: 5/9/2024

DECISION:

The request for a waiver from the minimum water depth requirement for a boat lift/jet ski lift at 3261 & 3263 Evergreen Rd. is hereby:

☒ Approved
☐ Denied

Signature: Jonathan G. Kesler
Director of Development Services

Date: 9/5/24

Jonathan G. Kesler, AICP, Planning Mgr.



Exhibit 16
P-23-065

DETERMINATION OF NON-SIGNIFICANCE

Proposal: Request for a SEPA Threshold Determination in conjunction with a Non-administrative Shoreline Substantial Development Permit (P-23-065) for this waterfront property to repair and extend an existing pier, install three new boat lifts and two double jet-ski lifts. This parcel is located within the shoreline jurisdiction of the City of Medina.

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

Applicant: Evan Wehr

Site Address: 3261 & 3263 Evergreen Point Rd.

Lead Agency: City of Medina

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of the completed SEPA Environmental Checklist and other information on file with the lead agency. Pursuant to MMC 16.80.200(B)(4), affected property owners may request a change in valuation for property tax purposes notwithstanding any program or revaluation. This information is available to the public upon request by contacting Medina City Hall, Attn: Development Services, 501 Evergreen Point Rd., Medina, WA 98039.

Date of Issuance and Publication: Tuesday, March 15, 2024

Deadline to Submit an Appeal: Tuesday, March 29, 2024

This Determination of Non-significance (DNS) is issued pursuant to WAC 197-11-355, Optional DNS Process. This DNS is final and there is no further comment period.

Responsible Official: Jonathan G. Kesler, AICP, Planning Manager

Title: Planning Manager/SEPA Official

Address: 501 Evergreen Point Rd., Medina, WA 98039 **Telephone:** 425-233-6416

Email: jkesler@medina-wa.gov

Signature:  **Date:** March 15, 2024
Jonathan G. Kesler, AICP, Planning Manager

APPEAL PROCESS: Any party of record may appeal a Determination of Non-significance (DNS). The Appeal must be made to the City of Medina Hearing Examiner within **14 days** of the threshold determination becoming final, pursuant to MMC 16.80.220. Appeals must be in writing and contain specific factual objections and may be submitted along with the appropriate Appeal fee to the above address. This may be the only opportunity to comment on the environmental impacts of the proposal.

BEFORE THE HEARING EXAMINER FOR THE CITY OF MEDINA

Phil Olbrechts, Hearing Examiner

RE: Liwai Lie Shoreline Substantial Development Permit P-23-065	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION.
--	---

INTRODUCTION

Liwei Liu has requested approval of a shoreline substantial development permit to repair and extend an existing pier, install three new boat lifts and two double jet-ski lifts at 3261 Evergreen Point Road and 3263 Evergreen Point Road, Medina, WA 98039. The application is denied due to nonconformance to dimensional requirements and failure to establish conformance to shoreline policies regulating aesthetics and navigation.

As the Examiner identified during the hearing, the project could have been approved by imposing conditions requiring a redesign that conforms to dimensional standards. However, testimony at the hearing established significant concern with aesthetic and navigational impacts. The pier as proposed will be larger than surrounding piers. It is allowed to be oversized in this regard because the proposal includes joint use. However, since the pier is larger in size and will protrude further out into the lake than adjoining piers, its aesthetic and navigational impacts are a legitimate concern as addressed in the City's Shoreline Master Program policies. Aesthetic and navigational impacts did not play any significant role in review of this application. A more detailed review of aesthetic and navigational impacts is necessary to ensure conformance to applicable shoreline policies as well as providing sufficient information to surrounding property owners and the general public as to how the proposal will affect their use and enjoyment of the Lake Washington shoreline.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1- 16 identified at page 2 of the January 16, 2025 staff report were admitted into the record during the January 21, 2025 hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. The Applicant is Liwei Liu, represented by Evan Wehr, Ecco Design Inc., 8315 Overlake Dr West Medina WA 98039.
2. Hearing. A virtual hearing was held on the application at Medina City Hall in the Council Chambers on January 21, 2025 at 11:00 am.

Substantive:

3. Site/Proposal/Appeal Description. Liwei Liu has requested approval of a shoreline substantial development permit to repair and extend an existing pier (resulting in the pier being considered a new pier), install three new boat lifts and two double jet-ski lifts at 3261 Evergreen Point Road (Parcel #2425049065) and 3263 Evergreen Point Road (Parcel #242504-9211), Medina, WA 98039.

The Applicant is proposing the expansion of an existing 697-square-foot deck as well as an addition to the existing deck structure totaling 409 square feet for an overwater coverage total of 1,106 sf. The proposed deck and expansion would serve three (3) property owners (see Exhibit 8). The existing pier and proposed expansion would straddle the common property line of Parcel # 242504-9065 and Parcel # 242504-9211 (see Sheet 4 of Exhibit 10). The proposed expansion would extend the existing pier from approximately 59 feet to 100 feet in length (see Sheet 6 of Exhibit 10). The existing walkway width of the pier is approximately 6 feet, 3 inches. The proposed expansion would include a walkway that will have a width of 6 feet (see Sheet 6 of Exhibit 10). The proposed expansion and replacement would also include the addition of 4 fingers. The proposed fingers vary in width, ranging from 4 feet to 1 foot 6 inches. Two of the fingers are 26 feet long, while the remaining two are 12 feet 6 inches in length. These structures are designed to support the addition of the proposed boat lifts. The height of the pier above the plane of the ordinary high-water mark (OHWM) and the top of the decking of the pier and expansion will be approximately 1 foot 6 inches (see Sheet 9 of Exhibit 10). The existing pier will be repaired/replaced and resurfaced with a Thru-Flow® grate, rated at 43% light penetration (see Exhibit 4).

4. Characteristics of the Area. Surrounding uses are residential. The proposal fronts on Lake Washington to the west.

1 5. Adverse Impacts. The record does not contain sufficient information to fully
2 assess aesthetic and navigational impacts. These issues were not expressly addressed
3 in the staff report and only nominally by the applicant and staff at the hearing. The
evidence of the record is insufficient to establish that aesthetic and navigational
impacts have been minimized to the extent required by the City's shoreline policies.

4 Neighbors testified that the size, length and orientation of the dock would adversely
5 affect their views of the shoreline. The site plan, Ex. 10, contains a good depiction
6 of how the size of the dock relates to that of surrounding docks. The dock is
7 moderately larger than surrounding docks. It's unknown how much this larger scale
8 will affect the views of surrounding properties. Unfortunately, as outlined in the
9 Conclusions of Law below, the dock will also have to be reduced in size to conform
to design standards. It is not known how the dock will ultimately be reconfigured in
such a redesign or whether reasonable measures will be taken to minimize aesthetic
impacts.

10 One neighbor also testified about adverse impacts to navigation, asserting that
11 modifications to the nearby SR 520 bridge have resulted in a significant amount of
12 boat traffic along the proximity of the proposal. The Ex. 10 site plan shows that the
13 proposed dock will extend further out into Lake Washington than surrounding docks.
It's unknown whether this added length will have any material impact on boat
navigation. It's unknown whether or how much required design changes will reduce
impacts to navigation.

14 CONCLUSIONS OF LAW

15 Procedural:

16 1. Authority of Hearing Examiner. MMC 16.72.100(C) and MMC
17 16.80.060(C) authorize the Hearing Examiner to hold hearings and issue final
approval of shoreline substantial development permits.

18 Substantive:

19 2. Shoreline Designation. The project site is designated Shoreline
20 Residential by the City's Shoreline Master Program ("SMP").

21 3. SSDP Required. Table 16.62.040 identifies docks and boat lifts as an
22 allowed use in the Shoreline Residential shoreline designation. MMC 16.62.020
23 requires permitted uses to either acquire approval of an SSDP or be shoreline exempt.
24 The proposal doesn't qualify for any exemptions and hence must acquire SSDP
approval.

25 4. Review Criteria. MMC 16.72.100F governs the criteria for SSDP
approval. The required criteria are conformance to the Shoreline Management Act

(SMA), Chapter 90.59 RCW, SMA associated state administrative rules and conformance to the City's shoreline master program (SMP).

5. Dimensional Standards. The proposal does not conform to SMP dimensional standards for docks. MMC 16.65.040 provides that the maximum overwater surface coverage for a new pier is 1,000 square feet (when shared/joint-use by more than two property owners). The proposed dock is 1,106 square feet. MMC 16.65.040 provides that the maximum length of fingers is 20 feet. Two of the proposed fingers are 26 feet long, MMC 16.65.040 provides that the maximum width of a finger is 2 feet. The proposed fingers vary in width, ranging from 4 feet to 1 foot 6 inches.

6. Aesthetics. The Applicant has not established conformance to an SMP policy imposing aesthetic standards.

SM-P7.6 provides as follows:

*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).

SM-G9 provides as follows:

*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).

As outlined in Finding of Fact No. 5, "aesthetic impacts to adjacent land uses" and impacts to "neighboring uses" have not been adequately assessed, especially given the unknowns involved in redesigning the proposal to conform to SMP design standards.

7. Navigation. The Applicant has not established conformance to an SMP policy imposing navigation standards.

SM-P7.3 provides as follows:

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.

1 As outlined in Finding of Fact No. 5, the Applicant has not established that the
2 proposal will not unduly obstruct navigable waters. It is should be noted that the
3 “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.

4 **DECISION**

5 The Applicant is denied due to nonconformance with applicable design standards and
6 failure to establish conformance to aesthetic and navigation policies as outlined in the
Conclusions of Law above.

7 Dated this 4th day of February 2025.

8 

9
10 Phil A. Olbrechts
City of Medina Hearing Examiner

11 12 13 14 **Appeal and Valuation Notices**

15 Approval of the shoreline substantial development permit is subject to appeal to the
16 Washington State Shoreline Hearings Board as governed by Chapter 90.58 RCW.

17 Affected property owners may request a change in valuation for property tax purposes
18 notwithstanding any program of revaluation.

BEFORE THE HEARING EXAMINER FOR THE CITY OF MEDINA

PHIL OLBRECHTS, HEARING EXAMINER

RE: LIWEI LIU,

Shoreline Substantial
Development Permit

P-23-065

LIWEI LIU'S REQUEST FOR
RECONSIDERATION OF DECISION ON
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND FINAL DECISION ON
LIU'S APPLICATION

I. REQUEST FOR RELIEF

Applicant Liwei Liu and his agent Evan Wehr, Ecco Design, Inc. (hereafter, collectively referred to as the "Applicant") respectfully request the City of Medina Hearing Examiner, Phil Ohlbrecht, reconsider the February 4, 2025 Decision on Findings of Fact, Conclusions of Law and Final Decision denying Applicant Liwei Liu's Non-Administrative Substantial Development Application. The record in this matter shows the City failed to comply with the Rules of Procedure for Proceedings Before the Hearing Examiner ("Hearing Examiner Rules") prior to the public hearing..

Applicant requests the Hearing Examiner remand this application to City staff upon further review affording Applicant's input, to set another Hearing in compliance with the

LIWEI LIU'S REQUEST FOR RECONSIDERATION OF DECISION
ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL
DECISION ON LIU'S APPLICATION - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600

1 Hearing Examiner Rules. A remand is necessary to afford the Applicant of the due process rights
2 of proper notice of the hearing and delivery of the Staff Report to the Applicant according to
3 Hearing Examiner Rules.

4 II. FACTS

5 On November 30, 2023, Applicant submitted a Non-Administrative Substantial
6 Development Application (hereafter, occasionally referred to as the “Application”).¹ Of note,
7 the Staff Report incorrectly notes the Application was submitted on November 17, 2023.² In
8 support of the Application, Applicant commissioned an Ecological No Net Loss Assessment
9 Report.³

10 On January 16, 2025, Thomas Carter, Associate Planner, LDC, Inc. on behalf of the
11 City of Medina prepared a Staff Report and/or Recommendation (hereafter, the “Staff Report”)
12 regarding Applicant’s Non-Administrative Substantial Development Application.⁴ The Staff
13 Report recommended the Hearing Examiner deny Applicant’s Non-Administrative Substantial
14 Development Permit (File No. P-23-065).⁵ The Staff Report is dated January 16, 2025.⁶ The
15 Staff Report notes the Hearing on the Decision will be held Tuesday, January 21, 2025, just
16 five days after the date of the Staff Report.⁷ The Staff Report does not contain an Affidavit of
17 Notice, nor does the Final Decision refer to an Affidavit.
18
19
20
21
22

¹ Declaration of Evan Wehr, ¶ 2; Exhibit A, pgs. 53 – 59.

² Decl. Wehr, ¶ 2.

³ Decl. Wehr, ¶ 3; Ex. A, pgs. 23 – 48.

⁴ Decl. Wehr, ¶ 4; Ex. A, pgs. 1 – 10.

⁵ Decl. Wehr, ¶ 4; Ex. A, pgs. 1 – 10.

⁶ Decl. Wehr, ¶ 4; Ex. A, pgs. 1 – 10.

⁷ Decl. Wehr, ¶ 4; Ex. A, pgs. 1 – 10.

1 The Applicant never received a copy of the Staff Report prior to the Public Hearing.
2 Nor did the City advise the Applicant of the Staff Report, the assertion of code non-compliance
3 and recommendation for denial by email or phone call prior to the Hearing. The Applicant
4 learned of the public hearing the morning of the hearing through a call from real estate agent
5 David Martin. Despite a year of application processing at the City, the Applicant first learned
6 of code compliance issues the day of the public hearing.⁸
7

8 III. STATEMENT OF ISSUES

9 Whether the Hearing Examiner should reconsider its Final Decision on Findings of
10 Fact, in this matter when the Hearing did not comply with the required Hearing Examiner
11 Rules and remand the application to staff for further review and Applicant input, with notice of
12 hearing and delivery of a Staff Report for a second hearing in compliance with these Rules?
13

14 **Yes.**

15 IV. EVIDENCE RELIEF UPON

16 Declaration of Evan Wehr.

17 V. AUTHORITY AND ARGUMENT

18 Rule 1.5.2 of the Rules of Procedure for Proceedings Before the Hearing Examiner of the
19 City of Medina, Washington (the “Rules”) provides every Applicant shall have, among other
20 rights, the right of notice. Rule 1.5.4 of the Rules provides the City staff shall provide a staff
21 report, **and that staff reports be available to the public at least seven calendar days before**
22 **the hearing.** Rule 1.7.1 provides all notice, time requirements, and methods of notification shall
23
24
25

⁸ Decl Wehr, ¶15;

1 be consistent with Medina Municipal Code, and that an affidavit of notice, attesting to the notice
2 given of a hearing, be part of each record. Rule 1.7.6 requires the staff report be filed with the
3 Hearing Examiner at least seven calendar days prior to the scheduled hearing **and copies thereof**
4 **be mailed to the Applicant.**

5 Medina Municipal Code 2.72.090 provides a party to a proceeding aggrieved by the
6 hearing examiner's decision may submit a written request for reconsideration of the decision.
7 The code further provides the request shall provide facts and arguments to establish one or more
8 of the following:
9

- 10 1. Irregularity in the proceedings by which the moving party was prevented from
11 having a fair hearing;...
12 3. Errors in law or clear mistakes as to a fact that is material to the decision.

13 MMC 2.72.090

14 As noted, the Staff Report, drafted by Thomas Carter, Associated Planner, LDC, Inc. on
15 behalf of the City of Medina, was not drafted until January 16, 2025, just five days before the
16 Hearing on January 21, 2025 at 2:00 p.m. There is no Affidavit of Notice, no record of Staff
17 Report public availability seven days prior to the public hearing, and the Applicant never
18 received the Staff Report by mail.

19 Therefore, the public hearing did not comply with numerous Hearing Examiner Rules
20 previously cited. The City's failure to comply with the Rules is an irregularity in the proceedings,
21 which denies due process afforded to the Applicant, as provided by the Rules, and is a clear error
22 in law.
23

24 **VI. CONCLUSION**

25 LIWEI LIU'S REQUEST FOR RECONSIDERATION OF DECISION
ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL
DECISION ON LIU'S APPLICATION - 4

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
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1 For the foregoing reasons, Applicant respectfully requests the City of Medina Hearing
2 Examiner reconsider its Final Decision for the City's failure to comply with the Rules of
3 Proceedings Before the Hearing Examiner in issuing the Decision, and remand this application
4 to City staff for further review and processing according to the City Code and Hearing Examiner
5 Rules.
6

7 DATED this 21st day of February, 2025.

8 s/Alan L. Wallace

9 Andrew K. Friese

10 Alan L. Wallace, WSBA #18205

11 Andrew K. Friese, WSBA #54992

12 Attorneys for Plaintiff Liwei Liu

13 WILLIAMS, KASTNER & GIBBS PLLC

14 601 Union Street, Suite 4100

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16 Telephone: (206) 628-6600

17 Fax: (206) 628-6611

18 awallace@williamskastner.com

19 afriese@williamskastner.com

20 *Attorneys for Evan Wehr, Agent of Liwei Liu*

BEFORE THE HEARING EXAMINER FOR THE CITY OF MEDINA

PHIL OLBRECHTS, HEARING EXAMINER

RE: LIWEI LIU,

Shoreline Substantial
Development Permit

P-23-065

STIPULATION AND ORDER

I. STIPULATION

This matter came before the Hearing Examiner on Applicant Liu's Request for Reconsideration on Findings of Fact, Conclusions of Law, and Final Decision on Liu's Application. The parties stipulate to an order providing for the following:

(1) The matter and Liu's Application should be re-opened for an additional hearing in order to allow Liu to resubmit the application with revisions.

(2) The matter and Liu's Application should be stayed and will not be set for public hearing until the parties finish review and discussion of the Application and allow the City to prepare an amended staff report, as appropriate.

STIPULATION AND ORDER - 1

Williams, Kastner & Gibbs PLLC
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(206) 628-6600

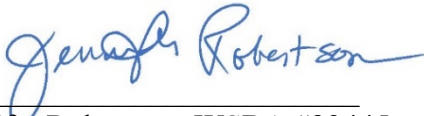
(3) The City of Medina agrees that if this matter is reopened and stayed, it will notify the Hearing Examiner when the matter and Liu's Application are to be set for public hearing.

SO STIPULATED this 28th day of February, 2025.



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jroberston@insleebest.com

Attorneys for City of Medina

II. ORDER

IT IS ORDERED as follows:

1. The matter and Liu's Application is hereby re-opened for an additional hearing in order to allow Liu to resubmit the application with revisions.
2. The matter and Liu's Application are hereby stayed and this matter will not be set for public hearing until the parties finish review and discussion of the Application and the

STIPULATION AND ORDER - 2

Williams, Kastner & Gibbs PLLC
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Seattle, WA 98101-2380
(206) 628-6600

1 City has prepared an amended staff report, as appropriate.

- 2 3. The City will notify the Hearing Examiner when the matter and Liu's Application are to
3 be set for public hearing.

4 DATED this 9th day of March, 2025.

5 *Phil Olbrechts*

6

Hearing Examiner Phil Olbrechts

7
8 Presented by:

9 *Alan Wallace*

10

Alan L. Wallace, WSBA #18205
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Attorneys for Plaintiff Liwei Liu

Approved as to Form:

Jennifer Robertson

Jennifer Robertson, WSBA #23445
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STIPULATION AND ORDER - 3

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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.

Join Zoom Meeting

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Meeting ID: 844 2230 5929

Passcode: 695912

One tap mobile

+12532158782,,84422305929#,,,,*695912# US (Tacoma)

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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

PROJECT INFORMATION

APPLICANT:
EVGP 3263 LLC

Exhibit 21
P-23-065

DRAWINGS BY:
ECCO DESIGN INC.
7413 GREENWOOD AVE N
SEATTLE, WA 98103
206-706-3937

SITE ADDRESS:
3261 & 3263 EVERGREEN POINT RD
MEDINA, WA 98039

PARCEL NUMBER:
242504-9065 & 242504-9211

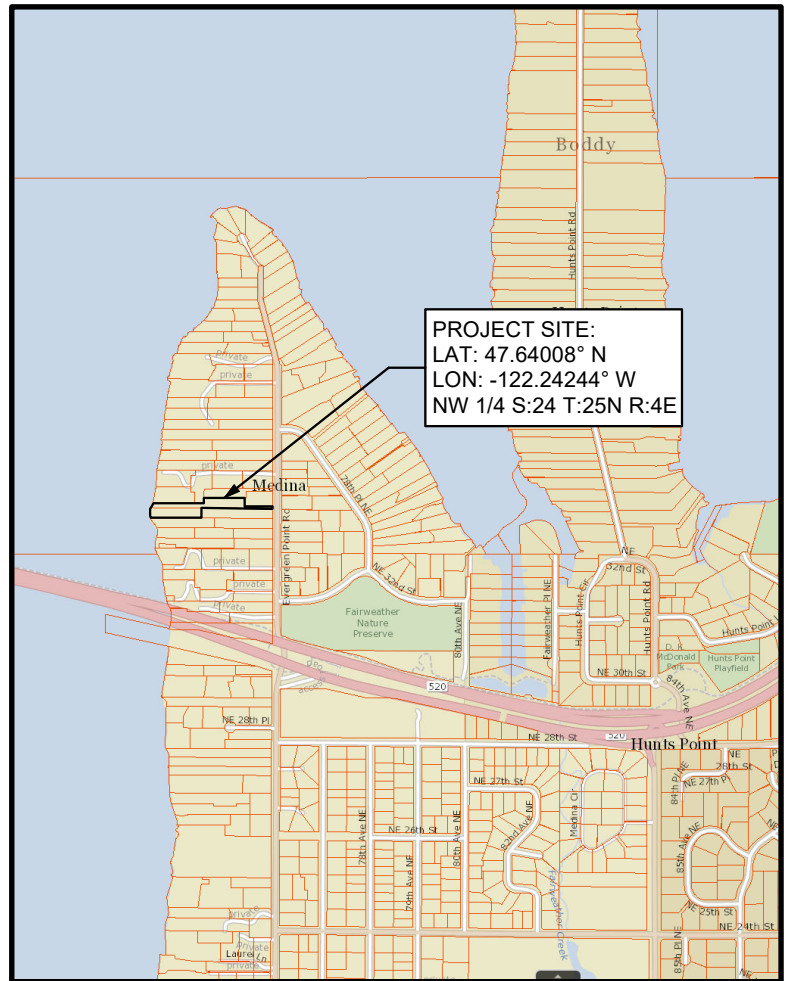
BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
(242504-9065) 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

(242504-9211) 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

PROJECT DESCRIPTION:
EXTEND AN EXISTING PIER. INSTALL THREE
NEW BOAT LIFTS AND TWO DOUBLE JET-SKI
LIFTS. PLANT NATIVE VEGETATION PER THE
PLANTING PLAN.

VICINITY MAP



REFERENCE:

DATUM: C.O.E. Locks Datum

ADJACENT PROPERTY OWNERS:

1. KEH LLC
2. Howard & Lisa Hawk

APPLICANT: EVGP 3263 LLC

LOCATION: 3263 Evergreen Point Rd
Medina, WA 98039

LAT/LONG: 47.64008°/-122.24244°

PROPOSED PROJECT:

Pier & Lifts

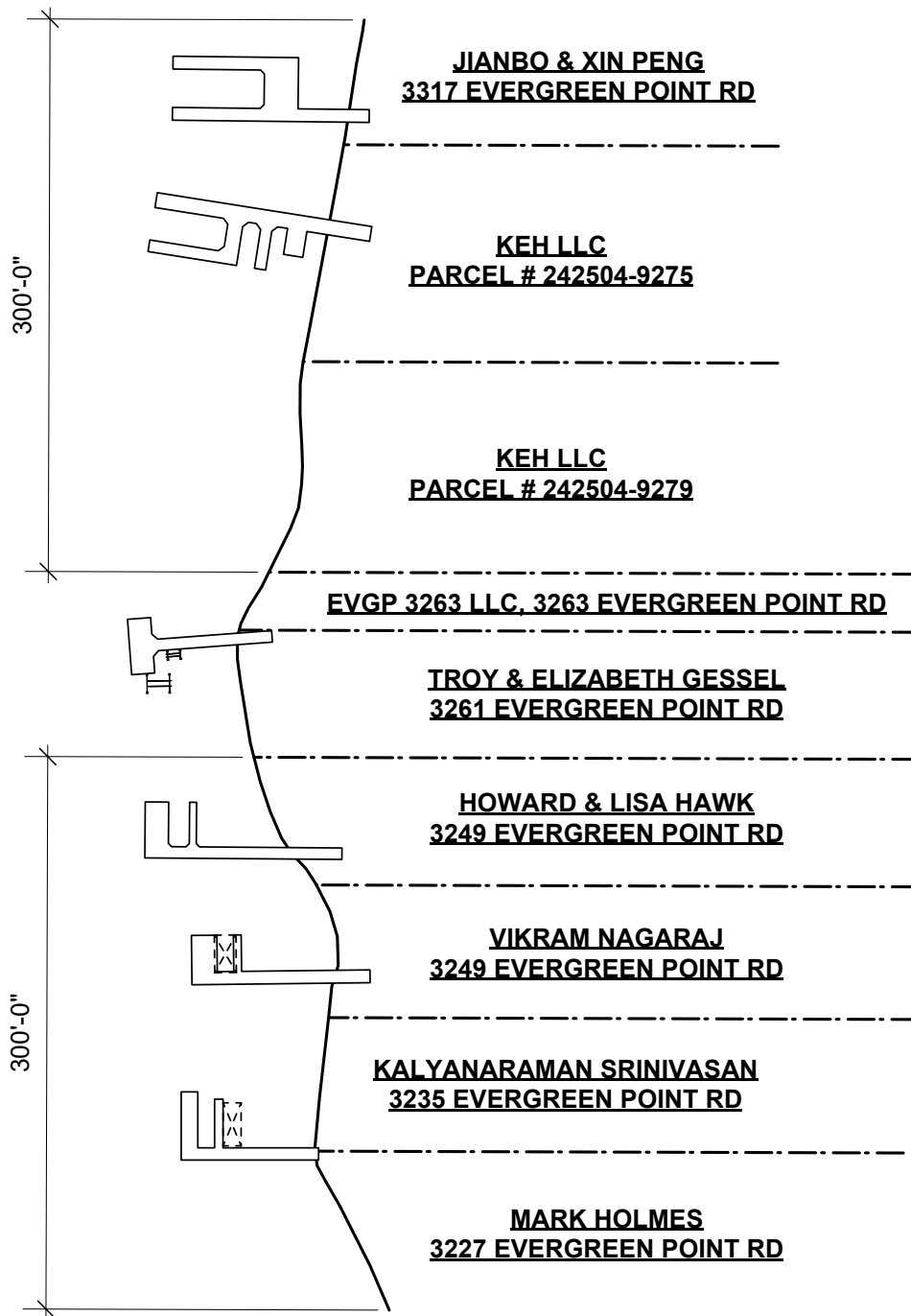
IN: Lake Washington

NEAR/AT: Medina

COUNTY: King **STATE:** WA

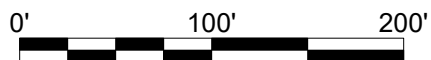
SHEET 1 of 12

DATE: April 25, 2025



VICINITY MAP

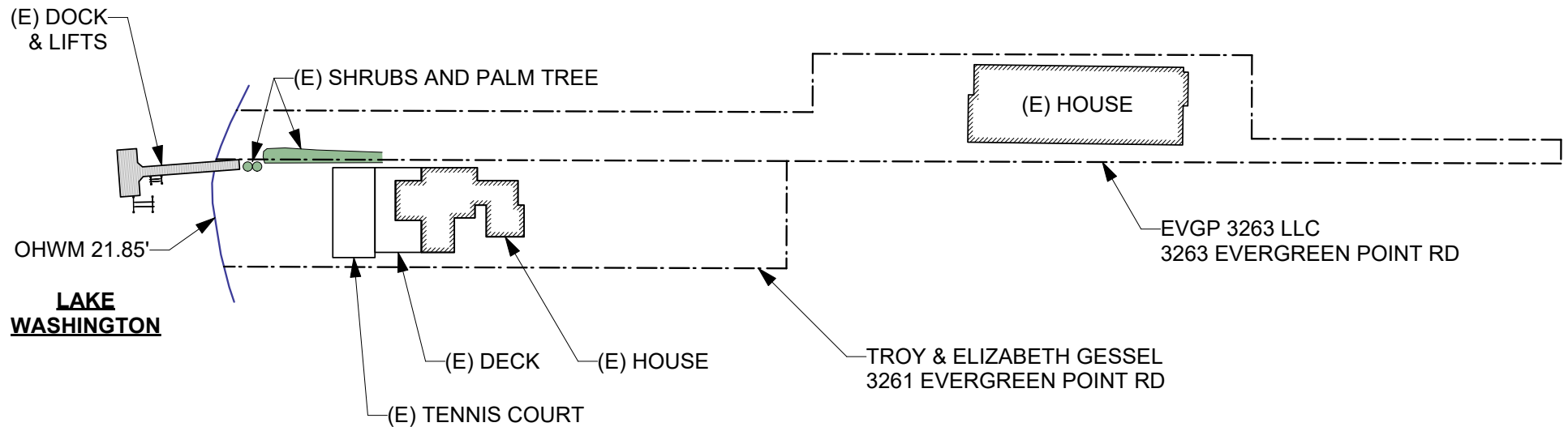
SCALE 1" = 100'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.



FULL SITE PLAN

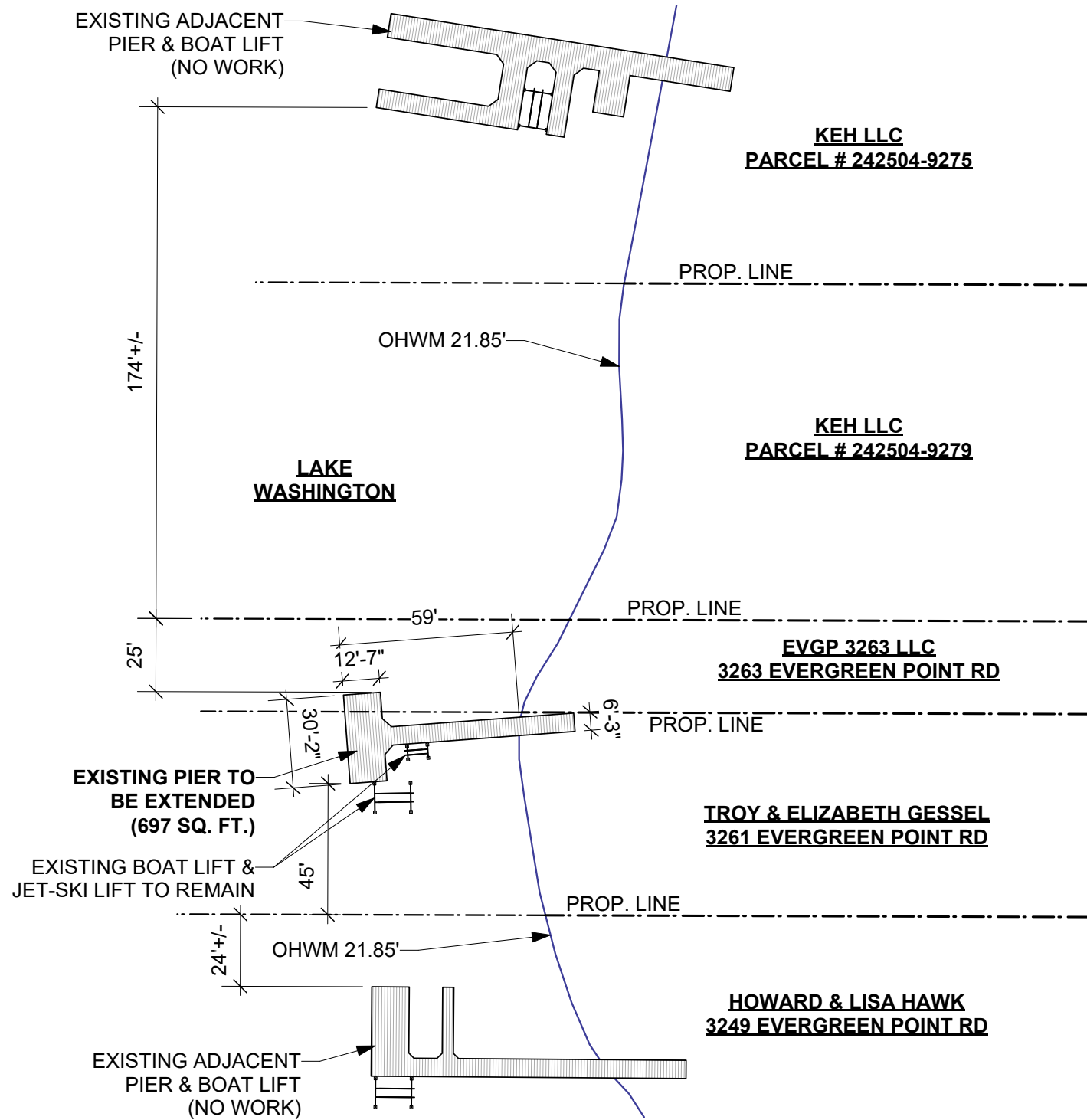
SCALE 1" = 100'-0"



Reference:
Applicant: EVGP 3263 LLC

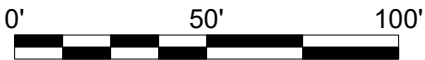
Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE
CONFIGURATION AND PROPERTY LINE LOCATIONS
ARE APPROXIMATE ONLY. PROPERTY LINES AND
SHORELINE ARE BASED ON KING COUNTY GIS.



EXISTING SITE PLAN

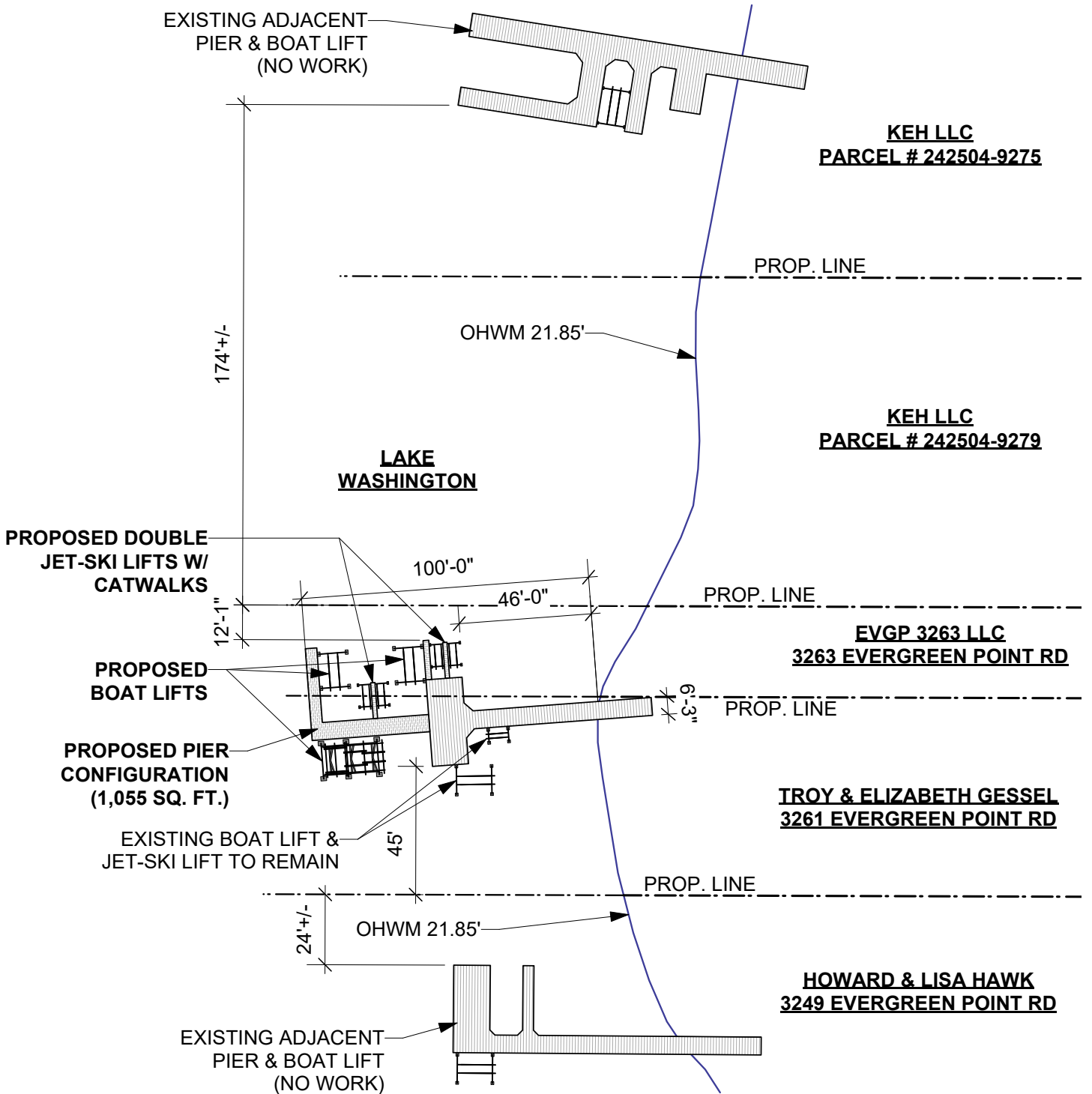
SCALE 1" = 50'-0"



Reference:
Applicant: EVGP 3263 LLC

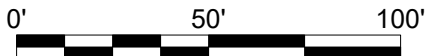
Proposed: Pier & Lifts
Location: Medina, WA

PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. PROPERTY LINES AND SHORELINE ARE BASED ON KING COUNTY GIS.



PROPOSED SITE PLAN

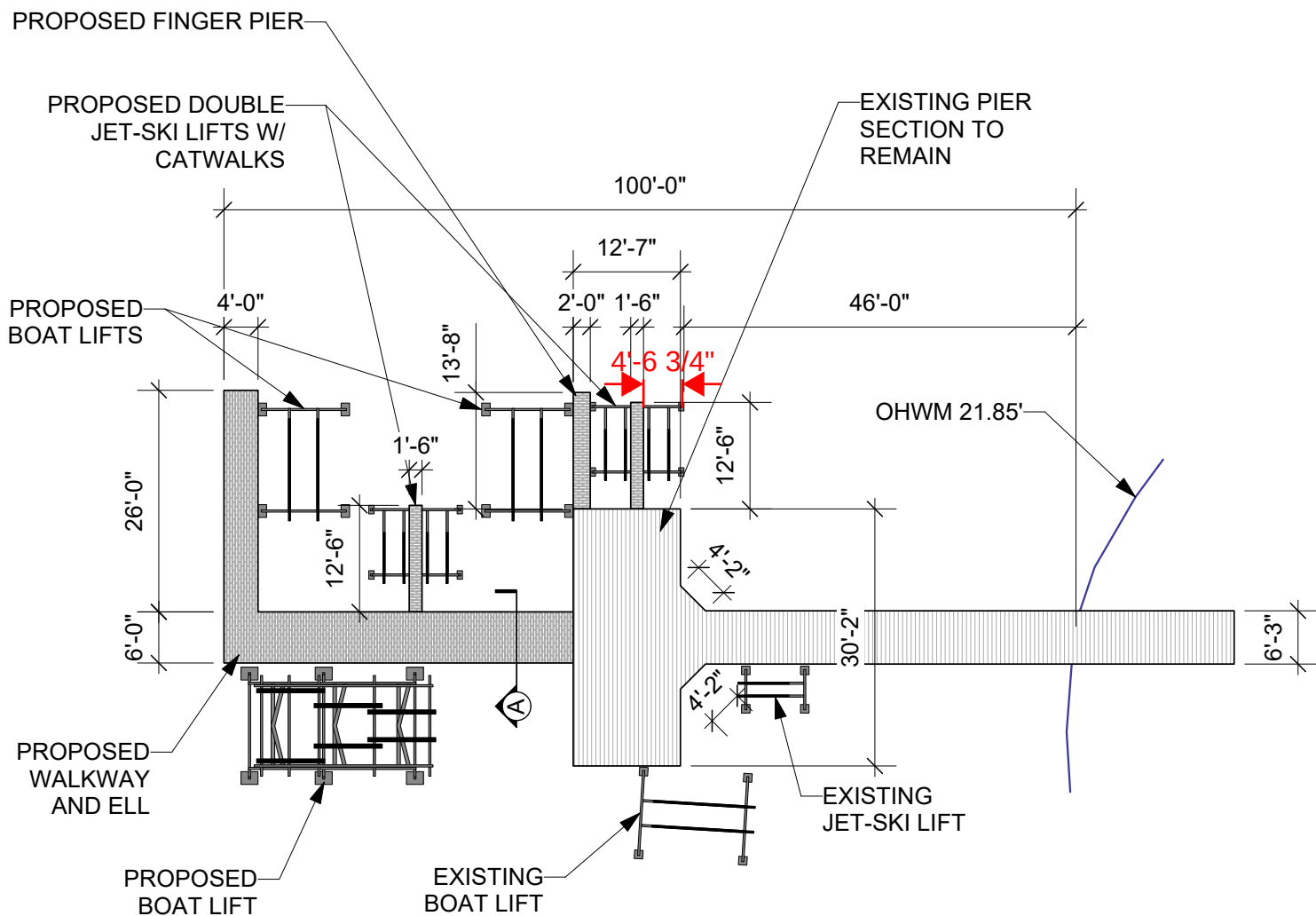
SCALE 1" = 50'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

Sheet 5 of 12 Date: 4/25/2025



PROPOSED PIER PLAN

SCALE 1" = 20'-0"

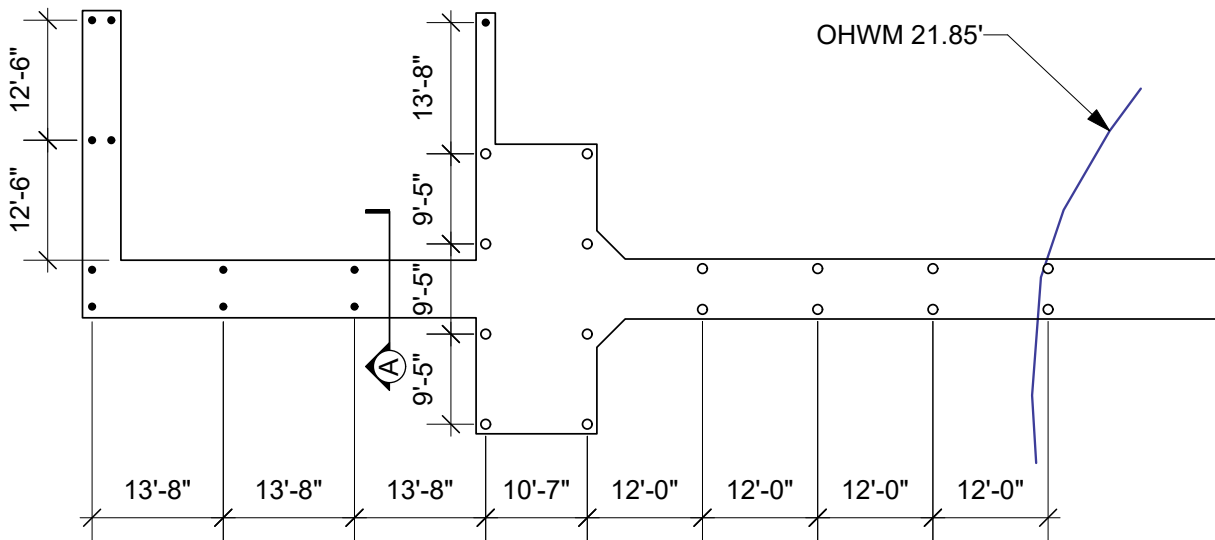


Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

LEGEND

- EXISTING 8" TO 14" DIA. WOOD PILE TO REMAIN (16 TOTAL)
- PROPOSED 10" DIA. EPOXY COATED STEEL PILES (11 TOTAL)



PROPOSED PILE PLAN

SCALE 1" = 20'-0"

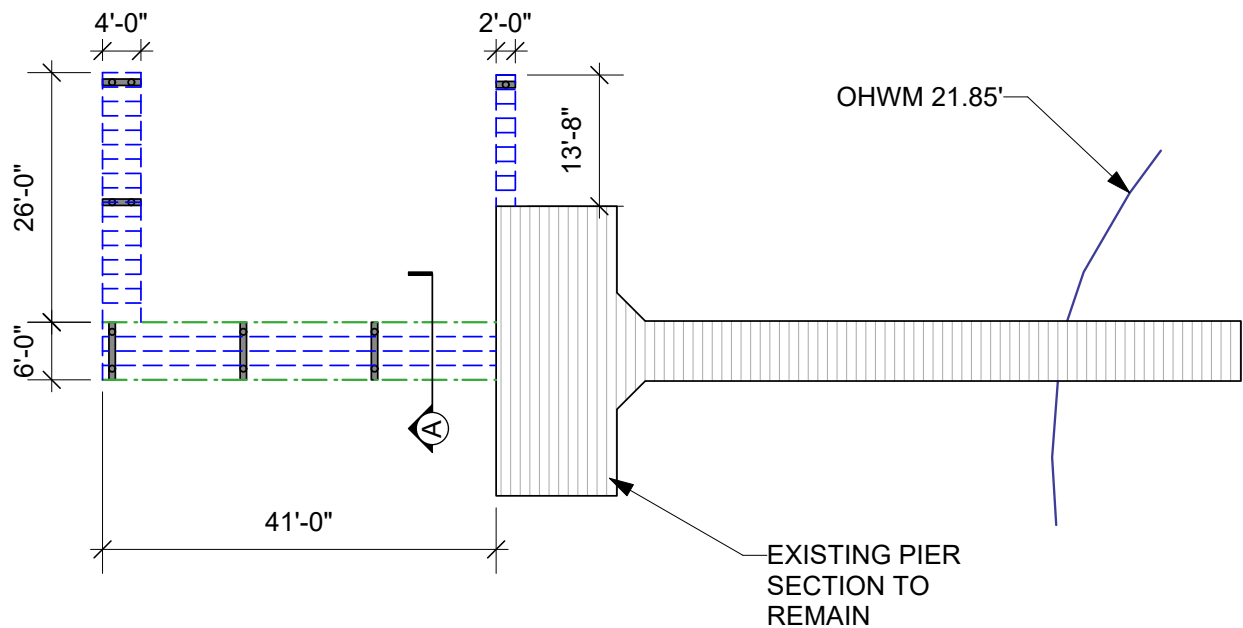


Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

LEGEND

- NEW 8"x8" CAP BEAM (SPACED PER PILES)
- - - NEW 4"x8" STRINGER (18" O.C.)
- . - NEW 6"x8" STRINGER



PIER FRAMING PLAN

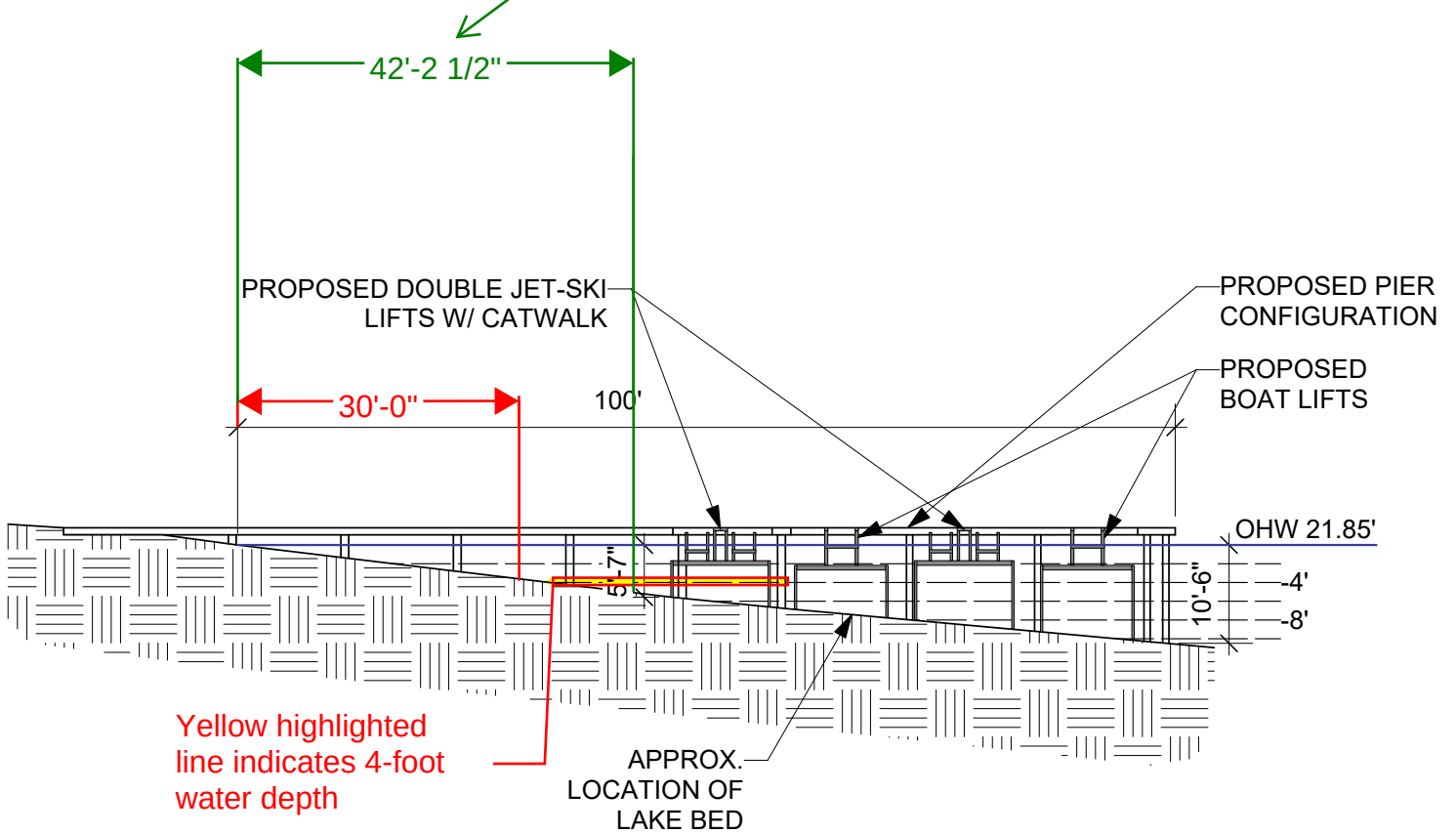
SCALE 1" = 20'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

Approximate minimum distance from OHWM before a lift could be installed to have the minimum 5' water depth required for an approved water depth waiver.



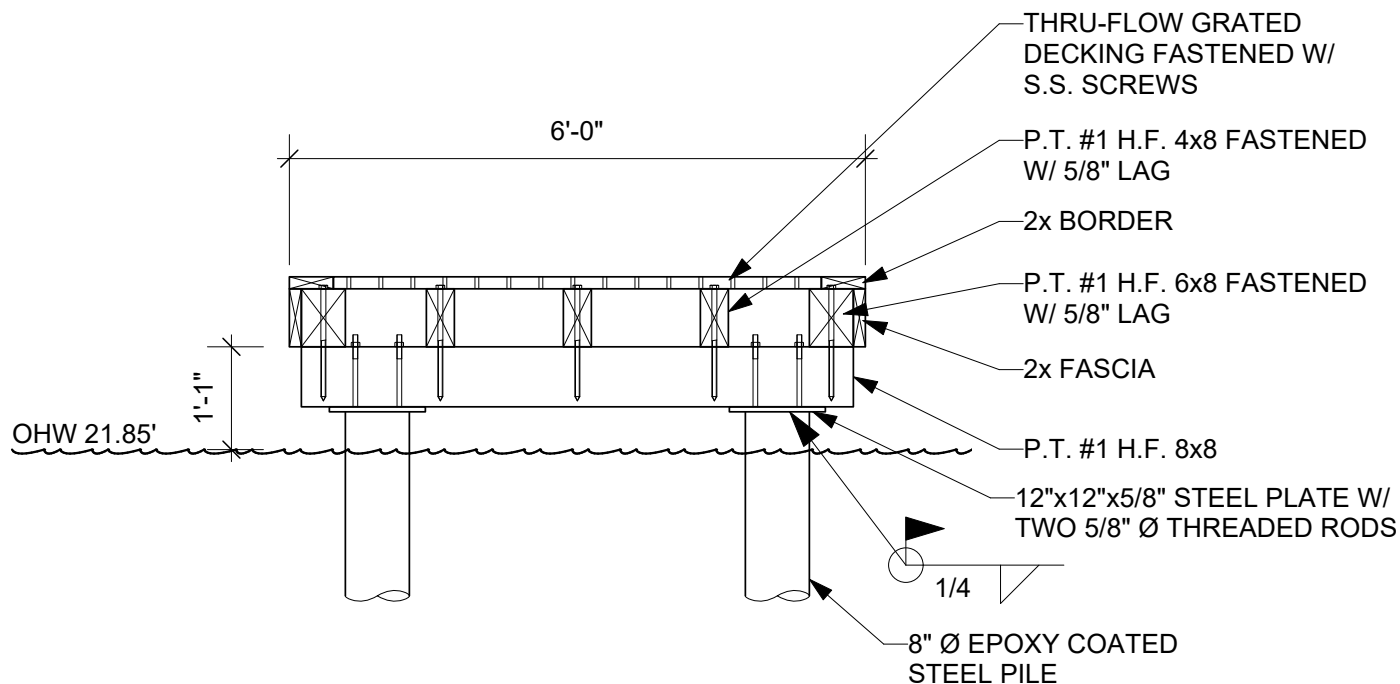
ELEVATION

SCALE 1" = 20'-0"



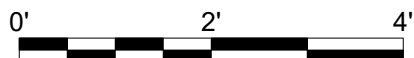
Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA



PIER WALKWAY SECTION A **(PROPOSED)**

SCALE 1/2" = 1'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

PLANTING LEGEND



SHORE PINE - 1



DOUGLAS FIR - 1



RED-OSIER DOGWOOD - 5

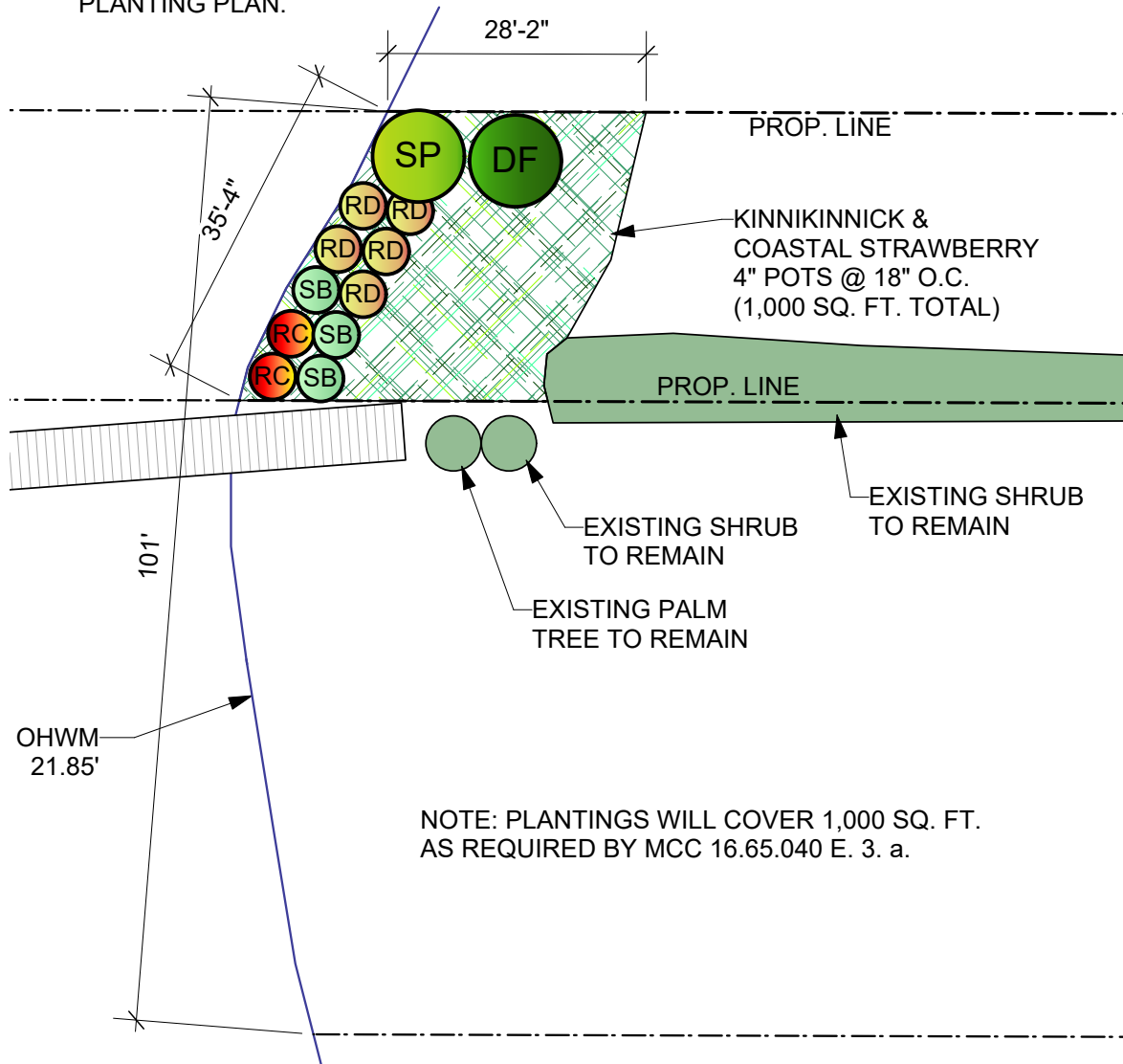


SNOWBERRY - 3



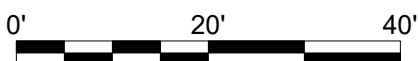
RED-FLOWERING CURRANT -

NOTE: INVASIVE KNOTWEED IS PRESENT ALONG SHORELINE AND WILL BE REMOVED PRIOR TO IMPLEMENTING THE PLANTING PLAN.



PLANTING PLAN

SCALE 1" = 20'-0"



Reference:
Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts
Location: Medina, WA

MITIGATION MONITORING PLAN:

THE OWNER SHALL ASSURE:

- 100 PERCENT SURVIVAL OF ALL PLANTS DURING THE FIRST TWO YEARS OF MONITORING
- 80 PERCENT SURVIVAL OF SHRUBS DURING THE FINAL THREE YEARS OF MONITORING.
- NO MORE THAN 10% COVERAGE OF INVASIVE WOODY VEGETATION IN ANY GIVEN YEAR
- THE INSTALLED VEGETATION COMMUNITY WILL BE MONITORED FOR FIVE YEARS AFTER INITIAL INSTALLATION

THE REQUIRED REPORT THAT WILL BE SENT TO THE ARMY CORPS OF ENGINEERS, WILL ALSO BE SENT TO THE CITY OF MEDINA WHEN THE REPORTS ARE DUE ANUALLY.

MAINTENANCE:

MAINTENANCE OF THE PLANTING AREA DURING THE FIVE-YEAR MONITORING PERIOD SHALL BE CONDUCTED BY THE APPLICANT.

MAINTENANCE SHALL INCLUDE:

- REMOVAL AND REPLACEMENT OF DEAD OR DYING PLANTS
- WEEDING OF NON-NATIVE INVASIVE SPECIES, AND WATERING
- MAINTENANCE SHALL NOT INCLUDE APPLICATION OF TOXIC CHEMICAL TREATMENTS

FINANCIAL SECURITY:

A FINANCIAL SECURITY MEETING THE REQUIREMENTS OF MMC 16.65.040.G WILL BE EXECUTED FOR THE PROPOSED MITIGATION PLANTINGS IF REQUIRED BY THE CITY.

Reference:

Applicant: EVGP 3263 LLC

Proposed: Pier & Lifts

Location: Medina, WA

**Exhibit 22**
P-23-065

RE: P-23-065 3261 EVGP Pier Project

From Chad Wallin <chadw@gretteassociates.com>
Date Wed 10/8/2025 2:24 PM
To Kim Gunderson <kmahoney.planning@gmail.com>
Cc Rebecca Bennett <rbennett@medina-wa.gov>

Kim,

Following up on our call, I do not think our determination in our previous review would change. From my understanding the project activities have been reduced to just include the dock expansion which we have already review. Given that no design changes appear to have occurred with the expansion and that mitigation activities are still consistent with what was outlined in the review documents, I don't think it is necessary to complete another review.

Chad Wallin, PWS

Project Biologist

Grette Associates, *a division of Farallon Consulting*

2709 Jahn Ave NW, STE H5
Gig Harbor, WA 98335

Office: (253) 573-9300

Direct: (253) 442-6948

Email: chadw@gretteassociates.com

Web: www.farallonconsulting.com



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Notice: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Kim Gunderson <kmahoney.planning@gmail.com>
Sent: Wednesday, October 8, 2025 9:42 AM
To: Chad Wallin <chadw@gretteassociates.com>
Cc: Rebecca Bennett <rbennett@medina-wa.gov>
Subject: P-23-065 3261 EVGP Pier Project

Hey Chad,

I found the project that we were talking about the other day - it was P-23-065 that made a case against the need to show mitigation sequencing.

I need to run a question by you regarding this project's NNL and Grette's past findings that the project was consistent with the SMP. The scope of this project has changed since Grette's last review (see revised site plan attached and the latest NNL report). Initially, the project was proposing to replace the existing dock with grated decking, repair/replace existing piles, and extend the size of the pier. Now, the applicant is only proposing the extend the size of the pier. They're still proposing the vegetation planting and monitoring plan, but the scope of the project in my view has changed to add ecological benefit in some regards (no benthic impact from pile driving, splicing, or barge/tug propwash in an area closer to the shore with less depth) but also removed some of the mitigation for the project (grated decking).

What do you think - do these changes balance for a net zero impact, leaving the project as still consistent with the SMP in Grette's view? Or is additional mitigation needed to achieve NNL?

Kim Gunderson
Mahoney Planning, LLC
253-389-1864
www.mahoneyplanning.org





ECCO

August 28, 2025

City of Medina
501 Evergreen Point Rd
Medina, WA 98039

Exhibit 23
P-23-065

Re: Project# P-23-065 (SDP) & P-23-066 (SEPA)
Project Address 3261 & 3263 Evergreen Pt Rd
Contact Evan Wehr
Contact Phone (509) 969-1994
Contact Email evan@eccodesigninc.com

Planning Consultant Kimberly Gunderson

Kimberly-

Below are our responses to your comments from August 27, 2025. Your original comments are in ***bold italics*** followed by our response in plain text.

Corrections

1. ***The HEX was specific in his findings that "unduly" speaks to "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." The response here fails to address the proposal's consistency with this policy. Why is a 100' pier needed? Demonstrate why a pier of shorter length is unable to satisfy reasonable use. Staff is unable to recommend approval of the proposal to the HEX absent this matter being addressed.***

The 100' pier is needed in order to fit the allowed number of lifts at the site. MCC 16.65.080 B. allows three freestanding boat lifts and/or jet-ski lifts per single family-dwelling that share the pier. One boat lift and one double jet-ski lift will be provided for 3263 Evergreen Point Rd, one boat lift and one double jet-ski lift will be provided for 3267 Evergreen Point Rd, and one additional boat lift will be provided for 3261 Evergreen Point Rd which already has one boat lift and one jet-ski lift. Therefore, the total number of lifts at the site will comply with MCC 16.65.080 B.

MCC 16.65.080 B. also requires that lifts not be located closer than 30 feet from the ordinary high water mark and in water depth greater than 9 feet unless waived pursuant to MCC 16.65.080 D. Note that a depth waiver has been requested due to the bathymetry at the site. Per the waiver the proposed lifts will be in depths greater than 5 feet.

The furthest landward proposed double jet-ski lift will be installed just waterward the point where the water depth reaches 5'. It is not possible to locate any of the lifts landward of that position per the code. From there the proposed lifts on the north side of the pier are arranged parallel to each other going waterward from



ECCO

that position. They are packed as tightly as they can be in that direction. With the existing and proposed lifts on the south side it is not possible to move any more of the proposed lifts to the south side. A reduction in length would make it impossible to accommodate the allowed number of lifts.

It should be noted that in this area of the lake lifts are a necessity to safely moor watercraft. This area is heavily trafficked and has large exposure which subjects it to large waves during storm events. Also, locating the lifts further from land in deeper water reduces the habitat impacts of the lifts. Hence why MCC 16.65.080 B. requires the lifts to be greater than 30' from the ordinary high water mark and in deeper water. The comprehensive plan policy SM-P9.6 is to encourage shared piers where practical. Not allowing a longer pier and therefore reducing the number of lifts that could be installed per property relative to a single-use pier would not be in line with this policy as it would incentivize single-use piers in order to get the number of lifts allowed per MCC 16.65.080 B.

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

Sincerely,

Evan Wehr

architecture and design

7413 Greenwood Ave N, Seattle, WA 98103
206.706.3937



Evan Wehr <evan@eccodesigninc.com>

RE: [Non-DoD Source] Lake Washington Dock Project (NWS-2023-807)...

1 message

Westcott, Timothy L. CIV DHS (USA) <Timothy.L.Westcott@uscg.mil>
To: Evan Wehr <evan@eccodesigninc.com>

Mon, Jun 30, 2025 at 11:12 AM

Hello Evan,

I remember completing a review of this project. The lack of response back to the USACE in this case means the Coast Guard has no objection to this project.

r/ Timothy L. Westcott

USCG-D13-DPW

Seattle, Washington

Office 571-607-1523

timothy.l.westcott@uscg.mil

D13-SMB-D13-PATON@uscg.mil

"Saving the world from itself, one email at a time!"

From: Evan Wehr <evan@eccodesigninc.com>
Sent: Thursday, June 26, 2025 1:49 PM
To: Westcott, Timothy L. CIV DHS (USA) <Timothy.L.Westcott@uscg.mil>
Subject: Re: [Non-DoD Source] Lake Washington Dock Project (NWS-2023-807)...

Hi Timothy,

I have attached the Army Corps approved plans for the previously referenced project on Lake Washington in Medina near the 520 floating bridge. The scope of the project was to extend an existing dock. The City of Medina is concerned about the potential navigational impacts of the dock. I know that the Coast Guard will comment on projects through the Army Corps if they are concerned about the navigational impacts. Since we did not receive any comments during the review of this project I assume that the Coast Guard did not feel that there would be an adverse impact on navigation from the project. If that is so can you please provide a response stating that that is the case?

Thank you for your time,

Evan

Evan Wehr

(c) 509-969-1994 (current best contact)

(o) 206-706-3937

ecco design inc.

[7413 Greenwood Ave N.](#)

[Seattle, WA 98103](#)

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On Thu, Jun 26, 2025 at 10:01 AM Westcott, Timothy L. CIV DHS (USA) <Timothy.L.Westcott@uscg.mil> wrote:

Hello Evan,

I can help you with your project.

r/ Timothy L. Westcott

13th Coast Guard District

Prevention Division (dp)

Waterways Management Branch (dpw)

Federal ATON Damage Claim Manager

Private Aids to Navigation Manager

Seattle, Washington

Office 571-607-1523

timothy.l.westcott@uscg.mil

D13-SMB-D13-PATON@uscg.mil

pacificarea.uscg.mil/Our-Organization/District-13

"Boating Safety, It's everyone's responsibility!"

From: Evan Wehr <evan@eccodesigninc.com>
Sent: Wednesday, June 25, 2025 1:16 PM
To: D13-SMB-D13-PATON <D13-SMB-D13-PATON@uscg.mil>
Subject: [Non-DoD Source] Lake Washington DockProject (NWS-2023-807)

Hello,

I am trying to reach someone at the Coast Guard to discuss a dock project I am working on near Medina, WA on Lake Washington. This project was previously approved by the Army Corps under project number NWS-2023-807. I would like to discuss the navigational impacts with the Coast Guard. Please provide the contact info for who I should contact at the Coast Guard.

Thank you,

Evan

Evan Wehr

(c) 509-969-1994 (current best contact)

(o) 206-706-3937

ecco design inc.

[7413 Greenwood Ave N.](#)

[Seattle, WA 98103](#)

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